

# Annual Review/ Zone Change Application Type IV Review



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# Annual Review/ Zone Change Application Type IV Review

Handout #21 – Applicant Copy – (Revised 09/04/08)

## **What is the Annual Review Process?**

Annual Reviews, also called Comprehensive Plan changes, involve a process to review the Comprehensive Plan and zoning designation that is attached to a certain parcel or parcels of property. By state law, the County is limited to accepting applications for such requests once a year.

## **Why would I apply for an Annual Review?**

If the owner of a parcel desires to establish a use that is not permitted within the existing zoning and Comprehensive Plan designations, they may decide that they want to try to change the designation placed on the property to allow the use that they desire.

## **What is a Comprehensive Plan or Zoning designation?**

In 1990 the Washington State Legislature passed the Growth Management Act (Revised Code of Washington, RCW 36.70A) to reduce uncoordinated and unplanned growth that was threatening our environment, economic development, and residents' high quality of life. The GMA required fast-growing cities and counties like ours to develop a Comprehensive Growth Management Plan (also referred to as the Comprehensive Plan, Comp. Plan or the plan). After an extensive public process, Clark County and all of its cities adopted such a plan in 1994. It outlined how the county planned to manage projected population growth over a 20-year period.

The comprehensive plan sets thirteen goals to manage county growth. These include encouraging urban growth in urban areas and reducing sprawl outside of urban areas, efficient transportation, affordable housing, economic development, protecting property rights, processing permits in a timely and fair manner, maintaining and enhancing natural resource-based industries, retaining open space and developing recreation, protecting the environment, citizen participation, concurrency, and preserving lands of historical or archaeological significance.

One of the main purposes of the Comprehensive Plan is stated in its land use chapter, which explains that it is intended to “provide guidance as to how and where uses should be located and what type of overall land use pattern should evolve as Clark County develops over the next 20 years”.

Based on this premise, all property within Clark County has been assigned a Comprehensive Plan designation. These designations are categorized into two general areas, urban and rural. The urban and rural areas are defined by the urban growth boundary for each city. An urban growth boundary (UGB) is a line that shows the projected growth area around a city. The land inside the boundary, including the area within the city, is the urban growth area (also called the UGA or urban area). UGAs are established as part of the growth management process to allow for the efficient provision of urban levels of government services. The area outside the UGB is the called rural area.

The following Comprehensive Plan designations can be applied to property within Clark County:

## **URBAN**

### Residential

Urban Low Density Residential (UL)

Urban Medium Density Residential (UM)

Urban High Density Residential (UH)

### Commercial/Industrial

Neighborhood Commercial (NC)

Community Commercial (CC)

General Commercial (CG)

Light Industrial (ML)

Heavy Industrial (MH)

Other

Mixed Use (MU)

Employment Center (EC)

Public Facilities (PF)

Airport (A)

Open Space

## **RURAL**

### Resource

Agriculture Lands

Agriculture/Wildlife

Forest Tier I

Forest Tier II

### Residential

Rural 5, 10, 20

Rural Center Residential

Other

Rural Commercial

Rural Industrial

Urban Reserve

Industrial Urban Reserve

Public Facility

Where the Comprehensive Plan designation is a general description of the types of activities that are permitted on the property, the zoning designation is more specific. Within the zoning ordinance, a list of all of the uses allowed, the building setbacks, the lot sizes allowed and other detailed information can be found. Information on the processes for review of different types of development, standards for roads, fees and other related issues can also be found in the zoning code (also referred to as the code).

### **What is the difference between a Zone Change and an Annual Review?**

An Annual Review is required when a property owner desires to change the Comprehensive Plan designation on the property, for example from Urban Low Density Residential to Community Commercial (see list above of all Comp. Plan designations). An Annual Review is also required when the owner wants to change to a significantly higher or lower density or intensity of use, for example from Urban Low Density Residential to Urban High Density Residential. Even though both of these uses are residential, because the density is so different, they have different Comprehensive Plan designations, and therefore would require an Annual Review to make the change from one to the other.

