

Zone Change, Type III Review

What is a Zone Change?

A zone change involves a process to review the zoning designation attached to a certain parcel of property. If the owner of a parcel desires to establish a use that is not permitted within the existing zoning, they may request the designation be changed to allow the use that they desire.

What is a Comprehensive Plan and Zoning designation?

In 1990 the Washington State Legislature passed the Growth Management Act (GMA), Revised Code of Washington 36.70A, to reduce uncoordinated and unplanned growth that was threatening our environment, economic development, and residents' high quality of life. The GMA required fast-growing cities and counties like Clark County to develop a Comprehensive Growth Management Plan, also referred to as the Comprehensive Plan, Comp Plan, or the Plan. After an extensive public process, Clark County and all of its cities adopted such a plan in 1994. It outlined how the county planned to manage projected population growth over a 20-year period.

Based on this premise, all property within Clark County was assigned a Comprehensive Plan and zoning designation. The Comprehensive Plan designation is a general description of the types of activities that are permitted on the property (e.g., Urban Low Density Residential). The zoning designation is more specific (e.g., R1-20, R1-10, R1-7.5 R1-6 and R1-5). Within the zoning ordinance are included a list of all allowed uses, building setbacks, the lot sizes and other

detailed information. Information on the processes for review of different types of development, standards for roads, fees and other related issues can also be found in the Clark County Code (CCC), also referred to as the zoning code or just code.

When is a Zone Change necessary, and what is the difference between a Zone Change and an Annual Review?

If the owner of a parcel desires to establish a use that is not permitted within the existing zoning, they request the designation placed on the property be changed to allow the use that they desire.

If the existing zoning on the property and the zone that the owner desires have the same Comprehensive Plan designation, the owner can apply for a zone change. If the existing zone and the desired zone have different Comprehensive Plan designations, the owner would have to apply for an Annual Review. A matrix of the different zones that are allowed within the Comprehensive Plan designations is included on page 8.

As an example, as seen in Table 1, a zone change without an associated Comprehensive Plan change could be completed between the R1-10 and R1-6 zones in the Urban Low Density Residential Comprehensive Plan designation, or between the C-3 and CL Zones in the Community Commercial Comprehensive Plan designation.

An Annual Review is required when a property owner desires to change the Comprehensive Plan designation on the

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For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360) 397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

property, for example from Urban Low Density Residential to Community Commercial (see list above of all Comp. Plan designations). An Annual Review is also required when the owner wants to change to a significantly higher or lower density or intensity of use, for example from Urban Low Density Residential to Urban High Density Residential. Even though both of these uses are residential, because the density is so different, they have different Comprehensive Plan designations, and therefore would require an Annual Review to make the change from one to the other. See *Annual Review* handout. It is important to note that when a Comprehensive Plan change is applied for a zone change is generally completed concurrently through the same process.

What is the process for reviewing Zone Change requests?

Zone changes are processed through what is called a Type III process. This process begins with a required pre-application conference. See *Pre-Application Conference* handout.

The next step is to submit a completed Type III Zone Change Application Form, the appropriate fees and a copy of each of the required submittal items (listed later in this handout) to the Permit Center.

What if I didn't submit all of the required information?

The county conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Permit Center staff will conduct a **Counter Complete** review of your submittal package. This initial review ensures that all main listed within the subdivision submittal requirements have been submitted before accepting your application (see attached submittal list).

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the **Fully Complete** review. This more detailed review ensures that all items under the numbered headings of the attached Type III Subdivision Submittal Requirements have been submitted. As an example, does the Proposed Land Division Plan show topography at two-foot contour intervals, water courses, streams, rivers, etc., center of stream surveyed for all on-site water courses, FEMA designated 100 year floodplain, etc.

If required items are missing from your original submittal, you will receive a letter of **Not Fully Complete** with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, the applicant will be directed to submit five (5) additional copies that contain the revisions and additional information that may have been required to be Fully Complete. Once all Fully Complete copies have been received, you will receive a **Fully Complete** determination letter and be vested on the date you submitted the Fully Complete application.

