

1 **40.560.010 Plan Amendment Procedures**

2 A. Purpose.

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

11 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

12 B. Overall Method of Review.

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

19 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

20 C. Applicability.

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

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

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

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

5 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2016-09-04; Ord. 2017-07-04; Ord.  
6 2018-01-01)

7 D. Plan Map Changes – Procedure.

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

10 2. Site-specific plan map amendments (annual reviews) requested by private parties shall be considered  
11 legislative actions, subject to Type IV procedures of Section 40.510.040.

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

15 a. Between October 1st and November 30th, applicants shall submit a pre-application form containing  
16 all of the following information:

17 (1) The pre-application fee, as specified in county fee ordinance;

18 (2) Application form signed by the owner(s) of record;

19 (3) Description of request;

20 (4) GIS packet;

21 (5) Related or previous permit activity; and

22 (6) A statement on how the plan/zone change request is consistent with all of the applicable policies  
23 and criteria in the comprehensive plan and this chapter.

24 b. Between October 15th and December 31st, county staff and applicants shall complete pre-application  
25 meetings.

26 c. Between January 1st and January 31st, applicants shall submit an application form containing all of  
27 the following, including the information required by Section 40.510.030(C)(3):

28 (1) The applicable comprehensive plan and rezone application fees;

29 (2) SEPA checklist and applicable fee;

30 (3) Copy of deed, real estate contract or earnest money agreement;

31 (4) A full analysis of how the plan/zone change request is consistent with the applicable policies and  
32 criteria in the comprehensive plan and this chapter;

33 (5) A market analysis and a transportation analysis; and

34 (6) Any additional information the applicant believes is necessary to justify the amendment.

35 d. Between February 1st and April 1st, initial county staff review shall include the following:

- 1           (1) Distribution of applications requesting an amendment to an urban growth area boundary or  
2           seeking to amend a designation within an urban boundary to the affected city;
- 3           (2) Completion of county SEPA official determination;
- 4           (3) Circulation and publication of SEPA determinations to applicant, affected jurisdiction(s),  
5           neighborhood associations and agencies; and
- 6           (4) Preparation of a single staff report and recommendation based on an assessment of cumulative  
7           impacts of plan change requests, and any other plan changes initiated by the county.
- 8           e. The above process and timeline is intended as a guideline. Actual processing time may depend upon  
9           the number of applications and activity level at the time of formal applications.
- 10          f. If the applicant has not supplied the required information by March 15th, the responsible official shall  
11          inform the applicant in writing that no further consideration will be given to the request for this annual  
12          review cycle.
- 13          g. Following completion of Sections 40.560.010(D)(3)(a) through (D)(3)(e), county staff shall schedule  
14          public hearings before the planning commission. Following the completion of the planning commission  
15          public hearings, county staff shall schedule public hearings before the board and forward to the board the  
16          planning commission recommendations.
- 17          h. After the public hearing by the board, the board will adopt a single resolution disposing of all cases.
- 18          i. Burden of Proof. The burden of proving consistency with the criteria for plan amendments shall be  
19          upon the proponent.
- 20          4. Annual review applications will not be accepted for properties within an urban growth boundary which are  
21          in the process of being annexed.
- 22          (Amended: Ord. 2007-09-13; Ord. 2007-11-13; Ord. 2017-07-04; Ord. 2018-01-01)
- 23          E. Governmental Coordination.
- 24                  1. The county will coordinate with each city and town, the annual review processes. Annual reviews shall be  
25                  established to occur within each jurisdiction at least once a year.
- 26                  2. These coordinated annual reviews shall be subject to the criteria of this chapter and that of the applicable  
27                  jurisdiction and include the following:
- 28                          a. Each urban area annual review, including applications initiated by a city, shall assess the cumulative  
29                          impacts of all potential or requested changes to the comprehensive plan map and policies throughout the  
30                          specific urban areas as well as, to the countywide plan;
- 31                          b. Proposals that would result in urban development outside of an adopted urban boundary shall not be  
32                          permitted unless the boundary is amended; and
- 33                          c. Cities, special districts and the county shall cooperate to preserve and protect natural resources,  
34                          agricultural lands, open space and recreational lands within and near the urban areas.
- 35                  3. Individual annual review applications may be submitted once a year to the applicable jurisdiction based on  
36                  a schedule adopted by that jurisdiction. To the extent possible, the same schedule should be adopted by the  
37                  county and each city/town for each urban area to facilitate mutual review and assessment of the applicable  
38                  criteria. The following procedure is recommended for consideration of plan amendments or updates:
- 39                          a. After November 30th, distribute copies of pre-application forms submitted by applicant to affected  
40                          city and agencies;

