

RESOLUTION NO. 2014 -12 - 08

A RESOLUTION relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan map and zoning map; arterial atlas map; capital facilities financial plan; mineral resource land maps and policies; and amending the existing capital facilities element of the Clark County 20-year Comprehensive Growth Management Plan.

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 county needs to address certain current requests for comprehensive plan and zoning changes to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, in 2009 the Washington Legislature adopted changes to the regulations and guidelines for classifying and designating minerals resources lands that took effect in February 2010; and

WHEREAS, the Board of County Commissioners appointed a Mineral Lands Task Force in 2011 to make recommendations on the surface mining overlay map, policies, and standards; and

WHEREAS, Clark County Planning Department staff held an open house with the public interested in mineral lands in Dollars Corner on July 18, 2012, and held further meetings with members of the public and representatives of industry on August 20, September 23, and October 14, 2014, to discuss policy and ordinance revisions; and

WHEREAS, the Planning Commission held public hearings on the Surface Mining Overlay map and plan text and ordinance revisions on September 19, October 3, November 7, and December 5, 2013 and November 20, 2014 in the course of which the Planning Commission heard more than 20 hours of testimony from many members of the public, and interested parties;

WHEREAS, the Planning Commission made its recommendations to the Board of County Commissioners on December 5, 2013 that included a revised overlay map, comprehensive plan text and ordinance revisions, and a recommendation that staff draft a code section on monitoring and enforcement; and

WHEREAS, the Board of County Commissioners and the Planning Commission held a joint meeting on April 17, 2014 on the Planning Commission recommendations; and

WHEREAS, the Board of County Commissioners at a duly advertised meeting on June 3, 2014 took public testimony from interested parties, considered all written and oral arguments and testimony and considered all of the comments presented to the Board, agreed in principle on a map of where the Surface Mining Overlay should be applied; and

WHEREAS, a SEPA notice with a determination of non-significance was issued on August 30, 2013; and

WHEREAS, an appeal on the determination was filed and subsequently withdrawn; and

WHEREAS, no other comments were received on compliance with SEPA; and

WHEREAS, the Board of County Commissioners adopted Ordinance 2014-12-06 repealing CCC Section 40.250.020 Surface Mining Overlay district and adopting CCC Section 40.250.022 Surface Mining Overlay district and amending CCC Section 40.560.010 Plan Amendment Procedures ; and

WHEREAS, certain property owners, hereinafter referred to as "Applicants", owners or parties in interest of the hereinafter described real Property have each 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, capital facilities financial plan, mineral resource land maps and policies and updates of the existing capital facilities plan during duly advertised Public Hearings on May 15 and October 16, 2014 and has forwarded its recommendations to the Board; and,

WHEREAS, the Board of County Commissioners considered amendment cases CPZ2014-00003 (NE 10<sup>th</sup> Ave); CPZ2014-00004 (Clark Regional Wastewater District); CPZ2014-00005 (Arterial Atlas: Fifth Plain Creek) at duly advertised public hearings on November 18 and December 16, 2014; and

WHEREAS, SEPA notices with a determinations of non-significance were issued on April 30 and November 26, 2014; and

WHEREAS, no comments were received on compliance with SEPA; 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 proposed comprehensive plan changes considered the cumulative impacts of those changes, consistent with CCC Section 40.560.010 Plan Amendment Procedural Ordinance and Section 40.560.010(S), 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 of County Commissioners finds that the approved amendments to the 20-year Comprehensive Growth Management Plan Map and Zoning Map; Arterial Atlas Map; Capital Facilities Plan and Capital Facilities Financial Plan comply with all applicable requirements of the Growth Management Act, the 20-year Comprehensive Growth Plan, and the Clark County Code, and that they are in the best public interest; and

