

1 **Board of County Commissioners**  
2 **Staff Report/ Annual Review Case#CPZ2008-00027 Commercial Code Update**  
3 **40.230.010**

4  
5 **Recommendation**

6  
7 **The Planning Commission heard the proposal on August 21, 2008 and**  
8 **recommended APPROVAL of the request by a 4 to 1 vote on the condition that the**  
9 **county take a look at Commissioner Vartanian's concerns, and do what we can to**  
10 **satisfy those concerns (Exhibit A).**

11  
12 **INTRODUCTION**

13  
14 Staff was asked to create short-term and long-term fixes to clarify strip commercial  
15 development. A short-term fix amends the current code and plan language as shown in  
16 the documents below. A long-term fix addresses strip commercial development through  
17 the commercial code update in the design standards.

18  
19 Documents amended:

- 20 • CCC Section 40.230.010 (2) (Neighborhood Commercial District) (3) Community  
21 Commercial District) (4) Limited Commercial District) and (5) Highway Commercial  
22 District)
- 23
- 24 • CCC Section 40.560.010 (H) Plan Amendment Procedures
- 25
- 26 • Comprehensive Growth Management Plan, 20-year plan designations and location  
27 criteria for Neighborhood Commercial, Community Commercial, and General  
28 Commercial.
- 29

30 Staff is also proposing to clarify the market analysis definition and removing the  
31 definition of market in CCC Section 40.100.070, which will help implement  
32 comprehensive plan and commercial zone changes.

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

2 A. Purpose.

3 1. Rural Commercial (CR-1, CR-2) Districts. These rural commercial  
4 districts are intended to provide for the location of small businesses and  
5 services that are sized to serve the rural community. These commercial  
6 areas are located in areas designated as rural commercial on the  
7 comprehensive plan map either within rural centers (CR-2) or in other  
8 areas of existing commercial activity in the rural area outside rural  
9 centers (CR-1). They should be designed to complement and support  
10 the rural environment without creating land use conflicts.

11 2. Neighborhood Commercial (C-2) District. These commercial areas of  
12 limited size are intended to provide for the convenience shopping needs  
13 ~~for a limited trade area of the immediate neighborhood. The types of~~  
14 ~~goods sold in these districts are purchased weekly and are not the type~~  
15 ~~of which people would generally engage in comparison shopping for.~~  
16 ~~Uses allowed include convenience food markets, beauty and barber~~  
17 ~~shops, bakeries and limited services.~~ This district is permitted under the  
18 neighborhood commercial and mixed use comprehensive plan  
19 designations.

20 3. Community Commercial (C-3) District. These commercial areas are  
21 intended to provide for the regular shopping and service needs for  
22 several adjacent neighborhoods. ~~Community commercial areas shall not~~  
23 ~~create or contribute to a commercial strip development pattern. They~~  
24 ~~should occur as small centers, ideally at the junction of two (2) major~~  
25 ~~public streets (collectors or arterials). These areas are held to a high~~  
26 ~~standard of site plan review due to the close proximity of the residential~~  
27 ~~neighborhoods they serve and should comply to the highest degree~~  
28 ~~possible with the design guidelines contained in this chapter. This district~~  
29 ~~is only permitted in areas designated as community commercial or mixed~~  
30 ~~use on the comprehensive plan.~~

31 4. Limited Commercial (CL) District. These commercial areas are intended  
32 to recognize areas of existing retail and service commercial businesses  
33 that have occurred in strips along major arterials. These commercial  
34 areas provide a full range of goods and services necessary to serve  
35 large areas of the county. ~~New limited commercial areas shall not~~  
36 ~~contribute to additional strip development. This district is permitted in~~  
37 ~~areas designated on the comprehensive plan map as community-~~  
38 ~~commercial, general commercial and mixed use.~~

39 ~~5. Highway Commercial (CH) General Commercial (GC) District. These~~  
40 ~~commercial areas provide a full range of goods and services necessary~~

1 to serve large areas of the county, and the traveling public, are  
2 intended to serve large areas of the county, the traveling public and also  
3 to recognize areas of existing strip development. These areas are  
4 generally located at the interchanges and along state highways and  
5 interstates. New commercial areas shall not contribute to additional strip  
6 development patterns. Uses allowed in this district may involve drive-in,  
7 large space users, outdoor sales, wholesale activities, repair services  
8 and other heavy commercial users. This district is limited to the general  
9 commercial comprehensive plan designation.

