

ORDINANCE NO. 2010-07-07

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3 An ordinance by Clark County, Washington, amending ordinance 2009-12-16 entitled
4 "Highway 99 Sub-Area Plan Overlay District – FBC" relating to land-use and zoning;
5 amending the Unified Development Code to include a new CCC Title 40, Appendix F,
6 establishing form-based design standards for the Highway 99 Sub-area; amending the
7 Unified Development Code Title 40 Chapter 40.250.050 Highway 99 Overlay District;
8 amending the Comprehensive Plan Zoning map to include the Highway 99 Overlay District
9 regulatory map contained in CCC Title 40, Appendix F; and providing effective dates for each
10 of the amendments herein.

11 WHEREAS, ordinance 2009-12-16 was adopted on December 15, 2009; and,

12 WHEREAS, ordinance 2009-12-16 Section 7 Effective Date stated "This ordinance
13 shall go into effect at 12:01 a.m. on January 1, 2010, except for the adoption of UDC Title 40
14 Appendix F as shown in Exhibit 2 which shall go into effect at 12:01 a.m. on May 1, 2010;"
15 and,

16 WHEREAS, ordinance 2010-04-16 amended Section 7 Effective Date to "This
17 ordinance shall go into effect at 12:01 a.m. on January 1, 2010, except for the adoption of
18 UDC Title 40 Appendix F as shown in Exhibit 2 which shall go into effect at 12:01 a.m. on
19 August 1, 2010;" and,

20 WHEREAS, the adoption of CCC UDC Title 40 Appendix F is integral to the successful
21 redevelopment of the Highway 99 Sub-Area; and,

22 WHEREAS, the effective date for CCC UDC Title 40 Appendix F should coincide with
23 targeted economic development incentives; and,

24 WHEREAS, the Highway 99 Sub-Area has been identified as a focused public
25 investment area; and,

26 WHEREAS, to spur economic investment in the Highway 99 Sub-Area, the County is
27 providing for a reduction of development fees; and,

28 WHEREAS, further amendments to CCC UDC Title 40 Appendix F, CCC 40.510.050-1,
29 and CCC40.630.060 are necessary to implement the economic development incentives;

30 WHEREAS, the Clark County Planning Commission reviewed the proposed
31 amendments at a duly advertised Public Hearing on June 17, 2010 and has forwarded its
32 recommendations to the Board of County Commissioners; and

33 WHEREAS, the Board considered the recommendations of the Clark County Planning
34 Commission at a duly advertised Public Hearing on July 13, 2010; and

35 WHEREAS, the Board took public testimony, considered all the comments presented
36 to the Board; and,

37 WHEREAS, the Board finds that the adoption of the proposed amendments to the
38 Unified Development Code Title 40 are in the best public interest; now therefore,
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1 **BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS**
 2 **OF CLARK COUNTY, STATE OF WASHINGTON, as follows:**

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 4 **Section 1. Purpose.**

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 6 The county declares that the purposes of this ordinance are to:

- 7 1. Support the implementation of the adopted Highway 99 Sub-area Plan by
 8 establishing form-based design standards as Appendix F in Title 40; and,
 9 2. Amend CCC UDC Title 40 Appendix F as adopted by ordinance 2009-12-16 is
 10 necessary to implement the economic development incentives; and,
 11 3. Amend CCC 40.510.050-1, and CCC40.630.060 are necessary to implement the
 12 economic development incentives; and,
 13 4. Amend UDC Title 40 to coincide with targeted economic incentives for
 14 development.

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 16 **Section 2. Findings.**

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 18 The county finds that amending the Unified Development Code Title 40 is in the best
 19 public interest and will further the public health, safety and welfare.

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 21 **Section 3. New. Clark County Unified Development Code.**

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 23 The following new addition to the Clark County Unified Development Code Title 40
 24 Appendix F is hereby adopted to read as follows:

- 25
 26 1. UDC Title 40 Appendix F is added as shown in Exhibit 1.

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 28 **Section 4. Amendatory. Clark County Unified Development Code.**

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 30 **40.630.060 Impact Fee Credits**

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 32 F. In the Highway 99 Overlay District, the developer may be eligible for credits or
 33 trip reductions as set forth in the Traffic Impact Fee Technical Document.

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 36 **Section 5. Amendatory. Clark County Unified Development Code.**

37 **40.510.050 Application Submittal Requirements**

38 B. Submittal Copies.

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
8. Approved Preliminary Plats <u>and Site Plans</u> . A map shall be submitted that shows all approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final),		X

as listed within the pre-application conference summary, that about the site (including across public and private streets from the site). Also include approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), that are between the site and nearest public or private street providing vehicular access to the site.		
9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer's scale of one (1) inch equals two hundred (200) feet (1" = 200') on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The following information shall be clearly depicted on the proposed development plan:	X	X
a. General Information:	X	X
b. Existing Conditions.	X	X
c. Proposed Improvements.	X	X
(2)(e) Pedestrian and Transit Facilities. (i) For MX district and <u>Highway 99 Overlay district</u> , site plan shall include layout and architectural drawing of all streetscapes, including landscaping, hardscape, public seating; public artwork and abutting building features;		X
(m) For CU, MP, PUD, MX, <u>Highway 99 Overlay district</u> and site plan: (i) Layout of proposed structures including square feet; (ii) Architectural elevations with dimensions, floor plans and total square footage for each building, types of material, and type of construction per the International Building Code; (iii) Location, dimensions and number of off-street parking and loading areas; (iv) Location and dimensions of recyclables and solid waste storage areas; (v) For MX district, <u>Highway 99 Overlay district</u> , site plan shall include elevations showing transition and scaling with abutting buildings.		X
(4) Signs. For CU, MP, PUD, <u>Highway 99 Overlay district</u> and site plan, a sign plan shall be submitted that includes size, height, and location of all proposed signs.		X
(5) Lighting. For CU, MP, PUD <u>Highway 99 Overlay district</u> and site plan, an outdoor lighting plan shall be submitted that shows the areas of illumination for each outdoor light.		X

