

1 **40.560.010 Plan Amendment Procedures**

2 A. Purpose.

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

14 B. Overall Method of Review.

15 Proposed plan amendments that are submitted for review shall be subject to  
16 the applicable criteria of this section. The review shall be processed by Type IV  
17 procedures in Section 40.510.040. Applications for plan map amendments are  
18 generally processed in conjunction with concurrent rezone requests. Zoning  
19 map amendments must be to a zone corresponding to the requested  
20 comprehensive plan map designation. Concurrent zoning map amendments  
21 must meet all the approval criteria of this chapter and zone changes consistent  
22 with the comprehensive plan map shall be considered subject to the approval  
23 criteria of Section 40.560.020.

24 C. Applicability.

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

- 30 1. County-wide comprehensive plan map changes involving urban growth  
31 area (UGA) boundary changes and rural land uses on a rotational basis;
- 32 2. Comprehensive plan map changes not involving a change to UGA  
33 boundaries;
- 34 3. Comprehensive plan policy or text changes;
- 35 4. Arterial Atlas amendments;
- 36 5. ~~4.~~ Changes to other plan documents (such as capital facilities); and
- 37 6. ~~5.~~ Out-of-cycle amendments limited to the following:
  - 38 a. Emergency;
  - 39 b. The initial adoption of a subarea plan, only to a plan that does not  
40 modify the comprehensive plan policies and designations applicable to  
41 the subarea;
  - 42 c. The adoption or amendment of a shoreline master program;

1 d. To resolve an appeal of a comprehensive plan filed with the Growth  
2 Management Hearings Board or from a court of competent  
3 jurisdiction, and

4 e. Siting of major industrial developments and/or master planned  
5 locations outside UGA boundaries consistent with the requirements of  
6 state statute.

7 f. The amendment of the capital facilities element of a comprehensive  
8 plan that occurs concurrently with the adoption of the county budget.

9 Item (1) above may only occur consistent with RCW 36.70A.130. be  
10 initiated by the city or the county at intervals of not less than five (5) years.  
11 Items (3), (4), and (5), and (6) above may only be initiated by the county.  
12 Item (2) above may be initiated by either the county, or a property owner.  
13 For the purposes of this section, an emergency exists when delaying  
14 action until the next annual review process would result in substantial  
15 public harm.

16  
17 (Amended: Ord. 2004-09-02)

18 D. Plan Map Changes – Procedure.

19 1. Applications for all plan amendments shall be considered legislative  
20 actions, subject to Type IV procedures of Section 40.510.040.

21 2. Site-specific plan map amendments requested by private parties shall be  
22 considered legislative actions, subject to Type IV procedures, with the  
23 following adjustments:

24 a. Site-specific plan map amendment applications recommended for  
25 approval by the planning commission shall be automatically  
26 scheduled for public hearing in groups based on geographic location  
27 and/or land use type before the board to allow assessment of the  
28 cumulative impact of the requested changes.

29 b. Site-specific plan map amendment applications recommended for  
30 denial by the planning commission will not be considered by the  
31 board unless a written appeal is filed by the applicant or responsible  
32 official with the board within fifteen (15) days following mailed notice  
33 of the planning commission's recommendation.

34 c. Submittal Requirements and Timelines of the Annual Review. All  
35 applications for site-specific plan map amendments not involving a  
36 change to UGA boundaries requested by parties other than the  
37 county shall be submitted as follows:

38 (1) Between October 1st and November 30th, applicants shall  
39 submit a pre-application form containing all of the following  
40 information:

41 (a) The pre-application fee, as specified in county fee  
42 ordinance;

43 (b) Application form signed by the owner(s) of record;

44 (c) Description of request;

45 (d) GIS packet;

