

ORDINANCE NO. 2009-12-15

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2  
3 AN ORDINANCE relating to land use; adopting amendments to the Clark County 20-year  
4 Comprehensive Growth Management Plan 2004-2024 Map and Zoning Map to re-designate  
5 certain properties as agricultural and to remove them from the Battle Ground, Camas, Vancouver,  
6 and Ridgefield Urban Growth Areas, respectively; to redesignate certain properties as rural and  
7 remove them from the Vancouver Urban Growth Area; to redesignate certain properties now  
8 designated rural as agricultural; and to amend the text of the Clark County Unified Development  
9 Code.

10  
11 WHEREAS, Clark County adopted a 20-Year Comprehensive Growth Management Plan  
12 through ordinances 1994-12-47 and 1994-12-53 on December 20, 1994 to meet the goals and  
13 requirements of Chapter 36.70A RCW (also known as the Growth Management Act "GMA"); and  
14

15 WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth  
16 Management Plan through ordinance 2007-09-13 on September 25, 2007 to meet the goals and  
17 requirements of Chapter 36.70A RCW; and  
18

19 WHEREAS, portions of the update were ruled as out of compliance with Growth  
20 Management Act (GMA) by the Western Washington Growth Management Hearings Board  
21 (Growth Board), and certain parts of the Growth Board ruling were upheld by Clark County  
22 Superior Court; and  
23

24 WHEREAS, certain actions taken as part of 2008 Annual Review and Dockets were  
25 also ruled as out of compliance with GMA by the Growth Board; and  
26

27 WHEREAS, Clark County has taken certain actions to comply with the orders of Clark  
28 County Superior Court and the Growth Board to move the county toward compliance with GMA;  
29 and  
30

31 WHEREAS, the Clark County Planning Commission reviewed the plan and zoning map  
32 amendments and modifications of the Footnote 9 to Table 40.210.010-1, Uses Table for  
33 Agriculture and Forest Zones during duly advertised Public Hearings on November 19, and  
34 December 9, 2009 and has forwarded its recommendations to the Board; and,  
35

36 WHEREAS, the Board of County Commissioners considered amendment cases CPZ2009-  
37 000300 (Area VB); CPZ2009-00031 (Area BC); CPZ2009-00032 (Area RB-2); CPZ2009-00034  
38 (Area North of VB); CPZ2009-00035 (Schwarz and Firestone); CPZ2009-00033 (Area CA-1);  
39 CPZ2009-00036 (Footnote #9 Amendment), at duly advertised public hearings on December 15,  
40 2009; and  
41

42 WHEREAS, the Board of County Commissioners took public testimony from interested  
43 parties, considered all the written and oral arguments and testimony, and considered all the  
44 comments presented to the Board; and  
45

46 WHEREAS, the Board of County Commissioners in reviewing all the respective  
47 comprehensive plan changes considered the requirements of GMA, as construed in the rulings of  
48 the Growth Board and Clark County Superior Court, and  
49

50 WHEREAS, the Board of County Commissioners also considered the staff reports and  
51 recommendations of the Clark County Planning Commission; and  
52

1           WHEREAS, the Board finds that the amendments to the 20-year Comprehensive Growth  
2 Management Plan Map and Zoning Map and to the Unified Development Code comply with all  
3 applicable requirements of the Growth Management Act, the 20-year Comprehensive Growth Plan,  
4 and the Clark County Code, and that they are in the best public interest; and  
5

6           WHEREAS, the Board concluded at duly advertised public hearings and finds that adoption  
7 of this ordinance is in the best public interest and will further the public health, safety and welfare;  
8 now therefore,  
9

10           BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS  
11 OF CLARK COUNTY, STATE OF WASHINGTON, as follows:  
12