## 10 **40.100.070 Definitions**

### 11 **Market analysis:**

12 “Market analysis” means a study that assesses the retail commercial market  
13 conditions within a primary trade area as designated in the 20-year plan  
14 designations and location criteria of not less than a three (3) mile radius (both  
15 build and designated) over a five (5) year horizon, and with in the context of the  
16 20-year plan. The analysis shall contain location and income characteristics, and  
17 sales figures of competitive centers/areas in the trade area; space availability,  
18 absorption, and sales trends by category in trade area; review of vacant land;  
19 overall economic trends, employment trends, projections of economic activity,  
20 and growth patterns; population, household, and employment growth trends and  
21 projections for each trade area, as well as household characteristics such as  
22 household type (families, singles, etc.), age, including trends and projections.  
23 (Amended: Ord. 2007-09-13)  
24

### 25 **Market:**

26 “Market” means a retail outlet primarily selling perishable and nonperishable  
27 grocery items with only incidental sales of non-grocery items.  
28

## 29 **40.560.010 PLAN AMENDMENT PROCEDURES**

### 30 A. Purpose.

31 The purpose of this section is to provide guidance as to how the comprehensive plan  
32 will be updated and amended over time. Amendments to the comprehensive plan  
33 may involve changes in the written text or policies of the plan, or in the map  
34 designations adopted as part of the plan, Arterial Atlas, or to supporting documents,  
35 including capital facilities plans. This section states the specific procedures and  
36 review criteria necessary to process comprehensive plan amendments. Plan  
37 amendments will be reviewed in accordance with the state Growth Management Act  
38 (GMA), the countywide planning policies, the community framework plan, the goals  
39 and policies of the comprehensive plan, local city comprehensive plans, applicable  
40 capital facilities plans, official population growth forecasts and key growth indicators.  
41 (Amended: Ord. 2007-09-13)  
42

### 43 B. Overall Method of Review.

44 Proposed plan amendments that are submitted for review shall be subject to the  
45 applicable criteria of this section. The review shall be processed by Type IV  
46 procedures in Section [40.510.040](#). Applications for plan map amendments are

1 generally processed in conjunction with concurrent rezone requests. Zoning map  
2 amendments must be to a zone corresponding to the requested comprehensive plan  
3 map designation. Concurrent zoning map amendments must meet all the approval  
4 criteria of this chapter and zone changes consistent with the comprehensive plan  
5 map shall be considered subject to the approval criteria of Section [40.560.020](#).  
6 (Amended: Ord. 2007-09-13)  
7

8 C. Applicability.

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

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

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

33 (Amended: Ord. 2004-09-02; Ord. 2007-09-13)  
34

35 D. Plan Map Changes – Procedure.

- 36 1. Applications for all plan amendments shall be considered legislative actions,  
37 subject to Type IV procedures of Section [40.510.040](#).
- 38 2. Site-specific plan map amendments (annual reviews) requested by private parties  
39 shall be considered legislative actions, subject to Type IV procedures of Section  
40 [40.510.040](#).
- 41 3. Submittal Requirements and Timelines of the Annual Review. All applications for  
42 site-specific plan map amendments not involving a change to UGA boundaries  
43 requested by parties other than the county shall be submitted as follows:
  - 44 a. Between October 1st and November 30th, applicants shall submit a pre-  
45 application form containing all of the following information:
    - 46 (1) The pre-application fee, as specified in county fee ordinance;
    - 47 (2) Application form signed by the owner(s) of record;
    - 48 (3) Description of request;
    - 49 (4) GIS packet;
    - 50 (5) Related or previous permit activity; and