46 (e) Related or previous permit activity; and

- 1 (f) A statement on how the plan/zone change request is  
2 consistent with all of the applicable policies and criteria in the  
3 comprehensive plan and this chapter.
- 4 (2) Between October 15th and December 31st, January 1st, county  
5 staff and applicants shall complete pre-application meetings.
- 6 (3) Between January 1st and January 31st, February 1st, applicants  
7 shall submit an application form containing all of the following  
8 including the information required by Section 40.510.030(C)(3):  
9 (a) The applicable comprehensive plan and rezone application  
10 fees;  
11 (b) SEPA checklist and applicable fee;  
12 (c) Copy of deed, real estate contract or earnest money  
13 agreement;  
14 (d) A full analysis of how the plan/zone change request is  
15 consistent with the applicable policies and criteria in the  
16 comprehensive plan and this chapter;  
17 (e) A market analysis and a transportation analysis; and,  
18 (f) (e) Any additional information the applicant believes is  
19 necessary to justify the amendment.
- 20 (4) Between February 1st and to April 1st, initial county staff review  
21 shall include the following:  
22 (a) Distribution of applications requesting an amendment to an  
23 urban growth area boundary or seeking to amend a  
24 designation within an urban boundary to the affected city;  
25 (b) Completion of county SEPA official determination;  
26 (c) Circulation and publication of SEPA determinations to  
27 applicant, affected jurisdiction(s), neighborhood associations  
28 and agencies; and  
29 (d) Preparation of a single staff report and recommendation  
30 based on an assessment of cumulative impacts of plan  
31 change requests, and any other plan changes initiated by  
32 the county.
- 33 (5) The above process and timeline is intended as a guideline.  
34 Actual processing time may depend upon the number of  
35 applications and activity level at the time of formal applications.
- 36 (6) If the applicant has not supplied the required information by  
37 March 15th, the responsible official shall inform the applicant in  
38 writing that no further consideration will be given to the request  
39 for this annual review cycle.
- 40 (7) Following completion of Sections 40.560.010(D)(c)(1) through  
41 (D)(c)(4), county staff shall schedule public hearings before  
42 planning commission. Following the completion of the planning  
43 commission public hearings, county staff shall schedule public  
44 hearings before the board on those cases recommended for  
45 approval by the planning commission or appealed if  
46 recommended for denial.

1            ~~(8)~~ ~~(5)~~ All cases recommended for approval by the planning  
2            commission or recommended for denial and subsequently  
3            appealed to the board, shall be considered by the board with the  
4            board ultimately adopting a single resolution disposing of all  
5            cases.

6            ~~(9)~~ ~~(6)~~ Burden of Proof. The burden of proving consistency with the  
7            criteria for plan amendments shall be upon the proponent.

8            d. Annual review applications will not be accepted for properties within an  
9            urban growth boundary which are in the process of being annexed.

10 E. Governmental Coordination.1. The county will coordinate with each city and  
11 town, the annual review processes. Annual reviews shall be established to  
12 occur within each jurisdiction at least once a year.

13 2. These coordinated annual reviews shall be subject to the criteria of this  
14 chapter and that of the applicable jurisdiction and include the following:

15 a. Each urban area annual review, including applications initiated by a  
16 city shall assess the cumulative impacts of all potential or requested  
17 changes to the comprehensive plan map and policies throughout the  
18 specific urban areas as well as, to the countywide plan;

19 b. Proposals that would result in urban development outside of an  
20 adopted urban boundary shall not be permitted unless the boundary  
21 is amended; and

22 c. Cities, special districts and the county shall cooperate to preserve  
23 and protect natural resources, agricultural lands, open space and  
24 recreational lands within and near the urban areas.

25 3. Individual annual review applications may be submitted once a year to the  
26 applicable jurisdiction based on a schedule adopted by that jurisdiction. To  
27 the extent possible, the same schedule should be adopted by the county  
28 and each city/town for each urban area to facilitate mutual review and  
29 assessment of the applicable criteria. The following procedure is  
30 recommended for consideration of plan amendments or updates:

31 a. After November 30th, distribute copies of pre-application forms  
32 submitted by applicant to affected city and agencies;

33 b. Between October 15th and December 31<sup>st</sup> January 1<sup>st</sup>, complete pre-  
34 application meetings with county staff, applicants and affected city  
35 and agencies in attendance;

36 c. Between January 1st and February 28<sup>th</sup> 15<sup>th</sup>, distribute fully complete  
37 applications with any additional information to affected jurisdictions to  
38 facilitate their review process;

39 d. In coordinating with the county, the cities shall submit written  
40 recommendation or additional information to the county;

41 e. The county shall circulate initial review including SEPA determination  
42 and other pertinent information to the affected city and agencies; and

43 f. The county will schedule public hearings before planning commission  
44 followed by public hearings before the board.  
45