16. State Environmental Review. A State Environmental Policy Act (SEPA) Environmental Checklist must be completed; original signed in ink and submitted. <u>A Highway 99 Overlay district Planned Action Application Form and a SEPA Environmental Checklist are required for a request for a Planned Action.</u>		X
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(Amended: Ord. 2004-12-12; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2007-11-13; Ord. 2009-01-01; Ord. 2009-03-02)

Section 6. Amendatory. Traffic Impact Fee Technical Program Document

This document provides information on the substance and structure of Clark County's Traffic Impact Fee (TIF) Program.

Incentives for Highway 99 Overlay Sub-Area

The sub-area plan was designed to incorporate a form-based code to regulate development to achieve a specific urban form. An incentive program has been established "to revitalize" the historic Hazel Dell district. Five incentive opportunities may be available to those parcels identified within Appendix F of Title 40 and authorized by CCC 40.630.060 if certain criteria are met.

Approval Process

A separate review/approval application must be submitted directly to Clark County Public Works and approved prior to building permit issuance. There will not be any incentive consideration once building permits have been issued, with the exception of TIF credits given for signal improvements. The process is identified in the land use approval.

Incentive 1: 10% Average Daily Trip (ADT) Reduction for High Frequency Transit

The applicant must submit a transit plan that outlines:

- a. The location of transit stop within 1/2 mile of the proposed development.
- b. Verification by C-Tran of transit frequency of 30 minutes or better for peak hour service.

Incentive 2: TIF Credits for Bike/Pedestrian/Transit Amenities

As a condition of approval, the applicant must provide publicly owned amenities as identified in Appendix F. Only amenities that are public and are permanent pedestrian or bicycle related amenities are eligible for TIF credit.

The applicant must submit the location and types of amenities to be constructed as part of the proposed development. The following are features that will receive up to \$1,500 TIF credit per feature installed:

- a. Pedestrian Furniture
- b. Bicycle Racks
- c. Ground-Mounted Pedestrian-scaled lighting
- d. Information kiosks
- e. Transit Shelters

1 If the TIF credits are granted but the amenities have not been installed prior to
2 Certificate of Occupancy, occupancy can be denied until additional TIF fees have been
3 paid. Verification of amenities installed will be conducted prior to occupancy.

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5 TIF credits are awarded on a first come, first served basis, may be limited in number,
6 and therefore unavailable for a particular development, and can only be redeemed for
7 the development that has required the amenity.

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9 **Incentive 3: TIF Credits for Signalization Improvements.**

10 Signalization improvements within the sub-area are eligible for TIF credits. Credits
11 can be used within the Hazel Dell District. The same requirements apply as outlined
12 in CCC40.630.060.

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14 **Incentive 4: Additional 5% Business Enhancement Factor for Under-**
15 **represented Uses.**

16 This incentive is based on the assumption that trip lengths will be reduced, therefore
17 limiting traffic congestion and roadway improvement needs elsewhere.

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19 The applicant must submit a study to show that the proposed development is under-
20 represented by proving that there are less than two like businesses within a five-mile
21 radius of the proposed location.

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23 **Incentive 5: Additional 10% Average Daily Trip Reduction for all**
24 **Development in a Designated "Activity" Center.**

25 This incentive is based on the assumption that the trip generation rate will be reduced
26 to account for internal trips between uses within the designated activity centers.

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28 The applicant shall notify the TIF Coordinator that the proposed development falls
29 within a designated activity center. The TIF Coordinator will adjust fees as shown in
30 Tidemark to reflect trip reduction.

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32 **Section 7. Severability.**

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34 If any section, sentence, clause, or phrase of this ordinance should be held invalid or
35 unconstitutional by a court of competent jurisdiction or the Growth Management
36 Hearings Board, such invalidity or unconstitutionality shall not affect the validity or
37 unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.
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39 **Section 8. Effective Date.**

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41 This ordinance shall go into effect at 12:01 a.m. on August 1, 2010.
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43 **Section 9. Instructions to Clerk.**

44 The Clerk to the Board shall:

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46 1. Transmit a copy of this ordinance to the Washington State Department of
47 Commerce within ten days of its adoption pursuant to RCW 36.70A.106.
48 2. Transmit a copy of the adopted ordinance to Clark County Geographic Information
49 Systems (Ken Pearrow GIS Coordinator) and to the Community Planning
50 Department, and two copies to Community Development Department (Marty Snell
51 and Michael Butts).

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- 3. Record a copy of this ordinance with the Clark County Auditor.
- 4. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 13th day of July 2010.

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Attest:

Jeanne Richards
Clerk to the Board

By: *SSA*
Steve Stuart, Chair

Approved as to Form Only:
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Tom Mielke, Commissioner

By: *Christine Cook*
Christine Cook
Deputy Prosecuting Attorney

By: _____
Marc Boldt, Commissioner