



*over*

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Planning  
**DATE:** June 2, 2009  
**REQUEST:** Adopt Mill Creek Sub-area Plan Ordinance

**CHECK ONE:**                      X   Consent                           CAO

## BACKGROUND

At a March 17, 2009 public hearing, the Board of County Commissioners approved the Mill Creek Sub-area Plan proposal as recommended by staff with the addition of a minimum lot size of 9,000 square feet to be required for all proposed land divisions in the R1-10 and R1-20 districts proposing to develop under the density transfer, infill or planned unit development provisions.

## COMMUNITY OUTREACH

The proposed changes were the result of an extensive public outreach effort including numerous stakeholder meetings, surveys, an open house and public hearings before the Planning Commission and Board of County Commissioners.

## BUDGET AND POLICY IMPLICATIONS

Proposal is consistent with existing policies. No budget implications.

## FISCAL IMPACTS

Yes (see attached form)                     No

## ACTION REQUESTED

Adopt ordinance by consent on June 2, 2009.

## DISTRIBUTION

Per Section 7: Instructions to Clerk

*Mike Mabrey*  
Name: Mike Mabrey  
Title: Planner III

Approved: *June 23, 2009*  
CLARK COUNTY  
BOARD OF COMMISSIONERS

*SR 157-09*



**ORDINANCE NO. 2009-06-16**

AN ORDINANCE relating to land use and zoning; adopting amendments to the Comprehensive Plan, Land Use Chapter 1, the Arterial Plan Map, the Zoning Map and UDC 40.200.020; and adopting UDC 40.250.060 Mill Creek Overlay District.

WHEREAS, Clark County adopted a 20-year comprehensive growth management plan in September 2004 and updated it in 2007 in accordance with the goals and requirements of RCW 36.70A (the Growth Management Act, or GMA); and

WHEREAS, the County's adopted comprehensive growth management plan identifies "Mill Creek" as the area bordered by NE 179<sup>th</sup> Street to the north, NE 50<sup>th</sup> Avenue to the east, NE 163<sup>rd</sup> Street to the south, and NE 34<sup>th</sup> Avenue to the west; and

WHEREAS, the County's adopted comprehensive growth management plan requires a the completion of a sub-area plan for Mill Creek prior to removal of the urban holding designation; and

WHEREAS, no sub-area plan for Mill Creek has previously been adopted; and

WHEREAS, the Mill Creek sub-area plan as proposed to and as adopted by the Board of County Commissioners does not modify the comprehensive plan policies or designations applicable to the sub-area; and

WHEREAS, the Clark County Planning Commission considered the staff recommendations and took public testimony at a duly advertised public hearing on February 19, 2009; and

WHEREAS, the Board of County Commissioners took public testimony from interested parties and considered all written and oral arguments at a duly advertised public hearing on March 17, 2009 ; and

WHEREAS, the Board of County Commissioners finds that adoption of this ordinance is in the public interest; now, therefore,

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

**Section 1.** New. A section is hereby added to the list of Overlay Districts in Land Use Chapter 1, page 1-17 of the Clark County Comprehensive Growth Management Plan, 2004 – 2024 as shown in Exhibit A.

**Section 2.** Amendatory. The Clark County Arterial Plan Map is hereby amended as shown in Exhibit B.

**Section 3.** Amendatory. The Clark County Zoning Plan Map is hereby amended as shown in Exhibit C.

**Section 4.** Amendatory. UDC 40.200.020 is hereby amended as shown in Exhibit D.

**Section 5.** New. UDC Section 40.250.060 is hereby added as shown in Exhibit D.

**Section 6.** Effective Date. This ordinance shall go into effect July 1, 2009.

**Section 7.** Instructions to Clerk. The Clerk of the Board shall:

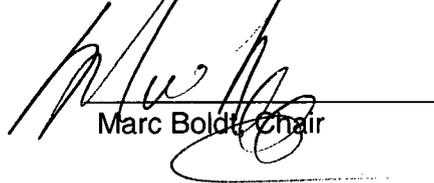
- 1) Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106;
- 2) Record a copy of this ordinance with the Clark County Auditor; and
- 3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 23 day of June, 2009.

