

ORDINANCE NO. 2004-09-02

An ordinance relating to land use; adopting an updated Growth Management Comprehensive Land Use Plan, zoning maps and zoning ordinances; providing for severability; providing an effective date with exceptions; and requiring notice.

WHEREAS, Clark County is required to update its comprehensive plan in accordance with the goals and requirements of RCW 36.70A (the Growth Management Act, or GMA); and

WHEREAS, the county's comprehensive plan is required to include maps and descriptive text covering the objectives, principles and standards used to develop the essential elements of the plan; and

WHEREAS, GMA directs the cities to, and Clark County to adopt urban-growth areas (or areas within which urban growth is encouraged and outside of which only non-urban growth can occur) and to address these areas in the county-wide planning policies; and

WHEREAS, GMA mandates the county's identification and designation of critical areas and agricultural, forest, and mineral resources lands, together with the adoption of protective regulations; and

WHEREAS, the update of the county's comprehensive plan must be processed in compliance with the State Environmental Policy Act (SEPA), and include an analysis of cumulative effects of development in the county; and

WHEREAS, the county needs to address site-specific requests for comprehensive plan and zoning changes; and

WHEREAS, copies of the county's proposed updated comprehensive plan are

required to be and have been submitted to the state at least sixty days prior to final adoption, and the plan must be transmitted to the state within ten days after final adoption; and

WHEREAS, it is anticipated that cities will re-open their land use plans to make them consistent with the county plan, and the cities and the county will amend their capital facilities plans accordingly; 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 Board of County Commissioners (the Board) finds that all GMA prerequisites for the adoption of the county's comprehensive plan have been met and that the plan adopted herein achieves the goals and satisfies the requirements of the GMA, as follows:

1. **Compliance with the Required Elements of the Comprehensive Plan.** The 20-year Comprehensive Growth Management Plan adopted herein includes all of the following required elements: Land Use, Transportation, Rural and Natural Resources, Housing, and Capital Facilities and Utilities. In addition, the plan also contains the following optional elements: Economic Development, Environment, Parks and Open Space, Historic Preservation, Community Design, Annexation, and Procedural Guidelines.
2. **Compliance with Resource and Critical Areas Designations and Regulation.** Agricultural, forest and mineral resource lands have been identified and designated on the Comprehensive Plan map, and conserved through the establishment of minimum lot sizes and other zoning regulations. Clark County has critical areas ordinances that protect wetlands, habitat, geohazard areas, floodplains and critical aquifer recharge areas, and will be updating these in 2004 to reflect best available science. Environmental protection also occurs with the Shoreline Master Program and with the State Environmental Policy Act (SEPA).
3. **Public Participation.** The public participation requirements of the GMA have been met through an extensive public involvement process that included the following:
 - a. A Growth Management Steering Committee, consisting of elected officials from all cities and the Board, to review and comment on growth management planning. All meetings were open to the public and included time for public comment.

- b. A Technical Advisory Committee, comprised of planners from the cities, the county and special districts, who met to discuss planning issues of a technical nature.
 - c. Three county-wide mailings describing the GMA plan update process and progress made, and asking for comments on a variety of growth management issues.
 - d. Small group interviews, topic group meetings, plus CitizenSpeak I and II, which were a series of public workshops on the GMA designed to get information from residents of the county about issues of concern to them.
 - e. Three rounds of public meetings throughout Clark County on the environmental impact statement/capital facilities plan process, the land use alternatives, and the proposed plan.
 - f. Extensive use of the Clark County website that included information on the GMA, an outline of the comprehensive plan update process, notices of meetings and hearings, maps of alternatives considered in the EIS process, meeting summaries, and issue discussions, and a way to comment to the county directly about GMA issues.
 - g. Ads, flyers, postcards, meeting summaries, etc. sent to the GMA mailing list.
 - h. Outreach to special audiences, including county employees, neighborhoods, and youth; presentations to community groups.
 - i. Numerous segments on the GMA on CVTV's 'Clark County Close Up' newsmagazine program. Televised public hearings held by the Planning Commission and the Board on plan adoption.
4. State Environmental Policy Act (SEPA). The county has complied with the environmental review process required by SEPA, as follows:
- a. A Draft Environmental Impact Statement (DEIS) outlining five alternatives was completed in March 2003. Open houses to review EIS information and to prepare citizens to comment were held in March and April 2003.
 - b. A Final EIS was completed in September 2003. The FEIS focused on a preferred alternative, which subsequently became the proposal that was the subject of public hearings before the Planning Commission and the Board.
 - c. The Comprehensive Plan has been revised based on comments received through the SEPA review process.
5. Amendment. The Comprehensive Plan provides adequate review and amendment procedures.
- a. The Comprehensive Plan provides for a procedure to monitor internal and inter-jurisdictional consistency.
 - b. The Comprehensive Plan contains provisions governing its amendment. Amendments will not be considered more than once each year.
 - c. The Comprehensive Plan provides for an automatic comprehensive review of urban growth areas at least once every ten years.