What is Vesting?

Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at the time the fully complete application was submitted.

Examples:

1. An application is submitted on June 1 and determined to be Fully Complete on June 25. The application is vested as of June 1.

- An application is submitted on June 1 and subsequently determined to be **Not Fully Complete** on June 25. In response, the applicant submits additional information on July 8. The revised application is subsequently determined to be Fully Complete on July 18.

Note: The completeness decision will be made within 14 calendar days of new submittals. The application is vested as of July 8, the day the fully complete application was submitted.

To be contingently vested on the date a pre-application is filed the following conditions must be met:

- All the required pre-application conference information was submitted on the pre-application submittal date
Note: the Pre-Application Conference Report will indicate whether the application is contingently vested.
- A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the county issued the Pre-Application Conference Report.

What kind of public notice is provided?

Within 14 days of the fully-complete date, a notice of the application, with the date, time and place for the public hearing will be mailed to:

- Applicant
- Neighborhood Association, if any
- Property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site
- SEPA notice to newspaper and listed SEPA agencies

The notice will invite written comments to be submitted within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner will be sent to the applicant. The applicant may

submit a written response within 14 days from the date the comments are mailed.

Applicant public hearing notice requirements

At least 30 calendar days prior to the public hearing, the **applicant** must post a public notice sign.

Our Applicant Posting Requirements

handout contains the basic posting requirements plus sign specifications needed by the sign company and a sample *Affidavit of Posting*.

County public hearing notice requirements

At least 15 calendar days prior to the public hearing date, the county will post public notices including the date, time and place of the hearing and describing the proposal as follows:

- Posted at the site
- Published in the newspaper
- Mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site
- Mailed to the Neighborhood Association
- Mailed to the applicant

The notice will invite interested parties to present testimony at the hearing either orally or in writing.

What is a SEPA determination?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed Zone Change be conducted. As a part of the application materials, the submittal of a SEPA checklist is required. County staff and interested agencies will review the checklist and the application to determine its compliance with applicable Federal, State and County Code. The lead agency, in this case, Clark County, must determine if there are possible significant adverse

environmental impacts associated with each proposal. The options include the following:

- **DS - Determination of Significance**
If a DS determination is made, this means that the lead agency, in this case Clark County, believes that the impacts of the proposal cannot be mitigated through conditions of approval. Therefore the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the County considering the proposed Zone Change.
- **MDNS - Mitigated Determination of Non-Significance**
If a MDNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed through specific conditions of approval. The conditions are also called mitigations, meaning specific actions the applicant would have to take to offset the impacts of the proposal. The mitigations are normally requirements over and above what county code would dictate.
- **DNS - Determination of Non-Significance**
If a DNS determination is made, it means that the lead agency, in this case Clark County, believes the impacts of the proposal can be addressed by applying the county code.

The county's determination is based upon information provided from the applicant (i.e., a completed Environmental Checklist), and knowledge of the area and applicable codes.

For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report referenced below. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the county considering the proposed subdivision. The

SEPA determination is published in *The Columbian* newspaper.

More specific information about the SEPA process is available in a separate handout available at the Permit Center.

What criteria does county staff use to review the application?

During the pre-application conference, staff will discuss all of the relevant criteria for the zone change application, but the main criteria that apply are as follows:

Criteria for all Zone Changes (CCC 40.560.020(H))

Zone changes may be approved only when **all** of the following are met:

- The requested zone change is consistent with the proposed Comprehensive Plan map designation.
- The requested zone change is consistent with the Comprehensive Plan policies, location criteria, and the purpose statement of the zoning district.
- The zone change either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error.
- There are adequate public facilities and services to serve the requested zone change.

Once my application is “Fully Complete”, how is it reviewed?

The first thing that staff will do is to review and analyze your application. It is possible that even though the fully complete review was completed for your application, additional information may be necessary to allow staff to fully analyze the request. If this is the case, staff will contact you.

