



CPZ2019-00032 GMA Compliance Rural Industrial Land Bank

Supporting Documents

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Voice 360.397.2322 / Relay 711 or 800.833.6388
Fax 360.397.6165 / Email ADA@clark.wa.gov

NOTICE OF PUBLIC HEARING CLARK COUNTY COUNCIL

NOTICE IS HEREBY GIVEN that the Clark County Council will conduct a public hearing on **November 12, at 10:00 a.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

- 1) **CPZ2019-00032 – Growth Management Act Compliance (Rural Industrial Land Bank):** A proposal to amend the Clark County Comprehensive Growth Management Plan 2015-2035, zoning maps and Clark County Unified Development Code as a response to the Growth Management Hearings Board Final Decision and Order regarding the Rural Industrial Land Bank (RILB).

Staff Contact: Gary Albrecht, Gary.Albrecht@clark.wa.gov or (564) 397-4318

- 2) **CPZ2019-00031 – I-5/NE 179th St. Area Urban Holding Overlay removal:** A proposal to amend the Comprehensive Plan and Zoning maps to remove the urban holding overlays from approximately 2,200 acres near the I-5/NE 179th Street Interchange area. An amendment to the Comprehensive Plan text is also proposed to remove the procedural guidelines associated with urban holding in the Vancouver Urban Growth Area.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

- 3) **CPZ2019-00017 – Capital Facilities Plan Amendments and Traffic Impact Fees:** A proposal to amend the Clark County transportation 20-year Capital Facilities Plan and update the associated traffic impact fees.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/housing-initiative>. Copies of materials are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711 or 800-833-6388, or Fax 564-397-6165.

Anyone wishing to attend this hearing should appear at the time and place stated above. Spoken testimony regarding this matter may be given there. Written testimony can be provided by e-mailing the clerk of the council at Rebecca.Messinger@clark.wa.gov or via US Postal Service to the Clark County Councilors, c/o Rebecca Messinger, PO Box 5000, Vancouver, WA 98666-5000. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the County Council before the hearing.

Approved as to Form only:

CLARK COUNTY COUNCIL

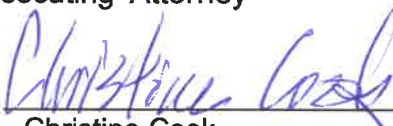
Clerk of the Board

Approved as to Form only:

ANTHONY F. GOLIK

Prosecuting Attorney

By: _____



Christine Cook

Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Monday, October 28, 2019

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810

Columbian Account 70914



For other formats, contact
the Clark County ADA Office

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Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Rick Torres
Steve Morasch
Bryan Halbert
Matt Swindell

**CLARK COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 17, 2019**

5:30 P.M. – WORK SESSION
Shoreline Master Plan Update

6:30 P.M. - PUBLIC HEARING

**CC HEARING ROOM, 6TH FLOOR
PUBLIC SERVICES BUILDING
1300 FRANKLIN STREET
VANCOUVER, WA**

AGENDA

I. CALL TO ORDER

II. ROLL CALL & INTRODUCTION OF GUESTS

III. GENERAL & NEW BUSINESS

- A. Approval of Agenda for October 17, 2019
- C. Communications from the Public

IV. PUBLIC HEARING ITEMS:

- A. Clark County completed a review and update of its comprehensive plan according to the Growth Management Act (GMA) on June 28, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) and a hearing on the issues was held February 8, 2017. The GMHB ruled on March 23, 2017 that certain portions of the 2016 plan update, including the establishment of a Rural Industrial Land Bank (RILB) had not complied with certain requirements of GMA. The county appealed the RILB decision. On Aug. 20, 2019, the Washington State Court of Appeals filed its decision on review of the GMHB decision. The court decision upheld the GMHB ruling that the portion of the 2016 Plan related to the RILB had failed to comply with the GMA. The Planning Commission will consider amendments to the **Comprehensive Growth Management Plan 2015-2035, zoning maps and Title 40** as a response to the GMHB final decision and order regarding the **Rural Industrial Land Bank (RILB)**, CPZ2019-00032_GMA Compliance RILB.

**Staff Contact: Gary Albrecht at Gary.Albrecht@clark.wa.gov or (564) 397- 4318
and Oliver Orjiako at Oliver.Orjiako@clark.wa.gov or (564) 397- 4112**

B. 2019 Annual Reviews amending the 20-Year Growth Management Comprehensive Plan and Zone Map:

CPZ2019-00008 Whipple Creek – A proposal to amend the comprehensive plan and zoning designation from Rural 10 (R-10) with Rural (R-10) zoning to Rural 5 (R-5) comprehensive plan designation with Rural (R-5) zoning on one parcel as follows: 180317002.

Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

C. Clark County Unified Development Code (Title 40.250.030) Amendments (CPZ2019-00033 Columbia River Gorge National Scenic Area Code update) –

The proposal is to amend the Clark County Code pertaining to the Columbia River Gorge National Scenic Area to correct a scrivener’s error to CCC 40.240.H, which states that the development and production of mineral and geothermal resources are required to follow a Type IV (legislative) process. The review procedures should be a Type III (quasi-judicial) process as they are elsewhere in code.

V. NEW BUSINESS

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

VIII. ADJOURNMENT

STAFF REPORT AND RECOMMENDATIONS:

Staff recommendations to the Planning Commission will be available 14 days prior to the hearing date listed above. Staff reports and other information can be accessed on the following web page at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Or, contact Sonja Wiser, Program Assistant at (360) 397-2375, ext. 4558, or e-mail Sonja.wiser@clark.wa.gov

SUBMISSION OF WRITTEN TESTIMONY:

If you bring written testimony to read at the hearing, the Planning Commission would request submission of at least ten copies for the record (seven copies for Planning Commission and three copies for staff).

E-MAIL TESTIMONY:

PLEASE NOTE: All e-mails need to be received no later than 48 hours prior to the hearing and need to include full name, address, city, zip code, and phone number to be included as parties of record. Testimony can be e-mailed to the above-listed planners or to Sonja.wiser@clark.wa.gov

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

*The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Relay** (800) 833-6384 or 711; **E-mail** ADA@clark.wa.gov.*

HEARING COVERAGE:

Coverage of this evening's hearing may be cable cast live on Clark/Vancouver television channel 23 or 21, on cable television systems. For replay dates and times, please check your local television guide or www.cvtv.org.

Web Page at: **<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>**



Staff Report

TO: Clark County Planning Commission
 FROM: Oliver Orjiako, Director
 PREPARED BY: Gary Albrecht, AICP, Planner III
 DATE: October 17, 2019
 SUBJECT: CPZ2019-00032 GMA COMPLIANCE RURAL INDUSTRIAL LAND BANK (RILB)

PROPOSED ACTION

Community Planning is requesting proposed amendments to the Comprehensive Growth Management Plan text, plan map, zoning map, arterial atlas map, and Title 40 to remove the authorization for and all references to, the Rural Industrial Land Bank. The proposed amendments are a response to the Growth Management Hearings Board Final Decision and Order (FDO) regarding the Rural Industrial Land Bank, [\[GMHB Case No. 16-2-0005c\]](#), three subsequent compliance orders issued by the GMHB, and the decision of the Washington Court of Appeals dated August 20, 2019. Below are brief descriptions of the proposed amendments. [See Exhibit 1 - 7].

Proposed Comprehensive Plan and Zoning Map Amendments	
Amend the Comprehensive Plan designation of Rural Industrial Land Bank (RILB) and zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB) to the Comprehensive Plan designation of Agriculture (AG) and zoning designation of Agriculture (AG-20) on the following parcels: 198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, 198082000, 198113000, and 198076000.	

Proposed Arterial Atlas Map Amendments		
No.	Amendment	Description
1	Delete	At approximately NE 106 th Ave., delete a proposed commercial/industrial road, running north/south from NE 139 th St. to NE 149 th St.
2	Delete	At approximately NE 144 th St. and NE 114 th Ave, delete a proposed NE 144 th St. commercial/industrial road extension to the Chelatchie Prairie Railroad.
3	Delete	At approximately NE 110 th Ave. a proposed 2-lane minor arterial (M-2cb) from NE 134 th St. to NE 139 th St.
4	Reclassify	A road segment between NE 144 th St. and the intersection of NE 139 th St./NE 132 th Ave. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2).
5	Reclassify	A road segment of NE 134 th St. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2) between approximately NE 110 th Ave. to NE 132 nd Ave intersection.
6	Modify	A planned road extension at approximately NE 112 th Ave. from transitioning gradually from NE 139 th St. to NE 144 th St. returning to the prior alignment beginning further west at NE 102 nd Ave. connecting NE 139 th St. to NE 144 th St.
7	Modify	A planned road extension at approximately NE 124 th Ave. from NE 119 th St. to NE 144 th St. returning to the prior vertical alignment instead of the serpentine westward alignment.