1 F. Comprehensive Plan Map Changes – General.

2 All plan map changes shall be accomplished through the following:

- 3 1. Changes approved by the county as a result of a comprehensive periodic  
4 review of the plan to be initiated by Clark County at minimum seven (7)  
5 year intervals;
- 6 2. Changes approved by the county in response to county, or property owner  
7 request not more than once per calendar year;
- 8 3. Out of cycle amendments initiated and approved by the county at any  
9 time;
- 10 4. Applications for map changes and urban growth area boundary  
11 amendments shall be consistent with the comprehensive plan matrix table  
12 or accompanied by concurrent rezone applications;
- 13 5. A county-initiated proposal for siting major industrial facilities and/or  
14 master planned locations consistent with RCW 36.70A.365 and RCW  
15 36.70A.367, and processed if accompanied by a current property owner-  
16 submitted rezone application;
- 17 6. The county shall assess the cumulative impacts of all plan map changes  
18 against the comprehensive plan, plan text, map and relevant implementing  
19 measures. Monitoring benchmarks may be used to assess impacts.

20 *(Amended: Ord. 2004-09-02)*

21 G. Criteria for All Map Changes.

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

- 23 1. The proponent shall demonstrate that the proposed amendment is  
24 consistent with the Growth Management Act and requirements, the  
25 countywide planning policies, the community framework plan,  
26 comprehensive plan, city comprehensive plans, applicable capital facilities  
27 plans and official population growth forecasts; and
- 28 2. The proponent shall demonstrate that the designation is in conformance  
29 with the appropriate locational criteria identified in the plan; and
- 30 3. The map amendment or site is suitable for the proposed designation and  
31 there is a lack of appropriately designated alternative sites within the  
32 vicinity; and
- 33 4. The plan map amendment either: (a) responds to a substantial change in  
34 conditions applicable to the area within which the subject property lies; (b)  
35 better implements applicable comprehensive plan policies than the current  
36 map designation; or (c) corrects an obvious mapping error; and
- 37 5. Where applicable, the proponent shall demonstrate that the full range of  
38 urban public facilities and services can be adequately provided in an  
39 efficient and timely manner to serve the proposed designation. Such  
40 services may include water, sewage, storm drainage, transportation, fire  
41 protection and schools. Adequacy of services applies only to the specific  
42 change site.

43 H. Additional Criteria for Rural Map Changes.

- 44 1. Amendments to the plan map for 1) changing a natural resource land  
45 designation to either a smaller lot size natural resource land designation or

1 to a rural designation, or 2) creating or expanding a rural center from a  
2 natural resource land designation to a smaller lot size natural resource  
3 designation or to a rural designation shall demonstrate that the following  
4 criteria have been met:

5 a1. The requested change shall not impact the character of the area  
6 to the extent that further plan map amendments will be warranted in  
7 future annual reviews; and

8 b2. The site does not meet the criteria for the existing resource plan  
9 designation; and

10 c3. The amendment shall meet the locational criteria for the requested  
11 designation.

12 2. a. The creation of, expansion of, or change of land use within a rural  
13 center shall be considered and evaluated by the county through the  
14 annual review process under Chapter 40.560.

15 b. Before the county considers establishing a new rural center, the  
16 proponent(s) shall submit to the county a petition signed by at least  
17 sixty (60) percent of the property owners of the land within the  
18 boundaries of the proposed new rural center.

19 I. Additional Criteria for Rural Major Industrial Map Changes. This section  
20 governs designations outside of UGAs for major industrial developments under  
21 RCW 36.70A.365 and major industrial land banks under RCW 36.70A.367.

22 1. Process. Prior to formally proposing a designation under this section, the  
23 county shall:

24 a. Undertake an inventory of available urban industrial land;

25 b. Consult with affected city(ies) regarding a proposed designation;

26 c. Make a preliminary assessment that the applicable statutory criteria  
27 are met and that the proposed location is superior to other potential  
28 rural sites; and

29 d. Negotiate an appropriate or statutorily required interlocal agreement  
30 with affected city(ies).

31 2. Rezone Application. No comprehensive plan redesignation criteria under  
32 this section shall be processed unless accompanied by a rezone  
33 application from the affected property owner(s).  
34

35 3. Approval Criteria. In addition to the other applicable designation criteria  
36 under this chapter, major industrial developments or major industrial land  
37 banks may only be approved upon a finding that the requirement and  
38 criteria of RCW 36.70A.365 or 36.70A.367, respectively, are met. In  
39 addition, a major industrial land bank application shall require a minimum  
40 of one hundred (100) acres.

41 4. Available Designations.

42 a. Comprehensive Plan:

43 (1) Major Industrial Developments (Light Industrial).

44 (2) Major Industrial Land Banks (Light Industrial).