Attest:

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

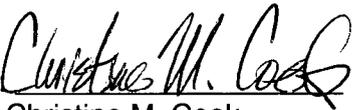
  
Clerk of the Board

  
Marc Boldt, Chair

Approved as to Form Only:

ARTHUR D. CURTIS  
Prosecuting Attorney

\_\_\_\_\_  
Steve Stuart, Commissioner

By   
Christine M. Cook  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Tom Mielke, Commissioner

## **Comprehensive Plan Text Changes**

Clark County 20-Year Comprehensive Growth Management Plan, 2004-2024  
Land Use Chapter 1: Pg. 1-17

### OVERLAY DISTRICTS

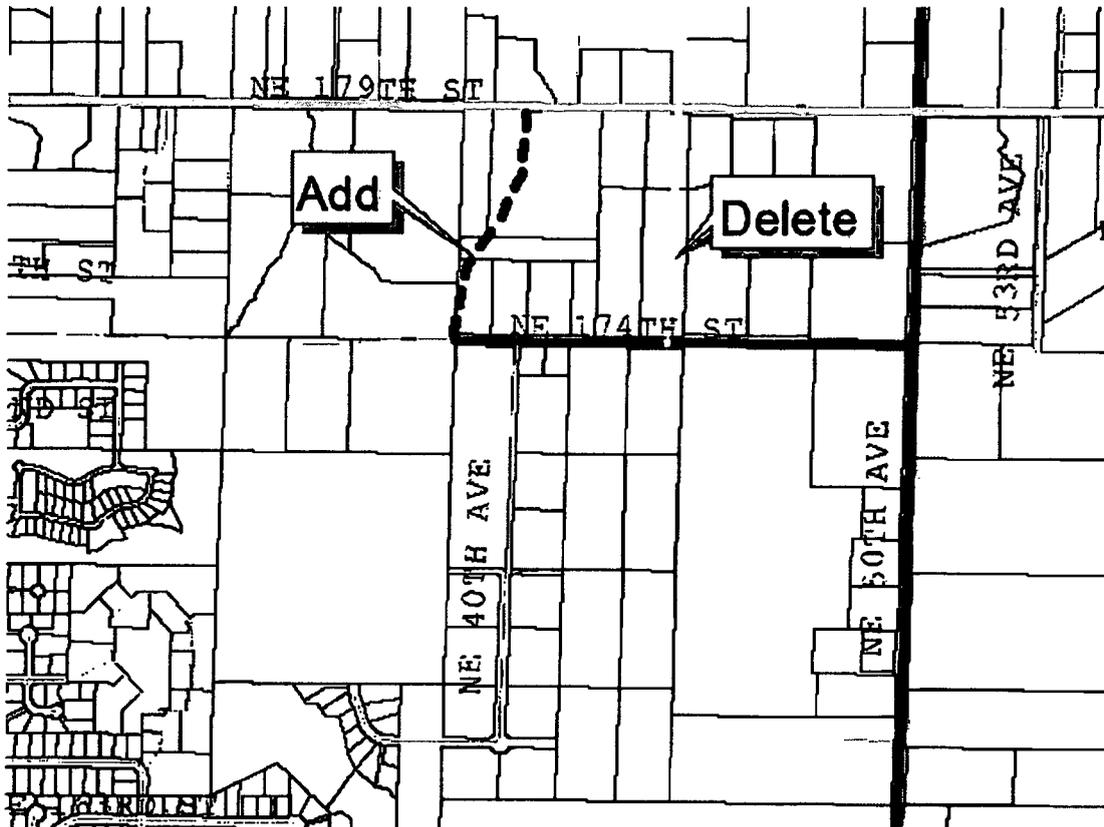
Additional 20-Year Plan Map designations or symbols are used to identify certain land use policies that are implemented in several different ways.