- 1           b.    Between October 15th and December 31st, complete pre-application meetings with county staff,  
2           applicants and affected city and agencies in attendance;
- 3           c.    Between January 1st and February 28th, distribute fully complete applications with any additional  
4           information to affected jurisdictions to facilitate their review process;
- 5           d.    In coordinating with the county, the cities shall submit written recommendation or additional  
6           information to the county;
- 7           e.    The county shall circulate initial review including SEPA determination and other pertinent  
8           information to the affected city and agencies; and
- 9           f.    The county will schedule public hearings before planning commission followed by public hearings  
10          before the board.

11          (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

12    F.    Comprehensive Plan Map Changes – General.

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

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

26          (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

27    G.    Criteria for All Map Changes.

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

- 29          1.    The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management  
30          Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan,  
31          city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and
- 32          2.    The proponent shall demonstrate that the designation is in conformance with the appropriate locational  
33          criteria identified in the plan; and
- 34          3.    The map amendment or site is suitable for the proposed designation and there is a lack of appropriately  
35          designated alternative sites within the vicinity; and
- 36          4.    The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area  
37          within which the subject property lies; (b) better implements applicable comprehensive plan policies than the  
38          current map designation; or (c) corrects an obvious mapping error; and

1        5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services  
 2        can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services  
 3        may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services  
 4        applies only to the specific change site.

5        (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01)

6        H. Additional Criteria for Commercial Map Changes.

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

9        1. A market analysis using the weighted block group centroid retrieval method shall be submitted which  
 10        verifies the need for the new commercial area or center; and

11        2. A land use analysis of available commercially designated and zoned land in the market area of the proposed  
 12        site shall be submitted which demonstrates that the existing commercial land is inadequate. The most recent  
 13        vacant lands model must be used for the land use analysis.

14        (Amended: Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01)

15        I. Additional Criteria for Rural Map Changes.

16        1. Amendments to the plan map for (a) changing a natural resource land designation to either a smaller lot size  
 17        natural resource land designation or to a rural designation, or (b) creating or expanding a rural center, shall  
 18        demonstrate that the following criteria have been met:

19        a. The requested change shall not impact the character of the area to the extent that further plan map  
 20        amendments will be warranted in future annual reviews; and

21        b. The site does not meet the criteria for the existing resource plan designation; and

22        c. The amendment shall meet the locational criteria for the requested designation.

23        2. a. The expansion of, or change of land use within, a rural center shall be considered and evaluated by the  
 24        county through the annual review process under this chapter.

25        b. The creation of a rural center shall be considered and evaluated by the county through the docket  
 26        process under this chapter.

27        c. Before the county considers establishing a new rural center, the proponent(s) shall submit to the  
 28        county a petition signed by at least sixty percent (60%) of the property owners of the land within the  
 29        boundaries of the proposed new rural center.

30        3. Changes to the urban reserve overlay will only be considered during a comprehensive plan periodic review  
 31        and not on an annual basis.

32        (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01)

33        J. Additional Criteria for Rural Major Industrial Map Changes.

34        This section governs designations outside of UGAs for major industrial developments under RCW 36.70A.365  
 35        and major industrial land banks under RCW 36.70A.367.

36        1. Application. Rural industrial development sites pursuant to RCW 36.70A.365 or 36.70A.367 require a  
 37        comprehensive plan and zone change, and shall be processed as a Type IV process pursuant to Section  
 38        40.510.040 and this chapter.

