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CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING

STAFF REPORT

TO: Clark County Planning Commission
FROM: Oliver Orjiako, Interim Director
PREPARED BY: Gary Albrecht, AICP, Planner II
DATE: August 21, 2008
SUBJECT: Commercial Code Update 40.230.010

INTRODUCTION

Since May 2008, staff has been working with an eleven-member commercial code technical committee (CCTC) to update the commercial code. The CCTC has determined that the county has too many commercial zones, and has made recommended changes to the existing code to increase clarity. However, additional public input is needed before a commercial zone is removed from county code. CCTC recommended changes to remove all references to strip commercial development, which are consistent with the approval criteria for changes to districts, amendments, and alterations in CCC 40.560.020. The Board of Clark County Commissioners was briefed on these recommendations. The CCTC is also proposing market analysis criteria, Appendix D. A long-term fix of this code update is to address strip commercial development in the design standards, which is estimated to begin in October 2008.

BACKGROUND

The technical committee analyzed each commercial district purpose statement. They recommend:

- removing location criteria since they already exist in the Comprehensive Plan, and removing identified allowed uses in the purpose statements.
- renaming Highway Commercial (CH) to General Commercial (GC) to match with the Comprehensive Plan and coordinate zoning with the City of Vancouver's General Commercial Zone. (See Appendix A for proposed changes).

To make these commercial code changes, the technical committee also reviewed and made recommendations to change the 20-year plan designations and location criteria. The proposed changes will create commercial nodes in the county. See Appendix B for proposed changes. They have also reviewed the policies associated with strip commercial development and have made recommended changes. See Appendix C for proposed changes.

The CCTC has also reviewed the market analysis and market area definitions and made recommendations to change those definitions. See Appendix A for

proposed changes. They have also agreed with the market analysis criteria the Annual Review/Zone Change Application. See Appendix D.

These proposed changes have been “ground-truthed” by developer and developer representatives to identify whether they will work in the community. They have agreed with removing references to strip commercial, and agree with the proposed Comprehensive Plan 20-year plan designation changes.

APPENDIX A

40.230.010 Commercial Districts (CR-1, CR-2, C-2, C-3, CL, CH)

A. Purpose.

1. Rural Commercial (CR-1, CR-2) Districts. These rural commercial districts are intended to provide for the location of small 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.
2. Neighborhood Commercial (C-2) District. These commercial areas of limited size are intended to provide for the convenience shopping needs for a limited trade area of the immediate neighborhood. ~~The types of goods sold in these districts are purchased weekly and are not the type of which people would generally engage in comparison shopping for. Uses allowed include convenience food markets, beauty and barber shops, bakeries and limited services.~~ This district is permitted under the neighborhood commercial and mixed use comprehensive plan designations.
3. Community Commercial (C-3) District. These commercial areas are intended to provide for the regular shopping and service needs for several adjacent neighborhoods. ~~Community commercial areas shall not create or contribute to a commercial strip development pattern. They should occur as small centers, ideally at the junction of two (2) major public streets (collectors or arterials). These areas are held to a high standard of site plan review due to the close proximity of the residential neighborhoods they serve and should comply to the highest degree possible with the design guidelines contained in this chapter.~~ This district is only permitted in areas designated as community commercial or mixed use on the comprehensive plan.
4. Limited Commercial (CL) District. These commercial areas are intended to recognize areas of existing retail and service commercial businesses that have occurred in strips along major arterials. These commercial areas provide a full range of goods and services necessary to serve large areas of the county. ~~New limited commercial areas shall not contribute to additional strip development. This district is permitted in areas designated on the comprehensive plan map as community-commercial, general commercial and mixed use.~~
5. ~~Highway Commercial (CH)~~ 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. ~~are intended to serve large areas of the county, the traveling public and also to recognize areas of existing strip development. These areas are generally located at the interchanges and along state highways and~~

~~interstates. New commercial areas shall not contribute to additional strip development patterns. Uses allowed in this district may involve drive-in, large space users, outdoor sales, wholesale activities, repair services and other heavy commercial users. This district is limited to the general commercial comprehensive plan designation.~~

40.100.070 Definitions

Market analysis:

“Market analysis” means a study that assesses the ~~retail~~ commercial market conditions within a primary trade area as designated in the 20-year plan designations and location criteria of not less than a three (3) mile radius (both build and designated) over a five (5) year horizon, and with in the context of the 20-year plan. The analysis shall contain location and income characteristics, and sales figures of competitive centers/areas in the trade area; space availability, absorption, and sales trends by category in trade area; review of vacant land; overall economic trends, employment trends, projections of economic activity, and growth patterns; population, household, and employment growth trends and projections for each trade area, as well as household characteristics such as household type (families, singles, etc.), age, including trends and projections. (Amended: Ord. 2007-09-13)

Market:

~~“Market” means a retail outlet primarily selling perishable and nonperishable grocery items with only incidental sales of non-grocery items.~~

40.560.010 PLAN AMENDMENT PROCEDURES

A. Purpose.

The purpose of this section is to provide guidance as to how the comprehensive plan will be updated and amended over time. Amendments to the comprehensive plan may involve changes in the written text or policies of the plan, or in the map designations adopted as part of the plan, Arterial Atlas, or to supporting documents, including capital facilities plans. This section states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local city comprehensive plans, applicable capital facilities plans, official population growth forecasts and key growth indicators.

(Amended: Ord. 2007-09-13)

B. Overall Method of Review.

Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this section. The review shall be processed by Type IV procedures in Section [40.510.040](#). Applications for plan map amendments are generally processed in conjunction with concurrent rezone requests.

Zoning map amendments must be to a zone corresponding to the requested

comprehensive plan map designation. Concurrent zoning map amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria of Section [40.560.020](#).
(Amended: Ord. 2007-09-13)

C. Applicability.

The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

1. Countywide comprehensive plan map changes involving urban growth area (UGA) boundary changes and rural lands uses on a rotational basis;
2. Comprehensive plan map changes not involving a change to UGA boundaries;
3. Comprehensive plan policy or text changes;
4. Arterial Atlas amendments;
5. Changes to other plan documents (such as capital facilities); and
6. Out-of-cycle amendments limited to the following:
 - a. Emergency;
 - b. The initial adoption of a subarea plan, only to a plan that does not modify the comprehensive plan policies and designations applicable to the subarea;
 - c. The adoption or amendment of a shoreline master program;
 - d. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or from a court of competent jurisdiction; and
 - e. Siting of major industrial developments and/or master planned locations outside UGA boundaries consistent with the requirements of state statute;
 - f. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption of the county budget.

Item (1) above may only occur consistent with RCW [36.70A.130](#) . Items (3), (4), (5) and (6) above may only be initiated by the county. Item (2) above may be initiated by either the county or a property owner.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

D. Plan Map Changes – Procedure.

1. Applications for all plan amendments shall be considered legislative actions, subject to Type IV procedures of Section [40.510.040](#).
2. Site-specific plan map amendments (annual reviews) requested by private parties shall be considered legislative actions, subject to Type IV procedures of Section [40.510.040](#).
3. Submittal Requirements and Timelines of the Annual Review. All applications for site-specific plan map amendments not involving a change to UGA boundaries requested by parties other than the county shall be submitted as follows:
 - a. Between October 1st and November 30th, applicants shall submit a pre-application form containing all of the following information:
 - (1) The pre-application fee, as specified in county fee ordinance;

- (2) Application form signed by the owner(s) of record;
 - (3) Description of request;
 - (4) GIS packet;
 - (5) Related or previous permit activity; and
 - (6) A statement on how the plan/zone change request is consistent with all of the applicable policies and criteria in the comprehensive plan and this chapter.
- b. Between October 15th and December 31st, county staff and applicants shall complete pre-application meetings.
 - c. Between January 1st and January 31st, applicants shall submit an application form containing all of the following, including the information required by Section [40.510.030\(C\)\(3\)](#):
 - (1) The applicable comprehensive plan and rezone application fees;
 - (2) SEPA checklist and applicable fee;
 - (3) Copy of deed, real estate contract or earnest money agreement;
 - (4) A full analysis of how the plan/zone change request is consistent with the applicable policies and criteria in the comprehensive plan and this chapter;
 - (5) A market analysis and a transportation analysis; and
 - (6) Any additional information the applicant believes is necessary to justify the amendment.
 - d. Between February 1st and April 1st, initial county staff review shall include the following:
 - (1) Distribution of applications requesting an amendment to an urban growth area boundary or seeking to amend a designation within an urban boundary to the affected city;
 - (2) Completion of county SEPA official determination;
 - (3) Circulation and publication of SEPA determinations to applicant, affected jurisdiction(s), neighborhood associations and agencies; and
 - (4) Preparation of a single staff report and recommendation based on an assessment of cumulative impacts of plan change requests, and any other plan changes initiated by the county.
 - e. The above process and timeline is intended as a guideline. Actual processing time may depend upon the number of applications and activity level at the time of formal applications.
 - f. If the applicant has not supplied the required information by March 15th, the responsible official shall inform the applicant in writing that no further consideration will be given to the request for this annual review cycle.
 - g. Following completion of Sections [40.560.010\(D\)\(3\)\(a\)](#) through [\(D\)\(3\)\(e\)](#), county staff shall schedule public hearings before the planning commission. Following the completion of the planning commission public hearings, county staff shall schedule public hearings before the board and forward to the board the planning commission recommendations.
 - h. After the public hearing by the board, the board will adopt a single resolution disposing of all cases.
 - i. Burden of Proof. The burden of proving consistency with the criteria for plan amendments shall be upon the proponent.