Proposed Comprehensive Plan Text Amendments		
No.	Element	Description
1	Table of Contents	Delete Rural Industrial Land Bank (RILB) from the Table of Contents, page i.
2	Land Use	Delete Rural Industrial Land Bank (RILB) from Table 1.4 Rural Lands Plan Designation to Zone Consistency, page 31.
3	Land Use	Delete Rural Industrial Land Bank (RILB) and associated text, page 36-37.
4	Rural & Natural Resource	Delete County 20-year Plan Rural Industrial Land Bank goal and plan policies section 3.8, page 98.
Proposed Clark County Code Amendments		
No.	Title 40	Description
1	40.230.085	Amend CCC 40.230.085 - Employment Districts (IL, IH, IR, BP, IL-RILB) to delete all references to RILB in subsection (B)(1)(d), Table 40.230.085-1 Uses, Table 40.230.085-1 footnote 10, Table 40.230.085-2 Lot Standards, Setbacks, Lot Coverage and Building Height Requirements, Table 40.230.085-2 footnote 7, subsection (D)(4) including Figures 40.230.085-1 and 40.230.085-2, and associate renumbering.
2	40.520.070	Amend CCC 40.250.070 – Master Planned Development to delete all references to RILB in subsection (B)(4) and (C)(1)(b)
3	40.520.075	Amend CCC 40.520.075 – Rural Industrial Development Master Plan to delete all references to RILB and/or RCW 36.70A.367 in (B) and amend Section 40.560.010(J) to Section 40.560.010(H), and delete “with an IL-RILB overlay. Amend (C)(1) to amend Section 40.560.010(J) to Section 40.560.010(H), and delete “or land bank” and “for the land bank.”
4	40.560.010	Amend CCC 40.560.010 – Plan Amendment Procedures to delete all references to RILB and/or RCW 36.70A.367 in (H), delete (H)(a)(2) Major industrial land banks (light industrial), and delete (H)(b)(2) Major industrial land banks (light industrial).

BACKGROUND

The Clark County 20-year Comprehensive Growth Management Plan 2015-2035 (2016 Plan) adopted two Rural Industrial Land Bank (RILB) sites (Lagler and Ackerland comprising of 13 parcels totaling approximately 602 acres) and reduced the minimum lot size for agriculture resource lands from twenty (20) acres to 10 acres (AG-20 to AG-10) with an optional cluster provision. The cities of Battle Ground, La Center and Ridgefield expanded their urban growth boundaries. [Ord. 2016-06-12]. Clark County Citizens United (CCCU), Futurewise and Friends of Clark County (FOCC) appealed the 2016 Plan to the Growth Management Hearings Board (GMHB). [Case No. 16-2-0005c].

2016 Prior to issuance of the GMHB decision, the cities of La Center and Ridgefield annexed approximately 57 acres and 111 acres, respectively, of land that had been de-designated from agricultural use.

2017 In its Final Decision and Order dated March 23, 2017 (FDO), the GMHB ruled on 25 issues raised by the appellants. The county prevailed on 18 issues, including the following:

1. All of CCCU's issues and arguments, including complaints about participation, timing, SEPA, property rights, density in the rural area, population projections and allocation, cluster remainders, designation of agricultural and forest resource lands, an alleged rural vacant buildable lands model and the background reports.

2. FOCC's issues about the Capital Facilities Plan and funding, critical areas ordinances, the RILB deadline and annexation.

The GMHB held that the county was noncompliant on certain issues raised by FOCC and Futurewise, based on the following reasoning:

1. Urban Growth Area (UGA) expansions – each of the cities had surplus lands and no need for an expanded UGA. The county and the cities also failed to take reasonable measures to address land use issues related to sizing for each UGA.
2. De-designations for UGA expansions by Ridgefield and La Center – the county failed to conduct an area-wide analysis of lands for these de-designations.
3. Urban reserve overlay – the GMHB described the overlay areas as “UGA enlargements.”
4. Up-zoning to greater density in the resource zones – the GMHB held that this action did not protect and enhance the agricultural and forest industries.
5. Only one comprehensive plan designation for rural lands (outside urban centers) – the GMHB found that having one comprehensive rural lands designation implemented by R-5, R-10 and R-20 zones was not compliant with GMA.
6. RILB creation – the GMHB held that the county had not identified the maximum size of the RILB as required by GMA.
7. De-designation for the RILB – The GMHB held that the de-designation of agricultural resource land had not been proper because:

*“WAC 365-190-050(5) states that the final outcome of a designation process should “result in designating an amount of agricultural resource lands sufficient to maintain and enhance the **economic viability of the agricultural industry** in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.” (Emphasis added) Here, the county reviewed four sites and selected 602 acres within one site that may or may not have a key role to play in the agricultural industry in Clark County or the area. The county in 2004 found this land had long-term significance for agriculture when it designated the land pursuant to the requirements of RCW 36.70A.170.” [FDO, page 78].*

“..the county failed to complete an area-wide analysis of the impacts on the agricultural industry...” [FDO, page 41].

*“...de-designation decisions did not comply with WAC 365-196-050 in which a countywide or area-wide study creates a ‘process that should result in designating an amount of agricultural resource lands sufficient to maintain and enhance **the economic viability of the agricultural industry in the county over the long term**’.” (Emphasis added) [FDO, page 42].*

The GMHB initially found that the plan was invalid only with respect to the de-designations for urban lands and the UGA expansions for the cities of Battle Ground, La Center and Ridgefield.

“WAC 365-190-050(3)(c)(v) lists one criteria for designating agricultural land as ‘[r]elationship or proximity to urban growth areas,’ but this does not mean that every piece of land abutting an UGA must be converted to urban uses. The Legislature intended for counties and cities to identify, designate and conserve agricultural land in RCW 36.70A.060 and that jurisdictions ‘shall assure that the

use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with ...these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.’ The GMA was not intended to allow a domino effect of urbanization of parcel next to parcel. Carried to its logical end, natural resource lands would never be protected. Without designating and protecting natural resource lands, there is nothing to prevent the continuing loss of these lands.” [FDO, page 80].

In response, the county adopted an ordinance on April 25, 2017 that suspended land divisions within lands designated Agriculture, Forest tier II and Rural, and zone changes within those lands pursuant to CCC 40.560.020. [Ord. 2017-04-14]. In June, that suspension was made permanent. [Ord. 2017-06-04]. On July 11, 2017, the county amended the 2016 Plan, zoning maps and county code as follows:

1. Returning resource designations and zoning to AG-20 and FR-40;
2. Returning rural comprehensive plan designations to Rural-5, Rural-10, and Rural-20.
3. Repealing the urban reserve use list.
4. Returning the Battle Ground UGA to its pre-update status.
5. Naming a maximum size of the RILB. [Ord. 2017-07-04].

2017 On September 26, 2017, the county amended the 2015 Buildable Lands Report in order to reflect recent development in Battle Ground, Ridgefield and La Center, and measures taken by those cities to achieve the densities projected for them. [Res. 2017-09-13].

2018 On January 10, 2018, the GMHB issued an Order on Compliance and Order on Motions to Modify Compliance Order, Rescind Invalidly, Stay Order and Supplement the Record (First Compliance Order). Concerning the minimum lot sizes on agricultural and forest lands, the GMHB found that:

“With the county amendments in Ordinance 2017-07-04 regarding agricultural and forest lands, the Board finds and concludes that the county is now in compliance with RCW 36.70A.060 and RCW 36.70A.070.” [First Compliance Order, page 12].

The GMHB broadened its determination of invalidity, stating that the county had taken no action to cure its noncompliance on the following issues:

1. The county had not demonstrated need for the UGB expansions in Ridgefield and La Center.
2. The county did nothing to cure the unlawful de-designations of agricultural lands that Ridgefield and La Center brought into their UGBs.
3. The county did nothing to cure the unlawful de-designation of 602 acres of agricultural land of long-term commercial significance (ALLTCS) for the RILB.

“Clark County was before this Board in 2007 in a similar challenge of the county’s process to de-designate approximately 4,000 acres of ALLTCS, then expand urban growth area boundaries to encompass those newly de-designated lands, and then various cities within Clark County rapidly annexed the former ALLTCS. The annexations took place while this Board was hearing the case and before it could render its decision about the county’s ALLTCS de-designation process. Eventually, the Court of Appeals found some of the ALLTCS should not have been de-designated and attempted to address the timing of GMA appeals and city annexations, but our Supreme Court vacated that portion of the Court of

Appeals' decision which addressed the timing of appeals and annexations. [First Compliance Order, pages 13-14].

Here the Board is once again presented with a challenge of the county's process to change agricultural lands into urban or industrial lands. In 2016, as in 2007, the county de-designated ALLTCS abutting the cities of La Center, Ridgefield and Battle Ground as well as in proposed industrial areas. Then the county expanded the cities' UGAs to encompass the newly de-designated agricultural lands and designated two rural industrial land banks. And, as in 2007, while appeals were pending before this Board challenging the county's de-designation action, the cities rapidly annexed the former ALLTCS land from the expanded UGAs and zoned it for residential uses. The county and city processes have arguably denied recourse for challengers of ALLTCS de-designation. [First Compliance Order, page 14].

In the present case, while the Petitioners challenged the validity of the annexations themselves (Issue 7), the Board concluded it lacked jurisdiction to rule on that question. The Board did, however, find the county out of compliance with the GMA on Issue 5 (unwarranted UGA expansions) and Issues 10 and 19 (non-compliant de-designation of ALLTCS)." [First Compliance Order, page 14].

The county appealed the unfavorable aspects of the FDO, and later, the First Compliance Order. Ridgefield and La Center, and the two affected property owners also appealed these decisions. CCCU appealed the FDO with respect to all of its issues. FOCC and Futurewise appealed the First Compliance Order's findings of compliance regarding Rural and Resource minimum lot sizes. All of these appeals were consolidated, and were transferred to the Court of Appeals.

On July 23, 2018, the county filed its second Compliance Report.

In its Second Order Finding Continuing Noncompliance (Second Compliance Order) dated October 17, 2018, the GMHB ruled as follows:

"Based upon review of the July 23, 2018, County Statement of Actions Taken to Achieve Compliance, the Growth Management Act, prior Board orders and case law, having considered the arguments of the parties offered in the briefing and at the compliance hearing, and having deliberated on the matter the Board Orders:

- The county's motions to rescind, modify or dismiss Issues 5 and 10 [regarding UGA's] are denied.*
- The county's motion to Stay Issue 19 [regarding the RILB] is denied.*
- Clark County is in Continuing Noncompliance with RCW 36.70A.060 and WAC 365-190-050 regarding 602 acres of former ALLTCS that were designated as Rural Industrial Land Banks.*
- Clark County is in Continuing Noncompliance with RCW 36.70A.110, RCW 36.70A.115, and RCW 36.70A.215 of the GMA by failing to take any corrective legislative action to address the noncompliance relating to the Urban Growth Areas of the Cities of La Center and Ridgefield.*
- The March 23, 2017, Determination of Invalidity remains in full force and effect....*
- Invalidity remains in full force and effect as stated in the Board's January 10, 2018 Compliance Order...." [Second Compliance Order, page 13].*

2019 On April 26, 2019, the county filed its third Compliance Report and Motion for Order to Stay or Rescind Determinations of Noncompliance and Invalidity.