1        2. Rural industrial designations shall require a minimum of one hundred (100) acres and a maximum of seven  
2 hundred (700) acres in size, and shall be designated as follows:

3            a. Comprehensive Plan.

4                (1) Major industrial developments (light industrial).

5                (2) Major industrial land banks (light industrial).

6            b. Zoning.

7                (1) Major industrial developments (IL).

8                (2) Major industrial land banks (IL).

9        3. Process. Prior to formally proposing a designation under this section, the county shall:

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

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

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

14            d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and

15            e. Complete a master plan for the development site as required pursuant to Section 40.520.075.

16        4. Approval Criteria.

17            a. In addition to the other applicable designation criteria under this chapter, major industrial  
18 developments or major industrial land banks may only be approved upon a finding that the requirement and  
19 criteria of RCW 36.70A.365 or 36.70A.367, respectively, are met.

20            b. Concomitant Rezone Agreement. No designation under this section shall be approved unless  
21 accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures  
22 compliance with statutory requirements and criteria, including the limitations on nonindustrial uses in RCW  
23 36.70A.367(2)(k) for a major industrial land bank.

24        5. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent  
25 non-urban areas.

26        (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2012-12-14; Ord.  
27 2014-12-16; Ord. 2017-07-04; Ord. 2018-01-01)

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

35        (Amended: Ord. 2007-09-13; Ord. 2008-06-02; Ord. 2008-12-15; Ord. 2018-01-01)

36        L. Mixed Use Designation Zone Change Requests.

37        The purpose of this section is to establish the requirements and procedures for the review and approval of rezone  
38 application(s) under the comprehensive plan mixed use designation. It is also intended that this section be utilized to

1 implement pertinent county policies relating to mixed use development in a manner compatible with the  
2 comprehensive plan policies.

3 1. Action Required.

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

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

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

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

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

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

16 d. The proposed rezone and development would be integrated in a manner that provides opportunities to  
17 combine residential, commercial or other uses within individual structures, or within adjacent structures or  
18 adjacent properties;

19 e. The proposed zone is the most appropriate, taking into consideration the purposes of each zone, the  
20 zoning pattern of surrounding land and the policies and intent of the mixed use plan designation;

21 f. The requested zone change shall meet the standards for the MX zoning district; and

22 g. Public services are demonstrated to be capable of supporting the uses allowed by the zone, or will be  
23 capable by the time development is complete.

24 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

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

26 1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding  
27 UGA boundaries and designations as follows:

28 a. Adopt countywide twenty (20) year target population and employment levels consistent with official  
29 State of Washington Office of Financial Management population growth forecasts ranges; and

30 b. Officially sub-allocate the adopted countywide population and employment targets to urban growth  
31 areas associated with each incorporated municipality in the county, and to the remaining rural area; and

32 c. Adopt urban growth area boundaries and comprehensive plan land use designations which are  
33 consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.

34 2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review  
35 proposals shall be initiated by the county as part of a periodic review and update of the plan.

36 3. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and  
37 will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what  
38 urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when