4. Annual review applications will not be accepted for properties within an urban growth boundary which are in the process of being annexed.
(Amended: Ord. 2007-09-13; Ord. 2007-11-13)

E. Governmental Coordination.

1. The county will coordinate with each city and town, the annual review processes. Annual reviews shall be established to occur within each jurisdiction at least once a year.
2. These coordinated annual reviews shall be subject to the criteria of this chapter and that of the applicable jurisdiction and include the following:
 - a. Each urban area annual review, including applications initiated by a city, shall assess the cumulative impacts of all potential or requested changes to the comprehensive plan map and policies throughout the specific urban areas as well as, to the countywide plan;
 - b. Proposals that would result in urban development outside of an adopted urban boundary shall not be permitted unless the boundary is amended; and
 - c. Cities, special districts and the county shall cooperate to preserve and protect natural resources, agricultural lands, open space and recreational lands within and near the urban areas.
3. Individual annual review applications may be submitted once a year to the applicable jurisdiction based on a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the county and each city/town for each urban area to facilitate mutual review and assessment of the applicable criteria. The following procedure is recommended for consideration of plan amendments or updates:
 - a. After November 30th, distribute copies of pre-application forms submitted by applicant to affected city and agencies;
 - b. Between October 15th and December 31st, complete pre-application meetings with county staff, applicants and affected city and agencies in attendance;
 - c. Between January 1st and February 28th, distribute fully complete applications with any additional information to affected jurisdictions to facilitate their review process;
 - d. In coordinating with the county, the cities shall submit written recommendation or additional information to the county;
 - e. The county shall circulate initial review including SEPA determination and other pertinent information to the affected city and agencies; and
 - f. The county will schedule public hearings before planning commission followed by public hearings before the board.

(Amended: Ord. 2007-09-13)

F. Comprehensive Plan Map Changes – General.

All plan map changes shall be accomplished through the following:

1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be initiated by Clark County at minimum seven (7) year intervals;
2. Changes approved by the county in response to county, or property owner request not more than once per calendar year;
3. Out of cycle amendments initiated and approved by the county at any time;

4. Applications for map changes and urban growth area boundary amendments shall be consistent with the comprehensive plan matrix table or accompanied by concurrent rezone applications;
 5. A county-initiated proposal for siting major industrial facilities and/or master planned locations consistent with RCW [36.70A.365](#) and [36.70A.367](#), and processed if accompanied by a current property owner-submitted rezone application;
 6. The county shall assess the cumulative impacts of all plan map changes against the comprehensive plan, plan text, map and relevant implementing measures. Monitoring benchmarks may be used to assess impacts.
- (Amended: Ord. 2004-09-02; Ord. 2007-09-13)

G. Criteria for All Map Changes.

Map changes may only be approved if all of the following are met:

1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and
2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan; and
3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the city; and
4. 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; and
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.

(Amended: Ord. 2007-09-13)

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 shall be submitted which identifies 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.

I H. Additional Criteria for Rural Map Changes.

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

- a. The requested change shall not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and
 - b. The site does not meet the criteria for the existing resource plan designation; and
 - c. The amendment shall meet the locational criteria for the requested designation.
2. a. The creation of, expansion of, or change of land use within a rural center shall be considered and evaluated by the county through the annual review process under Chapter [40.560](#).
 - b. Before the county considers establishing a new rural center, the proponent(s) shall submit to the county a petition signed by at least sixty percent (60%) of the property owners of the land within the boundaries of the proposed new rural center.