45 b. Zoning:

46 (1) Major Industrial Developments (ML).

1 (2) Major Industrial Land Banks (ML). Subject to Section  
2 40.520.070, Master Plan Development.

- 3 5. Concomitant Rezone Agreement. No designation under this section shall  
4 be approved unless accompanied by a concomitant rezone agreement (or  
5 development agreement) which at a minimum assures compliance with  
6 statutory requirements and criteria, including the limitations on  
7 nonindustrial uses in RCW 36.70A.367(2)(k) for a major industrial land  
8 bank.  
9 6. Adjacent Non-Urban Areas. A designation under this section shall not  
10 permit urban growth in adjacent non-urban areas.

11 *(Amended: Ord. 2004-09-02)*

12 J. Rezones/Zone Changes. Rezone applications considered with a plan map  
13 amendment request shall be reviewed consistent with the plan matrix table and  
14 according to the procedures and timing specifications for plan map amendment  
15 specified in this section and shall comply with Section 40.560.020 and Chapter  
16 40.510. Rezone applications proposing a change from contingent zoning or  
17 removing urban holding to an urban zoning district that is consistent with the  
18 comprehensive plan map designation shall be processed through a Type IV  
19 process initiated by the county and consistent with the procedures and criteria  
20 identified in the special implementation procedures section in Chapter 12 of the  
21 comprehensive plan. See also Section 40.560.020(G).

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

28 1. Action Required.

29 a. Applications for zone changes shall be reviewed through a Type III  
30 procedure in the same manner and with the same public notice  
31 procedure as is required for any other change of zoning.

32 b. If a contiguous land area is proposed to be added to an existing  
33 mixed use designation, the application shall be subject to the plan  
34 change procedural ordinance and applicable criteria.

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

37 a. The request is consistent with the plan policies and locational criteria  
38 and the purpose statement of the requested zoning district;

39 b. Requested zone change is consistent with the plan designation to  
40 zoning matrix table;

41 c. The uses to be permitted and the development standard to be applied  
42 in the proposed district will promote the goals of the comprehensive  
43 plan and other applicable policies adopted by the county, particularly  
44 the mixed use policies in Chapters 1, 2, 5, 9 and 10 of the  
45 comprehensive plan;

- 1 d. The proposed rezone and development would be integrated in a
- 2 manner that provides opportunities to combine residential,
- 3 commercial or other uses within individual structures, or within
- 4 adjacent structures or adjacent properties;
- 5 e. The proposed zone is the most appropriate, taking into consideration
- 6 the purposes of each zone, the zoning pattern of surrounding land
- 7 and the policies and intent of the mixed use plan designation;
- 8 f. The requested zone change shall meet the standards for the MX
- 9 zoning district; and
- 10 g. Public services are demonstrated to be capable of supporting the
- 11 uses allowed by the zone, or will be capable by the time development
- 12 is complete.
- 13 *(Amended: Ord. 2004-09-02)*

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

- 16 1. The county shall adopt countywide growth targets and regional sub-
- 17 allocations, and map corresponding UGA boundaries and designations as
- 18 follows:
  - 19 a. Adopt countywide twenty (20) year target population and employment
  - 20 levels consistent with official State of Washington Office of Financial
  - 21 Management population growth forecasts ranges; and
  - 22 b. Officially sub-allocate the adopted countywide population and
  - 23 employment targets to urban growth areas associated with each
  - 24 incorporated municipality in the county, and to the remaining rural
  - 25 area; and
  - 26 c. Adopt urban growth area boundaries and comprehensive plan land
  - 27 use designations which are consistent in their sizes and designations
  - 28 with the official sub-allocation for each UGA and the rural area.
- 29 2. To allow for a comprehensive review and assessment of cumulative
- 30 impacts, all UGA boundary review proposals shall be initiated by the
- 31 county as part of a periodic review and update of the plan.
- 32 ~~3. The county may change adopted UGA boundaries only when lands~~
- 33 ~~designated within such boundaries have been developed as follows:~~
- 34 ~~a. A UGA expansion of residential or commercial lands may occur only~~
- 35 ~~if seventy five percent (75%) or more of the respective residential or~~
- 36 ~~commercial vacant and buildable land base originally designated~~
- 37 ~~within the incorporated and unincorporated areas of the particular~~
- 38 ~~UGA at the time of the last sub-allocation, including additions through~~
- 39 ~~any subsequent expansion, has been consumed through~~
- 40 ~~development; or~~
- 41 ~~b. A UGA expansion of industrial lands may occur if fifty percent (50%)~~
- 42 ~~or more of the vacant and buildable prime industrial land base~~
- 43 ~~originally designated within the incorporated and unincorporated~~
- 44 ~~areas of the particular UGA at the time of the last sub-allocation,~~
- 45 ~~including additions through any subsequent expansion, has been~~
- 46 ~~consumed through development; or~~