Staff will then begin preparation of a Staff Report. Staff's role is to prepare a report that summarizes their review of the proposal against all of the relevant criteria in the code (and discussed in the pre-application conference). The staff report will be issued at least 14 calendar days prior to the public hearing and will contain a recommendation to approve, approve with conditions or deny the application.

When will the public hearing be held?

Within 78 days of a Fully Complete determination, a public hearing will be held before the county's Hearing Examiner to consider the application. In making the decision, the Hearing Examiner must determine if the proposal meets the requirements of the applicable sections of the Clark County Code. This decision is made after reviewing the proposal, and after considering staff's recommendation and testimony from the public. The Hearing Examiner will approve, approve with conditions, or deny the application. This decision may be appealed to the Board of County Councilors.

What happens at the public hearing and when do I get to speak?

First, the applicant or their representative will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over CTV cable access television. The applicant will next give a detailed description of the project and design considerations, showing the site plan and other drawings by either utilizing the overhead projector or making pre-meeting arrangements to use the Power Point projector.

Once the overview is completed, the applicant may next raise issues regarding the staff report and recommendations. This is also the time for the applicant to address issues that they believe may be brought up during the public testimony portion of the

hearing, and/or issues they believe the Hearings Examiner may raise.

Once the applicant has completed their presentation, county staff will present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria.

Following the staff presentation, the hearing will be open to the general public for their testimony.

Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony.

The Hearing Examiner will then close the public hearing.

When will I receive a decision on my application?

Within 14 calendar days after the date the record closes, the Hearing Examiner will issue a written decision regarding the application. Within 7 calendar days of its issuance, the decision will be mailed to the applicant, other parties of record and the neighborhood associations.

Can the decision be appealed?

A decision by the Hearing Examiner is final unless a motion is filed for reconsideration or an appeal is filed with Superior Court.

See our *Appeals* handout for more information and fees.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code Chapter 40.560 Plan and Code Amendments.

Zones that are allowed within the Comprehensive Plan designations

LAND USE TYPE	ZONE DESIGNATION	GENERAL LAND USE DESCRIPTION
Single Family Residential	R1-20	Minimum lot area of 1 single family unit per 20,000 square feet
	R1-10	Minimum lot area of 1 single family unit per 10,000 square feet
	R1-7.5	Minimum lot area of 1 single family unit per 7,500 square feet
	R1-6	Minimum lot area of 1 single family unit per 6,000 square feet
	R1-5	Minimum lot area of 1 single family unit per 5,000 square feet
Multi-Family Residential	R-12	Maximum density of 12 multi-family residential units per acre
	R-18	Maximum density of 18 multi-family residential units per acre
	R-22	Maximum density of 22 multi-family residential units per acre
	R-30	Maximum density of 30 multi-family residential units per acre
	R-43	Maximum density of 43 multi-family residential units per acre
Office / Residential	OR-15	Maximum density of 15 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-18	Maximum density of 18 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-22	Maximum density of 22 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-30	Maximum density of 30 multi-family residential units per acre / Office and limited commercial type uses also permitted
	OR-43	Maximum density of 43 multi-family residential units per acre / Office and limited commercial type uses also permitted
Commercial	C-2	Neighborhood Commercial district- permits commercial uses that provide for the convenience shopping needs of the immediate neighborhood
	C-3	Community Commercial District - permits commercial uses that provide for regular shopping and service needs for adjacent neighborhoods
	GC	General Commercial district – permits commercial uses that provide a full range of goods and services necessary to serve large areas of the county and the traveling public
Mixed Use	MX	Mixed Use District – provides for a mix of mutually-supporting retail, service, office and residential uses
Industrial	BP	Business Park District – provides for areas of not less than 7 acres for limited light manufacturing and wholesale trade, business and professional services, research, business and corporate offices and other similar compatible uses
	IL	Light Industrial District – provides for those less intensive industrial uses which produce little noise, odor and pollution; resource-based uses; and service uses compatible with light industrial uses
	IR	Railroad Industrial district – permits industrial uses that provide for those industrial uses that are most suited for and can take advantage of locations along the county's rail line
HEAVY INDUSTRIAL	IH	Heavy Industrial District – permits industrial and manufacturing uses which are potentially incompatible with most other uses including extensive rail and shipping facilities
	University	University District – Intended to provide long-term opportunities for educational and related uses
	A	Airport District – intended to recognize and protect areas devoted to public use aviation and for activities supporting or dependent upon aircraft or air transportation