#### **Mill Creek Overlay District**

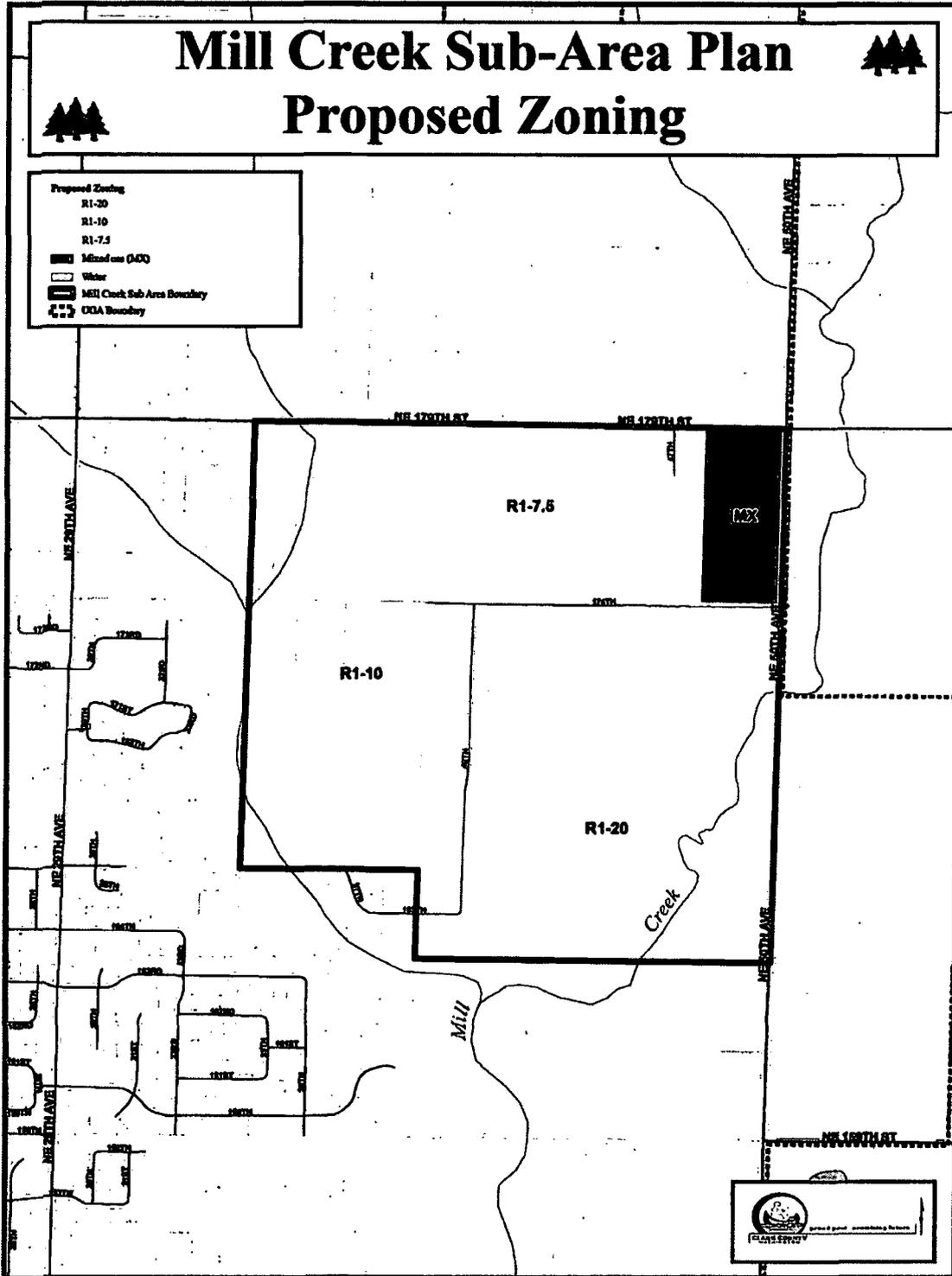
This overlay district implements the Mill Creek Sub-Area Plan. The overlay district provides for special provisions and modifies other regulations for the underlying zoning districts within the sub-area.