6. Record of Process.

- a. The information used to develop the Comprehensive Plan policies and land use map is contained primarily within the Comprehensive Plan text, supporting documents, and the EIS.
- b. The Clark County Planning Commission conducted a duly-advertised public hearing concerning recommendations for adoption of the Comprehensive Plan. The public hearing was held on the following 2003 dates: September 25; October 2, 9, 16, 23, and 30; and November 3, 6, 13, 17, 20 and 24. Hearings on dockets and Section 30 were held in May, June and July 2004.
- c. The Board conducted a duly-advertised public hearing concerning the Planning Commission recommendation and adoption of the Comprehensive Plan. The public hearing was held on the following 2003 dates: November 25; December 9 and 16. After consideration of a capital facilities plan, additional another public hearing was held on the following 2004 dates: July 13 and 27, and August 3, 4, 9, 10, 17, 24 and 31.
- d. All public hearings before the Planning Commission and the Board included opportunities for public comment.
- e. All public hearings before the Planning Commission and the Board were transcribed, tape recorded, and televised locally on cable television. Written transcripts, and video and audio tapes are on file.
- f. Copies of all newsletters, articles, and other publications are on file.
- g. Copies of all written correspondence received by the county are on file.

7. Internal Consistency. The Comprehensive Plan is internally consistent.

- a. The policies within and among elements are complementary, not contradictory. Both separately and together, they further the goals of the GMA.
- b. The land use map represents months of detailed analysis carried out in cooperation with individual cities and the business and environmental communities. The analysis and draft land use maps were subject to public scrutiny for several months as the analysis progressed.
- c. The Comprehensive Plan contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.

8. Individual Site Specific Requests. Clark County established a process to address individual site-specific requests for a change in designation and/or zoning as part of the plan update. This process was established to further opportunities for citizen involvement in the development of the plan as a whole, by recognizing that in certain circumstances property owners' wishes for a change in designation/zoning could be accommodated. The county evaluated more than 300 such requests. Twenty-five requests in the Vancouver UGA received their own hearing before the Planning Commission and the Board. Numerous requests related to UGA expansion were also included.

9. Concurrency. The Comprehensive Plan meets the concurrency requirement of the GMA. The plan requires concurrency for transportation, implemented by the concurrency ordinance which specifies levels of service for identified corridors. The plan also includes six and twenty-year project lists.
10. Inter-jurisdictional Coordination. The Comprehensive Plan is consistent with adopted county-wide planning policies. The Community Framework Plan introduces the element chapters of the plan. County-wide planning policies are included in each plan element.
11. Coordination with other plans. The Comprehensive Plan is coordinated with those of neighboring jurisdictions. Environmental documents were developed jointly by the county and the cities within it. Capital facilities plans were produced in cooperation with cities, C-Tran, and metropolitan area planning agencies. Park, recreation and open space planning has been carried out cooperatively with cities.
12. Analysis of Cumulative Effects. An analysis of cumulative effects has been completed as part of the review of the comprehensive plan under SEPA. The SEPA was done jointly for the comprehensive plans of the county and its cities. Affected jurisdictions and the public have had an opportunity to comment on this analysis.
13. GMA Goals. The Comprehensive Plan addresses the goals of the GMA through its policies and implementation measures. The GMA contains 13 goals listed as follows, with corresponding policies of the plan noted. The plan is also in compliance with more specific citations contained within the GMA. Plan goals and policies which achieve compliance with the GMA in its entirety are also not limited to those cited below in association with the 13 basic goals.