- 1 ~~e. A UGA expansion of commercial lands otherwise not consistent with~~  
2 ~~the standards of this subsection may be included as part of a larger~~  
3 ~~addition of residential lands consistent with this subsection; provided,~~  
4 ~~that the commercial lands are necessary to serve and fully integrated~~  
5 ~~with the residential addition.~~  
6 ~~d. The board may waive the criteria in Sections 40.560.010(L)(3)(a) or~~  
7 ~~(L)(3)(b) upon finding that:~~  
8 ~~(1) The request has been formally reviewed and endorsed by the~~  
9 ~~impacted municipality; and~~  
10 ~~(2) The inability to reach the seventy-five percent (75%) threshold is~~  
11 ~~accounted by a small number of parcels within the UGA which~~  
12 ~~account for a significant portion of remaining buildable lands and~~  
13 ~~for which it can be clearly demonstrated that they will not develop~~  
14 ~~in the planning horizon of the existing boundary.~~

15 34. Any expansion to the UGA shall be accompanied by a demonstration that  
16 necessary urban services can and will be provided within ten (10) years'  
17 time. Such a demonstration shall include a need analysis estimating what  
18 urban services will be required, both in the expansion area and elsewhere  
19 in the county, and estimates as to when such services will be needed.  
20 Written documentation shall be provided from service providers indicating  
21 when, how, at what cost, and from which funding sources service will be  
22 provided.

23 45. The extent of a UGA boundary expansion shall be that necessary to  
24 provide a minimum ten (10) and a maximum twenty (20) year supply of  
25 vacant and buildable lands within the UGA. The calculation of supply shall  
26 be based on population growth projections within the UGA, where such  
27 projections are consistent with adopted countywide growth targets and  
28 regional sub-allocations. If necessary, the county may adjust countywide  
29 growth targets and regional sub-allocations; provided, that they are  
30 consistent with official OFM forecasts.

31 5. In evaluating potential changes to a particular UGA boundary, the county  
32 shall consider countywide implications for other UGAs and their sub-  
33 allocations.

34 6. The amendment shall address the assumptions, trends, key indicators and  
35 performance measures established in the land use element, Chapter 1, of  
36 the comprehensive plan.

37 7. The amendment does not include lands that are designated as natural  
38 resource (agricultural, forest, mineral resource) unless such lands are also  
39 designated with an urban reserve or industrial urban reserve overlay.

40 8. The amendment only indicates lands within the urban reserve area.

41 9. The following shall not apply to Sections 40.560.010(K)(1) through (10):

- 42 a. Correction of technical mapping errors involving small area or few  
43 properties;  
44 b. An order from a court of competent jurisdiction or as a result of a  
45 Growth Management Hearings Board remand.

1 10. The county shall exercise its best efforts to coordinate UGA boundary  
2 change proposals with the affected city(ies), including the preparation of  
3 joint staff recommendations where possible. Unless waived by the  
4 affected city(ies), such city(ies) shall be given at least sixty (60) days'  
5 notice of the proposal prior to a county hearing thereon.

6 M. Comprehensive Plan Policy or Text Changes.

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

26 N. Arterial Atlas Amendments.

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

1

2 O. N. Other Plan Amendment Categories.

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

17 PO. Out-of-Cycle Amendments.

- 18 1. Revisions to the comprehensive plan may be considered more frequently  
19 than once per year under the following circumstances:  
20 a. Emergency in which a delay in action would result in a significant  
21 public harm;  
22 b. The initial adoption of a subarea plan that does not modify the  
23 comprehensive plan policies and designations applicable to the  
24 subarea;  
25 c. The adoption or amendment of a shoreline master program;  
26 d. To resolve an appeal of a comprehensive plan filed with a Growth  
27 Management Hearings Board or from a court of competent  
28 jurisdiction; and  
29 e. Siting of major industrial developments and/or master planned  
30 locations outside UGAs consistent with the requirements of RCW  
31 36.70A.365 and 36.70A.367.  
32 2. Plan amendments reviewed under these conditions shall be considered  
33 legislative actions, subject to Type IV procedures of Section 40.510.040.  
34 3. All amendments shall be considered subject to the review criteria  
35 established in this chapter.

