



TO: Clark County Council  
FROM: Karl Johnson, Chair  
PREPARED BY: Sharon Lumbantobing, Planner II  
DATE: September 17, 2019  
SUBJECT: CPZ2019-00004 GROTH ANNUAL REVIEW FOR  
COMPREHENSIVE GROWTH MANAGEMENT PLAN AND MAP  
AMENDMENT

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### PLANNING COMMISSION RECOMMENDATION

On August 15, 2019, the Planning Commission voted 3 to 1 to approve the staff recommendation to amend the comprehensive plan designation and zoning from Rural 10 (R-10) to Rural 5 (R-5) on one parcel (210776000) that is 26.29 acres.

### PROPOSED ACTION

The applicant is requesting to amend the comprehensive plan designation and zoning from Rural 10 (R-10) to Rural 5 (R-5) on one parcel (210776000) that is 26.29 acres

### BACKGROUND

The applicant owns one parcel (210776000) that is designated Rural 10 (R-10) and is located north of NW 304<sup>th</sup> St. and east of NW 71<sup>st</sup> Ave. The subject parcel was previously owned by Clark County Public Works and was considered as a potential sand and gravel resource, but it was determined that it did not fulfill that need and was surplus and sold to the current owner in 2016 via public auction. The parcel was selectively logged under a forest practices permit (FOR2017-000388). There is a natural gas easement on the property for a petroleum pipeline.

The properties to the north, south, and west are zoned R-5, with the exception of two smaller parcels to the west (210801000 and 210809000), which are surrounded by the subject parcel on three sides. Both parcels are zoned R-10 and are under one acre. The property owner has submitted a letter stating that they are not interested to participate in this re-designation request.

The subject parcel abuts parcels to the east that are owned by Clark County Legacy Lands. Parcels 210783000, 210784000, and 210785000 were initially purchased in anticipation of the county trading them for 320 acres surrounding Mud Lake (now called Lake Rosannah) with the Morgan Family (Plas Newydd Ranch). That exchange never came together and the county plans to harvest timber from these three parcels at some point in the future as part of its sustainable forestry program. Parcel 210783000 (35 acres) and parcel 210785000 (5 acres) are both zoned R-10, while 210784000 is zoned R-20 (40 acres).

The applicant is requesting to amend the comprehensive plan designation and zoning from Rural 10 (R-10) to Rural 5 (R-5) on one parcel (210776000). The subject parcel is 26.29 and if



rezoned to R-5, could potentially be subdivided into 5 new lots (3 more than the current R-10 zoning allows).

### **GENERAL INFORMATION:**

Parcel Number: 210776000  
Location: The parcel is located north of NW 304<sup>th</sup> St. and east of NW 71<sup>st</sup> Ave.  
Area: 26.29 acres  
Owner(s): Steve Waugh, David William Groth, and Cheryl Irene Groth  
Existing land use:

Site: Rural 10 (R-10), undeveloped, bisected by petroleum pipeline  
North: Rural 5 (R-5), undeveloped  
South: Rural 5 (R-5), developed  
West: Rural 5 (R-5), developed; and Rural 10 (R-10), developed  
East: Rural 10 (R-10), undeveloped Clark County Legacy Lands

### **SUMMARY OF PUBLIC INVOLVEMENT PROCESS**

Sixty-day notification was sent to the Department of Commerce on Feb. 15, 2019 under RCW 36.70A.106. A Notice of Determination of Non-Significance and SEPA Environmental Checklist was published in the Columbian newspaper on July 31, 2019. A legal notice was published for the Planning Commission hearing on July 31, 2019. A notice of application and Planning Commission hearing was posted on the property on July 31, 2019.

All public comments are included in the Planning Commission Hearing binder.

### **APPLICABLE CRITERIA, EVALUATION, AND FINDINGS**

#### **CRITERIA FOR ALL MAP CHANGES**

- A. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Comprehensive Plan, City Comprehensive Plans, Applicable Capital Facilities Plans, and official population growth forecasts. [CCC 40.560.010(G)(1)].**

#### **Growth Management Act (GMA)**

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goals that apply to the proposed action are Goal 4.

