



Clark County Ordinance Report

As Reported by Community Planning Department

On: December 16, 2008

Title: An ordinance amending the 20-Year Growth Management Comprehensive Plan and Zone Map through the 2008 annual reviews and dockets.

Brief Description: An ordinance relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map; adoption of a Highway 99 Sub-Area Plan, the Arterial Atlas Map; amending the Clark County Comprehensive Plan Text; amending Clark County Unified Development Code, and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

Brief History:

PC Worksessions: February 21, March 20, April 17, May 1, May 15, June 5, July 17, August 7, September 4, September 18, October 30, and November 6, 2008

PC Hearing: May 15, June 19, August 21, September 18, October 16, and November 20, 2008

BOCC Worksession: October 29, 2008

BOCC Hearing: November 18, November 25, November 26, and December 16, 2008

DEPARTMENT REPORT

Staff: Oliver Orjiako, ext. 4112; Jeff Niten ext. 4909

Legal Counsel: Chris Horne, ext. 4775

Background: Amendments to the comprehensive plan and zoning map are submitted for review and subject to review criteria in accordance with the state Growth Management Act, the countywide planning policies, the community framework plan, the goals and policies of the comprehensive plan, local city comprehensive plans, applicable capital facility plans, and growth indicators. The 2008 Annual Review and Dockets requests were reviewed by the Clark County Planning Commission during four duly advertised public hearings and have forwarded its recommendations to the Board. The cases reviewed are as follows: CPZ2008-00001 (Warta); CPZ2008-00018 (Ridgeway Park); CPZ2008-00019 (Wallace); CPZ2008-00020 (Thomas); CPZ2008-00021 (Felida Village); CPZ2008-00022 (NE 139th Street); CPZ2008-00023 (NE 29th Avenue); and Docket Case CPZ2008-00005 (Schwarz); CPZ2008-00007 (No Net Loss); CPZ2008-00004 (Ridgefield SD CFP); CPZ2008-00002 (Battle Ground SD CFP); CPZ2008-00003 (Evergreen SD CFP); CPZ2008-00009 (Arterial Atlas - La Center Bridge Amendment); CPZ2008-00010 (Arterial Atlas - Northern Clark County Scenic Drive); CPZ2008-00011 (Arterial Atlas - Orchards Circulation Plan); CPZ2008-00012 (Arterial Atlas - Dollars Corner Amendment); CPZ2008-00015 (Arterial Atlas - Salmon Creek/Fairgrounds Sub-area Circulation Plan); CPZ2008-00016 (Transportation Capital Facilities Plan Review); CPZ2008-00027 (UDC - Commercial Code Amendment); CPZ2008-00028 (Urban Growth Boundary Right-of Way Clarification); CPZ2008-00031 (UDC - Agricultural Uses Amendment); CPZ2008-00032 (Highway 99 Sub-Area Plan Adoption). The Board accepted testimony and conducted deliberations at four public hearings on this matter. The adopting ordinance incorporates the findings made by the Board at the public hearings.



Summary of Ordinance: An ordinance relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map; adoption of a Highway 99 Sub-Area Plan, the Arterial Atlas Map; amending the Clark County Comprehensive Plan Text; amending Clark County Unified Development Code, and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

Appropriation: None.

Fiscal Note: None.

Committee/Task Force Created: Yes, Team 99 and Three Creeks Special Planning Advisory Council.

Effective Date: This ordinance shall go into effect at 12:01 a.m. on January 1, 2009 except for the school impact fee changes which shall go into effect thirty (30) days from the date of adoption or when the school impact fees can be entered into the permitting computer system, whichever happens earlier.

APPROVED = DEC. 16, 2008

SR 370-08



ORDINANCE NO. 2008-12-15

AN ORDINANCE relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map and Zoning Map; adopting the Highway 99 Sub-Area Plan (CPZ 2008-00032) as part of the Comprehensive Plan; Arterial Atlas Map; Comprehensive Plan Text; Unified Development Code Title 40; and amending the existing Capital Facilities Element of the Clark County 20-year Comprehensive Growth Management Plan to update School District's Capital Facility Plans and providing for the collection of new school impact fees.

WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan through ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and requirements of Chapter 36.70A RCW (also known as the Growth Management Act "GMA"); and

WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan through ordinance 2007-09-13 on September 25, 2007 to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, the Comprehensive Plan provides for adoption of a sub-area plan for the geographic area located within the Vancouver Urban Growth Boundary commonly known as the Highway 99 Sub-Area with defined boundaries identified in attached Exhibit 9A, which sub-area plan provides for the future build out of the Highway 99 Sub-Area in a manner consistent with the Comprehensive Plan and Community Framework Plan; and

WHEREAS, the Highway 99 Sub-Area Plan is consistent with the policies of the comprehensive plan and contains a capital facilities element outlining public facility needs as required under Chapter 36.70A RCW; and

WHEREAS, the Highway 99 Sub-Area Plan was developed with the input of a citizen-based Team 99 advisory committee and the community at large; and

WHEREAS, adopting the Highway 99 Sub-Area Plan as part of the Comprehensive Plan and to provide for policies and standards for projects in the Highway 99 Sub-Area and provide for future build-out thereof requires amending the Comprehensive Plan Map and adopting associated implementing measures of the Highway 99 Sub-Area Plan amending various provisions of the Clark County Unified Development Code: UDC 40.200.020 and UDC 40.250.050; and

WHEREAS, the county needs to address site-specific requests for comprehensive plan and zoning changes to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, certain property owners, hereinafter referred to as "Applicants", owners or parties in interest of the hereinafter described real Property have requested a 20-Year Comprehensive Growth Management Plan Amendment and Zone Change or correction of mapping errors affecting their property; and

WHEREAS, the Clark County Planning Commission reviewed the applications, docket items, amendments and modifications of the Plan text, arterial atlas amendments, amendments to the Unified Development Code Title 40, and updates of the existing capital facilities plans during duly advertised Public Hearings on May 15, June 19, August 21, September 18, October 16, and November 20, 2008 and has forwarded its recommendations to the Board; and,

WHEREAS, the Board of County Commissioners considered Annual Review Case CPZ2008-00001 (Warta); CPZ2008-00018 (Ridgeway Park); CPZ2008-00019 (Wallace); CPZ2008-00020 (Thomas); CPZ2008-00021 (Felida Village); CPZ2008-00022 (NE 139th Street); CPZ2008-00023 (NE 29th Avenue); and Docket Case CPZ2008-00005 (Schwarz); CPZ2008-00007 (No Net Loss); CPZ2008-00004 (Ridgefield SD CFP); CPZ2008-00002 (Battle Ground SD CFP); CPZ2008-00003 (Evergreen SD CFP); CPZ2008-00009 (Arterial Atlas - La Center Bridge Amendment); CPZ2008-00010 (Arterial Atlas – Northern Clark County Scenic Drive); CPZ2008-00011 (Arterial Atlas - Orchards Circulation Plan); CPZ2008-00012 (Arterial Atlas - Dollars Corner Amendment); CPZ2008-00015 (Arterial Atlas - Salmon Creek/Fairgrounds Sub-area Circulation Plan); CPZ2008-00016 (Transportation Capital Facilities Plan Review); CPZ2008-00027 (UDC - Commercial Code Amendment); CPZ2008-00028 (Urban Growth Boundary Right-of Way Clarification); CPZ2008-00031 (UDC - Agricultural Uses Amendment); CPZ2008-00032 (Highway 99 Sub-Area Plan Adoption); at duly advertised public hearings on November 18, November 25, November 26, and December 16, 2008; and

WHEREAS, the Board of County Commissioners took public testimony from interested parties, considered all the written and oral arguments and testimony, and considered all the comments presented to the Board; and

WHEREAS, the Board of County Commissioners in reviewing all the respective comprehensive plan changes considered cumulative impacts consistent with Clark County Unified Development Code UDC 40.560.010, Plan Amendment Procedural Ordinance and UDC 40.560.010(Q), Cumulative impacts, and

WHEREAS, the Board of County Commissioners also considered the staff reports and recommendations of the Clark County Planning Commission; and

WHEREAS, the Board finds that the amendments to the 20-year Comprehensive Growth Management Plan Map and Zoning Map; Arterial Atlas Map; Comprehensive Plan Text; Unified Development Code Title 40; and the Arterial Atlas Map are in the best public interest; and

WHEREAS, the Board also finds that adopting the Highway 99 Sub-Area Plan is within the requirements of the Growth Management Act, consistent with the Comprehensive Plan and in the best public interest; and

WHEREAS, the Board also finds that adopting the updated School District impact fees is within the requirements of the Growth Management Act and is in the best public interest; and

WHEREAS, the Board concluded at duly advertised public hearings and finds that adoption will further the public health, safety and welfare; now therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Findings.