In its Order Granting Stay for Issues 5, 10 and 19 and Re-enforcing Invalidity (Third Compliance Order) dated July 9, 2019, the GMHB ruled on the following:

“Based upon review of the Final Decision and Order, the First and Second Order Finding Continuing Noncompliance, the county’s recent Compliance Report and the Growth Management Act, prior Board orders and case law, having considered the arguments of the parties offered in the briefing and at the compliance hearing, and having deliberated on the matter the Board Orders:

- *Compliance regarding Issues 5, 10, and 19 is stayed until a final appellate decision is rendered and a mandate has been issued.*
- *The March 23, 2017, Determination of Invalidity remains in full force and effect, invalidating the UGA expansions for the cities of Ridgefield and La Center.....*
- *The following parts of the 2016 Clark County Comprehensive Plan continue to be invalid and invalidity remains in full force and effect as stated in the Board’s January 10, 2018, Compliance Order: De-designation of ALLTCS on 57 acres near the La Center UGA and 111 acres near the Ridgefield UGA...*
- *.... De-designation of ALLTCS on 602 acres underlying two Rural Industrial Land Banks....” [Third Compliance Order, pages 4-5].*

The Court of Appeals on August 20, 2019 ruled that all issues regarding the county’s UGAs designations for the cities of Ridgefield and La Center are moot. The court stated that the county has no ability to plan for the annexed land, and that the GMHB cannot compel the county to take action to come into compliance regarding that land. The court granted FOCC’s motion to dismiss the county’s petition for judicial review of the FDO’s ruling that the de-designation of agricultural land on 602 acres underlying the two Rural Industrial Land Banks was out of compliance with the state’s Growth Management Act, but did not dismiss the county’s appeal of the First Compliance Order. In footnote 13, the court noted *“even if we were to consider this argument, our review of the record here reveals that the Board did not err.”* [[Clark County v. Growth Management Hearings Bd., Wn. App. \(2019\), pages 25 and 51](#)].

Clark County has not filed a motion for the Court of Appeals to reconsider its decision, and has not filed a petition for review with the Supreme Court of the Court of Appeals decision. Futurewise filed a motion for reconsideration, which the Court of Appeals denied on September 25, 2019, and it has until October 25, 2019 to file a petition for review with the Supreme Court. CCCU has filed a petition for review with the Supreme Court.

The proposed amendments respond to the Growth Management Hearings Board FDO, the three compliance orders, and the Court of Appeals decision regarding the Rural Industrial Land Bank. They are intended to bring the Comprehensive Growth Management Plan 2015-2035 into compliance with GMA.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

The proposed amendments were sent to the Department of Commerce pursuant to RCW 36.70A.106 on September 10, 2019 and were posted on October 2, 2019 to the Clark County Community Planning website. On September 30, legal notice for the October 17 Planning Commission hearing and a Notice of Determination of Non-Significance and SEPA Environmental Checklist were published in the

Columbian and the Reflector newspapers. On October 3, 2019, the Planning Commission held a work session. On November 12, 2019, a council public hearing is scheduled to consider the Planning Commission recommendations on the proposed amendments. Public comments will be posted on the Planning Commission Hearing webpage.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

The proposed amendments are intended to return the Comprehensive Plan text, plan map, zoning map, the arterial atlas and the Clark County Code Title 40 to the last GMA compliant status in effect before the county established the RILB. The Agriculture (AG-20) designation was in effect prior to the adoption of the RILB, and had been ruled compliant with GMA previously. Because, this is a unique process, findings demonstrating compliance with all of the criteria are located after section H.

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

Growth Management Act (GMA)

The GMA goals set the direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 and WAC 365-190-050 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 8.

Goal 8. "Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses." [RCW 36.70A.020(8)].

In addition to Goal 8, the following RCWs and WACs demonstrate that the proposed amendments are consistent with the GMA.

Based on a set of summary requirements such as population criteria, county and cities are required to conform to the requirements of RCW 36.70A.040.

"(b) the county and each city located within the county shall designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forestlands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060;" [RCW 36.70A.040(3)(b)].

State law requires a county or city to designate natural resource lands and critical areas where appropriate.

"(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;" [RCW 36.70a.170(1)(a)].

Natural resource lands and critical areas are a requirement of RCW 36.70A.060. These development regulations include the conservation of agricultural lands, assurances that the use of adjacent lands to agriculture shall not interfere with the continued use, in accordance with best management practices, and agriculture lands adjacent to short line railroads may be developed for freight rail dependent uses.

The standard of review for comprehensive plans and development regulations are in WAC 365-196-040. State approval is not required in the adoption process, appeals are filed with the Growth Management Hearings Board (GMHB), and if challenged, a county does not have to prove compliance although “the record” must be provided to the GMHB.

Washington Administrative Code indicates counties must classify and designate agricultural resource lands. Designating agricultural lands should be based on three factors: 1. Land is not characterized by urban growth; 2. Land is capable of agricultural production; 3. Land has long-term commercial significance for agriculture. [WAC 365-190-050].

Comprehensive plan amendment procedures are in WAC 365-196-640. The comprehensive plan may be amended more frequently than once every year under certain circumstances.

“To resolve an appeal of the comprehensive plan filed with the growth management hearings board; or” [WAC 365-196-640(3)(b)(vi)].

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. The applicable policies are to ensure the conservation of agricultural lands and protect those lands from interference by adjacent uses which affect the continued use, in the accustomed manner, of the lands for production of food, and agricultural products. Community Framework Plan policies applicable to this proposal include the following:

3.1.3 Identify agricultural land on parcels currently used or designated for agricultural use and provide these parcels special protection.

3.1.5 Encourage the conservation of large parcels which have prime agricultural soils for agricultural use and provide these parcels special protection.

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 3.0.2 “The county and each municipality shall cooperate to ensure the preservation and protection of natural resources, critical areas, open space and recreational lands within and near the urban area through adequate and compatible policies and regulations.” [CWPP, page 90].

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:

“Goal: To maintain and enhance productive agriculture lands and minimize incompatibilities with adjacent uses.

3.5 Policies

- 3.5.1 Agriculture lands as designated in the Comprehensive Plan Land Use Map shall be managed primarily for the conservation of long-term commercial significant agriculture lands for productive economic use.
- 3.5.2 Primary land use activities on agriculture lands are commercial agriculture management, agriculture-related uses, temporary worker facilities, forest activities and other non-agriculture related economic activities relying on agriculture lands.
- 3.5.3 Those areas with Agriculture Comprehensive Plan designations shall have a residential density of one dwelling unit per 20 acres (AG-20).
- 3.5.4 Clustering of parcels is allowed consistent with platting and zoning requirements and the Clark County Code.
- 3.5.5 Those areas with Agriculture/Wildlife Comprehensive Plan designations shall have a residential density of one dwelling unit per 160 acres (AG/WL).
- 3.5.6 Agriculture activities shall be encouraged by:
 - limiting residential development in or near agricultural areas;
 - limiting public services and facilities which lead to the conversion of agricultural lands to non-resource uses;
 - maintaining public roads in capital improvement plans to accommodate the transport of agricultural commodities;
 - cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and federally recognized Native American tribes for managing the county's public and private agricultural lands;
 - supporting land trades that result in consolidated agricultural ownership;
 - encouraging the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84.34 and CCC Chapter 3.08;
 - working with agricultural landowners and managers to identify and develop other incentives for continued farming; and,
 - encouraging agricultural land use as a clean industry incorporating tax breaks, right to farm, purchase of development rights, transfer of development rights and other economic means and develop strategies to support farming practices.
- 3.5.7 Minimum parcel size should be adequate to allow reasonable and economic agricultural use.

- 3.5.8 Special purpose taxing districts and local improvement districts in lands designated in the 20-Year Plan for agricultural use will only be used when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges, directly benefit those agricultural lands.
- 3.5.9 Land use activities within or adjacent to agricultural land shall be located and designed to minimize conflicts with agricultural management and other activities on agricultural land, to include the following:
- residential development adjacent to agricultural land shall be approximately buffered from agricultural activities;
 - public services and utilities within and adjacent to designated agricultural areas should be designed to prevent negative impacts on agriculture and allow for continued resource activity;
 - notification shall be placed on all plats and binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development.
- 3.5.10 Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances.” [2016 Plan, page 95].

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

Agriculture (AG-20) designation contain lands that have the growing capacity, productivity; soil composition and surrounding land use to have long-term commercial significance for agriculture and associated resource production. [2016 Plan, page 37].

CCC 40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, AG-20, AG-WL).

A. Purpose.

1. Agriculture 20 District. The purpose of the Agriculture 20 district is to encourage the conservation of lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production. [CCC 40.210.020].

Quality soils are a primary factor in classifying and designating agricultural resource lands ([Figure 22A](#) and [Figure 22B](#)). The following factors aid in determining whether lands are used or capable of being used for agricultural production. [WAC 365-190-050].

- tax status,
- the availability of public facilities,
- the availability of public services,
- relationship or proximity to urban growth areas,
- predominant parcel size,
- land has long-term commercial significance for agriculture,
- land classification of prime and unique farmland soils as mapped by Natural Resources Conservation Service,
- land use settlement patterns and their compatibility with agricultural practices,

- intensity of nearby land uses,
- history of land development permits issued nearby,
- land values under alternative uses and
- proximity to markets.