- a. Urban Growth: Encourage development in urban areas where adequate public facilities exist or can be provided in an efficient manner.

The Community Framework Plan establishes policies that direct growth within the region into existing urban areas. The plan addresses this objective most directly through the goals and policies in the Land Use Element, as well as the adoption of new urban growth boundaries surrounding local cities. Supporting policies and implementation measures are contained throughout the document.

- b. Reduce Sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The plan addresses this objective directly through the goals and policies in the Land Use Element, as well as the adoption of new urban growth boundaries surrounding local cities.

- c. Transportation: Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

The Comprehensive Plan addresses this most directly through the goals and policies in the Transportation Element.

- d. Housing: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of the existing housing stock.

The Comprehensive Plan addresses this most directly through the goals and policies in the Housing Element, as well as the variety of residential designations contained in the Comprehensive Plan map.

- e. Economic Development: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services and public facilities.

The Comprehensive Plan addresses this most directly through the goals and policies in the Economic Development Element, and through the designation of industrial and commercial lands on the Comprehensive Plan map.

- f. Property Rights: Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

It is the intent of Clark County in administering the Comprehensive Plan to ensure that regulatory actions affecting private property are not arbitrary or discriminatory in any way. The rights of private property owners and the avoidance of any taking of private property without just compensation have been given due consideration in the development of the Comprehensive Plan policies and implementation measures.

- g. Permits: Applications for both state and local permits should be processed in a timely and fair manner to ensure predictability.

The Comprehensive Plan addresses this most directly through the goals and policies in the Housing Element, Rural and Resource Element and the Economic Development Element, and through ordinance language that outlines specific standardized processes for permit issuance.

- h. Natural Resource Industries: Maintain and enhance natural resource-based industries, including productive timber, agricultural and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

The Comprehensive Plan addresses this most directly through the goals and policies in the Rural and Resource Element and the Economic Development Element, and through specific identification and designation of agricultural, forest, and mineral resource lands.

- i. Open Space and Recreation: Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

The Comprehensive Plan addresses this most directly through the goals and policies in the Environmental Element and the Parks, Recreation, and Open Space Element.

- j. Environment: Protect the Environment and enhance the state's high quality of life including air and water quality and availability of water.

The Comprehensive Plan addresses this most directly through the goals and policies in the Environmental Element and the Parks, Recreation, and Open Space Element, and related ordinances relating to protection of critical areas and shorelines.

- k. Citizen Participation and Coordination: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Throughout the plan update process Clark County has provided extensive opportunities for citizen involvement and coordination, ranging from community-wide open houses to surveys to formal hearing testimony. The Community Involvement Process is detailed in the Introduction to the Comprehensive Plan, and within this ordinance.

- l. Public Facilities and Services: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally-established minimum standards.

The Comprehensive Plan addresses this most directly through the goals and policies in the Capital Facilities and Utilities Element, and the county's transportation concurrency ordinance.

- m. Historic Preservation: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

The Comprehensive Plan addresses this most directly through the goals and policies in the Historic, Archaeological and Cultural Preservation Element.