36 *(Amended: Ord. 2004-09-02)*

37 QP. Siting of State and Regional Public Facilities of a Countywide or Statewide  
38 Nature. Plan amendments to implement the policies of the comprehensive plan  
39 regarding proposals for siting essential public facilities such as airports, state  
40 educational facilities and other institutions necessary to support community  
41 development may be considered as follows:

- 42 1. Government facilities may be established as provided in other land use  
43 districts through the procedures specified in the applicable district without  
44 plan amendment.

- 1 2. Application for siting of public facilities may be approved if criteria as noted  
2 herein, are met:  
3 a. The county shall in cooperation with other jurisdictions ensure that  
4 siting of regional facilities is consistent with all elements of the  
5 adopted county comprehensive plan, local city plan and other  
6 supporting documents;  
7 b. The proposed project complies with all applicable provisions of the  
8 comprehensive plan, including countywide planning policies;  
9 c. The proposal for siting of a public facility contains interjurisdictional  
10 analysis and financial analysis to determine financial impact and  
11 applicable intergovernmental agreement;  
12 d. Needed infrastructure is provided for;  
13 e. Provision is made to mitigate adverse impacts on adjacent land uses;  
14 f. The plan for the public facilities development is consistent with the  
15 county's development regulations established for protection of critical  
16 areas; and  
17 g. Development agreements or regulations are established to ensure  
18 that urban growth will not occur if located adjacent to non-urban  
19 areas.

- 20 RQ. Cumulative Impact. In reviewing all prospective comprehensive plan  
21 changes, the county shall analyze and assess the following to the extent  
22 possible:  
23 1. The cumulative impacts of all plan map changes on the overall adopted  
24 plan, plan map and relevant implementing measures, and adopted  
25 environmental policies;  
26 2. The cumulative land use environmental impacts of all applications on the  
27 applicable local geographic area and adopted capital facilities plans; and  
28 3. Where adverse impacts are identified, the county may require mitigation.  
29 Conditions which assure that identified impacts are adequately mitigated  
30 may be proposed by the applicant and if determined to be adequate,  
31 imposed by the county as a part of the approval action.

- 32 ~~R. Additional Criteria for Plan Map Amendments in the Interchange Overlay~~  
33 ~~District. A map amendment in the interchange area overlay district, as defined~~  
34 ~~in Section 40.250.050, may be approved only if all of the following are met:~~  
35 ~~1. The proponent commits through a concomitant rezone agreement to the~~  
36 ~~full replacement of the capacity used by any increase in peak hour trips~~  
37 ~~through the interchange. Improvements to replace capacity shall be~~  
38 ~~constructed at the time of the development.~~  
39 ~~2. Where applicable, the resulting development maximizes the opportunity~~  
40 ~~for family wage employment as defined in Section 40.350.020(O).~~

- 41 S. Fees. Application fees for all comprehensive plan and zone changes shall be  
42 considered as follows:  
43 1. Filing fees for all plan amendments and zone changes shall be considered  
44 subject to the provisions of Chapter 6.110A.

- 1 2. If multiple similar applications are received in a year, fees set in Section  
2 40.570.100(B) may be adjusted downward by the responsible official to  
3 reflect actual cost.

4 *(Amended: Ord. 2004-09-02)*  
5  
6

7 **40.560.020 Changes to Districts, Amendments, Alterations**

8 A. Procedure, General. The UDC may be amended in any of the following ways:

- 9 1. By changing the boundaries of districts through a Type III map  
10 amendment (rezone) where the proposed zoning is consistent with the  
11 current comprehensive plan map designation;  
12 2. By changing the boundaries of districts through a Type IV comprehensive  
13 plan map and zoning map amendment pursuant to Section 40.560.010; or  
14 3. By changing code text through a Type IV text amendment, whenever the  
15 public health, safety and general welfare requires such an amendment.  
16 Such a change may be proposed by the board on its own motion or by  
17 motion of the planning commission, or by petition as hereinafter set forth.  
18 Any such proposed amendment or change shall first be submitted to the  
19 planning commission and it shall, within ninety (90) days after a hearing,  
20 recommend to the board approval, disapproval or modification of the  
21 proposed amendment.