- 1 (6) A statement on how the plan/zone change request is consistent with all of  
2 the applicable policies and criteria in the comprehensive plan and this  
3 chapter.
- 4 b. Between October 15th and December 31st, county staff and applicants shall  
5 complete pre-application meetings.
- 6 c. Between January 1st and January 31st, applicants shall submit an  
7 application form containing all of the following, including the information  
8 required by Section [40.510.030\(C\)\(3\)](#):  
9 (1) The applicable comprehensive plan and rezone application fees;  
10 (2) SEPA checklist and applicable fee;  
11 (3) Copy of deed, real estate contract or earnest money agreement;  
12 (4) A full analysis of how the plan/zone change request is consistent with the  
13 applicable policies and criteria in the comprehensive plan and this  
14 chapter;  
15 (5) A market analysis and a transportation analysis; and  
16 (6) Any additional information the applicant believes is necessary to justify  
17 the amendment.
- 18 d. Between February 1st and April 1st, initial county staff review shall include  
19 the following:  
20 (1) Distribution of applications requesting an amendment to an urban growth  
21 area boundary or seeking to amend a designation within an urban  
22 boundary to the affected city;  
23 (2) Completion of county SEPA official determination;  
24 (3) Circulation and publication of SEPA determinations to applicant, affected  
25 jurisdiction(s), neighborhood associations and agencies; and  
26 (4) Preparation of a single staff report and recommendation based on an  
27 assessment of cumulative impacts of plan change requests, and any  
28 other plan changes initiated by the county.
- 29 e. The above process and timeline is intended as a guideline. Actual processing  
30 time may depend upon the number of applications and activity level at the  
31 time of formal applications.
- 32 f. If the applicant has not supplied the required information by March 15th, the  
33 responsible official shall inform the applicant in writing that no further  
34 consideration will be given to the request for this annual review cycle.
- 35 g. Following completion of Sections [40.560.010\(D\)\(3\)\(a\)](#) through (D)(3)(e),  
36 county staff shall schedule public hearings before the planning commission.  
37 Following the completion of the planning commission public hearings, county  
38 staff shall schedule public hearings before the board and forward to the board  
39 the planning commission recommendations.
- 40 h. After the public hearing by the board, the board will adopt a single resolution  
41 disposing of all cases.
- 42 i. Burden of Proof. The burden of proving consistency with the criteria for plan  
43 amendments shall be upon the proponent.
- 44 4. Annual review applications will not be accepted for properties within an urban  
45 growth boundary which are in the process of being annexed.  
46 (Amended: Ord. 2007-09-13; Ord. 2007-11-13)  
47
- 48 E. Governmental Coordination.
- 49 1. The county will coordinate with each city and town, the annual review processes.  
50 Annual reviews shall be established to occur within each jurisdiction at least once  
51 a year.

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

32 (Amended: Ord. 2007-09-13)

#### 34 F. Comprehensive Plan Map Changes – General.

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

- 36 1. Changes approved by the county as a result of a comprehensive periodic review  
37 of the plan to be initiated by Clark County at minimum seven (7) year intervals;
- 38 2. Changes approved by the county in response to county, or property owner  
39 request not more than once per calendar year;
- 40 3. Out of cycle amendments initiated and approved by the county at any time;
- 41 4. Applications for map changes and urban growth area boundary amendments  
42 shall be consistent with the comprehensive plan matrix table or accompanied by  
43 concurrent rezone applications;
- 44 5. A county-initiated proposal for siting major industrial facilities and/or master  
45 planned locations consistent with RCW [36.70A.365](#) and 36.70A.367, and  
46 processed if accompanied by a current property owner-submitted rezone  
47 application;
- 48 6. The county shall assess the cumulative impacts of all plan map changes against  
49 the comprehensive plan, plan text, map and relevant implementing measures.  
50 Monitoring benchmarks may be used to assess impacts.

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

1  
2 G. Criteria for All Map Changes.

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

- 4 1. The proponent shall demonstrate that the proposed amendment is consistent with  
5 the Growth Management Act and requirements, the countywide planning policies,  
6 the community framework plan, comprehensive plan, city comprehensive plans,  
7 applicable capital facilities plans and official population growth forecasts; and
- 8 2. The proponent shall demonstrate that the designation is in conformance with the  
9 appropriate locational criteria identified in the plan; and
- 10 3. The map amendment or site is suitable for the proposed designation and there is  
11 a lack of appropriately designated alternative sites within the city; and
- 12 4. The plan map amendment either: (a) responds to a substantial change in  
13 conditions applicable to the area within which the subject property lies; (b) better  
14 implements applicable comprehensive plan policies than the current map  
15 designation; or (c) corrects an obvious mapping error; and
- 16 5. Where applicable, the proponent shall demonstrate that the full range of urban  
17 public facilities and services can be adequately provided in an efficient and timely  
18 manner to serve the proposed designation. Such services may include water,  
19 sewage, storm drainage, transportation, fire protection and schools. Adequacy of  
20 services applies only to the specific change site.

21 (Amended: Ord. 2007-09-13)

22  
23 H. Additional Criteria for Commercial Map Changes.