- 14. Compliance with county-wide planning policies. As required by the GMA, Clark County participated in discussions with cities within the county to establish urban growth area boundaries, and adopted such boundaries for each city consistent with the county-wide planning policies. Further, the county provided notification to surrounding jurisdictions of its comprehensive plan development process. The county has achieved consistency with adopted county-wide planning policies.
- 15. Compliance with submission requirements. The required notice of intent to adopt was filed with the Washington Department of Community, Trade, and Economic Development (CTED) within the required time frame.
 - a. CTED received notice of the county's intent to adopt a comprehensive plan under the GMA on September 22, 2003.
 - b. Comments were received from CTED on December 9, 2003, and were considered in the update of the Comprehensive Plan.
- 16. Implementation measures. Adoption of zoning ordinances and other measures necessary to implement the Comprehensive Plan are being adopted simultaneously with this ordinance.

Section 2. Adoption of the updated Clark County Comprehensive Plan. The 20-year land use plan is hereby adopted as the GMA Comprehensive Plan for Clark County. The plan consists of the following documents:

- 1. The 20-year Comprehensive Growth Management Plan document and all text and policies contained therein (Exhibit 1).
- 2. Updated maps showing plan designations for unincorporated rural and resource lands, and maps establishing urban growth area boundaries and providing plan designations for unincorporated lands within the boundaries of cities and towns in Clark County. Such updates include business parks inside UGAs and reflect the dockets process. (Exhibits 2A and 2B).
- 3. An updated map showing arterial classifications and cross-sections for roadways within the county's land-use jurisdiction (Exhibit 3).
- 4. The following items, incorporated by reference:
 - a. Capital facilities plans for school districts; county transportation; parks, recreation and open space services; water; sewer; sheriff; fire; and stormwater;
 - b. Clark County Capital Facilities Financial Plan 2003-08;
 - c. Vacant and Buildable Lands Analyses for urban growth areas; and
 - d. County transportation analysis.

Section 3. Repealer. Clark County Ordinance 2004-01-23 dealing with a moratorium on certain rural land divisions is hereby repealed.

Section 4. Amendatory. Clark County Code Section 40.100.070 Definitions is hereby amended as follows:

<u>Significant interchange improvement</u>	<u>For the purposes of CCC 40.250.050, a significant interchange improvement shall be the modification of a grade-separated intersection and ramp system that requires a Federal Highways Administration (FHWA) Access Point Decision Report for highways on the federal interstate highway system or that would require such a study for all other highways and county roads if such facilities were subject to such regulation. For example, improvements that are restricted to extending the storage length of a ramp or adding a turn lane at the ramp terminus would not be considered significant; moving or reconfiguring a ramp would be defined as significant for the purposes of CCC 40.250.050.</u>
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Section 5. Amendatory. Clark County Code Section 40.210.040 Urban Reserves is amended as shown in Exhibit 4.

Section 6. Amendatory. Clark County Code Section 40.220.010 Single Family Residential Districts is amended as shown in Exhibit 5.

Section 7. Repealer. Clark County Code Section 40.230.030 Office Campus District, and Section 40.230.040 Business Park District are hereby repealed.

Section 8. New. A new Clark County Code Section 40.230.030 Employment Center Districts is adopted, as shown in Exhibit 6.

Section 9. Amendatory. Clark County Code Section 40.230.070 Urban Holding Districts is amended, as shown in Exhibit 7.

Section 10. New. A new Clark County Code Section 40.250.050 is adopted, as follows:

40.250.050 INTERCHANGE AREA OVERLAY DISTRICT

A. The interchange overlay district applies to all parcels contained wholly or partially within:

- (1) A ½-mile radius of the ramp termini of an interchange, and
- (2) 1200 feet of the centerline of the intersecting arterial for a distance of 2 miles from the center of the interchange along the intersecting arterial.

B. The interchange overlay district is applied to the subject parcels when a responsible transportation agency accepts a plan (e.g., route development plan, corridor study, or subarea plan) that identifies a new interchange or a significant interchange improvement, as defined in 40.100.070.

Section 11. Amendatory. Clark County Code Section 40.260.110 Residential Infill is amended, as shown in Exhibit 8.

Section 12. Amendatory. Clark County Code Section 40.350.020 Transportation Concurrency Management System is amended, as shown in Exhibit 9.

Section 13. Amendatory. Clark County Code Section 40.550.010 Road Modifications is amended, as shown in Exhibit 10.