The findings and analysis contained in the Clark County Planning Commission's Memorandum dated November 18, and December 16, 2008, relating to the 2008 Comprehensive Plan and Dockets Amendments are hereby adopted and incorporated herein by reference except where inconsistent with the following.

Section 2. Comprehensive Land Use Plan and Zoning Map Modifications.

1. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located at 36400 SE 20th Street and 1711 SE 357th Avenue is hereby amended from Resource Lands Agriculture (AG-20) to Rural 5 (R-5) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 1). In the matter of **Annual Review item number CPZ2008-00001 Warta**, the Board concluded that Agriculture 20 zoning is clearly inappropriate for the subject site. Tax serial numbers 143253-002, 143253-004, and 143253-006 located in the SW ¼ Section 34, Township 2N, Range 4E of the Willamette Meridian.
2. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the northeast corner of NE 179th Street and NE 10th Avenue is hereby amended from Light Industrial (ML) and Community Commercial (C-3) to General Commercial (CH) and Mixed Use (MX) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 2). In the matter of **Annual Review item number CPZ2008-00018 Ridgeway Park**, the Board concluded that the requested zones are appropriate for the subject site. Tax serial numbers 181206-000 (the northern 10.0 acres of this 20.0 acre parcel will be zoned Mixed Use (MX), the southern 10.0 acres of this 20.0 acre parcel will be zoned Highway Commercial (CH) the dividing line described as beginning at the north east corner of APN 181200-000 and continuing through the subject parcel to the north west corner of APN 181208-000), 181190-000 Mixed Use (MX), 181199-000 Mixed Use (MX), 181200-000 Highway Commercial (CH), and 181201-000 Highway Commercial (CH) located in the SW ¼ Section 11, Township 3N, Range 1E of the Willamette Meridian.
3. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located 14412 NE Fourth Plain is hereby retained as Urban Low Residential (R1-7.5) as recommended by the Planning Commission and as indicated on the attached map (Exhibit 3). In the matter of **Annual Review item number CPZ2008-00019 Wallace**, the Board denied the requested Comprehensive Plan Map Designation and corresponding Zoning Map change to community commercial (C-3) concluding that the existing residential designation is appropriate for the site given its proximity to adjacent residential areas and the amount of vacant community commercial designation. Tax serial number 107662-684 located in the NE ¼ Section 11, Township 2N, Range 1E of the Willamette Meridian.
4. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located 11718 NE 87th Avenue is hereby retained as Light Industrial (ML) as recommended by the Planning Commission and as indicated on the attached map (Exhibit 4). In the matter of **Annual Review item number CPZ2008-00020 Thomas**, the Board denied the requested Comprehensive Plan Map Designation and corresponding Zoning Map change to Community Commercial (C-3) concluding that the existing Light Industrial designation is inappropriate for the site, but Community Commercial (C-3) is also inappropriate. The Board directed staff to place this request on the 2009 Docket as a request for Neighborhood Commercial (C-2) at no cost to the applicant. Tax serial numbers 199381-000 located in the NE ¼ Section 32, Township 3N, Range 2E of the Willamette Meridian.
5. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the 11912 NW 36th Avenue and 3700 NW 119th Street is hereby amended from Urban Low Density

Residential (R1-7.5) to Mixed Use (MX) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 5) and is subject to a concomitant covenant attached herein (Exhibit 5A). In the matter of **Annual Review item number CPZ2008-00021 Felida Village**, the Board concluded that the site is clearly appropriate for Mixed Use zoning. Tax serial numbers 187806-000, a portion of 187768-010 consisting of the 110' x 30' access to NE 119th Street, and 187768-015 located in the SE ¼ Section 29, Township 3 N, Range 1E of the Willamette Meridian.

6. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at the northeast corner of NE 139th Street and NE 10th Avenue is hereby amended from Urban Medium Density Residential (R-18) and Light Industrial (ML) to General Commercial (CH) and Urban Medium Residential (R-18) respectively as recommended by the Planning Commission and as indicated on the attached map (Exhibit 6) and is subject to a concomitant covenant. The Comprehensive Plan amendment and corresponding zoning will not be effective unless and until such time as the applicant records the agreed upon executed covenant approved by the Prosecuting Attorney. In the matter of **Annual Review item number CPZ2008-00022 NE 139th Street**, the Board concluded that the Comprehensive Plan Amendment and zone change are suitable for this site with the covenant limiting traffic generation. Tax serial numbers 185700-000, 185726-000, 185672-000, 185727-000, 185796-000, and 185759-000 located in the SW ¼ Section 23, Township 3 N, Range 1E of the Willamette Meridian.
7. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located generally at 2711 NE 129th Street is hereby continued to the 2009 Comprehensive Plan Amendment cycle to consider amendment of the subject parcels from Urban Medium Density Residential (R-18) to General Commercial (CH) respectively as indicated on the attached map (Exhibit 7). In the matter of **Annual Review item number CPZ2008-00023 NE 29th Avenue**, the Board at the applicant's request continued CPZ2008-00023, date not certain to the 2009 Amendment cycle. The subject property retains its Urban Medium Density Residential (R-18) designation. Tax serial numbers 186385-000 and 186571-000 located in the SE ¼ Section 26, Township 3N, Range 1E of the Willamette Meridian.

Section 3. Docket Items/Clark County Initiated.

1. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property located at 2910 NW 179th Street, 2614 NW 179th Street and 2528 NW 179th Street is hereby amended from Resource Lands Agriculture (AG-20) to Rural Residential (R-5) as recommend by the Planning Commission and as indicated on the attached map (Exhibit 8). In the matter of **Docket item number CPZ2006-00005 Schwarz**, the Board concluded that the rural residential designation was more appropriate and that retaining the resource lands agriculture designation in 1998 constituted a mapping error. Tax serial number 180747-000, 180748-000, and 180834-000 located in the SW ¼ Section 9, and SE ¼ Section 8 Township 3N, Range 1 East of the Willamette Meridian.
2. The Clark County 20-Year Comprehensive Growth Management Plan Map Designation for that certain properties located generally within the Highway 99 Sub-Area Plan is hereby amended from Urban Low Density Residential and Parks/OS to Parks/OS and Public

Facility respectively as indicated on the attached map (Exhibit 9) and apply to tax serial numbers:

145510-000, 145525-003, 144952-048, 189653-102, 189653-100, 189572-000, 189472-000, 189578-000, 189660-000, 189481-000, 189482-000, 186564-000, 186949-000, 186277-000, 145363-052, 097839-250, 144961-242, 144952-028, 144942-046, 092500-158, 092500-160, 144935-000, 097765-084, 097765-082, 096626-834, 096626-836, 097811-026, 189577-000, 189545-000, 189999-062, 189999-060 and 148084-000. In the matter of **Docket item number CPZ2008-00032 Highway 99 Sub-Area Plan**, the Board concluded that the Highway 99 Sub-Area Plan (Exhibit 9B) prepared under the provisions of the Growth Management Act, Chapter 36.70A RCW is consistent with the Comprehensive Plan and provides for the planned build out of the plan over a twenty year planning period; that the Sub-Area Plan and the FSEIS have addressed the environmental impacts associated with land uses pursuant to Chapter 43.21C RCW; encourages more intensive development that is compatible and integrated with surrounding uses; provides for the formation and enhancements of neighborhoods; and conserves or enhances natural and historic features; and is hereby adopted. The Highway 99 Sub-Area Plan boundary is described as NE 134th Street to the north, the Bonneville Power Administration right-of-way line to the east, the City of Vancouver municipal boundary to the south, and Interstate-5 to the west as indicated on the attached map (Exhibit 9A)

Section 4. Arterial Atlas Amendments/Clark County Initiated Map Corrections.