13 Section 1. Findings.  
14

15 The findings and analysis contained in the Clark County Planning Commission's Memorandum  
16 dated December 15, 2009, and the Staff Reports dated October 28, October 29 October 30, and  
17 November 4, 2009 relating to the 2007 GMA Comprehensive Plan Compliance Amendments and  
18 the 2008 Annual Reviews and Dockets GMA Compliance Amendments are hereby adopted and  
19 incorporated herein by reference except where inconsistent with the following.  
20

21 Section 2. Comprehensive Land Use Plan and Zoning Map Modifications.  
22

- 23           1. Amend the comprehensive plan and zoning maps to redesignate the following  
24 properties now in the Vancouver Urban Growth Area as Agricultural (Ag-20), and to  
25 remove these properties from the urban growth area: Properties with tax  
26 identification numbers 196656-000, 196925-000, 196926-000, 196930-000,  
27 196954-000, 196983-000, 197036-000, 198072-000, 198075-000, 198076-000,  
28 198080-000, 198082-000, 198083-000, 198084-000, 198086-000, 198087-000,  
29 198101-000, 198111-000, 198112-000, 198113-000, 198114-000, and 300012-  
30 000. For purposes of Clark County's 2007 comprehensive plan update, these  
31 properties were known as Agriculture Viability Study Area VB. Certain of these  
32 properties are currently designated Light Industrial, and others are designated  
33 Railroad Industrial. All of these properties are within an Urban Holding Overlay  
34 District (UH).  
35
- 36           2. Amend the comprehensive plan and zoning maps to redesignate as Rural (R-5) the  
37 following properties now in the Vancouver urban growth area, and which are  
38 generally located near the northern portions of the area known as study area VB,  
39 and to remove these properties from the urban growth area: Parcels with tax serial  
40 numbers 196924-000, 196934-000, 196935-000, 196937-000, 196938-000,  
41 196939-000, 196940-000, 196941-000, 196942-000, 196949-000, 196953-000,  
42 196953-005, 196959-000, 196969-000, 197010-000, 197014-000, 197015-000,  
43 197016-000, 197017-000, 197018-000, 197018-005, 197018-010, 197032-000,  
44 197033-000, 197035-000, 197043-000, and 197049-000. These properties are  
45 currently designated Light Industrial, and are within an Urban Holding Overlay  
46 District (UH).  
47
- 48           3. Amend the comprehensive plan and zoning maps to redesignate the following  
49 properties now in the Battle Ground Urban Growth Area as Agricultural (AG-20),  
50 and to remove these properties from the urban growth area: Parcels with tax serial  
51 numbers 195244-000, 195271-000, 195275-000, 195283-000, and 195287-000.  
52 For purposes of Clark County's 2007 comprehensive plan update, these properties

1 were known as Agriculture Viability Study Area BC. These properties are currently  
2 designated Employment Center, and are within an Urban Holding Overlay District  
3 (UH).  
4

5 4. Amend the comprehensive plan and zoning maps to redesignate the following  
6 properties now in the Ridgefield Urban Growth Area as Agricultural (AG-20), and to  
7 remove these properties from the urban growth area: Parcels with tax serial  
8 numbers 216473-000, 216491-000, 216672-000, 216706-000, and 216714-000.  
9 For purposes of Clark County's 2007 comprehensive plan update, these properties  
10 were a portion of the area known as Agriculture Viability Study Area RB-2. These  
11 properties are currently designated Urban Low Density Residential, and are within  
12 an Urban Holding Overlay District (UH).  
13

14 5. Amend the comprehensive plan and zoning maps to redesignate the following  
15 properties now in the Camas Urban Growth Area as Agricultural (AG-20), and to  
16 remove these properties from the urban growth area: Parcels with tax serial  
17 numbers 173156-002, 173156-004, 173156-006, 173156-008, 173156-010,  
18 173156-012, 173156-014, 173156-016, 173156-018, 173156-020, 173156-022,  
19 173156-024, 173156-026, 173156-028, 173156-030. For purposes of Clark  
20 County's 2007 comprehensive plan update, these properties were a portion of the  
21 area known as Agriculture Viability Study Area CA-1. These properties are  
22 currently designated Urban Medium Density Residential, and are within an Urban  
23 Holding Overlay District (UH).  
24