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(F)(3)].

To determine whether lands are capable of being used for agricultural production, the Soil Capabilities for Agriculture Use – DNR was used from Clark County Maps Online. The Washington State Department of Natural Resources classifies agricultural soils ranging from Prime agricultural soils Class I and II to poor agricultural soils. See Figure 1.

Soil surveys also identify growing capacity, productivity and soil composition of the land. The following soils are used for agriculture resources in the proposed area: MIA (McBee Silt Loam, Coarse Variant, 0 to 3 percent slopes); Sr (Semiahmoo Muck); Su (Semiahmoo Muck, Shallow Variant) and DoB (Dollar Loam, 0 TO 5 percent slopes). [[Soil Survey of Clark County, Washington](#)]. See Figure 2.

Figure 1

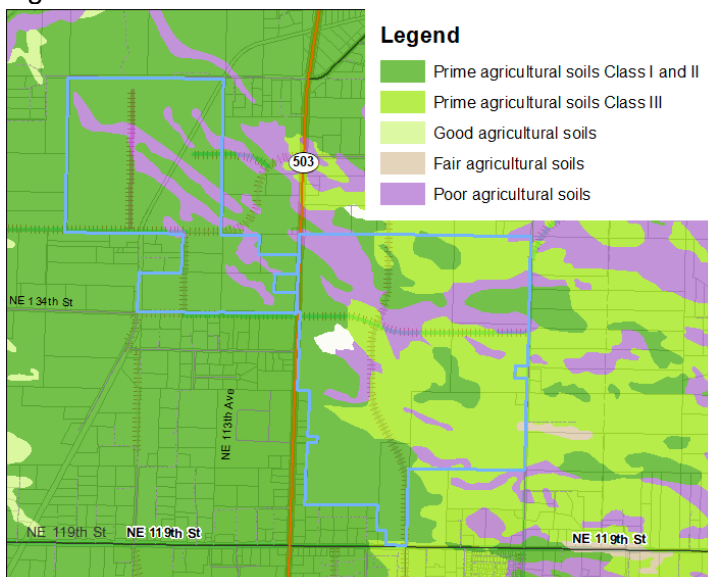
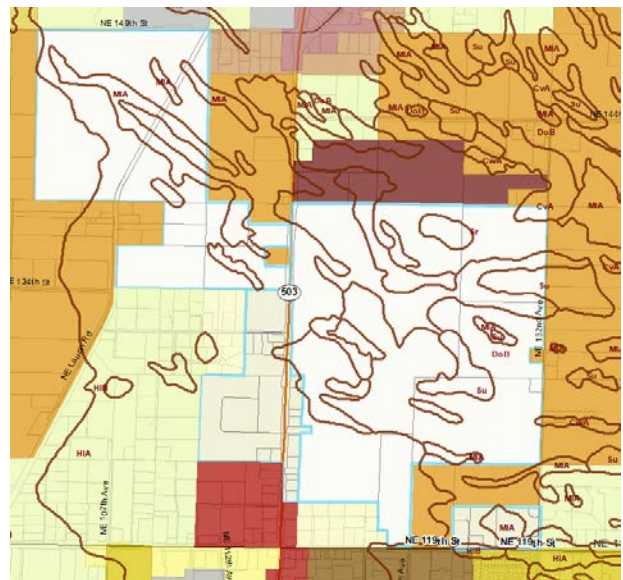


Figure 2



The site was designated as agriculture lands in 1994 consistent with the Growth Management Act, reaffirmed in the 2004 Comprehensive Plan adoption. In 2007, the county de-designated this land and placed it within the Vancouver UGA. The GMHB ruled that action noncompliant and invalid, and the GMHB’s decision was upheld by Clark County Superior Court. In 2009, the county redesignated the site as agricultural land of long-term commercial significance, [Ord. 2009-12-15] and on March 24, 2010, the GMHB held that the redesignation complied with GMA. See Exhibit 1 & 2.

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 40.560.010F(4)and 40.560.020(F)(3)].

The site was designated as agriculture lands in 1994 consistent with the Growth Management Act, reaffirmed in the 2004 Comprehensive Plan adoption and in 2010 deemed compliant by the GMHB.

- 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. [40.560.010G(5)].**

The proposed amendment is outside of the urban area. There are no urban facilities and sewer is not provided on the proposed site.

- F. Arterial Atlas** - Arterial Atlas amendments shall be accomplished through the changes initiated and approved by the county. These changes may occur as part of the periodic review update to occur consistent with RCW 36.70A.130, or as part of annual changes to the plan once per calendar year, or as part of emergency amendments which may be brought forward at any time, subject to applicable provisions of this chapter.” [CCC 40.560.010(L)(1)]. “Required Criteria. Arterial Atlas amendments may be approved only when all of the following are met:

- a. There is a need for the proposed change;
- b. The proposed change is compliant with the Growth Management Act;
- c. The proposed change is consistent with the adopted comprehensive plan, including the land use plan and the rest of the Arterial Atlas;
- d. The proposed change is consistent with applicable interlocal agreements; and
- e. The proposed change does not conflict with the adopted Metropolitan Transportation Plan.” [CCC 40.560.010(L)].

The proposed Arterial Atlas amendments amend the map to reflect the GMA compliant road network classification prior to the adoption of RILB. See Exhibit 5.

- G. Clark County Code** - The Clark County Unified Development Code, Title 40 (CCC), consolidates all development-related regulations, land use zoning, critical areas, and environmental protection. CCC is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implements applicable comprehensive plan policies, or reflect changes in federal/state law. The proposed amendments reflect the elimination of the RILB as shown in Exhibit 7. [CCC 40.560.010(K)].

- H. Consideration of Out-of-Cycle Amendments** - CCC 40.560.010(B)(6) Amendments that may be reviewed and acted upon outside the annual amendment cycle are subject to the review criteria established in this chapter, and are limited to the following:

- d. To resolve an appeal of a comprehensive plan adoption or amendment filed with the Growth Management Hearings Board or a court of competent jurisdiction pursuant to RCW 36.70A.300.

The comprehensive plan may be amended more frequently than once every year under certain circumstances.

“To resolve an appeal of the comprehensive plan filed with the growth management hearings board; or...” [WAC 365-196-640(3)(b)(vi)].

The proposed amendments to the Comprehensive Growth Management Plan text, plan map, zoning map, arterial atlas map, and Title 40 to remove the authorization for and all references to, the Rural Industrial Land Bank are a response to the Growth Management Hearings Board Final Decision and Order (FDO) regarding the Rural Industrial Land Bank, three subsequent compliance orders issued by the GMHB, and the decision of the Washington Court of Appeals dated August 20, 2019.

FINDINGS

The current use of the site is an active dairy farm. The Laglers Dairy Farm is one of the largest dairy farms in the county and has been doing business for approximately 44 years. The site is currently in the county's Open Space Farm and Agriculture Program and qualifies for lower assessed value and lower taxes.

- A. The proposed amendments are consistent with the GMA, Community Framework Plan, Comprehensive Plan, and Countywide Planning Policies. The policies ensure the preservation, protection, and conservation of agricultural lands; protecting those lands from interference by adjacent uses which affect the continued use, in the accustomed manner, of the lands for production of food and agricultural products.
- B. The proposed map amendments are in conformance with the appropriate locational criteria identified of the zoning district. The site is surrounded by Agriculture (AG-20) designated lands that complement the existing farm uses. The site meets the GMA definition of long-term commercial significance for agricultural production and the agriculture designation criteria set forth in RCW 36.70A.040(3), RCW 36.70A.170, RCW 36.70A.060(1)(a), WAC 365-190-040, and WAC 365-190-050.
- C. The proposed map amendments are suitable for the proposed designation and ensure the preservation, protection, and conservation of agricultural identified lands. The site meets the GMA definition of long-term commercial significance for agricultural production.
- D. The proposed land use amendment (b) better implements applicable comprehensive plan policies than the current map designation. (see A and B above).
- E. The proposed amendment is outside of the urban area. There are no urban facilities and sewer is not provided on the proposed site.
- F. The proposed Arterial Atlas map amendments revert to the previously adopted Arterial Atlas map prior to the adoption of the Rural Industrial Land Bank and is consistent with the criteria under CCC40.560.010(L). This action is consistent with the GMA, applicable interlocal agreements, and the Metropolitan Transportation Plan.
- G. The Title 40 amendments shown in Exhibit 7 are consistent with the Comprehensive Plan and better implements applicable comprehensive plan policies.
- H. The proposed out-of-cycle amendments to the Comprehensive Growth Management Plan text, plan map, zoning map, arterial atlas map, and Title 40 are to remove the authorization for and all references to, the Rural Industrial Land Bank.

The site was designated as agriculture lands in 1994 consistent with the Growth Management Act, reaffirmed in the 2004 Comprehensive Plan adoption. In 2009, the county redesignated the site as agricultural land of long-term commercial significance, [Ord. 2009-12-15] and on March 24, 2010, the GMHB held that the redesignation complied with GMA.

The above evaluation and findings comply with all applicable criteria and with the Growth Management Hearings Board Final Decision and Order regarding the Rural Industrial Land Bank, three subsequent compliance orders issued by the GMHB, and the decision of the Court of Appeals dated August 20, 2019.