Goal 4 Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock" [RCW 36.70A.020(4)].

WAC 365-196-425 Rural Element states that counties "shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities". WAC 365-196-425 further states:

- “(a) The rural element shall include measures that apply to rural development and protect rural character. Counties must define rural character to guide the development of the rural element and the implementing development regulations.
- (b) The act identifies rural character as patterns of land use and development that:
- (i) Allow open space, the natural landscape, and vegetation to predominate over the built environment;
  - (ii) Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
  - (iii) Provide visual landscapes that are traditionally found in rural areas and communities;
  - (iv) Are compatible with the use of land by wildlife and for fish and wildlife habitat;
  - (v) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
  - (vi) Generally do not require the extension of urban governmental services; and
  - (vii) Are consistent with protection of natural surface water flows and ground water and surface water recharge and discharge areas.

**Finding:** The Clark County Comprehensive Plan provides for a variety of rural densities, such as 1 and 2.5 acre parcels in Rural Center Residential Districts (RC-1 and RC 2.5), and 5, 10, and 20 acres in Rural Districts (R-5, R-10, and R-20) for residential living in the rural areas located outside rural centers. Clark County Code also contains provisions for Rural Cluster Development as follows: “The purpose of rural cluster development is to provide for small lot residential development in the rural districts (R-5, R-10, and R-20), which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands” (CCC 40.210.020.D)

The proposed change from R-10 to R-5 would protect rural character and visual landscapes found in rural areas, and is compatible with neighboring rural land uses. Therefore, the proposed amendment is consistent with the State GMA Goal 4 and with WAC 365-196-425. The applicant is encouraged to consider a rural cluster development at the time of development to protect and enhance sensitive environmental and wildlife habitat areas. The remainder parcel could be located to contain forested areas, prominent hillsides, meadows and ridges. The rural cluster provision would ensure that the characteristics of the site are not altered.

### **Community Framework Plan**

Community Framework Plan (Framework Plan) provides guidance to local jurisdictions on regional land use and service issues. The Framework Plan encourages growth in centers, urban and rural, with each center separate and distinct from the others. The centers are oriented and developed around neighborhoods to allow residents to easily move through and to feel comfortable within areas that create a distinct sense of place and community. Community Framework Plan policies applicable to this proposal include the following:

- Goal 3.2.0 states that “Rural areas should meet at least one of the following criteria:
- Opportunities exist for small scale farming and forestry which do not qualify for resource land designation;

- The area serves as a buffer between designated resource land or sensitive areas;
- Environmental constraints make the area unsuitable for intensive development;
- The area cannot be served by a full range of urban level-of-service; or,
- The area is characterized by outstanding scenic, historic or aesthetic values which can be protected by a rural designation.” [Framework Plan, page 15].

**Finding:** The subject parcel is currently zoned Rural (R-10). Both an R-5 and an R-10 designation ensure that the character of the site will remain rural and not be served by a full range of urban level-of-service. The R-10 designation is intended to act as a buffer to Natural Resource Lands, and protect environmentally critical areas. The subject parcel does abut Clark County Legacy Lands to the east, however, these Legacy Lands parcels were purchased in anticipation of the county trading them for other parcels in an exchange that never came together. These Legacy Lands parcels will be used for a harvest timber in the future as part of the county’s sustainable forestry program. The intended use of these parcels does not require that they be buffered by an R-10 designation to the west, where the subject parcel is located.

The subject parcel was originally encumbered with critical areas related to Bald Eagle protections, but in 2016, bald eagles were removed from the Washington State Priority Habitat and Species list and delisted under the Federal Endangered Species Act. There are no longer any county regulations that pertain to bald eagles. Bald eagles are still subject to the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act and property owners should follow USFWS guidelines to avoid a violation of Federal Law. Management practices for development including avoiding disturbance of nesting eagles based on the distance to the nest and the time of year nesting and rearing generally occur. However, with the removal of the Bald Eagle protections by WSDFW, the current R-10 designation is not required as a buffer to protect environmentally critical areas.