(Amended: Ord. 2007-09-13)

J I. Additional Criteria for Rural Major Industrial Map Changes. This section governs designations outside of UGAs for major industrial developments under RCW [36.70A.365](#) and major industrial land banks under RCW [36.70A.367](#) .

1. Process. Prior to formally proposing a designation under this section, the county shall:
 - a. Undertake an inventory of available urban industrial land;
 - b. Consult with affected city(ies) regarding a proposed designation;
 - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites; and
 - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies).
2. Rezone Application. No comprehensive plan redesignation criteria under this section shall be processed unless accompanied by a rezone application from the affected property owner(s).
- 3 Approval Criteria. In addition to the other applicable designation criteria under this chapter, major industrial developments or major industrial land banks may only be approved upon a finding that the requirement and criteria of RCW [36.70A.365](#) or [36.70A.367](#), respectively, are met. In addition, a major industrial land bank application shall require a minimum of one hundred (100) acres.
4. Available Designations.
 - a. Comprehensive Plan:
 - (1) Major Industrial Developments (Light Industrial).
 - (2) Major Industrial Land Banks (Light Industrial).
 - b. Zoning:
 - (1) Major Industrial Developments (ML).
 - (2) Major Industrial Land Banks (ML). Subject to Section [40.520.070](#), Master Plan Development.
5. Concomitant Rezone Agreement. No designation under this section shall be approved unless accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures compliance with statutory requirements and criteria, including the limitations on

nonindustrial uses in RCW 36.70A.367(2)(k) for a major industrial land bank.

6. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent non-urban areas.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

K J. Rezones/Zone Changes. Rezone applications considered with a plan map amendment request shall be reviewed consistent with the plan matrix table and according to the procedures and timing specifications for plan map amendment specified in this section and shall comply with Section [40.560.020](#) and Chapter [40.510](#). Rezone applications proposing a change from urban holding to an urban zoning district that is consistent with the comprehensive plan map designation shall be processed through a Type IV process initiated by the county and consistent with the procedures and criteria identified in the special implementation procedures section in Chapter 13 of the comprehensive plan. See also Section [40.560.020](#)(G).

(Amended: Ord. 2007-09-13; Ord. 2008-06-02)

L K. Mixed Use Designation Zone Change Requests. The purpose of this section is to establish the requirements and procedures for the review and approval of rezone application(s) under the comprehensive plan mixed use designation. It is also intended that this section be utilized to implement pertinent county policies relating to mixed use development in a manner compatible with the comprehensive plan policies.

1. Action Required.

- a. Applications for zone changes shall be reviewed through a Type III procedure in the same manner and with the same public notice procedure as is required for any other change of zoning.
- b. If a contiguous land area is proposed to be added to an existing mixed use designation, the application shall be subject to the plan change procedural ordinance and applicable criteria.

2. Criteria. Before an area designated mixed use (MX) on the comprehensive plan is rezoned, the applicant shall demonstrate that:

- a. The request is consistent with the plan policies and locational criteria and the purpose statement of the requested zoning district;
- b. Requested zone change is consistent with the plan designation to zoning matrix table;
- c. The uses to be permitted and the development standard to be applied in the proposed district will promote the goals of the comprehensive plan and other applicable policies adopted by the county, particularly the mixed use policies in Chapters 1, 2, 5, 9 and 10 of the comprehensive plan;
- d. The proposed rezone and development would be integrated in a manner that provides opportunities to combine residential, commercial or other uses within individual structures, or within adjacent structures or adjacent properties;
- e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;
- f. The requested zone change shall meet the standards for the MX zoning district; and

- g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be capable by the time development is complete.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

M L. Additional Required Criteria Specific to Urban Growth Area (UGA) Boundary Map Changes.

1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding UGA boundaries and designations as follows:
 - a. Adopt countywide twenty (20) year target population and employment levels consistent with official State of Washington Office of Financial Management population growth forecasts ranges; and
 - b. Officially sub-allocate the adopted countywide population and employment targets to urban growth areas associated with each incorporated municipality in the county, and to the remaining rural area; and
 - c. Adopt urban growth area boundaries and comprehensive plan land use designations which are consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.
2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be initiated by the county as part of a periodic review and update of the plan.
3. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when such services will be needed. Written documentation shall be provided from service providers indicating when, how, at what cost, and from which funding sources service will be provided.
4. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a maximum twenty (20) year supply of vacant and buildable lands within the UGA. The calculation of supply shall be based on population growth projections within the UGA, where such projections are consistent with adopted countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth targets and regional sub-allocations; provided, that they are consistent with official OFM forecasts.
5. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGAs and their sub-allocations.
6. The amendment shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.
7. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.
8. The amendment only indicates lands within the urban reserve area.
9. The following shall not apply to Sections [40.560.010\(L\)](#)(1) through (10):