1. In the matter of **Docket item number CPZ2008-00009 La Center Bridge**, the proposal for an arterial atlas amendment to include a La Center Bridge generally located in the vicinity of Paradise Point Park, north of NW 24th Avenue, and south of NW Larson Drive is hereby amended as indicated on (Exhibit 10).
2. In the matter of **Docket item number CPZ2008-00010 Northern Clark County Scenic Drive**, the proposal for an arterial atlas amendment adding a new Northern Clark County Scenic Drive (S) is hereby amended as indicated on (Exhibit 11).
3. In the matter of **Docket item number CPZ2008-00011 Orchards Circulation Plan**, the proposal for an arterial atlas amendment for that portion of the Vancouver Urban Growth Area to re-classify NE 42nd Avenue/Falk Road (between SR-500 to NE 44th Street) and NE 49th Street (Between St. Johns Road to NE 40th Avenue) as a 2-lane Collector (C-2) existing streets within the South Orchards TIF District and remove the future extension of NE 106th Avenue (between Fourth Plain Boulevard to NE 63rd Street) is hereby amended as indicated on (Exhibit 12).
4. In the matter of **Docket item number CPZ2008-00012 Dollars Corner**, the proposal for an arterial atlas amendment for that portion of the Dollars Corner Rural Center to re-classify an existing segment of NE 67th Avenue abutting tax lots 193075-000, 193102-000, 228100-000, and 228116-000 as a Rural Minor Collector (RM-2) is hereby amended as indicated on (Exhibit 13).
5. In the matter of **Docket item number CPZ2008-00015 Salmon Creek/Fairgrounds Sub-Area Circulation Plan**, the proposal for an arterial atlas amendment to repeal the Salmon Creek/Fairgrounds Sub-Area Circulation Plan as illustrated on the page 87 of the Arterial Atlas and affirm road classifications as illustrated on page 26 of the Arterial Atlas. The Arterial Atlas is hereby amended by deleting page 87 (Exhibit 14).

Section 5. Clark County Capital Facilities Components.

1. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Ridgefield School District Docket Item number CPZ2008-00004** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved as shown on these district's capital facilities plans and which sets forth impact fees of \$4,490.00 per single family residence and \$2,314.00 per multi-family unit (Exhibit 15).
2. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Battle Ground School District Docket Item number CPZ2008-00002** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved with modification due to general economic trends, as shown on these district's capital facilities plans and which sets forth impact fees. The Board of Commissioners approved impact fees of \$8,290.00 per single family residence and \$2,718.00 per multi-family unit for 2009 and \$9,880.00 per single family residence and \$3,500.00 per multi-family residence in 2010 for Battle Ground School District (Exhibit 16).
3. Those changes and additions relating to the updated School District Capital Facilities Plans of the **Evergreen School District Docket Item number CPZ2008-00003** and including the revised impact fees proposed in the modified capital facilities plan for the same School Districts, which plan was adopted by Ordinance 2004-09-02, is hereby approved, with modification due to general economic trends as shown on these district's capital facilities plans and which sets forth impact fees. The Board of Commissioners approved impact fees of \$6,818.00 per single family residence and \$3,614.00 per multi-family unit for 2009 and \$7,199.00 per single family residence and \$3969.00 per multi-family unit in 2010 for Evergreen School District (Exhibit 17).
4. In the matter of **Docket Item number CPZ2008-00016** Transportation Capital Facilities Plan in accordance with UDC 40.560.010(O)(1), a review was completed to determine if the plan remains consistent with applicable policies and implementation measures of the comprehensive plan and in conformance with the purposes and intent of the applicable interjurisdictional agreements. The Board concluded that the current Transportation Capital Facilities Plan adopted by ordinance 2007-09-13 satisfies UDC 40.560.010(O)(1).

Section 6. Amendatory. Comprehensive Plan Text.

The following text changes, additions, and deletions to the Comprehensive Plan document are hereby adopted to read as follows:

1. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-21, Policy 1.1.12 bullet 3 is hereby amended as shown in Exhibit 18.
2. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-17, adding new Highway 99 Overlay District text is hereby amended as shown in Exhibit 19.
3. Comprehensive Plan document, Chapter 1 Land Use Element, Page 1-31, adding bullet (f) to policy 1.1.17 is hereby amended as shown in Exhibit 20.