If the two uses have the same Comprehensive Plan designation, only a zone change is necessary. Each of the different zones that are allowed within the Comprehensive Plan designations are included in the matrices below. As an example of this, as seen in Table 1 below, a zone change (without an associated Comprehensive Plan change) could be completed between the R1-10 and R1-6 zones in the Urban Low Density Residential Comprehensive Plan designation, or between the C-3 and CL Zones in the Community Commercial Comprehensive Plan designation. Please refer to the separate handout, available at the Permit Services counter that discusses zone changes without an associated Comprehensive Plan change.

It is important to note that when a Comprehensive Plan change is applied for, a zone change is generally completed concurrently through the same process. That is why this application packet includes information on the process for the concurrent Comprehensive Plan and zone change process.

20-Year Plan/Base Zoning Districts Matrix -- Urban Designation  
**Table 1.4 Urban Plan Designation to Zone Consistency Chart**

PLAN ZONE	UL	UM	UH	NC	CC	CG	MU	EC	ML	MH	RI	A	PF
R1-20													
R1-10													
R1-7.5													
R1-6													
R1-5													
R-12													
R-18													
R-22													
R-30													
R-43													
OR-15													
OR-18													
OR-22													
OR-30													
OR-43													
C-2													
C-3													
CL													
CH													
MX													
BP													
OC													
ML													
MH													
IR													
U													
A													

Shaded areas indicate allowed zones in each designation. Properties in the UGB's that are designated Mixed Use on the Comprehensive Plan, but have zoning other than Mixed Use (MX), can develop under the zoning district applied to the property. If a rezone is requested, the only zone consistent with the Mixed Use plan designation is MX.



### **What is the process for applying for an Annual Review?**

The Annual Review process begins with a required pre-application conference. Requests for pre-application conferences for Annual Reviews are accepted between October 1<sup>st</sup> through November 30<sup>th</sup>. These conferences will be held between October 15<sup>th</sup> and December 15<sup>th</sup>. There is another handout available at the Permit Services counter that deals specifically with Pre-application conferences for Annual Reviews. Please refer to that packet for additional information.

The next step of the process is to submit an application. Applications for Annual Reviews will be accepted beginning January 1<sup>st</sup> through January 31<sup>st</sup>. The applicant must submit a complete formal application packet at the Public Service Center, Permit Services Center at 1300 Franklin Street in Vancouver. Applicants must use the official ANNUAL REVIEW TYPE IV APPLICATION (attached) and include the materials indicated on the list of submittal requirements (see below).

One of the main pieces of information that staff uses to review an application is the narrative that is provided by the applicant. This narrative must address the criteria set out in the county code for reviewing both Comprehensive Plan and zone changes. As outlined in more detail below, this includes a full analysis of how the proposal complies with:

- Specific policies within the Comprehensive Plan;
- Specific policies within the Community Framework Plan (located in the Comp. Plan);
- The location criteria within the Land Use Element (Chapter One of the Comp. Plan) for the applicable designation;
- The purpose statement of the zoning designation being requested;
- Other criteria as outlined in the code; and,
- Additional criteria for Rural map changes, changes to Commercial designations, and additional materials specified in the pre-application conference.

The basic criteria that must be addressed are included below.

*Criteria for all Map Changes [CCC 40.560.010(G)]* Comprehensive Plan and concurrent zone 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 (RCW 36.70A) and requirements, the Countywide Planning Policies, the Community Framework Plan, the *Comprehensive Growth Management Plan*, applicable city Comprehensive Plans, and including applicable capital facilities plans and official population growth forecasts.
2. The proponent shall demonstrate that the designation is in conformance with the appropriate location criteria identified in the plan.

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

*Additional criteria for rural map changes [CCC 40.560.010(H)]*

Amendments to the plan map from a natural resource land designation to a smaller lot size natural resource designation or to a rural designation shall demonstrate that the following criteria have been met:

1. 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.
2. The site does not meet the criteria for the existing resource plan designation.
3. The amendment shall meet the location criteria for the requested designation.

*Additional Commercial Criteria (Comprehensive Plan, Chapter 1)*

1. Extension of those 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.

2. Provide a market analysis which identifies the need for the new commercial area/center.
3. 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.

Criteria for all Zone Changes (CCC 40.560.020 H)

Zone changes may be approved *only* when *all* of the following are met:

1. The requested zone change is consistent with the proposed Comprehensive Plan map designation.
2. The requested zone change is consistent with the Comprehensive Plan policies, location criteria, and the purpose statement of the zoning district.
3. Except for industrial designation, conditions have substantially changed since the zone was applied to the property and that the rezone furthers public health, safety, morals or welfare.
4. There are adequate public facilities and services to serve the requested zone change.