20-Year Plan/Base Zoning Districts Matrix – Urban Designation

Table 1.6 Urban Plan Designation to Zone Consistency Chart

PLAN ZONE	UL	UM	UH	NC	CC	GC	MU	I	IH	A	PF
R1-20											
R1-10											
R1-7.5											
R1-6											
R1-5											
R-12											
R-18											
R-22											
R-30											
R-43											
OR-15											
OR-18											
OR-22											
OR-30											
OR-43											
C-2											
C-3											
GC											
MX											
BP											
IL											
IH											
IR											
U											
A											

Shaded areas indicate allowed zones in each designation. Properties in the UGBs that are designated Mixed Use on the Comprehensive Plan, but have zoning other than Mixed Use (MX), can develop under the zoning district applied to the property. If a rezone is requested, the only zone consistent with the Mixed Use plan designation is MX.

Note: A zone change, without an associated Comprehensive Plan change, could be completed between the R1-10 and R1-6 zones because both are within the Urban Low Density Residential Comprehensive Plan designation as shown above. If, however, an owner of a parcel zoned R1-10 wanted to change to the R-12 (Multi-family) zone, a Comprehensive Plan Change to the Urban Medium designation would be required.

20-Year Plan/Base Zoning Districts Matrix – Rural Designation

Table 2 Resource Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	AGRICULTURE	AGRICULTURE / WILDLIFE	FOREST TIER I	FOREST TIER II	PUBLIC FACILITY	AIRPORT
AG 20						
AG/WL						
FOREST 80						
FOREST 40						
AIRPORT (A)						

Table 3 Rural Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	RURAL 5, 10, 20	RURAL CENTER RESIDENTIAL	RURAL COMMERCIAL	RURAL INDUSTRIAL	URBAN RESERVE	INDUSTRIAL URBAN RESERVE	PUBLIC FACILITY
RURAL 5, 10, 20							
RURAL CENTER RESIDENTIAL -1							
RURAL CENTER RESIDENTIAL-2.5							
CR 1							
CR 1							
HEAVY INDUSTRY (MH)							
AIRPORT							
URBAN RESERVE - 10							
URBAN RESERVE - 20							

Submittal Requirements

The following checklist identifies information to be included with the application.

All items with an underlined space (i.e.,) must be submitted before the application will be considered **Counter Complete**.

All items with a check box must be submitted before the application will be determined **Fully Complete**. All bulleted items must be submitted, as applicable, but are not a Fully Complete requirement. The Pre-Application Conference Report will indicate any additional/exempted submittal requirements.

At the time of application, only one copy of the main submittal with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any special studies, such as wetland, floodplain, etc., shall also be submitted but bound separately.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. **Cover sheet and table of contents**

Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, email address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.

2. **Application form**

The application form shall be completed and original signed in ink by the applicant.

3. **Application fee**

The required fee shall accompany the application. The check is to be made payable to Clark County Community Development.

4. **Pre-Application Conference Report**

A copy of the Pre-Application Conference Report must be submitted.

5. **GIS Developer's packet**

A copy of the GIS Developer's Packet shall be submitted with the application. Applicants can order a GIS Developer's Packet with a credit card online at <https://gis.clark.wa.gov/gishome/MapStore/?pid=map#/devPacketOrder>. For more information, contact GIS at 564.397.4082 or themapstore@clark.wa.gov.