- a. Correction of technical mapping errors involving small area or few properties;
 - b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings Board remand.
10. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing thereon.
- (Amended: Ord. 2006-09-13; Ord. 2007-09-13)

N M. Comprehensive Plan Policy or Text Changes.

1. Action Required. Plan policy or text changes shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur consistent with RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provision of this chapter.
2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
 - a. The amendment shall meet all the requirements of and be consistent with the Growth Management Act and other requirements, the countywide planning policies, the community framework plan, the comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.
 - b. The amendment, when applicable, shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.
 - c. The county shall assess the cumulative impacts of all plan policy or text changes against the comprehensive plan, plan text, map and relevant implementing measures.

(Amended: Ord. 2007-09-13)

O N. Arterial Atlas Amendments.

1. Action Required. Arterial Atlas amendments shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur consistent with RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provisions of this chapter.
2. Required Criteria. Arterial Atlas amendments may be approved only when all of the following are met:
 - a. There is a need for the proposed change;
 - b. The proposed change is compliant with the Growth Management Act;
 - c. The proposed change is consistent with the adopted comprehensive plan, including the land use plan and the rest of the Arterial Atlas;
 - d. The proposed change is consistent with applicable interlocal agreements; and
 - e. The proposed change does not conflict with the adopted Metropolitan Transportation Plan.

(Amended: Ord. 2007-09-13)

P Q. Other Plan Amendment Categories.

1. Capital facilities plan and updates shall be reviewed annually in Type IV public hearings conducted by the planning commission and board for those facilities subject to county jurisdiction. School capital facility plan and updates shall be reviewed at minimum two (2) year intervals.
2. The Clark County parks, recreation and open space plan shall be reviewed annually by the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the comprehensive plan shall be reviewed in public hearings by the planning commission and the board.
3. In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable interjurisdictional agreements.

(Amended: Ord. 2007-09-13)

Q P. Out-of-Cycle Amendments.

1. Revisions to the comprehensive plan may be considered more frequently than once per year under the following circumstances:
 - a. Emergency in which a delay in action would result in a significant public harm;
 - b. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;
 - c. The adoption or amendment of a shoreline master program;
 - d. To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or from a court of competent jurisdiction; and
 - e. Siting of major industrial developments and/or master planned locations outside UGAs consistent with the requirements of RCW [36.70A.365](#) and 36.70A.367.
2. Plan amendments reviewed under these conditions shall be considered legislative actions, subject to Type IV procedures of Section [40.510.040](#).
3. All amendments shall be considered subject to the review criteria established in this chapter.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

R Q. Siting of State and Regional Public Facilities of a Countywide or Statewide Nature.

Plan amendments to implement the policies of the comprehensive plan regarding proposals for siting essential public facilities such as airports, state educational facilities and other institutions necessary to support community development may be considered as follows:

1. Government facilities may be established as provided in other land use districts through the procedures specified in the applicable district without plan amendment.
2. Application for siting of public facilities may be approved if criteria as noted herein, are met:

- a. The county shall in cooperation with other jurisdictions ensure that siting of regional facilities is consistent with all elements of the adopted county comprehensive plan, local city plan and other supporting documents;
- b. The proposed project complies with all applicable provisions of the comprehensive plan, including countywide planning policies;
- c. The proposal for siting of a public facility contains interjurisdictional analysis and financial analysis to determine financial impact and applicable intergovernmental agreement;
- d. Needed infrastructure is provided for;
- e. Provision is made to mitigate adverse impacts on adjacent land uses;
- f. The plan for the public facilities development is consistent with the county's development regulations established for protection of critical areas; and
- g. Development agreements or regulations are established to ensure that urban growth will not occur if located adjacent to non-urban areas.

(Amended: Ord. 2007-09-13)

S R. Cumulative Impact.

In reviewing all prospective comprehensive plan changes, the county shall analyze and assess the following to the extent possible:

1. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;
2. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plans; and
3. Where adverse impacts are identified, the county may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant and, if determined to be adequate, imposed by the county as a part of the approval action.