4. Comprehensive Plan document, Chapter 1 Land Use Element, Pages 1-12, 1-13, 1-16, and 1-27; Chapter 3 Rural and Natural Resource Element, Page 3-17; and Chapter 11 Community Design Element, Pages 11-4 is hereby amended as shown in Exhibit 21.

Section 7. Amendatory. Clark County Unified Development Code.

The following text changes, additions, and deletions to the Clark County Unified Development Code Title 40 are hereby adopted to read as follows:

1. UDC Section 40.100.070 Definitions is amended as shown in Exhibit 22.
2. UDC Section 40.200.020 Zoning Classifications is amended as shown in Exhibit 23.
3. UDC Section 40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts Table 40.210.010-1 Uses is amended as shown in Exhibit 24.
4. UDC Section 40.230.010 Commercial Districts is amended as shown in Exhibit 25.
5. UDC Section 40.250.050 Highway 99 Overlay District is amended as shown in Exhibit 26.
6. UDC Section 40.560.010 Plan Amendment Procedures is amended as shown in Exhibit 27.

Section 8. Severability.

If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 9. Effective Date.

This ordinance shall go into effect at 12:01 a.m. on January 1, 2009 except for the school impact fee changes which shall go into effect thirty (30) days from the date of adoption or when the school impact fees can be entered into the permitting computer system, whichever happens earlier.

Section 10. Instructions to Clerk.

The Clerk to the Board shall:

1. Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted ordinance to Clark County Geographic Information Systems (Ken Pearrow GIS Coordinator), to Community Planning Department, and to Community Development Department - Development Services (Mary Johnson, Tidemark Data Manager).
3. Transmit a copy of the adopted ordinance to the School District Consortium's representative Marnie Allen at ESD 112, 2500 NE 65th Avenue, Vancouver, WA 98661.
4. Record a copy of this ordinance with the Clark County Auditor.
5. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 16 day of December 2008.

Attest:

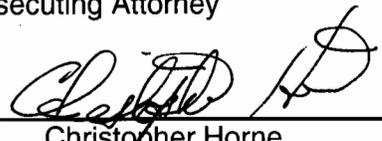
BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON


Clerk to the Board

By: 
Betty Sue Morris, Chair

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

By: _____
Marc Boldt, Commissioner

By: 
Christopher Horne
Civil Deputy
Prosecuting Attorney

By: _____
Steve Stuart, Commissioner

Exhibit 21

Comprehensive Plan document, Chapter 1 Land Use Element, Pages 1-12, 1-13, 1-16, and 1-27; Chapter 3 Rural and Natural Resource Element, Page 3-17; and Chapter 11 Community Design Element, Pages 11-4 is hereby amended as shown below.

Chapter 1

Neighborhood Commercial (NC)

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

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

Community Commercial (CC)

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

General Commercial (GC)

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

Exhibit 21

Additional Commercial Criteria

- ~~Extension of those areas of strip commercial development designated General Commercial is discouraged by the 20-Year Plan. These strips attract traffic to the area and many businesses along the street become points of turning movements. This greatly reduces the traffic capacity of the streets and increases the potential number of traffic accident situations. Commercial strips are usually backed by residential uses which increases the number of residential-commercial conflicts unnecessarily. The commercial uses are oriented toward the street and usually pay little attention to the rear of the property abutting the residential uses.~~
- ~~The strips along major roads are generally so long that available commercial property exceeds the demand in the area and residential uses are left along the street, mixed with commercial activities. The linear nature of these developments, the number of driveways crossing sidewalks and the lack of alternative cross traffic or pedestrian circulation make these areas convenient and accessible only to automobile traffic.~~
- ~~Provide a market analysis which identifies the need for the new commercial area/center.~~
- ~~Provide a land use analysis of available commercially designated and zoned land in the market area of the proposed site and a determination of why the existing commercial land is inadequate.~~

Rural Commercial

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

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

Exhibit 21

Chapter 3

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

Chapter 11

- ~~11.2.5~~ ~~Revise the zoning ordinance and develop standards to prevent additional commercial strip development.~~
- 11.2.6 5 In urban and rural centers concentrate special activities and services to form a community focus. Develop standards for urban and rural centers that maintain the unique character of the center, e.g., public commons, storefronts, setbacks, landscaping and pedestrian orientation.
- 11.2.7 6 Develop pedestrian and bicycle corridors between schools, housing, within neighborhoods and rural centers.
- 11.2.8 7 Promote the development of identifiable residential neighborhoods and shopping districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and development of landmarks.
- 11.2.9 8 Establish locational and design criteria for commercial and industrial properties fronting on railroad lines.