WHEREAS, the Board of County Commissioners 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 Memoranda dated November 4 and November 6, 2014, and attached hereto as Exhibits A - C, relating to the 2014 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. In the matter of **Annual Review item number CPZ2014-00003 NE 10<sup>th</sup> Ave.** Amend the Clark County 20-Year Comprehensive Growth Management Plan Map Designation and corresponding Zoning Map for that certain property, 20 acres in size, located NW of the intersection of NE 10<sup>th</sup> Ave and SR-502 (NE 219<sup>th</sup> St) from Rural Residential (R-5) to Rural Commercial (CR-1) as recommended by the Planning Commission and indicated on the attached map (Exhibit 1). The Board concluded that the Rural Commercial (CR-1) zone better implements the Comprehensive Plan policies than Rural Residential (R-5). Tax serial number(s) 216895000; 216948000; 216954000; 216955000; 216972000; located in the SE ¼ of Section 34, Township 4N, Range 1E of the Willamette Meridian.
2. Amend the Clark County 20-year Comprehensive Growth Management Plan Map relating to the application of the surface mining overlay as recommended by the Planning Commission and indicated on the attached map and table. (Exhibit 2 and 2a)

Section 3. Docket Items/Clark County Initiated.

1. In the matter of **Annual Review item number CPZ2013-00004 Clark Regional Wastewater District.** Amend the Clark County 20-Year Comprehensive Growth Management Plan text, in Chapter 6 and Appendix E, to reflect the agreement between the City of Ridgefield and Clark Regional Wastewater transferring ownership and operation of the City's local wastewater collection system to the District on January 1, 2014 (Exhibits 3 and 4). The Board concluded that the text amendments are in the best interest of the public.
2. Amend the 20-year Comprehensive Growth Management Plan text by repealing the existing mineral lands policies 3.5.1 through 3.5.20 and replacing with policies 3.5.1 through 3.5.7 as shown on the attached. (Exhibit 5)

Section 4. Arterial Atlas Amendments

1. In the matter of **Docket item number CPZ20014-00005 Fifth Plain Creek** (Exhibit 6) the Board approved the following amendments to the Arterial Atlas:

Amend NE 88<sup>th</sup> St., from NE Ward Rd to NE 182<sup>nd</sup> Ave, from a two-lane Rural Major Collector to a two-lane Urban Collector with bike lane (C-2b); amend NE 182<sup>nd</sup> Ave., from NE 88<sup>th</sup> St. to NE Fourth Plain Road, from a Rural Major Collector (R-2) to a two-lane Urban Collector with bike lane (C-2b); amend NE 83<sup>rd</sup> St. from NE 182<sup>nd</sup> Ave to the Urban Growth Boundary from a two-lane Rural Major Collector to a two-lane Urban

Collector with bike lane (C-2b); amend the portion of NE 78th St. from the Vancouver City limits to NE 81<sup>st</sup> Circle, from Rural Minor Collector (Rm-2) to a two-lane Urban Collector with bike lanes (C-2b); remove NE 83<sup>rd</sup> St. from NE 81<sup>st</sup> Cir to NE 182<sup>nd</sup> Ave from the arterial atlas. Located within the SE ¼ and SW ¼ of Section 6 of Township 2N, Range 3E and the NW ¼ and SW ¼ of Section 7 of Township 2N, Range 3E, and SE ¼ of Section 1 of Township 2N, Range 2E of the Willamette Meridian.

Section 5. Severability.

If any section, sentence, clause, or phrase of this resolution 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 resolution.

Section 6. Effective Date.

This resolution shall go into effect at 12:01 a.m. on January 1, 2015.

Section 7. Instructions to Clerk.

The Clerk to the Board shall:

1. Transmit a copy of this resolution to the Washington State Department of Commerce within ten days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted resolution to Clark County Geographic Information Systems (Ken Pearrow GIS Coordinator), to Community Planning Department, and to Community Development Department - Development Services (Debra Weber, Tidemark Data Manager).
3. Record a copy of this resolution with the Clark County Auditor.
4. Cause notice of adoption of this resolution to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 16th day of December 2014.

Attest:

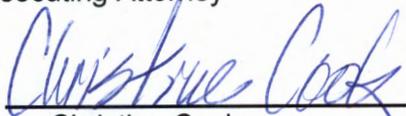
  
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

By:   
Tom Mielke, Chair

Approved as to Form Only:  
Anthony F. Golik  
Prosecuting Attorney

By: \_\_\_\_\_  
David Madore, Commissioner

By:   
Christine Cook  
Sr. Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne Stewart, Commissioner