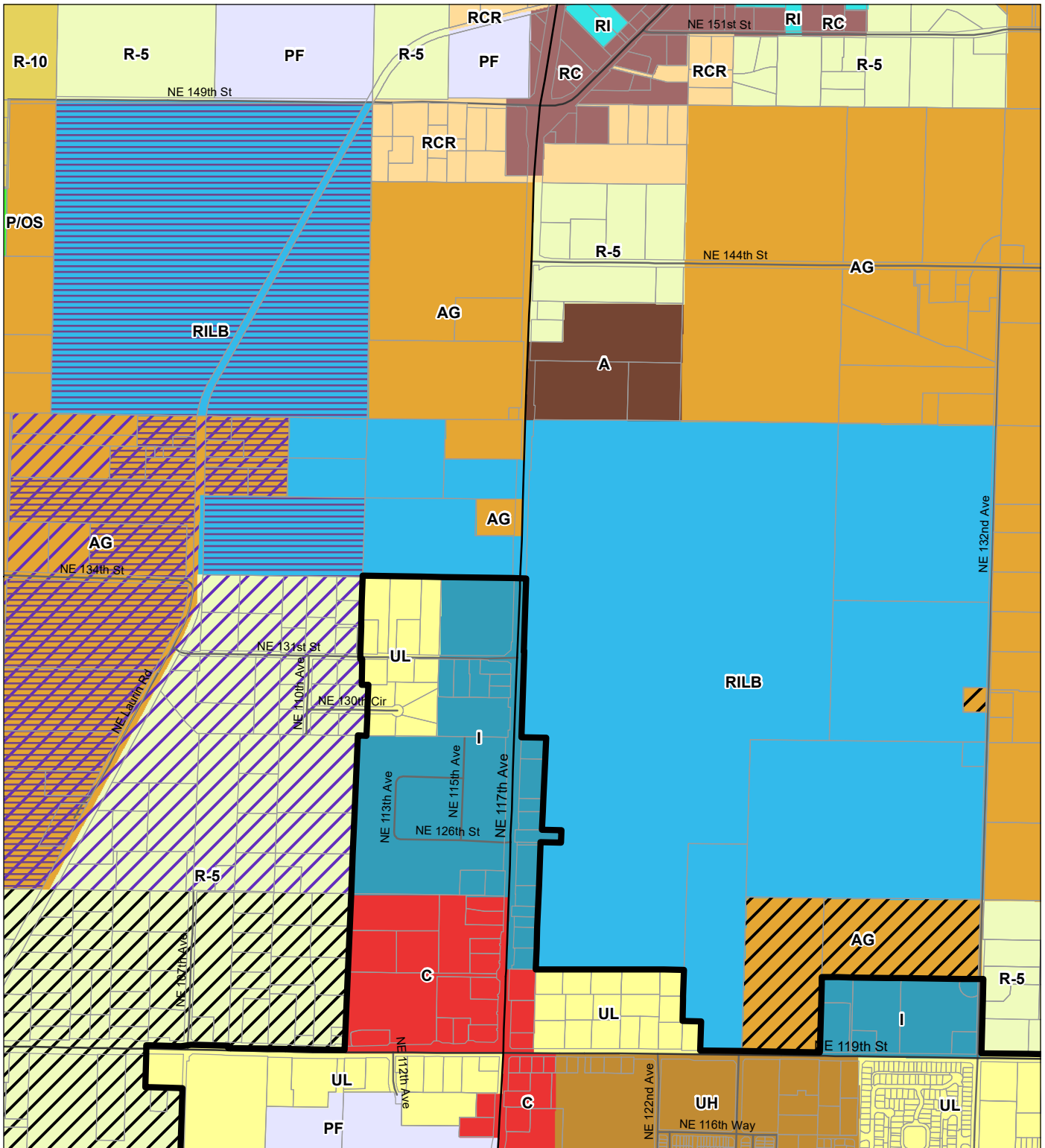
RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report and in the supporting documents, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Council. The proposed amendments respond to the Growth Management Hearings Board FDO, the three compliance orders, and the Court of Appeals decision regarding the Rural Industrial Land Bank. They are intended to bring the Comprehensive Growth Management Plan 2015-2035 into compliance with GMA.

The table on the following page lists the applicable criterion and summarizes the findings for CPZ2019-00032.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criterion for Map/Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
A. Consistency with GMA & Countywide Policies	YES	
B. Conformance with Location Criteria	YES	
C. Site Suitability and Lack of Appropriately Designate Alternative Sites	YES	
D. Amendment Responds to Substantial Change in Conditions, Better Implements Policy, or Corrects Mapping Error.	YES	
E. Adequacy/Timeliness of Public Facilities and Services.	YES	
F. Consistent with Arterial Atlas amendment criteria.	YES	
G. Consistent with Clark County Code.	YES	
H. Consistent with criteria for Out-of-Cycle amendments.	YES	
Recommendation:	APPROVE	

Exhibit 1



Comprehensive Plan



CLARK COUNTY
WASHINGTON
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Geographic Information System

Comprehensive Plan

- Urban Low Density Residential (UL)
- Urban High Density Residential (UH)
- Commercial (C, COM)
- Industrial (I, IND)
- Public Facility (PF)
- Rural-5 (R-5)
- Rural-10 (R-10)

- Rural Center Residential (RCR)
- Rural Commercial (RC)
- Rural Industrial (RI)
- Rural Industrial Land Bank (RILB)
- Agriculture (AG)
- Parks/Open Space (P/OS)
- Airport (A)

Comprehensive Plan Overlay

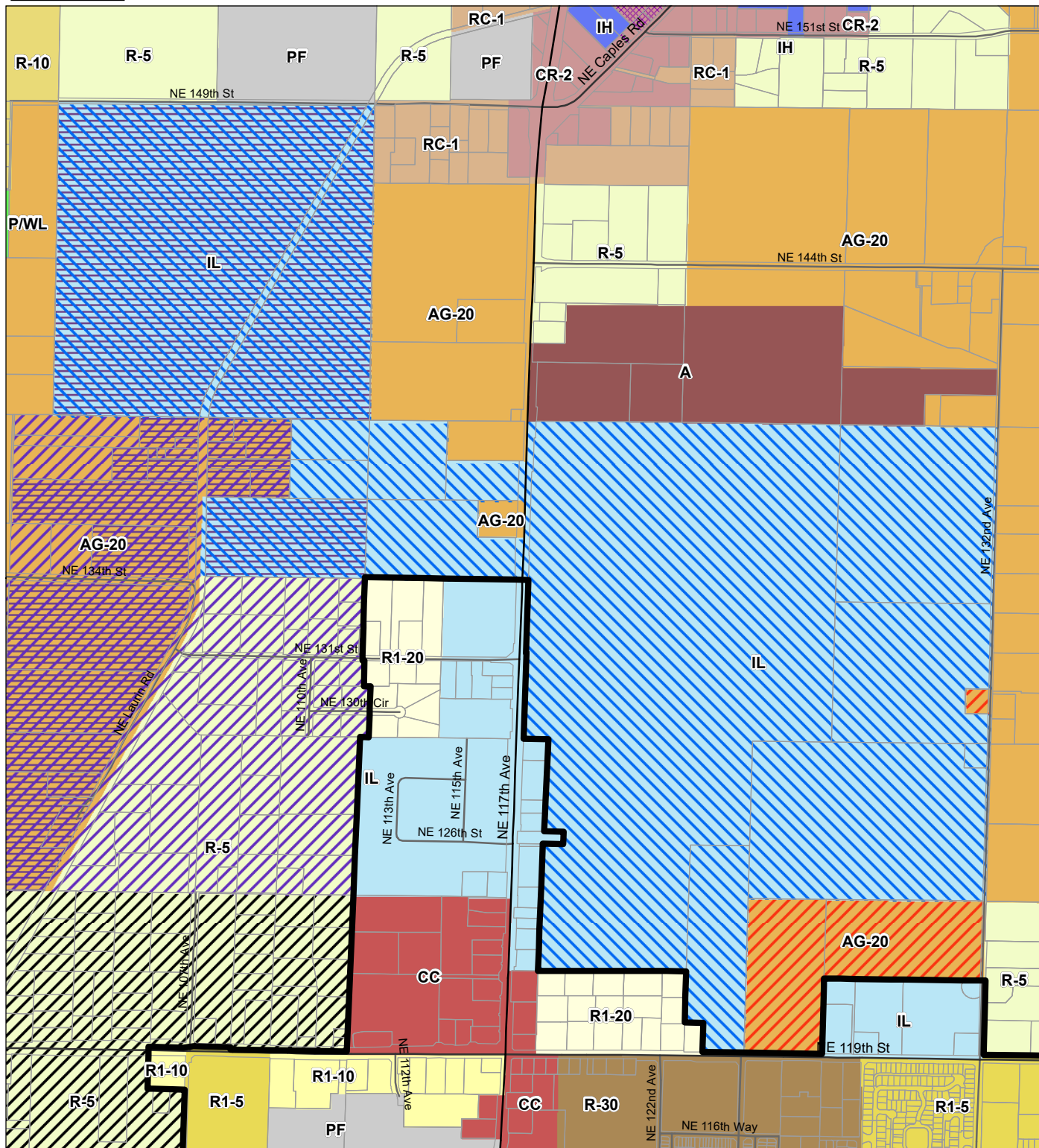
- Urban Reserve
- Railroad Industrial Urban Reserve
- Freight Rail Dependent Use
- Urban Growth Area**

NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

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Exhibit 2



Zoning

Zoning

- Single-Family residential (R1-20, R-20)
- Single-Family residential (R1-10, R-10, R10)
- Single-Family residential (R1-5)
- Residential (R-30)
- Community commercial (CC, C2, CCB)
- Light industrial (IL, ML, LI, IND, LI/EC)
- Heavy industrial (IH, MH, HI)

Zoning Overlay

- Airport (A)
- Public facilities (PF, IP, UP)
- Rural-5 (R-5)
- Rural-10 (R-10)
- Rural center residential 1 ac min (RC-1)
- Rural comm.-inside rur.centers (CR-2)
- Agriculture-20 (AG-20)
- Parks/Wildlife refuge (P/WL)