Exhibit 22

Clark County Unified Development Code 40.100.070 Definition is amended as shown below:

Market analysis:

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

Market:

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

Exhibit 25

Clark County Unified Development Code 40.230.010 Commercial Districts are amended as shown below:

A. Purpose.

1. Rural Commercial (CR-1, CR-2) Districts. These rural commercial districts are intended to provide for the location of small businesses and services that are sized to serve the rural community. These commercial areas are located in areas designated as rural commercial on the comprehensive plan map either within rural centers (CR-2) or in other areas of existing commercial activity in the rural area outside rural centers (CR-1). They should be designed to complement and support the rural environment without creating land use conflicts.
2. Neighborhood Commercial (C-2) District. These commercial areas of limited size are intended to provide for the convenience shopping needs for a limited trade area of the immediate neighborhood. ~~The types of goods sold in these districts are purchased weekly and are not the type of which people would generally engage in comparison shopping for. Uses allowed include convenience food markets, beauty and barber shops, bakeries and limited services.~~ This district is permitted under the neighborhood commercial and mixed use comprehensive plan designations.
3. Community Commercial (C-3) District. These commercial areas are intended to provide for the regular shopping and service needs for several adjacent neighborhoods. ~~Community commercial areas shall not create or contribute to a commercial strip development pattern. They should occur as small centers, ideally at the junction of two (2) major public streets (collectors or arterials). These areas are held to a high standard of site plan review due to the close proximity of the residential neighborhoods they serve and should comply to the highest degree possible with the design guidelines contained in this chapter.~~ This district is only permitted in areas designated as community commercial or mixed use on the comprehensive plan.
4. Limited Commercial (CL) District. These commercial areas are intended to recognize areas of existing retail and service commercial businesses that have occurred in strips along major arterials. These commercial areas provide a full range of goods and services necessary to serve large areas of the county. ~~New limited commercial areas shall not contribute to additional strip development. This district is permitted in areas designated on the comprehensive plan map as community-commercial, general commercial and mixed use.~~

Exhibit 25

5. ~~Highway Commercial (CH) General Commercial (GC) District. These commercial areas provide a full range of goods and services necessary to serve large areas of the county, and the traveling public, are intended to serve large areas of the county, the traveling public and also to recognize areas of existing strip development. These areas are generally located at the interchanges and along state highways and interstates. New commercial areas shall not contribute to additional strip development patterns. Uses allowed in this district may involve drive-in, large space users, outdoor sales, wholesale activities, repair services and other heavy commercial users. This district is limited to the general commercial comprehensive plan designation.~~

Exhibit 27

Clark County Unified Development Code 40.560.010 Plan Amendment Procedures sections H through T is amended as shown below:

H. Additional Criteria for Commercial Map Changes.

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

1. A market analysis using the weighted block group centroid retrieval method shall be submitted which verifies the need for the new commercial area or center; and
2. A land use analysis of available commercially designated and zoned land in the market area of the proposed site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent vacant lands model must be used for the land use analysis.

I. H. Additional Criteria for Rural Map Changes.

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

(Amended: Ord. 2007-09-13)

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

1. Process. Prior to formally proposing a designation under this section, the county shall:
 - a. Undertake an inventory of available urban industrial land;
 - b. Consult with affected city(ies) regarding a proposed designation;
 - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites; and
 - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies).
2. Rezone Application. No comprehensive plan redesignation criteria under this section shall be processed unless accompanied by a rezone application from the affected property owner(s).