25 6. Amend the comprehensive plan and zoning maps to redsesignate the following  
26 properties as Agricultural (AG-20) from Rural (R-5): Parcels with tax serial numbers  
27 180532-000, 180747-000, 180748-000, and 180834-000. These properties are  
28 currently designated Rural (R-5), and are located at 3504 NW 179<sup>th</sup> St, 2910 NW  
29 179<sup>th</sup> St., 2614 NW 179<sup>th</sup> St., and 2528 NW 179<sup>th</sup> St., respectively, Ridgefield, WA.  
30 Consider amending the comprehensive plan and zoning maps through the docket  
31 process next year to re-designate these properties as Rural (R-5) from Agricultural  
32 (AG-20).  
33

34 **Section 3. Amendatory.**

35  
36 Section 26 (Attachment D) of Ordinance 1994-12-53, as most recently amended by Ordinance  
37 2009-12-01, and codified as UDC Section 40.210.010-1, Uses Table for Agriculture and Forest,  
38 are each amended to read as follows:  
39

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40  
41 7. <sup>9</sup>Commercial uses supporting resource uses, such as packing, first stage processing  
42 and processing which provides value added to resource products ~~as well as facilities that~~  
43 ~~repair, maintain or refurbish or manufacture component parts for equipment utilized for~~  
44 ~~agricultural, forest. And other resource based industries including wind, hydro and solar~~  
45 ~~generation, but specifically not including the establishment or siting of a wind, hydro or~~  
46 ~~solar generating facility. Chippers, pole yards, log sorting and storage, antique~~  
47 ~~agricultural storage or display, temporary structures for debarking, accessory uses~~  
48 including but not limited to scaling and weigh operations, temporary crew quarters,  
49 storage and maintenance facilities, disposal areas, saw mills producing ten thousand  
50 (10,000) board feet per day or less, and other uses involved in the harvesting of forest  
51 products.  
52

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1 Section 4. Severability.

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3 If any section, sentence, clause, or phrase of this ordinance should be held invalid or  
4 unconstitutional by a court of competent jurisdiction or the Growth Management Hearings  
5 Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of  
6 any other section, sentence, clause, or phrase of this ordinance.  
7

8 Section 5. Effective Date.

9  
10 This ordinance shall go into effect at 12:01 a.m. on January 1, 2010.  
11

12 Section 6. Instructions to Clerk.

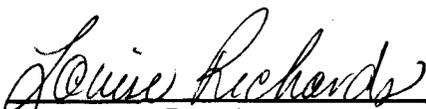
13  
14 The Clerk to the Board shall:

- 15  
16 1. Transmit a copy of this ordinance to the Washington State Department of Commerce  
17 within ten days of its adoption pursuant to RCW 36.70A.106.  
18
- 19 2. Transmit a copy of the adopted ordinance to Clark County Geographic Information  
20 Systems (Ken Pearrow GIS Coordinator), to Community Planning Department, and to  
21 Community Development Department - Development Services (Mary Johnson, Tidemark  
22 Data Manager).  
23
- 24 3. Record a copy of this ordinance with the Clark County Auditor.  
25
- 26 4. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW  
27 36.70A.290.  
28

29 ADOPTED this 15 day of December 2009.  
30

31 BOARD OF COUNTY COMMISSIONERS  
32 FOR CLARK COUNTY, WASHINGTON

33 Attest:

34   
35 \_\_\_\_\_  
36 Louise Richards  
37 Clerk to the Board  
38

39 By: \_\_\_\_\_  
40 Marc Boldt, Chair

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

44   
45 By: \_\_\_\_\_  
46 Steve Stuart, Commissioner

47   
48 By: \_\_\_\_\_  
Christine Cook  
Deputy Prosecuting Attorney

By:   
Tom Mielke, Commissioner