(Amended: Ord. 2007-09-13)

S S. Fees. Application fees for all comprehensive plan and zone changes shall be considered as follows:

1. Filing fees for all plan amendments and zone changes shall be considered subject to the provisions of Chapter [6.110A](#).
2. If multiple similar applications are received in a year, fees set in Section [40.570.100](#)(B) may be adjusted downward by the responsible official to reflect actual cost.

(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

40.500.010 SUMMARY OF PROCEDURES AND PROCESSES

Table 40.500.010-1. Summary of Development Approvals by Review Type					
	Type I	Type II	Type III	Type IV	Code Reference
Interpretations					
Code Interpretation – Written	X				40.500.010 (A)(2)

Classification of an Application	X				40.500.010(D)(3)(a)
Similar Use Determination	X	X			40.500.010(A)(3)
Pre-Application Waiver	X				40.510.020(A)(2) 40.510.030(A)(2)
Counter Complete	X				40.510.010(A) 40.510.020(B) 40.510.030(B)
Fully Complete	X				40.510.010(B) 40.510.020(C) 40.510.030(C)
Submittal Requirements Waiver	X				40.510.010(B) 40.510.020(C) 40.510.030(C)
Permits and Reviews					
Legal Lot Determination	X				40.520.010
Review and Approval (R/A)	X	X			40.520.020
Conditional Use Permit (CUP)			X		40.520.030
Site Plan Review	X	X	X		40.520.040
Final Site Plan Review	X				40.520.040(F)
Sign Permit	X				40.520.050
Post-Decision Review	X	X	X		40.520.060
Master Plans			X		40.520.070
Planned Unit Developments		X	X		40.520.080
Nonconforming Uses					
Nonconforming Use Determination	X				40.530
Expansion of a Nonconforming Use		X	X		40.530
Boundary Line Adjustments and Land Divisions					
Boundary Line Adjustment	X				40.540.010
Short Plat		X			40.540.030
Subdivision			X		40.540.040
Final Plat	X				40.540.070
Lot Reconfiguration		X			40.540.120

Plat Alteration		X	X		40.540.120
Plat Vacation			X		40.540.120
Modifications and Variances					
Road Modification	X	X	X		40.550.010
Variance	X	X	X		40.550.020
Sewer Waiver	X				40.370.010
Plan and Code Amendments					
Annual Reviews				X	40.560.010
Zone Change within CP designation			X		40.560.020
Zone Change Text Amendments				X	
Special Area-Related Reviews					
Archaeological Predetermination	X				40.570.080
Columbia River Gorge Permit		X	X		40.240.050
Shoreline (special review process)			X		40.460
Historic Preservation (special review process)		X			40.250.030
Open Space				X	Chapter 3.08 40.560.010(N M)(2)
Critical Areas					
Critical Aquifer Recharge Areas (CARAs) Permit	X	X	X		40.410
Floodplain Review	X	X	X		40.420
Geo-Hazard	X	X	X		40.430
Habitat Permit		X			40.440
Preliminary Wetland Permit		X	X		40.450.040 (H)
Wetland Variance			X		40.450.040
Final Wetland Permit	X				40.450.040 (I)
Emergency Wetland Permit	X				40.450.040 (L)

(Amended: Ord. 2004-12-12; Ord. 2005-04-12; Ord. 2007-06-05)

APPENDIX B

CLARK COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN 2004-2024

20-YEAR PLAN DESIGNATIONS AND LOCATION CRITERIA

Neighborhood Commercial (NC)

These Commercial center areas provide services within walking distance for the frequent needs of the surrounding residents and are implemented by the Neighborhood Commercial base zone. These areas are located in the urban growth boundary and will generally be small areas which are generally designed to serve neighborhoods. Developments in these areas will be designed to be compatible with the surrounding residentially zoned neighborhoods.

New neighborhood commercial areas should generally be less than five acres in size, spaced less than five miles from similar uses or zones, serve a population of up to 10,000, and locate at neighborhood collector or larger crossroads, and serving a primary trade area within a 1.5 mile radius. In addition, all new commercial applications should address the criteria in Additional Commercial for zone changes, below.