### **Countywide Planning Policies (CWPP)**

The GMA, under RCW 36.70A.210, requires counties and cities to collaboratively develop Countywide Planning Policies (CWPP) to govern the development of comprehensive plans. The WAC 365-196-305(1) defines “the primary purpose of CWPP is to ensure consistency between comprehensive plans of counties and cities sharing a common border or related regional issues. Another purpose of the CWPP is to facilitate the transformation of local governance in the urban growth areas, typically through annexation to or incorporation of a city, so that urban governmental services are primarily provided by cities and rural and regional services are provided by counties.”

Policy 3.0.1 The county shall recognize existing development and provide lands, which allow rural development in areas, which are developed or committed to development of a rural character” [CWPP, page 89].

**Finding:** The proposed amendment to change from R-10 to R-5 would allow rural development and maintain rural character. The site is contiguous with other rural lands zoned R-5 to the west. The applicant is encouraged to consider a rural cluster development at the time of development to protect and enhance sensitive environmental and wildlife habitat areas.

### **Comprehensive Growth Management Plan 2015-2035 (2016 Plan)**

The 20-Year Comprehensive Growth Management Plan contains many policies that guide urban form and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

## Rural Lands

**Goal: Compatible with maintaining rural character and rural (levels of service), ensure that lands outside of urban growth areas are viable places to live and work.**

“3.1.1 Clark County shall maintain and protect the character of rural lands defined as those lands outside of urban growth areas by promoting:

- Large lot residential development compatible with adjacent farming, forestry and mining, and not needing urban facilities and services...”

3.1.2 Land use designations on the Clark County Comprehensive Plan Land Use Map include areas that are rural in character and meet one or more of the following criteria:

- Generally characterized by a larger lot size;
- Do not require urban levels of public service;
- Opportunities exist for farming and mineral activities;
- The area is contiguous with other rural lands and can serve as a buffer between large-lot residential development and resource activities or urban areas;
- The area is not needed to provide capacity for population or employment growth in the 20-year forecast; and
- The area has outstanding scenic, historic, environmental, resource, or aesthetic values” [2016 Plan, page 90].

**Finding:** The subject parcel is contiguous with rural lands zoned R-5 to the west. The proposed amendment from R-10 to R-5 would allow the parcel to be divided in the future into up to five 5 lots, which would allow five single-family homes to be built. The above policies in the 20-Year Comprehensive Growth Management Plan would still be maintained with an amendment from R-10 to R-5. The applicant is encouraged to consider a rural cluster development at the time of development to protect and enhance sensitive environmental and wildlife habitat areas. The remainder parcel could be located to contain forested areas, prominent hillsides, meadows and ridges. The rural cluster provision would ensure that the characteristics of the site are not altered.

**Conclusion: Criterion A has been met.**

**B. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan and the purpose statement of the zoning district. [CCC 40.560.010(G)(2)].**

The Rural 5, 10, and 20 (R-5, R-10 and R-20) designations are intended to provide lands for residential living in the rural area. Natural resource activities such as farming and forestry are allowed and encouraged to occur as small scale activities in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices. The Rural 5, 10, and 20 base zones implement this designation. [2016 Plan, page 36].

#### 40.210.020 Rural Districts (R-20, R-10, R-5)

##### A. Purpose.

The rural districts are intended to provide lands for residential living in the rural area. Natural resource activities such as farming and forestry are allowed and encouraged in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices. [CCC 40.210.020].

**Finding:** R-5, R-10, and R-20 base zones provide lands for residential living in the rural area. The R-10 designation is intended to prevent premature development of future urban areas adjacent to urban reserves, act as a buffer to natural resource lands, and protect environmentally critical areas.

While the subject parcel was originally encumbered with critical areas related to Bald Eagle protections, in 2016 bald eagles were removed from the Washington State Priority Habitat and Species list and delisted under the Federal Endangered Species Act. There are no longer any county regulations that pertain to bald eagles. With the removal of the Bald Eagle protections by WSDFW in 2016, the current R-10 designation is not required as a buffer to protect environmentally critical areas. The Clark County Legacy Lands parcels which abut the subject parcel were purchased in anticipation of the county trading them for other parcels in an exchange that never came together. These Legacy Lands parcels will be used for a harvest timber in the future as part of the county's sustainable forestry program. The intended use of these Legacy Lands parcels does not require that they be buffered by an R-10 designation to the west, where the subject parcel is located.