Zoning Overlay

- Urban Reserve - 10 (UR-10)
- Urban Reserve - 20 (UR-20)
- Railroad Industrial Urban Reserve
- Freight Rail Dependent Use
- Railroad Industrial Overlay District
- Rural Industrial Land Bank Overlay
- Urban Growth Area

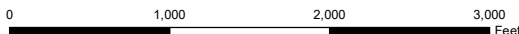


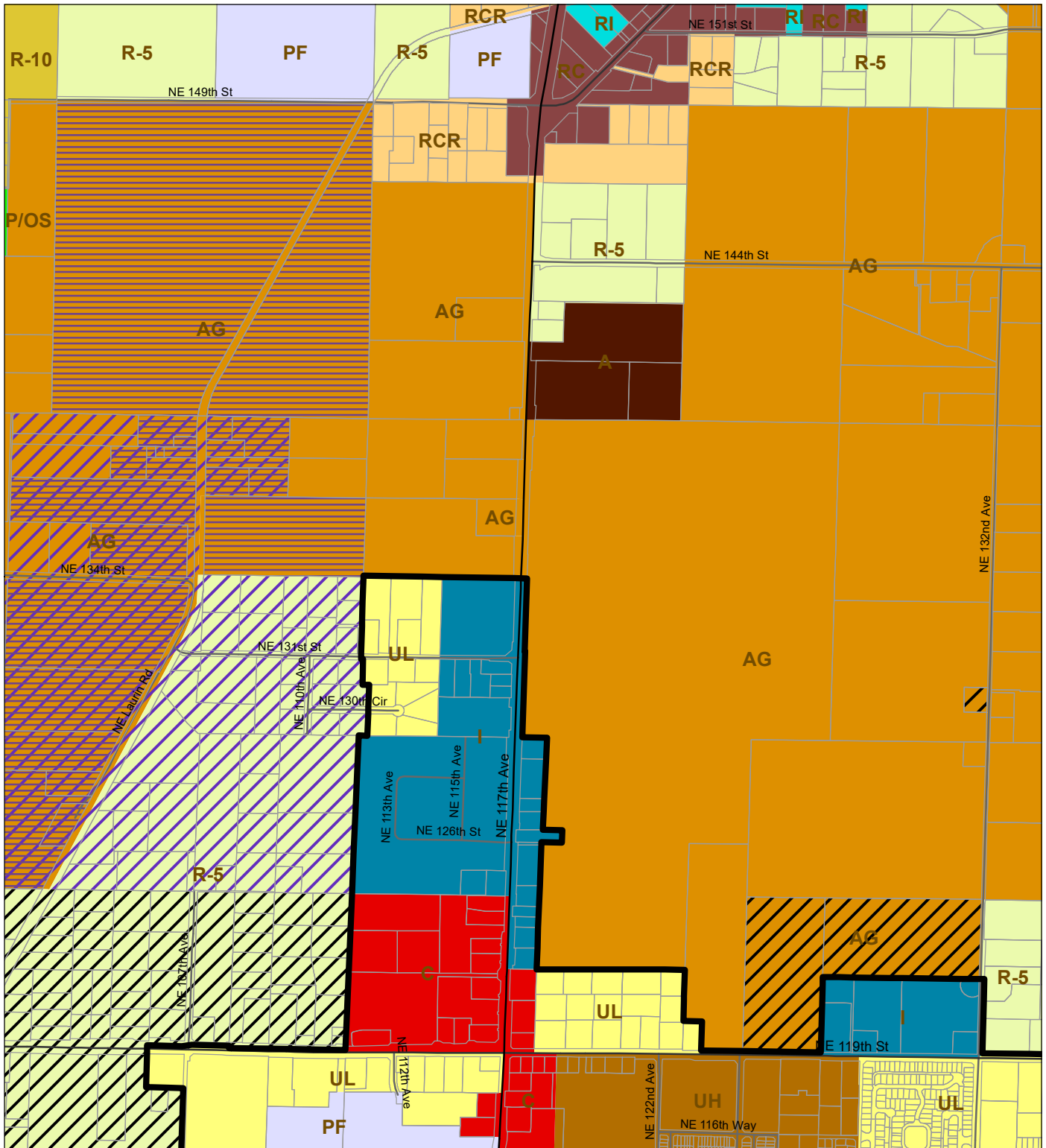
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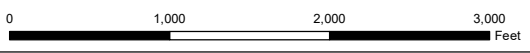
Proposed Comprehensive Plan Change - from Rural Industrial Land Bank to Agriculture

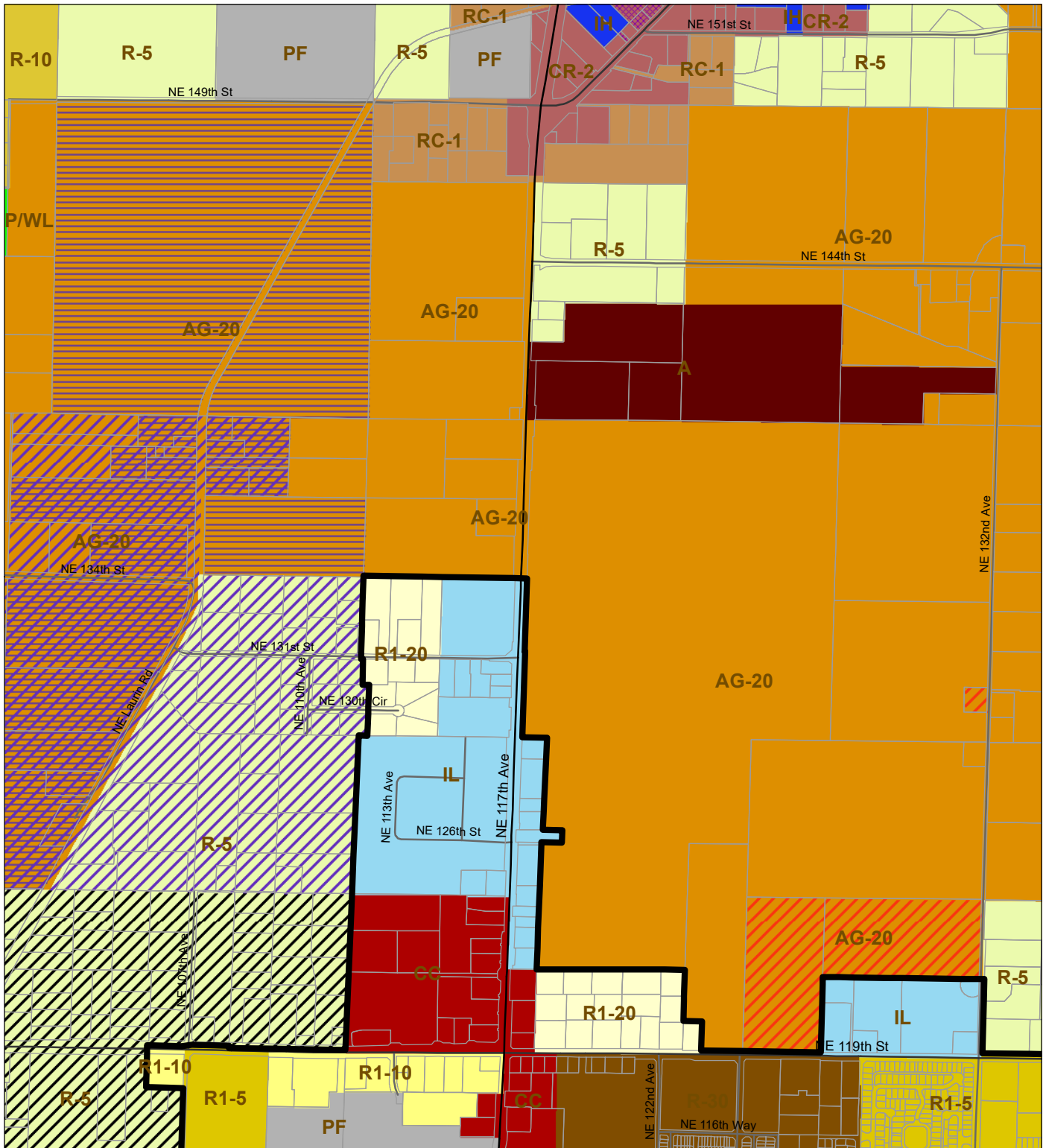


- | | | | |
|-------------------------------------|--------------------------------|-------------------------|-----------------------------------|
| Comprehensive Plan | Rural-10 (R-10) | Agriculture (AG) | Comprehensive Plan Overlay |
| Urban Low Density Residential (UL) | Rural Center Residential (RCR) | Parks/Open Space (P/OS) | Urban Reserve |
| Urban High Density Residential (UH) | Rural Commercial (RC) | Rural-5 (R-5) | Railroad Industrial Urban Reserve |
| Commercial (C, COM) | Rural Industrial (RI) | | Freight Rail Dependent Use |
| Industrial (I, IND) | Public Facility (PF) | | Urban Growth Area |
| Airport (A) | | | Urban Growth Area |

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Proposed Zoning Change - from Light Industrial with a Rural Industrial Land Bank Overlay (IL-RILB) to Agriculture-20



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Zoning

- Single-Family residential (R1-20, R-20)
- Single-Family residential (R1-10, R-10, R10)
- Single-Family residential (R1-5)
- Residential (R-30)
- Community commercial (CC, C2, CCB)
- Light industrial (IL, ML, LI, IND, LI/EC)
- Heavy industrial (IH, MH, HI)

Airport (A)