24 Amendments to the plan map for designation of additional commercial land or for  
25 changing the zoning from one commercial district to another shall meet the following  
26 additional requirements:

- 27 1. A market analysis shall be submitted which identifies the need for the new  
28 commercial area or center; and
- 29 2. A land use analysis of available commercially designated and zoned land in the  
30 market area of the proposed site shall be submitted which demonstrates that the  
31 existing commercial land is inadequate.

32  
33 I. H. Additional Criteria for Rural Map Changes.

- 34 1. Amendments to the plan map for (a) changing a natural resource land  
35 designation to either a smaller lot size natural resource land designated or to a  
36 rural designation, or (b) creating or expanding a rural center, shall demonstrate  
37 that the following criteria have been met:
  - 38 a. The requested change shall not impact the character of the area to the extent  
39 that further plan map amendments will be warranted in future annual reviews;  
40 and
  - 41 b. The site does not meet the criteria for the existing resource plan designation;  
42 and
  - 43 c. The amendment shall meet the locational criteria for the requested  
44 designation.
- 45 2. a. The creation of, expansion of, or change of land use within a rural center shall  
46 be considered and evaluated by the county through the annual review  
47 process under Chapter [40.560](#).  
48 b. Before the county considers establishing a new rural center, the proponent(s)  
49 shall submit to the county a petition signed by at least sixty percent (60%) of  
50 the property owners of the land within the boundaries of the proposed new  
51 rural center.

1 (Amended: Ord. 2007-09-13)

2  
3 J I. Additional Criteria for Rural Major Industrial Map Changes. This section governs  
4 designations outside of UGAs for major industrial developments under RCW  
5 [36.70A.365](#) and major industrial land banks under RCW [36.70A.367](#) .

- 6 1. Process. Prior to formally proposing a designation under this section, the county  
7 shall:
  - 8 a. Undertake an inventory of available urban industrial land;
  - 9 b. Consult with affected city(ies) regarding a proposed designation;
  - 10 c. Make a preliminary assessment that the applicable statutory criteria are met  
11 and that the proposed location is superior to other potential rural sites; and
  - 12 d. Negotiate an appropriate or statutorily required interlocal agreement with  
13 affected city(ies).
- 14 2. Rezone Application. No comprehensive plan redesignation criteria under this  
15 section shall be processed unless accompanied by a rezone application from the  
16 affected property owner(s).
- 17 3. Approval Criteria. In addition to the other applicable designation criteria under this  
18 chapter, major industrial developments or major industrial land banks may only  
19 be approved upon a finding that the requirement and criteria of RCW [36.70A.365](#)  
20 or [36.70A.367](#), respectively, are met. In addition, a major industrial land bank  
21 application shall require a minimum of one hundred (100) acres.
- 22 4. Available Designations.
  - 23 a. Comprehensive Plan:
    - 24 (1) Major Industrial Developments (Light Industrial).
    - 25 (2) Major Industrial Land Banks (Light Industrial).
  - 26 b. Zoning:
    - 27 (1) Major Industrial Developments (ML).
    - 28 (2) Major Industrial Land Banks (ML). Subject to Section [40.520.070](#), Master  
29 Plan Development.
- 30 5. Concomitant Rezone Agreement. No designation under this section shall be  
31 approved unless accompanied by a concomitant rezone agreement (or  
32 development agreement) which at a minimum assures compliance with statutory  
33 requirements and criteria, including the limitations on nonindustrial uses in RCW  
34 [36.70A.367\(2\)\(k\)](#) for a major industrial land bank.
- 35 6. Adjacent Non-Urban Areas. A designation under this section shall not permit  
36 urban growth in adjacent non-urban areas.

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

38  
39 K J. Rezones/Zone Changes. Rezone applications considered with a plan map  
40 amendment request shall be reviewed consistent with the plan matrix table and  
41 according to the procedures and timing specifications for plan map amendment  
42 specified in this section and shall comply with Section [40.560.020](#) and Chapter  
43 [40.510](#). Rezone applications proposing a change from urban holding to an urban  
44 zoning district that is consistent with the comprehensive plan map designation shall  
45 be processed through a Type IV process initiated by the county and consistent with  
46 the procedures and criteria identified in the special implementation procedures  
47 section in Chapter 13 of the comprehensive plan. See also Section [40.560.020\(G\)](#).

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

49  
50 L K. Mixed Use Designation Zone Change Requests. The purpose of this section is to  
51 establish the requirements and procedures for the review and approval of rezone

1 application(s) under the comprehensive plan mixed use designation. It is also  
2 intended that this section be utilized to implement pertinent county policies relating to  
3 mixed use development in a manner compatible with the comprehensive plan  
4 policies.