### Arterial Plan Map Changes

The location of a future north/south street connection between NE 174<sup>th</sup> and NE 179<sup>th</sup> Streets is proposed to shift to the west from the alignment currently shown on the Arterial Plan Map. The proposed street classification is neighborhood circulator.



### Zoning Map Changes



**UDC Title 40 Changes**

Clark County Unified Development Code Title 40  
Amend Table 40.200.020-1

**40.200.020 Zoning Classifications**

A. Classification of Zoning Districts.

For the purposes of this title, the county is divided into zoning districts designated as shown in Table 40.200.020-1.

<b>Table 40.200.020-1. Zoning Districts</b>				
<b>Zoning District</b>	<b>Map Symbol</b>	<b>Urban</b>	<b>Rural</b>	<b>Code Section</b>
<b>OVERLAY DISTRICTS (40.250, 40.420 and 40.460)</b>				
Airport Environs	AE-1, AE-2	X	X	40.250.010
Surface Mining	S	X	X	40.250.020
Historic Preservation		X	X	40.250.030
Floodplain	FP	X	X	40.420
Shoreline	SL	X	X	40.460
Highway 99	TC-1	X		40.250.050
Mill Creek	MC	X		40.250.060

Clark County Unified Development Code Title 40  
New Title 40.250.060

**40.250 OVERLAY DISTRICTS**

**40.250.060 MILL CREEK OVERLAY DISTRICT**

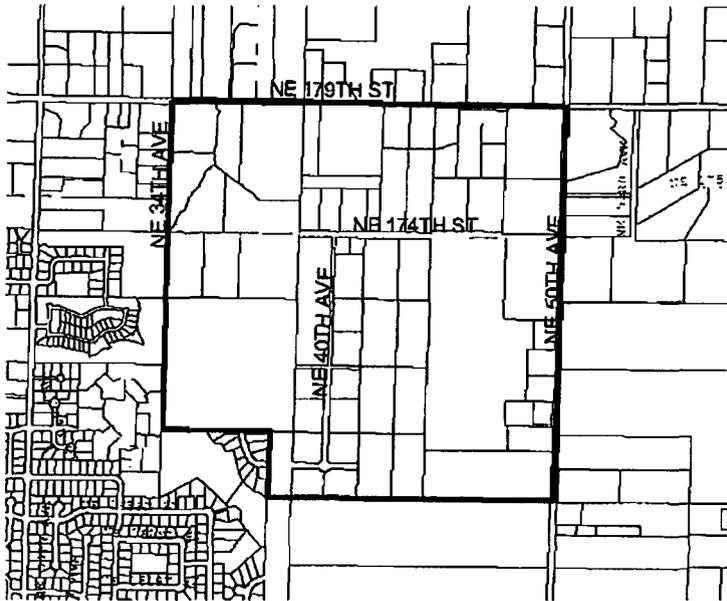
A. Purpose.

The Mill Creek overlay district (MC) is intended to implement the Mill Creek Sub-Area Plan. It provides for special provisions to be applied to developments within the overlay district boundary.

B. Applicability.

The provisions of this section shall apply to parcels within the geographic area of the Mill Creek Sub-Area Plan shown in Figure 40.250.060-1.

Figure 40.250.060-1



C. Standards.

The following additional standards apply in the overlay district:

1. New lots created adjacent to urban subdivision lots existing at the time of the adoption of the Mill Creek Overlay District shall meet or exceed the average lot size of the abutting subdivision lots unless there is at least two hundred (200) feet of open space between the existing and proposed lots.
2. Prior to approval of any development that would add traffic to NE 37<sup>th</sup> Avenue, additional access via a public road connection to NE 40<sup>th</sup> Avenue or NE 174<sup>th</sup> Street must be assured.
3. A minimum lot size of nine thousand (9,000) square feet is required for all land divisions in the R1-10 and R1-20 districts proposing to develop under the density transfer provisions of 40.220.110(C)(5), the infill provisions of 40.260.110 or the Planned Unit Development provisions of 40.520.080. The exceptions to lot sizes in 40.200.050 shall still apply.