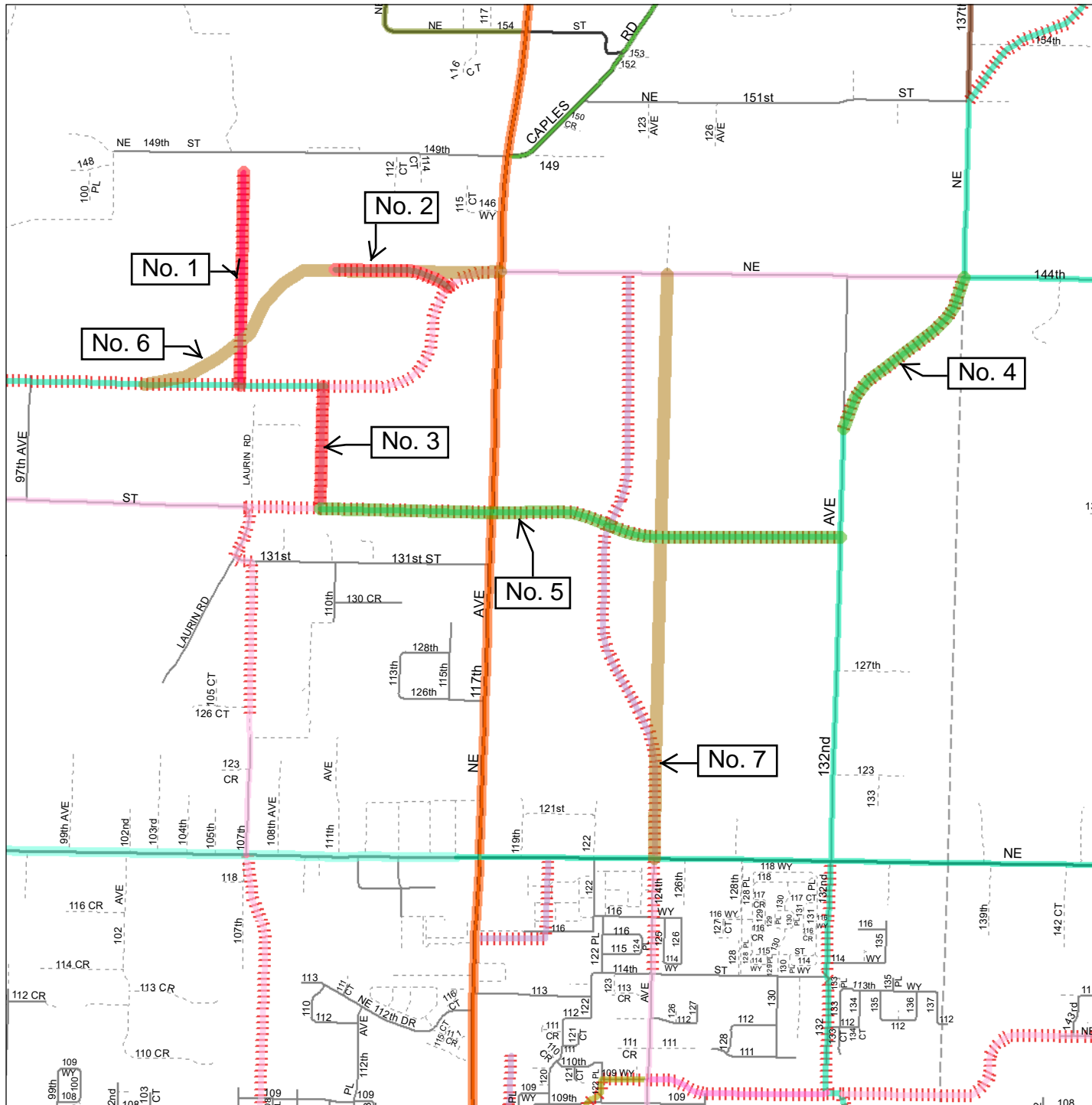
- Public facilities (PF, IP, UP)
- Rural-5 (R-5)
- Rural-10 (R-10)
- Rural center residential 1 ac min (RC-1)
- Rural comm.-inside rur.centers (CR-2)
- Agriculture-20 (AG-20)
- Parks/Wildlife refuge (P/WL)

Zoning Overlay

- Urban Reserve - 10 (UR-10)
 - Urban Reserve - 20 (UR-20)
 - Railroad Industrial Urban Reserve
 - Freight Rail Dependent Use
 - Railroad Industrial Overlay District
- Urban Growth Area**
-



Proposed Ammendments November 2019



- Proposed Arterial Change**
- █ Delete
 - █ Reclassify
 - █ Modify
- Arterial Classes**
- Primary Class**
- █ Collector - 2 lanes
 - █ Collector - 2 lanes w/ bike lanes
 - █ Collector - 2 lanes w/CLT & bike lanes
 - █ Commercial Industrial Local
 - █ Non-arterial local access streets
 - █ Minor Arterial - 2 lanes w/CLT & bike lanes
 - █ Minor Arterial - 4 lanes w/CLT & bike lanes
 - █ Neighborhood Circulator
 - █ Principal Arterial Parkway - 4 lanes & regional trail
 - █ Principal Arterial - 4 lanes w/CLT & bike lanes
 - █ Rural Arterial - 2 Lanes
 - █ Rural Major Collector - 2 lanes w/shoulders
 - █ Rural Minor Collector - 2 lanes w/shoulders
 - █ State Route
 - ▤ Proposed Arterial
 - █ City limits



NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

0 500 1,000 1,500 Feet

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Exhibit 6 Comprehensive Plan Text Amendments

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 4

5 *****

6 **Land Use Element, page 31**

7 **Interpretation of the 20-Year Plan Map**

8 The 20-Year Plan Map identifies a number of different designations which are described below. The
 9 plan designations have been chosen are consistent with the location criteria described. Future
 10 amendments to the 20-Year Plan map must be made in a manner, which is consistent with these
 11 general descriptions (Tables 1.4, 1.5 and 1.6).

12 **Comprehensive Plan Map:** Establishes land use designations for all land in Clark County. It
 13 shows the long-term vision of how and where the county will change over the next 20 years to
 14 accommodate expected population growth.

15 **Zoning Map:** Shows how land can be used and what can be built on any given property today.
 16 Zones are more specific than comprehensive plan designations and come with a set of rules
 17 described in the county’s Unified Development Code Title 40.
 18

19 **Table 1.4 | Rural Lands Plan Designation to Zone Consistency Chart**

Comprehensive Plan	Zoning
Rural 5 (R-5)	Rural (R-5)
Rural 10 (R-10)	Rural (R-10)
Rural 20 (R-20)	Rural (R-20) Airport (A)
Rural Center (RC)	Rural Center (RC-1) Rural Center (RC-2.5) Rural (R-5)
Rural Commercial (CR)	Rural Commercial (CR-1) Rural Commercial (CR-2)
Rural Industrial (RI)	Heavy Industrial (IH) Airport (A)
Public Facility (PF)	Public Facility (PF) Airport (A)
Rural Industrial Land Bank (RILB)	Light Industrial (LI)

21 *****
 22
 23
 24
 25
 26

1 **Land Use Element, page(s) 36-37**

2 **Rural Lands**

3 The Rural (R-5, R-10,R-20) designations are intended to provide lands for residential living in the
4 rural area. Natural resource activities such as farming and forestry are allowed and encouraged to
5 occur as small scale activities in conjunction with the residential uses in the area. These areas are
6 subject to normal and accepted forestry and farming practices. The Rural 5, 10 and 20
7 comprehensive plan designations are implemented with corresponding Rural 5, 10 and 20 base
8 zones. A Rural 10 designation is applied within the rural area to prevent premature subdivision of
9 future urban areas where the lands are adjacent to designated Urban Reserves, where the
10 predominant size is equal or greater than 10 acres, to act as a buffer to Natural Resource lands or
11 to protect environmentally critical areas consistent with applicable county ordinance and related
12 regulations. This allows for efficient urban development when land is added to the urban growth
13 areas. A Rural 20 designation applies to rural areas where the lands act as a buffer to Natural
14 Resource designated lands, are used for small scale forest or farm production or contain
15 significant environmentally constrained areas as defined by applicable county code and related
16 regulations.
17

18 **Rural Center (RC)**

19 The rural center residential zones are to provide lands for residential living in the Rural Centers at
20 densities consistent with the comprehensive plan. These districts are only permitted in the
21 designated Rural Centers and are implemented with the RC-1 and RC-2.5 base zones.

22 **Rural Commercial (CR)**

23 This commercial district is located in rural areas outside of urban growth boundaries in existing
24 commercial areas and within designated Rural Centers. These areas are generally located at
25 convenient locations at minor or major arterial crossroads and sized to accommodate the rural
26 population. Rural commercial areas are not intended to serve the general traveling public in rural
27 areas located between urban population centers. Rural commercial areas within designated Rural
28 Centers are implemented with the CR-2 base zone. Existing commercial areas outside of these
29 Rural Centers are implemented with the CR-1 base zone. All new rural commercial applications
30 shall address the criteria for new commercial areas through a market and land use analysis.

31 **Rural Industrial (RI)**

32 This industrial designation is to provide for industrial uses in the rural area that are primarily
33 dependent on the natural resources derived from the rural area. The Heavy Industrial base zone
34 implements this designation.
35

36 **Rural Industrial Land Bank (RILB)**

37 A rural industrial land bank is a master planned location for major industrial developments
38 established consistent with RCW 36.70A.367. The minimum size of the land bank is 100 acres.

39 "Major industrial development" means a master planned location suitable for manufacturing or
40 industrial businesses that: (i) Requires a parcel of land so large that no suitable parcels are available
41 within an urban growth area; (ii) is a natural resource-based industry requiring a location near
42 agricultural land, forest land, or mineral resource land upon which it is dependent; or (iii) requires a
43 location with characteristics such as proximity to transportation facilities or related industries such

1 that there is no suitable location in an urban growth area. The major industrial development may
2 not be for the purpose of retail commercial development or multitenant office parks.