Community Commercial (CC)

Commercial center areas provide services to several neighborhoods in urban areas of Clark County and is implemented with the Community Commercial zone ~~or Limited Commercial base zones~~. New community commercial areas should generally be between five and 20 acres in size, spaced two to four miles from similar uses or zones, serve a population of 10,000 to 20,000, and locate at minor or major arterial crossroads, serving a primary trade area between 2 to 4 miles. ~~Limited Commercial zoning is limited to existing strip commercial areas and should not be used to implement any new Community Commercial plan designations.~~ In addition, all new commercial applications should address the criteria in Additional Commercial for zone changes, below.

General Commercial (GC)

General Commercial areas provide a full range of goods and services necessary to serve large areas of the county, and traveling public. This designation is ~~applied to strip commercial areas as highway or limited commercial zoning~~ implemented with the General and Limited Commercial base zone. ~~The strip commercial areas are generally characterized as narrow bands of commercial uses adjacent to major and minor arterial roadways. The 20-Year Plan strongly discourages additional strip commercial (highway or limited commercial base zones) being applied to new areas or extending existing strip commercial areas. These areas are generally located at interchanges, along state highways and interstates, and adjacent to major and minor arterial roadways. 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 serving a primary trade area between 3 to 6 miles. In addition, all new commercial applications should address the criteria for zone changes, below.~~

Additional Commercial Criteria

- ~~Extension of these areas of strip commercial development designated General Commercial is discouraged by the 20-Year Plan. These strips attract traffic to the area and many businesses along the street become points of turning movements. This greatly reduces the traffic capacity of the streets and~~

increases the potential number of traffic accident situations. Commercial strips are usually backed by residential uses which increases the number of residential-commercial conflicts unnecessarily. The commercial uses are oriented toward the street and usually pay little attention to the rear of the property abutting the residential uses.

- The strips along major roads are generally so long that available commercial property exceeds the demand in the area and residential uses are left along the street, mixed with commercial activities. The linear nature of these developments, the number of driveways crossing sidewalks and the lack of alternative cross traffic or pedestrian circulation make these areas convenient and accessible only to automobile traffic.
- Provide a market analysis which identifies the need for the new commercial area/center.
- Provide a land use analysis of available commercially designated and zoned land in the market area of the proposed site and a determination of why the existing commercial land is inadequate.

Rural Commercial

This commercial district is located in rural areas outside of urban growth boundaries in existing commercial areas and within designated Rural Centers. These areas are generally located at convenient locations at minor or major arterial crossroads and sized to accommodate the rural population. Rural commercial areas are not intended to serve the general traveling public in rural areas located between urban population centers. Rural commercial areas within designated Rural Centers are implemented with the CR2 base zone. Existing commercial areas outside of these Rural Centers are implemented with the CR1 base zone. All new rural commercial applications shall address the criteria for new commercial areas as identified in additional commercial, above through a market and land use analysis.

APPENDIX C

The following county comprehensive plan elements and policies relate to strip development: land use (Chapter 1), rural and natural resource (Chapter 3), and community design (Chapter 11). The CCTC recommends removing portions of policies that discuss strip-type commercial development.

Chapter 1

GOAL: Land use patterns and individual developments should be locationally and functionally integrated to reduce sprawl, promote pedestrian and transit use and limit the need for automobile trips and to foster neighborhood and community identity.

1.4 Policies

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

Chapter 3

RURAL CENTERS

GOAL: Maintain the character of the designated Rural Centers within the surrounding rural area that is appropriate in character and scale in the rural environment.

3.2 Policies

- 3.2.4 Rural commercial development should support the needs of rural residents and natural resources activities rather than urban area uses. ~~Strip-type development should be discouraged.~~

Chapter 11

County 20-Year Planning Policies

GOAL: Development in urban areas and rural centers should incorporate a diversity of uses designed in a manner that provides for a sense of community, supports the human scale and allows for efficient transportation options.

11.2 Policies

- 11.2.5 ~~Revise the zoning ordinance and develop standards to prevent additional commercial strip development.~~

APPENDIX D

Annual Review/Zone Change Application

Market Analysis



Community Development Department
Development Services Division
Public Service Center
1300 Franklin Street
Vancouver, WA 98660
(360) 397-2375 EXT. 4489
www.clark.wa.gov/comdev
email:deserv@clark.wa.gov



Market Analysis

What is a Market Analysis?

According to the Urban Land Institute, a real estate market analysis is the identification and study of demand and supply, generally for a specific product. The demand side consists of the users who are buyers or renters of real estate. The supply side consists of existing properties and properties expected to enter the market before or during the same period as the subject project. A Market analysis is the combination of supply and demand analyses in the decision making process. It is an investigation of commercial development occurring at one moment in time, and is not intended to be prescriptive.