5 1. Action Required.

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

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

- 14 a. The request is consistent with the plan policies and locational criteria and the  
15 purpose statement of the requested zoning district;
- 16 b. Requested zone change is consistent with the plan designation to zoning  
17 matrix table;
- 18 c. The uses to be permitted and the development standard to be applied in the  
19 proposed district will promote the goals of the comprehensive plan and other  
20 applicable policies adopted by the county, particularly the mixed use policies  
21 in Chapters 1, 2, 5, 9 and 10 of the comprehensive plan;
- 22 d. The proposed rezone and development would be integrated in a manner that  
23 provides opportunities to combine residential, commercial or other uses  
24 within individual structures, or within adjacent structures or adjacent  
25 properties;
- 26 e. The proposed zone is the most appropriate, taking into consideration the  
27 purposes of each zone, the zoning pattern of surrounding land and the  
28 policies and intent of the mixed use plan designation;
- 29 f. The requested zone change shall meet the standards for the MX zoning  
30 district; and
- 31 g. Public services are demonstrated to be capable of supporting the uses  
32 allowed by the zone, or will be capable by the time development is complete.

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

34  
35 M L. Additional Required Criteria Specific to Urban Growth Area (UGA) Boundary Map  
36 Changes.

- 37 1. The county shall adopt countywide growth targets and regional sub-allocations,  
38 and map corresponding UGA boundaries and designations as follows:
  - 39 a. Adopt countywide twenty (20) year target population and employment levels  
40 consistent with official State of Washington Office of Financial Management  
41 population growth forecasts ranges; and
  - 42 b. Officially sub-allocate the adopted countywide population and employment  
43 targets to urban growth areas associated with each incorporated municipality  
44 in the county, and to the remaining rural area; and
  - 45 c. Adopt urban growth area boundaries and comprehensive plan land use  
46 designations which are consistent in their sizes and designations with the  
47 official sub-allocation for each UGA and the rural area.
- 48 2. To allow for a comprehensive review and assessment of cumulative impacts, all  
49 UGA boundary review proposals shall be initiated by the county as part of a  
50 periodic review and update of the plan.

- 1 3. Any expansion to the UGA shall be accompanied by a demonstration that  
2 necessary urban services can and will be provided within ten (10) years' time.  
3 Such a demonstration shall include a need analysis estimating what urban  
4 services will be required, both in the expansion area and elsewhere in the  
5 county, and estimates as to when such services will be needed. Written  
6 documentation shall be provided from service providers indicating when, how, at  
7 what cost, and from which funding sources service will be provided.
- 8 4. The extent of a UGA boundary expansion shall be that necessary to provide a  
9 minimum ten (10) and a maximum twenty (20) year supply of vacant and  
10 buildable lands within the UGA. The calculation of supply shall be based on  
11 population growth projections within the UGA, where such projections are  
12 consistent with adopted countywide growth targets and regional sub-allocations.  
13 If necessary, the county may adjust countywide growth targets and regional sub-  
14 allocations; provided, that they are consistent with official OFM forecasts.
- 15 5. In evaluating potential changes to a particular UGA boundary, the county shall  
16 consider countywide implications for other UGAs and their sub-allocations.
- 17 6. The amendment shall address the assumptions, trends, key indicators and  
18 performance measures established in the land use element, Chapter 1, of the  
19 comprehensive plan.
- 20 7. The amendment does not include lands that are designated as natural resource  
21 (agricultural, forest, mineral resource) unless such lands are also designated with  
22 an urban reserve or industrial urban reserve overlay.
- 23 8. The amendment only indicates lands within the urban reserve area.
- 24 9. The following shall not apply to Sections [40.560.010\(L\)](#)(1) through (10):  
25 a. Correction of technical mapping errors involving small area or few properties;  
26 b. An order from a court of competent jurisdiction or as a result of a Growth  
27 Management Hearings Board remand.
- 28 10. The county shall exercise its best efforts to coordinate UGA boundary change  
29 proposals with the affected city(ies), including the preparation of joint staff  
30 recommendations where possible. Unless waived by the affected city(ies), such  
31 city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a  
32 county hearing thereon.

33 (Amended: Ord. 2006-09-13; Ord. 2007-09-13)

34  
35 N M. Comprehensive Plan Policy or Text Changes.