- 1 such services will be needed. Written documentation shall be provided from service providers indicating when,  
2 how, at what cost, and from which funding sources service will be provided.
- 3 4. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a  
4 maximum twenty (20) year supply of vacant and buildable lands within the UGA. The calculation of supply shall  
5 be based on population growth projections within the UGA, where such projections are consistent with adopted  
6 countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth  
7 targets and regional sub-allocations; provided, that they are consistent with official OFM forecasts.
- 8 5. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide  
9 implications for other UGAs and their sub-allocations.
- 10 6. The amendment shall address the assumptions, trends, key indicators and performance measures  
11 established in the land use element, Chapter 1, of the comprehensive plan.
- 12 7. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral  
13 resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.
- 14 8. The amendment only indicates lands within the urban reserve area.
- 15 9. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected  
16 city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected  
17 city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing  
18 thereon.
- 19 10. Except as provided for in RCW 36.70A.110(8), the expansion of an urban growth area (UGA) is  
20 prohibited into the one hundred (100) year floodplain of a river segment when the river has a mean annual flow of  
21 one thousand (1,000) or more cubic feet per second.
- 22 11. The following shall not apply to Sections 40.560.010(M)(1) through (10):
- 23 a. Correction of technical mapping errors involving a small area or few properties;
- 24 b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings  
25 Board remand.
- 26 (Amended: Ord. 2006-09-13; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2016-06-12; Ord.  
27 2018-01-01)
- 28 N. Comprehensive Plan Policy or Text Changes.
- 29 1. Action Required. Plan policy or text changes shall be accomplished through the changes initiated and  
30 approved by the county. These changes may occur as part of the periodic review update to occur consistent with  
31 RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency  
32 amendments which may be brought forward at any time, subject to applicable provisions of this chapter.
- 33 2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
- 34 a. The amendment shall meet all the requirements of and be consistent with the Growth Management Act  
35 and other requirements, the countywide planning policies, the community framework plan, the  
36 comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population  
37 growth forecasts.
- 38 b. The amendment, when applicable, shall address the assumptions, trends, key indicators and  
39 performance measures established in the land use element, Chapter 1, of the comprehensive plan.
- 40 c. The county shall assess the cumulative impacts of all plan policy or text changes against the  
41 comprehensive plan, plan text, map and relevant implementing measures.



1 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

2 O. Arterial Atlas Amendments.

3 1. Action Required. Arterial Atlas amendments shall be accomplished through the changes initiated and  
4 approved by the county. These changes may occur as part of the periodic review update to occur consistent with  
5 RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency  
6 amendments which may be brought forward at any time, subject to applicable provisions of this chapter.

7 2. Required Criteria. Arterial Atlas amendments may be approved only when all of the following are met:

8 a. There is a need for the proposed change;

9 b. The proposed change is compliant with the Growth Management Act;

10 c. The proposed change is consistent with the adopted comprehensive plan, including the land use plan  
11 and the rest of the Arterial Atlas;

12 d. The proposed change is consistent with applicable interlocal agreements; and

13 e. The proposed change does not conflict with the adopted Metropolitan Transportation Plan.

14 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)

15 P. Other Plan Amendment Categories.

16 1. Capital facilities plan and updates shall be reviewed at a minimum every four (4) years in Type IV public  
17 hearings for those facilities subject to county jurisdiction.

18 2. School capital facility plans and updates shall be reviewed at least every four (4) years.

19 3. The Clark County parks, recreation and open space plan shall be reviewed at least every four (4) years by  
20 the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the  
21 comprehensive plan shall be reviewed in public hearings by the planning commission and the board.

22 4. In updating capital facilities plans, policies and procedures, the county must determine that these updates  
23 are consistent with applicable policies and implementation measures of the comprehensive plan, and in  
24 conformance with the purposes and intent of the applicable interjurisdictional agreements.

25 5. Changes to the shoreline master program (SMP) shall be limited to once a year, following the plan map  
26 procedures schedule in Section 40.560.010(D). Any amendments thereto shall be viewed as a limited amendment  
27 consistent with WAC 173-26-201(1)(c), and shall be processed as a Type IV application pursuant to Section  
28 40.510.040.

29 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2010-12-12; Ord. 2016-06-12; Ord.  
30 2016-09-04; Ord. 2018-01-01)

31 Q. Out-of-Cycle Amendments.

32 1. Revisions to the comprehensive plan may be considered more frequently than once per year under the  
33 following circumstances:

34 a. Emergency in which a delay in action would result in a significant public harm;

35 b. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and  
36 designations applicable to the subarea;

37 c. The adoption or amendment of a shoreline master program;