Why do I need a Market Analysis?

The Clark County Comprehensive Growth Management Plan states that all new commercial applications will provide a market analysis that identifies the need for the new commercial area/center.

What questions will a Market Analysis answer?

A market analysis will answer what is the supply and demand of customers, and determine how much supply of land needed for the proposed rezone request.

What information is required in a Market Analysis to identify and study demand?

The following materials are required:

- Overall economic trends, employment trends, projections of economic activity, and growth patterns;
- Delineation of primary trade area and accessibility pattern;
- Population, household, and employment growth trends and projections for each trade area, as well as household characteristics such as household type (families, singles, etc.), age, including trends and projections;
- Income characteristics for trade area including household, family, and per capita totals, disposable income trends, purchasing power, and future projections (over a five year horizon, and with in the context of the 20-year plan);
- Demographic data for any sources of patronage other than the resident population in the trade areas: tourists, workers, and convention and business travelers; and
- Expenditure patterns and trends by type of goods and services in trade area.
- Land use analysis that is connected to the market analysis.

What information is required in a Market Analysis to identify and study supply?

The following materials are required:

- Location, characteristics, and estimated sales figures of competitive commercial centers/areas based on industry averages in the trade area;
- Commercial space availability, absorption (number of acres), and sales trends by commercial category in the trade area;
- Characteristics and status of proposed and planned commercial development in the trade area, as well as availability of other vacant, zoned sites that could likely become competitive commercial development; and
- Estimated market share (capture rate) and sales per square foot, and recommended characteristics, anchor tenants, and sizing of the center or centers, depending on the scenarios being considered.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.560.010

Public Service Center
Community Development Department
1300 Franklin Street
Vancouver, WA 98660
(360) 397-2375 EXT. 4489
Web Page at: <http://www.clark.wa.gov>

ADA COMPLIANCE PROGRAM:

For an alternate format, contact the Clark County ADA Compliance Office, V (360) 397-2375-2025; TTY (360) 397-2445; E-Mail: ADA@clark.wa.gov

MARKET ANALYSIS ANNUAL REVIEW/ZONE CHANGE APPLICATION SUBMITTAL REQUIREMENTS

The following checklist identifies information to be included with the application. All bulleted items must be submitted before the application will be determined “**Fully Complete.**” All bulleted items must be submitted, as applicable, but are not a “Fully Complete” requirement. (**Note: The Pre-Application Conference Report will indicate any additional/exempted submittal requirements.**)

At the time of application, only **one copy of the main submittal** with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any **special studies** (e.g., market analysis, transportation analysis, etc) shall also be submitted but bound separately.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. DEMAND ANALYSIS

Demand analysis will include the following:

- Economic trends;
- Trade area;
- Population, household, and employment growth trends and projections in trade area;
- Income characteristics for trade area;
- Demographic data for any sources of patronage other than the resident population in the trade areas; and
- Expenditure patterns and trends by type of goods and services in trade area.

2. SUPPLY ANALYSIS

- Location, characteristics, and estimated sales figures of competitive commercial centers/areas based on industry averages in the trade area;
- Commercial space availability, absorption, and sales trends by commercial category in the trade area;
- Characteristics and status of proposed and planned commercial development in the trade area;
- Availability of other vacant, zoned sites that could likely become competitive commercial development;
- Estimated market share (capture rate) and sales per square foot; and
- Recommended characteristics, anchors, and sizing of commercial center or centers.

3. SUBMITTAL COPIES:

- _____ One copy of the main submittal, **bound by a jumbo clip or rubber band**, with original signatures; and,

____ One copy of any special studies (e.g., market analysis, transportation analysis, etc) and **bound separately**.

When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the **main submittal**, including copies of the “Developer’s GIS Packet”. The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the Fully Complete review, and bound using jumbo clips, stapled, comb or spiral binding, etc.

Copies of any special studies (as identified within the “Pre-Application Report”) as following:

- 1 original – Market Analysis.
- 2 reduced copies of 11” x 17" for all sheets larger than 11” x 17.”

Staff Notes:
1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

This application was determined to be Counter Complete on: ____/____/____
Community Development Specialist: _____

ANNUAL REVIEW/ZONE CHANGE APPLICATION FEE SCHEDULE