22 B. Application.

- 23 1. Type III Map Amendments. Type III map amendments shall follow the  
24 Type III application procedures described in Section 40.510.030.  
25 2. An application for amendment by a property owner or his authorized agent  
26 shall be filed with the responsible official. The application shall be made  
27 on forms provided by the county, accompanied by a site plan drawn to  
28 scale showing the property involved and adjacent land. A fee shall be paid  
29 to the county at the time of filing the application in accordance with the  
30 provisions of the county fee schedule.

31 C. Public Hearings.

- 32 1. Type III Map Amendments. Type III map amendments shall follow the  
33 Type III public hearing procedures described in Section 40.510.030.  
34 2. Type IV Text Amendments.  
35 a. Before taking final action on a proposed amendment, the planning  
36 commission shall hold a public hearing thereon. After receipt of the  
37 report on the amendment from the planning commission, the board  
38 shall hold a public hearing on the amendment. Public hearings by the  
39 planning commission shall be held in accordance with the provisions  
40 of Section 40.510.040.  
41 b. Resubmittal. In a case where a petition for an amendment is denied  
42 by the board, said petition shall not be eligible for resubmittal for one

1 (1) year from the date of said denial, unless such denial was  
2 specifically stated to be without prejudice. A new petition affecting the  
3 same property must be, in the opinion of the planning commission  
4 and the board, substantially different from the petition denied to be  
5 eligible for consideration within one (1) year from the date of said  
6 denial, unless the first denial was denied without prejudice, or the  
7 planning commission finds that conditions have changed to an extent  
8 that further consideration is warranted.

9 D. Record of Amendments.

10 The signed copy of each amendment to the text and map of this title shall be  
11 maintained on file in the office of the responsible official.

12 E. Rezone Agreements.

13 1. The purpose of this subsection is to allow for the implementation of the  
14 comprehensive plan policies relating to future commercial centers and  
15 industrial developments, as appropriate. If, from the facts presented, and  
16 the findings, report and recommendations of the planning commission as  
17 required by this section thereof, the board determines that the public  
18 health, safety and general welfare will be best served by a proposed  
19 change of zone, the board may indicate its general approval, in principle,  
20 of the proposed rezoning by the adoption of a “resolution of intent to  
21 rezone” the area involved. This resolution shall include any conditions,  
22 stipulations or limitations which the board may feel necessary to require in  
23 the public interest as a prerequisite to final action. The fulfillment of all  
24 conditions, stipulations and limitations contained in said resolution, on the  
25 part of the applicant, shall make such a resolution a binding commitment  
26 on the board. Such a resolution shall not be used to justify spot zoning, to  
27 create unauthorized zoning categories by excluding uses otherwise  
28 permitted in the proposed zoning, or by imposing setback, area or lot  
29 coverage restrictions not specified in the code for the zoning classification,  
30 or as a substitute for a variance. Upon completion of compliance action by  
31 the applicant, the board shall, by ordinance, effect such rezoning. The  
32 failure of the applicant to meet any or all conditions, stipulations or  
33 limitations contained in the resolution, including the time limit placed in the  
34 resolution, shall render the resolution of intent to rezone null and void,  
35 unless an extension is granted by the board upon recommendation of the  
36 planning commission. Generally, the time limitation shall be one (1) year.  
37 The board may grant up to five (5) one (1) year extensions, after which the  
38 resolution shall be null and void if all conditions, stipulations and  
39 limitations have not been met by the applicant.

40 2. Concomitant Rezone Agreements.

41 a. Purpose. The purpose of this subsection is to explicitly provide for the  
42 use of agreements concomitant to rezone approvals. The agreement  
43 may call for performance by the applicant which is directly related to  
44 public needs which may be expected to result from the proposed  
45 usage of the property. The performance called for will mitigate the

1 public burden in meeting those resulting needs by placing it more  
2 directly on the party whose property use will give rise to such needs.  
3 The agreement shall generally be in the form of a covenant running  
4 with the land. The provisions of the agreement shall be in addition to  
5 all other pertinent Clark County Code requirements.