**Conclusion: Criterion B is met.**

##### C. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. [CCC 40.560.010(G)(3)].

**Finding:** The proposed map amendment is suitable for the proposed designation. Rural districts are intended to provide lands for residential living in the rural area. The properties to the north, south, and west are zoned R-5. Two smaller parcels to the west (PINs 201801000 and 210809000), which are surrounded by the subject parcel on three sides, are zoned R-10, but both are under one acre and cannot be further subdivided. North of Ridgefield and west of Interstate 5, there are a mix of zones (R-5, R-10, R-20, and FR-80), with R-5 being the predominant zone. The site is suitable for the proposed designation and it is consistent with the comprehensive plan policies and the surrounding zoning.

**Conclusion: Criterion C has been met.**

##### D. The plan map amendment 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. [CCC 40.560.010(G)(4)].**

**Finding:** The proposed land use amendment (a) responds to a substantial change in conditions applicable to the area within which the subject property lies. While the subject parcel was originally encumbered with critical areas related to Bald Eagle protections, in 2016, bald eagles were removed from the Washington State Priority Habitat and Species list and delisted under the Federal Endangered Species Act. There are no longer any county regulations that pertain to bald eagles. The Bald Eagle mapping did not extend on the subject parcel itself, but to adjacent parcels, and a healthy eagle population has returned to the area. With the state-wide removal of the Bald Eagle protections in 2016, the current R-10 designation is not required as a buffer to protect environmentally critical areas. The Clark County Legacy Lands parcels which abut the subject parcel to the east also do not require the R-10 designation to act as a buffer as the county plans to harvest timber from these parcels at some point in the future as part of its sustainable forestry program.

**Conclusion: Criterion D has been met.**

**E. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site. [CCC 40.560.010(G)(5)].**

The policy for Rural lands as they related to public facilities states that “3.1.7 Rural lands generally shall be served by septic tanks and individual wells (when public water is not available). Wastewater treatment shall be provided by individual on-site treatment systems or approved alternative sewage treatment technologies.”

**Finding:** The location of the subject parcel is outside of the urban area that connects to Ridgefield’s Urban Growth Area. Once developed, the site would be served by septic systems, individual potable wells, and provisions for stormwater management will be made as required. The proposed amendment to the comprehensive plan map would not significantly impact the transportation system. There are no transit routes in the vicinity of the subject parcel. The proposed land use amendment will minimally increase trips and, therefore, the surrounding transportation system will operate within the adopted threshold. Please refer to the attached Transportation Impact Analysis for further information regarding transportation for this proposal.

**Conclusion: Criterion E has been met.**

## **RECOMMENDATION AND CONCLUSIONS**

Based on the information and the findings presented in this report, the Planning Commission forwards a recommend of **APPROVAL** to Clark County Councilors to amend the comprehensive plan designation and zoning from Rural 10 (R-10) to Rural 5 (R-5) on one parcel (210776000).

The following table lists the applicable criterion and summarizes the findings of the staff report for CPZ2019-00004. The Planning Commission findings will be added to the table after public deliberation at the Planning Commission hearing scheduled for this application.

<b>COMPLIANCE WITH APPLICABLE CRITERIA</b>		
	<b>Criteria Met?</b>	
	<b>Staff Report</b>	<b>Planning Commission Findings</b>
<b>Criteria for All Map Changes</b>		
<b>A.</b> Consistency with GMA & Countywide Policies	YES	YES
<b>B.</b> Conformance with Location Criteria	YES	YES
<b>C.</b> Site Suitability and Lack of Appropriately Designated Alternative Sites	YES	YES
<b>D.</b> Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error	YES	YES
<b>E.</b> Adequacy/Timeliness of Public Facilities and Services	YES	YES
<b>Recommendation:</b>	<b>APPROVAL</b>	<b>APPROVAL</b>