Section 14. Amendatory. Clark County Code Section 40.560.010 Plan Amendment Procedures is amended, as shown in Exhibit 11.

Section 15. Amendatory--Dockets. The findings and analysis contained in the Clark County Planning Commission's Memorandum dated July 27th, 2004 relating to the 2004 Comprehensive Plan Amendments – Dockets are hereby adopted and incorporated herein by reference, except inconsistent with the following:

In the matter of **Docket item No. D2003-002A Black Jack/American Properties, LLC**, located at 1314 NE 106th Street, Vancouver, WA and are further described as Tax Serial Nos. 118055-000, 118056-000, 118057-000, 118060-002, 118060-003, and 118059-000 the Board finds that the proposal meets the criteria for an amendment to a Light Manufacturing (ML) designation and a Light Manufacturing (ML) zone. The official zoning map is hereby amended from Urban Medium (R-22) to Light Manufacturing (ML) for the subject tax serial numbers (Exhibit 12).

In the matter of **Docket item No. 2003-033 Johnson & Mason**, located at 1600 and 1410 NE 106th Street, Vancouver, WA and is further described as Tax Serial Nos. 118060-001 and 118058-000 the Board finds that the proposal meets the criteria for an amendment to a Light Manufacturing (ML) designation and a Light Manufacturing (ML) zone. The official zoning map is hereby amended from Urban Medium (R-22) to Light Manufacturing (ML) for the subject tax serial numbers (Exhibit 13).

In the matter of **Docket item No. 2004-136 Jollie's Restaurant**, located at 17701 NE Union Road and is further described as Tax Serial Nos. 181932-000, 181979-000, 181914-000 the Board finds that the proposal meets the criteria for an amendment to a General Commercial designation (CG) and High Commercial (CH) zone. The official zoning map is hereby amended from Community Commercial (C-3) to General Commercial (CH) for the subject tax serial numbers (Exhibit 14).

In the matter of **Docket item No. 2003-029A, Poulsbo RV Center**, located at 17611 NE Union Road and is further described as Tax Serial Nos. 117800-000, 181901-000,

181938-000, and 181942-000 the Board finds that the proposal meets the criteria for an amendment to a General Commercial (CG) designation and Highway Commercial (CH) zone. The official zoning map is hereby amended from Community Commercial (C-3) to General Commercial (CH) for the subject tax serial numbers (Exhibit 15).

In the matter of **Docket item No. 2004-130, Port of Camas/Washougal**, located on 267th Avenue between NE 9th Street and NE 3rd Street and is further described as Tax Serial Nos. 175489-000, 175050-000, 175464-000, 175471-000, 175478-000, 175479-000, 175495-000, 175534-000, and 175535-000, the Board finds that all the proposed parcels listed above meet the criteria for an amendment to an Airport designation and Airport zone. In addition and consistent with Clark County Code 40.250.010B the Board finds that an airport environs AE-1 overlay shall be placed over the existing built airport and runways. The Board finds that **tax serial nos. 175474-000, and 175476-000 of the proposal do not meet the criteria** for an amendment to an Airport designation and Airport zone. The official zoning map is hereby amended from Rural District (R-5) to Airport (A) for the subject tax serial numbers (Exhibit 16).

In the matter of **Docket item No. 2003-008AA, Crossroads Church**, located at 7708 NE 78th Street, Vancouver, WA and further described as Tax Serial Nos. 105620-000, 105626-000, 105627-000, 105630-000, 105710-000, 105712-000, 105714-000, 105720-000, and 105720-001 the Board finds that the application meets the criteria for a designation and zone change and with the concomitant rezone agreement, as submitted, the Community Commercial designation and (C-3) implementing zone is a more appropriate designation for the property. The official zoning map is hereby amended from Urban Medium (R-18) to Community Commercial (C-3) for the subject tax serial numbers (Exhibits 17 and 18).