- 6 b. Applicability. This agreement process will not generally be used for  
7 rezones to R1-6, R1-7.5, R1-10 or R1-20. It may, however, be used  
8 for any situation where extraordinary potential adverse impacts from a  
9 proposed rezone may be neutralized by the agreement. The  
10 agreement process may be employed for rezones in sensitive  
11 geographic areas such as critical transportation corridors. The  
12 agreement process will generally be used for rezones to commercial,  
13 industrial, and non-single-family residential not specifically identified  
14 by the comprehensive plan map. Airport zoning shall also generally  
15 be by concomitant rezone agreement. The intent is that concomitant  
16 rezone agreements shall only be used when normal review and  
17 approval procedures are not adequate to resolve the specific issues  
18 involved in the rezone proposal.
- 19 c. Mitigating Measures. The agreement may include mitigating  
20 measures such as:  
21 (1) Access control;  
22 (2) Landscaping, screening, buffering;  
23 (3) Improvements to public services including drainage, sewer,  
24 water and roads;  
25 (4) Lot coverage, dimension;  
26 (5) Phasing of development.
- 27 d. Concept Plan. A concept plan may be required. When required, the  
28 concept plan shall be drawn to a one (1) inch to one hundred (100)  
29 foot scale and include:  
30 (1) General location of structures;  
31 (2) Location and number of access points;  
32 (3) Approximate gross floor area of structures;  
33 (4) Name of the proposal;  
34 (5) Identification of areas requiring special treatment due to their  
35 sensitive nature;  
36 (6) North directional arrow; and  
37 (7) Names and location of all public streets or roads bordering the  
38 site.
- 39 e. Application Procedure. The applicant may propose an agreement  
40 concomitant to rezone approval at the time of or after a pre-  
41 application conference with the responsible official. The proposed  
42 agreement shall include any proposed mitigating measures and  
43 concept plan as provided for by Sections 40.560.050(B)(3) and (4). In  
44 cases where a specific project is to be considered in conjunction with  
45 a rezone request, the responsible official shall review the site plan.

- 1 f. Modifications. Modifications which are minor and without major impact  
2 may be approved by the board or its duly authorized representative,  
3 administratively and without public hearing. Any other modifications  
4 shall only be approved after the same procedure applicable to all  
5 rezones has been followed, including a public hearing.  
6 g. Enforcement. The agreement shall provide for appropriate  
7 enforcement mechanisms and performance guarantees.

8 F. Release of Concomitant Rezone Agreements.

- 9 1. Upon petition by the property owner, a concomitant rezone covenant may  
10 be fully or partially released, or modified, by the hearing examiner  
11 following a public hearing with notice as prescribed by Section 40.510.030  
12 and in accordance with the criteria set forth in this section; provided, that if  
13 no development has occurred pursuant to a covenant entered into prior to  
14 July 1, 1980, such covenant may be fully released and the property  
15 subjected to all applicable standards and provisions of the current zoning  
16 ordinance by the board at a public meeting if it appears that no  
17 substantive issues are raised under the following criteria.  
18 2. In considering requests for release or modification of concomitant rezone  
19 covenants, the review authority shall consider the following:  
20 a. In the case of full covenant release, whether development of the site  
21 would be consistent with current zoning regulations and  
22 comprehensive plan recommendations; and  
23 b. In the case of either full or partial covenant release or covenant  
24 modification, whether adequate public/private services are available  
25 to support development of the site; and  
26 c. In the case of either full or partial covenant release or covenant  
27 modification, whether the requested action would unreasonably  
28 impact development undertaken on nearby properties in reliance  
29 upon the covenant commitments; and  
30 d. In the case of partial covenant release or covenant modifications,  
31 whether future development under current zoning will be consistent  
32 with existing and planned development.

33 G. Contingent Zoning.

34 In order to assure the adequacy of public facilities and services (primarily the  
35 arterials road system) needed to support urban area wide infrastructure, the  
36 implementation of certain urban zone designations is contingent upon  
37 demonstration that needed improvements will be in place at the time urban  
38 development is available for occupancy and use. Such contingent zone  
39 designations, when applied, are denoted by adding the suffix "X" on the zoning  
40 map. Upon demonstration of evidence satisfactory to the board that the  
41 required public facility or public service improvements will be timely made, the  
42 board shall by resolution affect such zoning by deleting the suffix "X" from the  
43 zoning map. Such action shall not constitute a rezone or be subject to a public  
44 hearing process; provided, that the responsible official's SEPA determination  
45 shall be subject to administrative appeal as provided for in Section

1 40.570.080(D). Until final action by the board deleting the suffix "X," any  
2 development within a contingent zoning district shall be processed under the  
3 regulation applicable to the UH-10 district ~~(or the UH-5 district in the Columbia~~  
4 ~~Gorge National Scenic Area)~~ unless planned for nonresidential uses, in which  
5 case development shall be processed under the UH-20 district.