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

1 c. The county shall assess the cumulative impacts of all plan policy or text  
2 changes against the comprehensive plan, plan text, map and relevant  
3 implementing measures.  
4 (Amended: Ord. 2007-09-13)

5  
6 Q N. Arterial Atlas Amendments.

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

22 (Amended: Ord. 2007-09-13)

23  
24 P O. Other Plan Amendment Categories.

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

37 (Amended: Ord. 2007-09-13)

38  
39 Q P. Out-of-Cycle Amendments.

- 40 1. Revisions to the comprehensive plan may be considered more frequently than  
41 once per year under the following circumstances:
- 42 a. Emergency in which a delay in action would result in a significant public harm;
  - 43 b. The initial adoption of a subarea plan that does not modify the comprehensive  
44 plan policies and designations applicable to the subarea;
  - 45 c. The adoption or amendment of a shoreline master program;
  - 46 d. To resolve an appeal of a comprehensive plan filed with a Growth  
47 Management Hearings Board or from a court of competent jurisdiction; and
  - 48 e. Siting of major industrial developments and/or master planned locations  
49 outside UGAs consistent with the requirements of RCW [36.70A.365](#) and  
50 [36.70A.367](#).

- 1 2. Plan amendments reviewed under these conditions shall be considered legislative
- 2 actions, subject to Type IV procedures of Section [40.510.040](#).
- 3 3. All amendments shall be considered subject to the review criteria established in
- 4 this chapter.

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

6  
7 R Q. Siting of State and Regional Public Facilities of a Countywide or Statewide Nature.

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

- 12 1. Government facilities may be established as provided in other land use districts  
13 through the procedures specified in the applicable district without plan  
14 amendment.
- 15 2. Application for siting of public facilities may be approved if criteria as noted  
16 herein, are met:
  - 17 a. The county shall in cooperation with other jurisdictions ensure that siting of  
18 regional facilities is consistent with all elements of the adopted county  
19 comprehensive plan, local city plan and other supporting documents;
  - 20 b. The proposed project complies with all applicable provisions of the  
21 comprehensive plan, including countywide planning policies;
  - 22 c. The proposal for siting of a public facility contains interjurisdictional analysis  
23 and financial analysis to determine financial impact and applicable  
24 intergovernmental agreement;
  - 25 d. Needed infrastructure is provided for;
  - 26 e. Provision is made to mitigate adverse impacts on adjacent land uses;
  - 27 f. The plan for the public facilities development is consistent with the county's  
28 development regulations established for protection of critical areas; and
  - 29 g. Development agreements or regulations are established to ensure that urban  
30 growth will not occur if located adjacent to non-urban areas.

31 (Amended: Ord. 2007-09-13)

32  
33 S R. Cumulative Impact.

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

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

44 (Amended: Ord. 2007-09-13)

45  
46 T S. Fees. Application fees for all comprehensive plan and zone changes shall be  
47 considered as follows:

- 48 1. Filing fees for all plan amendments and zone changes shall be considered  
49 subject to the provisions of Chapter [6.110A](#).

- 1
  - 2
  - 3
  - 4
  - 5
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)

1 CLARK COUNTY COMPREHENSIVE GROWTH MANAGEMENT  
2 PLAN 2004-2024

3  
4 **20-YEAR PLAN DESIGNATIONS AND LOCATION CRITERIA**

5  
6 **Neighborhood Commercial (NC)**

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

13  
14 New neighborhood commercial areas should generally be less than five acres in size,  
15 spaced less than five miles from similar uses or zones, serve a population of up to  
16 10,000, ~~and locate at neighborhood collector or larger crossroads, and serving a primary~~  
17 trade area within a 1.5 mile radius. In addition, all new commercial applications should  
18 address the criteria in ~~Additional Commercial~~ for zone changes, below.

19  
20 **Community Commercial (CC)**

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

30  
31 **General Commercial (GC)**

32 General Commercial areas provide a full range of goods and services necessary  
33 to serve large areas of the county, and traveling public. This designation is ~~applied to~~  
34 ~~strip commercial areas as highway or limited commercial zoning implemented with the~~  
35 General and Limited Commercial base zone. ~~The strip commercial areas are generally~~  
36 ~~characterized as narrow bands of commercial uses adjacent to major and minor arterial~~  
37 ~~roadways. The 20-Year Plan strongly discourages additional strip commercial (highway~~  
38 ~~or limited commercial base zones) being applied to new areas or extending existing strip~~  
39 ~~commercial areas. These areas are generally located at interchanges, along state~~  
40 highways and interstates, and adjacent to major and minor arterial roadways. New  
41 general commercial areas should generally be more than 20 acres in size, spaced more  
42 than four miles from similar uses or zones, serve a population of more than 20,000, and  
43 serving a primary trade area between 3 to 6 miles. In addition, all new commercial  
44 applications should address the criteria for zone changes, below.