In the matter of **Docket item No. 2003-036, Stickney/Mueller**, located at NE 162nd and NE 39th Streets, Vancouver, WA and further described as Tax Serial No. 159328-000 the Board finds that the proposal meets the criteria for an amendment to a Community Commercial designation and C-3 zone. The official zoning map is hereby amended from Urban Low (R1-6) to Community Commercial (C-3) for the subject tax serial numbers (Exhibit 19).

In the matter of **Docket item No. 2004-135, Lane Landmarks**, located at 10311 Hwy 99, Vancouver, WA and further described as Tax Serial Nos. 117973-000, 117974-000 the Board finds that the proposal meets the criteria for an amendment to a General Commercial designation and Highway Commercial (CH) zone. The official zoning map is hereby amended from Urban High (R-30) to General Commercial with a (CH) zone for the subject tax serial numbers (Exhibit 20).

In the matter of **Docket item No. 2003-038A, Abruzzo**, located at 5820 NE 8th Court, Vancouver, WA and further described as Tax Serial No. 147576-005 the Board finds that the proposal meets the criteria for an amendment to a General Commercial designation and Limited Commercial (CL) zone. The official zoning map is hereby

amended from Urban Medium (R-18) and (R-22) to General Commercial with a (CL) zone for the subject tax serial numbers (Exhibit 21).

In the matter of **Docket item No. 2003-009A, Embury**, located at 11218 NE 107th Street, Vancouver, WA and further described as Tax Serial Nos. 200099-000, 199623-000, 199686-005, 199686-000 the Board finds that the proposal meets the criteria for an amendment to an Urban Low designation and R1-6 zone. The official zoning map is hereby amended from Mixed Use designation with (ML) zone to Urban Low designation R1-6 zone and amend the Urban Low R1-10 zoned parcel to Urban Low R1-6 zone for the subject tax serial numbers (Exhibit 22).

In the matter of **Docket item No. 2001-029, Haagen R.**, located at 821 NE 162nd Ave, Vancouver, WA and further described as Tax Serial No. 164503-000 the Board finds that the proposal meets the criteria for an amendment to Urban Medium designation and (OR-15) zone. The official zoning map is hereby amended from Urban Low (R1-5) to Urban Medium designation and (OR-15) zone for the subject tax serial number (Exhibit 23).

In the matter of **Docket item No. 2001-012, Carlson Feed Store/Weber**, located at 6101 NE 109th Avenue, Vancouver, WA and further described as Tax Serial Nos. (157510-000, 109054-000, 109057-000, 109040-000 and 109060-000 in full) and (only the eastern portion of tax serial no 106940-000 – eastern portion to be defined as that portion east of NE Covington Road) the Board finds that the proposal meets the criteria for an amendment to General Commercial designation and Limited Commercial (CL) zone. The official zoning map is hereby amended in the case of parcel 157510-000 from Urban Low designation and R1-7.5; parcels 109054-000, 109057-000, 109060-000 and the eastern portion of parcel 109040-000 (as defined above) Urban Medium designation and R-18 zone and parcel 109040-000 Parks and Open Space designation and R1-7.5 zone to General Commercial designation and (CL) zone for the subject tax serial numbers (Exhibit 24).

In the matter of **Docket item No. 2003-071, Hilberg/Woodruff** located at NE 76th Street and NE 94th Avenue and further described as Tax Serial Nos. 105459-010, 105459-000, and 105455-000 the Board finds that the proposal meets the criteria for an amendment to Urban Medium designation and R-18 zone. The official zoning map is hereby amended from Community Commercial designation and (C-3) zone to Urban Medium Designation and R-18 zone for the subject tax serial numbers (Exhibit 25).

In the matter of **Docket item No. D2004-134, Dr. Keith Collins** located at 8615 NE Hazel Dell Avenue and further described as Tax Serial Nos. 145251-000 and 145251-005 the Board finds that the proposal meets the criteria for an amendment to a Community Commercial designation and (C-3) zone. The official zoning map is hereby amended from Urban High (R-43) to Community Commercial (C-3) for the subject tax serial numbers (Exhibit 26).