**What is a SEPA determination?**

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed Annual Review be conducted. As a part of the application materials, the submittal of a SEPA checklist is required. County staff and interested agencies will review the checklist and the application to determine its compliance with applicable Federal, State and County Code. The lead agency (in this case, Clark County), must determine if there are possible significant adverse environmental impacts associated with each proposal. The options include the following:

- DS = Determination of Significance - If a DS determination is made, this means that the lead agency, in this case Clark County, believes that the impacts of the proposal cannot be mitigated through conditions of approval. Therefore the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the County considering the proposed Annual Review;
- MDNS = Mitigated Determination of Non-Significance - If a MDNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed through specific conditions of approval. The conditions are also called mitigations, meaning specific actions the applicant would have to take to offset the impacts of the proposal. The mitigations are normally requirements over and above what county code would dictate;
- DNS = Determination of Non-Significance - If a DNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed by applying the County Code.

The County's determination is based upon information provided from the applicant (i.e., a completed 'Environmental Checklist'), and knowledge of the area and applicable codes. For a DNS or MDNS determination, an analysis will

be incorporated within the Staff Report referenced below. As explained above, for a DS, the preparation of an EIS is required prior to any further action. Once the determination has been made by the lead agency, it is then published in the *Columbian Newspaper*. More specific information about the SEPA process is available in a separate handout available at the Permit Services counter.

**What happens once I submit the application materials?**

The submittal package will first be checked for completeness before being accepted. This is to ensure that all the required submittal items are present in the application packet. This does not involve a substantive review of the content of those items. If the submittal is determined to be “Counter Complete”, the application is accepted and forwarded to the review team. If the application is determined to be incomplete, it is returned to the applicant with a written statement itemizing the shortcomings. The “Counter Complete” determination will normally be made at the time the application is submitted over the counter, but may take up to 7 days to complete.

Before being scheduled for hearing or further processing, the submittal will be reviewed for “Fully Complete” status. An itemized list of application requirements appears in the process-specific portion of the application packet, but the determination of completeness may also be based on the pre-application conference report, on criteria and methodology set forth in the *Clark County Code*, or in the *Comprehensive Growth Management Plan* adopted by Clark County. If the application is determined complete, the applicant will be so notified. If the application is determined incomplete, the applicant will receive a written request to provide specific materials and/or information. The “Fully Complete” review will be re-conducted after the submittal of the requested items.

**Once my application is “Fully Complete”, how is it reviewed?**

The first thing that staff will do is to review and analyze your application. It is possible that even though the fully complete review was completed for your application, additional information may be necessary to allow staff to fully analyze the request. If this is the case, staff will contact you.

Staff will then begin preparation of a Staff Report. Staff’s role is to prepare a report that summarizes their review of the proposal against the requirements of the Comprehensive Plan and the Clark County Code (CCC). The staff report will be issued at least fifteen (15) calendar days prior to the public hearing and will contain a recommendation to approve, approve with conditions or deny the application. The applications will be grouped (typically by geographic area or by Comprehensive Plan map designation) and evaluated together so as to ensure review of cumulative impacts.

**What kind of public notice is provided?**

At least fifteen (15) calendar days prior to the Planning Commission and Board of County Commissioners public hearing dates, a notice including the date, time and place of the hearing and describing the proposal will be published in the *Columbian newspaper*, and sent to adjacent property owners within 300’ in the

urban area and 500' in the rural area, neighborhood associations, various agencies, and the applicant. The notice will invite interested parties to present testimony at the hearing either orally or in writing.

**Is a public hearing going to be held?**

A public hearing for each group of applications will be held before the Planning Commission. During the hearing, the applicant will be given time to present their proposal. County staff will also present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria. Following the staff presentation, the hearing will be opened to the general public for their testimony. Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony. Finally, the Planning Commission will have time to ask questions. The Planning Commission will then vote to deny the request or send it on to the Board of County Commissioners with a recommendation to approve. Applications denied by the Planning Commission are final unless appealed to the Board of County Commissioners. A second public hearing will then be held in front of the Board.