45  
46 **Additional Commercial Criteria**

- 47  
48 • ~~Extension of those areas of strip commercial development designated~~  
49 ~~General Commercial is discouraged by the 20-Year Plan. These strips attract~~  
50 ~~traffic to the area and many businesses along the street become points of~~

1 turning movements. This greatly reduces the traffic capacity of the streets and  
2 increases the potential number of traffic accident situations. Commercial strips  
3 are usually backed by residential uses which increases the number of  
4 residential-commercial conflicts unnecessarily. The commercial uses are  
5 oriented toward the street and usually pay little attention to the rear of the  
6 property abutting the residential uses.

- 7
- 8 • The strips along major roads are generally so long that available commercial  
9 property exceeds the demand in the area and residential uses are left along  
10 the street, mixed with commercial activities. The linear nature of these  
11 developments, the number of driveways crossing sidewalks and the lack of  
12 alternative cross traffic or pedestrian circulation make these areas convenient  
13 and accessible only to automobile traffic.
- 14
- 15 • Provide a market analysis which identifies the need for the new commercial  
16 area/center.
- 17
- 18 • Provide a land use analysis of available commercially designated and zoned  
19 land in the market area of the proposed site and a determination of why the  
20 existing commercial land is inadequate.
- 21

## 22 **Rural Commercial**

23

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

34  
35  
36  
37  
38

1 The following county comprehensive plan elements and policies relate to strip  
2 development: land use (Chapter 1), rural and natural resource (Chapter 3), and  
3 community design (Chapter 11).

#### 4 5 **Chapter 1**

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

#### 10 11 **1.4 Policies**

12 1.4.4 Compact nodal commercial development shall be encouraged. ~~Strip-type~~  
13 ~~commercial development shall be discouraged.~~

#### 14 15 **Chapter 3**

#### 16 **RURAL CENTERS**

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

#### 19 20 **3.2 Policies**

21  
22 3.2.4 Rural commercial development should support the needs of rural residents  
23 and natural resources activities rather than urban area uses. ~~Strip-type~~  
24 ~~development should be discouraged.~~

#### 25 26 **Chapter 11**

#### 27 **County 20-Year Planning Policies**

28  
29 **GOAL:** Development in urban areas and rural centers should incorporate a diversity of  
30 uses designed in a manner that provides for a sense of community, supports the human  
31 scale and allows for efficient transportation options.

#### 32 33 **11.2 Policies**

34  
35 ~~11.2.5 Revise the zoning ordinance and develop standards to prevent additional~~  
36 ~~commercial strip development.~~

37 11.2.6 5 In urban and rural centers concentrate special activities and services to  
38 form a community focus. Develop standards for urban and rural centers  
39 that maintain the unique character of the center, e.g., public commons,  
40 storefronts, setbacks, landscaping and pedestrian orientation.

41 11.2.7 6 Develop pedestrian and bicycle corridors between schools, housing,  
42 within neighborhoods and rural centers.

43 11.2.8 7 Promote the development of identifiable residential neighborhoods and  
44 shopping districts through the encouragement of more compact  
45 development patterns, the use of shared design and landscaping  
46 characteristics, and development of landmarks.

47 11.2.9 8 Establish locational and design criteria for commercial and industrial  
48 properties fronting on railroad lines.

1     **EXHIBIT A**

2  
3     **COMMISSIONER VARTANIAN'S COMMENTS ON MARKET ANALYSIS**

4  
5     While the proposed Market Analysis requirements as prepared by staff are a good start,  
6     I would offer that there is more information which should be required. Since the county  
7     doesn't seem to have the wherewithal, or the interest, to employ the services of an  
8     independent economist or an expert on market analysis, even on a consulting basis, and  
9     since county staff has precious little time to adequately research and verify the  
10    information provided by applicants, I would offer the following:

- 11  
12    1.     Frequently applications are submitted to change zoning on a parcel of land from  
13           industrial to commercial. If granted, this could result in a greater number of jobs  
14           but at a lower hourly rate and probably with fewer benefits. However, just  
15           because more jobs at a lower fully loaded rate may result in more absolute  
16           dollars of payroll, it does not necessarily mean that it is better in the long run for  
17           the financial health of the community. Lower fully loaded wages almost always  
18           results in lower discretionary spending, especially on higher cost items,  
19           increased debt, and lower saving. Lower fully loaded wages results in a higher  
20           portion of wages being spent on essentials such as food and shelter. Many of  
21           those at this income level rely on the community for health care which puts a  
22           burden on the community in general which winds up to be a hidden cost  
23           offsetting higher sales taxes collected resulting from the change in zoning.  
24           Applicants should be required to demonstrate the long term benefit to the  
25           community in general resulting from changing zoning from industrial to  
26           commercial.  
27  
28    2.     Many justifications for rezoning industrial lands to commercial cite the  
29           Comprehensive Plan's provision to provide adequate commercial and industrial  
30           lands. However, in converting industrial lands to commercial, aren't we reducing  
31           the supply of industrial lands?  
32  
33    3.     Sources of data submitted should be disclosed in the market analysis. If the data  
34           is not readily verifiable from the source cited, how the data was arrived at should  
35           be shown. While it is understood that proprietary sources may generate the  
36           data, in the interest of full disclosure the calculation in arriving at the data should  
37           be disclosed. Furthermore, where possible, data from independent and  
38           recognized sources should be used.  
39  
40    4.     Information contained in the data submitted must "hang together" with data  
41           elsewhere in the submittal. E.G. median or average household income  
42           multiplied by the number of households should closely approximate spendable  
43           income after adjusting for savings or changes in debt.  
44  
45    5.     When using national or regional data, it must be shown how this is relevant to the  
46           market area in question.  
47  
48    6.     When used as a justification sales tax "leakage" should not include spending on  
49           nontaxable items.

- 1 7. Sales data should reflect spending on internet and catalogue purchases. These  
2 purchases would probably occur even if shopping were more convenient.  
3
- 4 8. Changes in savings and debt should be reflected in sales potential given the  
5 amount of disposable income in the target area.  
6
- 7 9. Applicants should show how a requested zoning change will result in lower  
8 leakage. That is, the fact that general shopping may be closer may not mean a  
9 reduction in leakage if the leakage is due to items not currently locally  
10 available?. Just building a shopping area doesn't mean that demand for specific  
11 items will be satisfied. If people are going to Oregon for furniture, building a  
12 shopping area without a furniture store will not prevent leakage.  
13
- 14 10. Market analysis should show that a new commercial area will not reduce sales  
15 elsewhere in the county. It does no good for the county overall to reduce  
16 leakage to another area within the county since this will only result in excess  
17 commercial capacity and lower employment elsewhere. Specifically, assume  
18 target area already used to justify rezoning to commercial. A new target area  
19 which is within the first target area should not be used to identify commercial  
20 potential because leakage is occurring from the new target area to elsewhere in  
21 the original target area.  
22
- 23 11. Care should be taken to size a new commercial area to accommodate only the  
24 leakage used to justify the new area. Typically, new commercial areas are  
25 oversized or the stores are oversized which would take sales away from nearby  
26 commercial areas.  
27

#### 28 **COMMENTS ON CHANGES IN THE CODE ITSELF**

- 29
- 30 1. Appendix A page 7 of 15 – Add “including internet and catalogue sales” at the end of  
31 the sentence beginning “The analysis shall contain location ...”.  
32
- 33 2. Appendix B page 8 of 15 – Add “not more than five and not less than one-half mile”  
34 after the word “spaced” in the first sentence of the second paragraph.  
35
- 36 3. Appendix B page 9 of 15 – Add “not in financial or sales tax terms but rather travel  
37 distance to similar shopping and overall need” to the bullet point beginning with  
38 “Provide a market analysis which ...”.  
39
- 40 4. Appendix B page 9 of 15 – Add “This analysis may include financial and sales tax  
41 “leakage” but if the proposed area is within an area already justified based on  
42 “leakage”, the analysis for the proposed new area must demonstrate how it  
43 would not have an impact on the earlier justification” to the bullet point beginning  
44 “Provide a land use analysis...”.  
45
- 46 5. Appendix C page 10 of 15 – Policies 1.4.4 and 3.2.4 – Will there be design  
47 requirements to limit or define acceptable development?  
48  
49