The packet includes the following:

- General Location Map
- Property Information Fact Sheet
- Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
- Elevation Contours Map
- Photography Map
- Photography Map with Contours
- Zoning Map
- Comprehensive Plan Map

- Water, Sewer and Storm Systems Map
- Soil Type Map
- Environmental Constraints Map
- Quarter Section Map

6. ___ Narrative

A written narrative shall be submitted that addresses the following:

- Description of the request
- Area of the site in acres or square feet
- Related or previous permit activity
- Statements which fully analyze how the zone change request meets or exceeds each of the applicable approval criteria and standards including CCC 40.560.020(H) and other criteria and issues outlined in the pre-application conference report. Please see the *What criteria does staff use to review the application?* section of this handout for additional information

7. ___ Traffic study

Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the State of Washington, with special training and experience in traffic engineering. If a traffic study is required, the county will provide a scope of the study at the pre-application conference.

- Traffic study must be stamped, signed, and dated by a Professional Civil Engineer registered in the State of Washington

8. ___ State environmental review

A State Environmental Policy Act Environmental Checklist must be completed, original signed in ink, and submitted. Handout is available at the Permit Center.

9. ___ Proof of submitting an archaeological pre-determination to the state (DAHP), if applicable

Predetermination reports and archaeology surveys, if required, must be reviewed by the Washington State Department of Archaeology and Historic Preservation (DAHP). Proof must be provided indicating the predetermination and/or survey have been submitted to DAHP for review. Proof can be via an email confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.

10. ___ Sewer district utility review letter

A utility review letter must be submitted from the public sewer district, or one copy of a preliminary soil suitability analysis, or equivalent, for on site systems from the Clark County Public Health. For existing septic systems, provide a copy of the original approval.

11. ___ Water utility review letter

A utility review letter must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal as specified within the Pre-Application Conference Summary Report. Or provide current evidence of the availability of suitable ground water where the water purveyor has determined public water or community water systems cannot be provided. Contact the Clark County Public Health.

12. Public Health review evaluation letter

A Clark County Public Health Project Review Evaluation Letter must be submitted per the Pre-Application Conference Report.

13. Covenants or restrictions

All existing covenants or restrictions and/or easements that apply to the property must be submitted, available from a title company.

14. Associated applications

Applications associated with the preliminary plat, such as archaeological, critical aquifer recharge areas (CARA), floodplain, forestry, geo-hazard, habitat, shoreline, wetland, road modification, variances, etc., must be submitted with this application. See Pre-Application Conference Report.

15. Submittal copies

___ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures

___ One copy of any special studies (wetland, floodplain, etc.) bound separately

After the application is fully complete, the new copies must contain revisions and any additional information required in the fully complete review. The copies must be bound using jumbo clips, stapled or spiral bound. The applicant must select Option A or B below and proceed as follows:

Option A

Submit a CD in PDF format, with a copy of the fully complete application. Any special studies shall also be included on the CD. The CD application shall be organized as follows:

- The application submittal shall be organized in the same order as the fully complete application table of contents, with a separate PDF document for each separate item.
- The PDF document must be organized into separate files. Each PDF file must be labeled with a number followed by a name (example):
 1. Cover Sheet and Table of Contents
 2. Application Fee
 3. Pre-Application Conference report
 4. etc.

If submitting by CD, you will also need to include three full-size sets of paper plans.

Option B

Submit five additional individually bound paper copies of the fully complete application, except any special studies as identified within the Pre-Application Conference Report.

We are also requesting that an electronic copy of the land division/site plan be submitted by email to: FullyComplete@clark.wa.gov

The applicant will also be required to submit additional individually bound copies of any special studies as identified below.

Copies of any special studies as identified within the Pre-Application Report as following:

- One original and three copies - Traffic Study and Road Modification requests
- One original and two copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland.
- Two reduced copies on 11" x 17" for all sheets larger than 11" x 17."

Staff Notes:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

This application was determined to be Counter Complete on: ____/____/____

Permit Technician: _____

Fee schedule

The following fees are required to be paid when the application is submitted.

Zone change	\$5,129
Issuance	\$94
 Non-Project SEPA Review	 \$1,987
Issuance	\$53

Unless submitted with another project related application such as a Subdivision or Site Plan Review in which case the SEPA fee associated with that application would apply.