Generally, both the Planning Commission and the Board will vote orally on the application at their respective hearings. No map change will become effective until a written resolution is signed by the Board of County Commissioners. Generally, all of the approved map changes are covered in a single resolution. Therefore, the map changes do not become effective until all of the Annual Review items up for consideration within that cycle are completed and included within the resolution.

**Can the decision be appealed?**

Should the Planning Commission deny an application, a written appeal may be filed with the Board of County Commissioners within fifteen (15) days following mailed notice of the Planning Commission's recommendation. The Community Planning Director, the applicant, or any party of record (i.e., someone who presented written or verbal testimony, or signed the hearing sign-in sheet on the specific application) may file an appeal. An appellant must submit an appeal within fifteen (15) calendar days after the written notice of the decision is mailed. The appeal will be heard in a consolidated public hearing, for each urban area or the rural area, before the Board of County Commissioners.

For additional information, county code and forms online, please see <http://www.clark.wa.gov> or call (360)397-2280, ext. 4558

# ANNUAL REVIEW SUBMITTAL REQUIREMENTS CHECKLIST

The following is a checklist of the required information for submitting an Annual Review application. Applications cannot be accepted unless ALL of the following information is submitted. Applications cannot be processed until ALL of the following information is determined to be fully complete.

1. \_\_\_ **Cover Sheet and Table of Contents**
2. \_\_\_ **APPLICATION FORM** completed and signed by owner(s) of record.
3. \_\_\_ **ALL FILING FEES:** The required fee shall accompany the application. The check is to be made payable to "Clark County Community Development."
4. \_\_\_ A full and complete **LEGAL DESCRIPTION** of the property (*available from a title company or surveyor*).
5. \_\_\_ A copy of the **PRE-APPLICATION CONFERENCE REPORT**.
6. \_\_\_ **A copy of the DEVELOPER'S GIS PACKET INFORMATION.**
  - A copy of the "Developer's GIS Packet" obtained for the pre-application submittal shall be included with the Annual Review application submittal.
7. \_\_\_ **ENVIRONMENTAL (SEPA) CHECKLIST**
  - A State Environmental Policy Act (SEPA) ENVIRONMENTAL CHECKLIST must be completed, original signed in ink and submitted (*available at the Permit Services Center*).
8. \_\_\_ **WRITTEN NARRATIVE**, including:
  - Description of the request
  - Area of the site (acres or square feet)
  - Related or previous permit activity
  - Applicant's interest in the property (whether owner, buyer, lessee, contractor, engineer, consultant, or legal representative)
  - Statements which fully analyze how the plan/zone request is consistent with the applicable goals, policies, key growth indicators, and criteria in the *Comprehensive Growth Management Plan, Community Framework Plan, the Growth Management Act (GMA), applicable local city Comprehensive Plan(s), applicable capital facility plan(s), and official population growth forecasts (see the section that addresses *What is the process for applying for an Annual Review?* for greater detail).*

**9. \_\_ SPECIAL STUDIES**

For properties requesting a Comprehensive Plan Change to any Commercial designation:

- One copy of a **MARKET ANALYSIS** which identifies the need for the new commercial center/area.
- One copy of a transportation analysis if requested during the pre-application conference.
- One copy of a **LAND USE ANALYSIS** of available commercially zoned land in the market area of the proposed site and a determination of why the existing commercial land is inadequate.
- One copy of additional information requested.

**10. \_\_** Any **ADDITIONAL INFORMATION** the applicant believes is necessary to justify the requested plan amendment.

**11. \_\_ SUBMITTAL COPIES:**

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

Once the application is deemed fully complete, the applicant will be directed to submit eight (8) **additional** individually bound copies of the main submittal, with all of the information listed above. These copies must contain any revisions or additional information required in the Fully Complete review, and be bound using binder, comb or spiral binding, etc. Section tabs are preferred.

**ANNUAL REVIEW FEE SCHEDULE**

The following fees are required to be paid at submittal of an Annual Review application.

Combined Annual Review (includes rezones in conjunction with annual review)	<b><u>\$8,113</u></b>
Environmental Checklist Review (SEPA):	<b><u>\$1,987</u></b>

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 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](mailto:ADA@clark.wa.gov)