- 1           d. To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or  
2           from a court of competent jurisdiction; and
- 3           e. Siting of major industrial developments and/or master planned locations outside UGAs consistent  
4           with the requirements of RCW 36.70A.365 and 36.70A.367.
- 5           2. Plan amendments reviewed under these conditions shall be considered legislative actions, subject to Type  
6           IV procedures of Section 40.510.040.
- 7           3. All amendments shall be considered subject to the review criteria established in this chapter.  
8           (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)
- 9    R. Siting of State and Regional Public Facilities of a Countywide or Statewide Nature.
- 10           Plan amendments to implement the policies of the comprehensive plan regarding proposals for siting essential  
11           public facilities such as airports, state educational facilities and other institutions necessary to support community  
12           development may be considered as follows:
- 13           1. Government facilities may be established as provided in other land use districts through the procedures  
14           specified in the applicable district without plan amendment.
- 15           2. Application for siting of public facilities may be approved if criteria, as noted herein, are met:
- 16           a. The county shall in cooperation with other jurisdictions ensure that siting of regional facilities is  
17           consistent with all elements of the adopted county comprehensive plan, local city plan and other supporting  
18           documents;
- 19           b. The proposed project complies with all applicable provisions of the comprehensive plan, including  
20           countywide planning policies;
- 21           c. The proposal for siting of a public facility contains interjurisdictional analysis and financial analysis to  
22           determine financial impact and applicable intergovernmental agreement;
- 23           d. Needed infrastructure is provided for;
- 24           e. Provision is made to mitigate adverse impacts on adjacent land uses;
- 25           f. The plan for the public facilities development is consistent with the county's development regulations  
26           established for protection of critical areas; and
- 27           g. Development agreements or regulations are established to ensure that urban growth will not occur if  
28           located adjacent to non-urban areas.
- 29           (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2018-01-01)
- 30    S. Additional Criteria for Surface Mining Overlay Changes.
- 31           1. Designation of additional areas with the surface mining overlay shall only occur if:
- 32           a. The designation criteria in the comprehensive plan have been met;
- 33           b. The quantity and characteristics of the resource including the size of the deposit, the depth of  
34           overburden, the distance to market, and the cost of transport and resource availability in the region suggest  
35           that mining is economically viable; and
- 36           c. At least sixty percent (60%) of the area within one thousand (1,000) feet of the proposed mineral  
37           resource land is characterized by parcels of five (5) acres or larger.

- 1        2.    Removal of the surface mining overlay shall only occur if one (1) of the following conditions is met:
- 2            a.    The mineral resources have been depleted;
- 3            b.    There is evidence that the mining of the mineral resource is not economically feasible based on the
- 4            factors listed in Section 40.560.010(S)(1)(b);
- 5            c.    Environmental or access constraints make it impractical to mine the resource; or
- 6            d.    The area has been brought into an urban growth boundary or adjacent land uses or developments are
- 7            incompatible with mineral extraction.

8        (Added: Ord. 2014-12-06; Ord. 2018-01-01)

9        **T.    Freight Rail Dependent Use Overlay**

- 10            1.    The expansion of, or creation of a new freight rail dependent use overlay shall be considered and
- 11            evaluated by the county through the annual review process under this chapter.
- 12
- 13            2.    The removal of a parcel(s) from an overlay area shall be considered and evaluated by the county
- 14            through the docket process under this chapter.
- 15
- 16            3.    Before the county considers establishing a new freight rail dependent use overlay area, the
- 17            proponent(s) shall submit to the county a petition signed by at least sixty percent (60%) of the
- 18            property owners of the land within the boundaries of the proposed new overlay, which shall be no
- 19            less than 100 acres.
- 20
- 21            4.    The Railroad Advisory Board will be notified at the time of submission of a freight rail-dependent
- 22            use annual review or docket request and will be consulted for feedback during the amendment
- 23            process.

24        **T.U.    Cumulative Impact.**

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

26        extent possible:

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

34        (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2014-12-06; Ord. 2018-01-01)

35        **UV.    Fees.**

36        Application fees for all comprehensive plan and zone changes shall be considered as follows:

- 37            1.    Filing fees for all plan amendments and zone changes shall be considered subject to the provisions of
- 38            Chapter 6.110A.
- 39            2.    If multiple similar applications are received in a year, fees set in Section 40.570.100(B) may be adjusted
- 40            downward by the responsible official to reflect actual cost.

1 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2014-12-06; Ord.  
2 2018-01-01)