Exhibit 27

- 3 Approval Criteria. In addition to the other applicable designation criteria under this chapter, major industrial developments or major industrial land banks may only be approved upon a finding that the requirement and criteria of RCW [36.70A.365](#) or [36.70A.367](#), respectively, are met. In addition, a major industrial land bank application shall require a minimum of one hundred (100) acres.
4. Available Designations.
 - a. Comprehensive Plan:
 - (1) Major Industrial Developments (Light Industrial).
 - (2) Major Industrial Land Banks (Light Industrial).
 - b. Zoning:
 - (1) Major Industrial Developments (ML).
 - (2) Major Industrial Land Banks (ML). Subject to Section [40.520.070](#), Master Plan Development.
5. Concomitant Rezone Agreement. No designation under this section shall be approved unless accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures compliance with statutory requirements and criteria, including the limitations on nonindustrial uses in RCW [36.70A.367\(2\)\(k\)](#) for a major industrial land bank.
6. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent non-urban areas.

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

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

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

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

1. Action Required.
 - a. Applications for zone changes shall be reviewed through a Type III procedure in the same manner and with the same public notice procedure as is required for any other change of zoning.
 - b. If a contiguous land area is proposed to be added to an existing mixed use designation, the application shall be subject to the plan change procedural ordinance and applicable criteria.
2. Criteria. Before an area designated mixed use (MX) on the comprehensive plan is rezoned, the applicant shall demonstrate that:
 - a. The request is consistent with the plan policies and locational criteria and the purpose statement of the requested zoning district;

Exhibit 27

- b. Requested zone change is consistent with the plan designation to zoning matrix table;
 - c. The uses to be permitted and the development standard to be applied in the proposed district will promote the goals of the comprehensive plan and other applicable policies adopted by the county, particularly the mixed use policies in Chapters 1, 2, 5, 9 and 10 of the comprehensive plan;
 - d. The proposed rezone and development would be integrated in a manner that provides opportunities to combine residential, commercial or other uses within individual structures, or within adjacent structures or adjacent properties;
 - e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;
 - f. The requested zone change shall meet the standards for the MX zoning district; and
 - g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be capable by the time development is complete.
- (Amended: Ord. 2004-09-02; Ord. 2007-09-13)

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

1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding UGA boundaries and designations as follows:
 - a. Adopt countywide twenty (20) year target population and employment levels consistent with official State of Washington Office of Financial Management population growth forecasts ranges; and
 - b. Officially sub-allocate the adopted countywide population and employment targets to urban growth areas associated with each incorporated municipality in the county, and to the remaining rural area; and
 - c. Adopt urban growth area boundaries and comprehensive plan land use designations which are consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.
2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be initiated by the county as part of a periodic review and update of the plan.
3. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when such services will be needed. Written documentation shall be provided from service providers indicating when, how, at what cost, and from which funding sources service will be provided.
4. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a maximum twenty (20) year supply of vacant and buildable lands within the UGA. The calculation of supply shall be based on population growth projections within the UGA, where such projections are consistent with adopted countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth targets and regional sub-allocations; provided, that they are consistent with official OFM forecasts.
5. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGAs and their sub-allocations.

Exhibit 27

6. The amendment shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.
7. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.
8. The amendment only indicates lands within the urban reserve area.
9. The following shall not apply to Sections [40.560.010\(L\)](#)(1) through (10):
 - a. Correction of technical mapping errors involving small area or few properties;
 - b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings Board remand.
10. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing thereon.

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

N M. Comprehensive Plan Policy or Text Changes.

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

(Amended: Ord. 2007-09-13)

O N. Arterial Atlas Amendments.

1. Action Required. Arterial Atlas amendments shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur consistent with RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provisions of this chapter.
2. Required Criteria. Arterial Atlas amendments may be approved only when all of the following are met:
 - a. There is a need for the proposed change;
 - b. The proposed change is compliant with the Growth Management Act;

Exhibit 27

- c. The proposed change is consistent with the adopted comprehensive plan, including the land use plan and the rest of the Arterial Atlas;
- d. The proposed change is consistent with applicable interlocal agreements; and
- e. The proposed change does not conflict with the adopted Metropolitan Transportation Plan.

(Amended: Ord. 2007-09-13)

P Q. Other Plan Amendment Categories.

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

(Amended: Ord. 2007-09-13)

Q P. Out-of-Cycle Amendments.

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

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

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

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

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

Exhibit 27

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

(Amended: Ord. 2007-09-13)

S R. Cumulative Impact.

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

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

(Amended: Ord. 2007-09-13)

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