3 "Industrial land bank" means up to two master planned locations, each consisting of a parcel or
4 parcels of contiguous land, sufficiently large so as not to be readily available within the urban
5 growth area of a city, or otherwise meeting the criteria in "major industrial development" above
6 and is suitable for manufacturing, industrial, or commercial businesses and designated by Clark
7 County through the comprehensive planning process specifically for major industrial use.
8

9 *****

10 Rural and Natural Resource Element, page 98

11
12 **Goals and Policies**
13 **County 20-Year Plan Policies**

14 Rural Industrial Land Bank
15

16 **GOAL: Support the creation of a rural industrial land bank consistent with the growth**
17 **management act to provide a master planned location for living wage jobs and**
18 **industries supporting rural communities in an environmentally sensitive manner.**
19

20 **3.8 Policies**

21 3.8.1. Designate a rural industrial land bank that is compatible with surrounding land
22 uses and that creates long term value for both the community and the industrial
23 users. The maximum size of industrial land bank sites shall be 700 acres.

24 3.8.2 Develop rural major industrial developments within the designated rural industrial
25 land bank that promotes sustainable development by minimizing our
26 environmental impacts, protecting natural resources and reducing waste.

27 3.8.3 Anticipate changing market and industrial needs and maintain the flexibility
28 required for a variety of light industrial uses within the rural industrial land bank.

29 3.8.4 Ensure rural major industrial development within the rural industrial land bank
30 respects and preserves critical areas functions and values and develops a
31 stormwater solution that mimics the natural hydrology of the site while
32 developing buffers both internally and externally. Incorporate low impact
33 development strategies.

34 3.8.5 Ensure infrastructure requirements are met to maximize the land value.
35 Coordinate infrastructure analysis and planning with public and private agencies
36 so that their long term planning can anticipate the future light industrial
37 development within the rural industrial land bank.

38 3.8.6 Develop a roadway and site infrastructure backbone within the rural industrial land
39 bank that allows for phased development based on the market needs.
40 Accommodate rail access.

41 3.8.7 Promote a level of predictability for future light industrial developers and the
42 County through the flexibility of standards and consolidated reviews.
43

1 Freight Rail Dependent Uses
2

3 **Goal: Support freight rail dependent uses where the use is dependent on and makes use of the**
4 **short line railroad, as defined by the Surface Transportation Board.**

5 ~~3.9~~ **3.8 Policies**
6

7 ~~3.9.1~~ **3.8.1** Support freight rail dependent uses in rural lands, as well as agriculture,
8 forest and mineral resource lands, where the use is dependent on and makes
9 use of the short line railroad within the county.

10 ~~3.9.2~~ **3.8.2** Freight rail dependent uses will be allowed on parcels with a freight rail
11 dependent use overlay, where such uses minimize impacts on adjacent rural and
12 resource uses.

13 ~~3.9.3~~ **3.8.3** Freight rail dependent uses means buildings and other infrastructure that
14 are used in the fabrication, processing, storage, and transport of goods where
15 the use is dependent on and makes use of an adjacent short line railroad. Such
16 facilities are both urban and rural development. Clark County may include
17 development of freight rail dependent uses on land adjacent to a short line
18 railroad in the transportation element of this plan. The County may also modify
19 development regulations to include development of freight rail dependent
20 uses that do not require urban governmental services in rural lands.
21

22 *****
23

1 **Exhibit 7 Clark County Code Title 40 Amendments**

2
3 **40.230.085 Employment Districts (IL, IH, IR, BP, ~~IL-RILB~~)**

4
5 A. Purpose. The purpose of this section is to provide for a wide range of noncommercial economic
6 development and employment opportunities that limit residential, institutional, commercial, office and
7 other nonindustrial uses to those necessary for the convenience and support of such development and
8 opportunities.

9 (Amended: Ord. 2016-04-03; Ord. 2018-01-09)

10 B. Applicability. The regulations in this section shall be applicable in the following zoning districts:

11 1. Industrial (I) Districts.

12 a. Light Industrial District (IL). The light industrial district is intended to provide for those
13 less-intensive industrial uses which produce little noise, odor and pollution. It also provides for
14 resource-based uses and service uses that are deemed compatible with light industrial uses.

15 b. Business Park (BP) District. The Business Park district provides for the development of uses
16 including limited light manufacturing and wholesale trade, light warehousing, business and
17 professional services, research, business, and corporate offices, and other similar compatible
18 or supporting enterprises not oriented to the general public.

19 c. Railroad Industrial District (IR). The railroad industrial district is intended to provide for those
20 industrial uses that are most suited for and can take advantage of locations along the county's
21 rail line.

22 ~~d. Light Industrial – Rural Industrial Land Bank (IL-RILB) Overlay. The light industrial – rural
23 industrial land bank district overlay (IL-RILB) is applied in conjunction with the IL base zone.
24 This overlay is intended to provide for industrial and manufacturing businesses which provide a
25 variety of employment uses which produce little noise, odor and pollution. Development
26 standards are intended to promote sustainable development by minimizing environmental
27 impacts, protecting natural resources, reducing waste, promoting compatibility with the
28 surrounding land uses, avoiding urban growth in areas designated for long term rural or
29 resource-based activity, and creating long term value for both the community and the industrial
30 users.~~

31 2. Heavy Industrial District (IH). The heavy industrial district is intended to preserve, enhance and
32 create areas containing industrial and manufacturing activities which are potentially incompatible
33 with most other uses.

34 (Amended: Ord. 2016-04-03; Ord. 2018-01-09)

35 C. Uses. The uses set out in Table 40.230.085-1 are examples of uses allowable in the Industrial and
36 Business Park zoning districts.

37 "P" – Uses allowed subject to approval of applicable permits.

38 "C" – Conditional uses which may be permitted, subject to the approval of a conditional use permit as
39 set forth in Section 40.520.030.

40 "X" – Uses specifically prohibited.

41 The list of uses is based on the 2012 North American Industrial Classification System (NAICS),
42 <http://www.naics.com/search.htm>. NAICS is organized in a hierarchical structure as follows:

- 1 • Sector (two (2) digit);
- 2 • Subsector (three (3) digit);
- 3 • Industry groups (four (4) digit); and
- 4 • Industry (five (5) digit).

5 In Table 40.230.085-1, each line is intended to include all lower divisions within it. If a specific industry
 6 group or industry is separately called out on its own line in the table under a subsector, it is to be separately
 7 regulated, but all other industry groups or industry under a subsector not listed will be regulated the same as
 8 the subsector. Where no industry group or industry is separately called out, the use category is intended to
 9 apply generally to uses within the subsector.

10 The use categories apply to the industry sector of the user and are not intended to be applied individually to
 11 floor areas within each use category.

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
A. Resource Uses								
11 Agriculture, forestry, fishing and hunting								
111	Crop production			P	P	P	P	P
112	Animal production			P	P	P	P	P
113	Forestry and logging			P	P	P	P	P
114	Fishing, hunting and trapping			P	P	P	P	P
115	Support activities for agriculture and forestry			P	P	P	P	P
21 Mining								
211	Oil and gas extraction			X	C ⁴	C ⁴	X	X
212	Mining (except oil and gas)			X	C ⁴	C ⁴	X	X
	2123	Nonmetallic mineral mining and quarrying		X	P ⁴	P ⁴	X	X
213	Support activities for mining			X	C ⁴	C ⁴	X	X
22 Utilities								
221	Utilities							
		22111	Electric power generation	P	P	P	C	C
		22112	Electric power transmission and distribution	P	P	P	P	P
		22121	Natural gas distribution	P	P	P	P	P
		22131	Water supply and irrigation systems	P	P	P	P	P
		22132	Sewage treatment facilities	P	P	P	C	C
23 Construction								
236	Construction of buildings			P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
237	Heavy and civil engineering construction			P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
238	Specialty trade contractors			P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
	Storage yards for building materials, contractors' equipment and vehicles			P	P	P	X	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
B. Manufacturing Uses									
311	Food manufacturing				P	P	P	X	P
	31161	Animal slaughtering and processing			C	P	P	X	X
		311811	Retail bakeries		P	P	P	P	P
312	Beverage and tobacco product manufacturing				P	P	P	P	P
313	Textile mills				P	P	P	X	P
314	Textile product mills				P	P	P	X	P
315	Apparel manufacturing				P ²	P ²	P ²	X	P ²
316	Leather and allied product manufacturing								
	3161	Leather and hide tanning and finishing			X	P	P	X	X
	3162	Footwear manufacturing			P	P	P	P	P
	3169	Other leather and allied product manufacturing			P	P	P	P	P
321	Wood product manufacturing								
	3211	Sawmills and wood preservation			X	P	P	X	X
	3212	Veneer, plywood, and engineered wood product manufacturing			X	P	P	X	X
		321214	Truss manufacturing		P	P	P	X	P
	3219	Other wood product manufacturing			P	P	P	X	P
322	Paper manufacturing								
	3221	Pulp, paper and paperboard mills			X	P	P	X	X
	3222	Converted paper product manufacturing			P	P	P	P	P
323	Printing and related support activities				P	P	P	P	P
324	Petroleum and coal products manufacturing				X	P	P	X	X
325	Chemical manufacturing				X	P	P	X	X
	3254	Pharmaceutical and medicine manufacturing			P	P	P	X	P
	3256	Soap, cleaning compound, and toilet preparation manufacturing			P	P	P	X	P
326	Plastics and rubber products manufacturing				P	P	P	X	P
327	Nonmetallic mineral product manufacturing								
	3271	Clay product and refractory manufacturing			P	P	P	X	P
	3272	Glass and glass product manufacturing			P	P	P	X	P
	3273	Cement and concrete product manufacturing			P	P	P	X	P
		327310	Cement manufacturing		X	P	P	X	X
		327320	Ready-mix concrete		X	P	P	X	X

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
				manufacturing					
	3274	Lime and gypsum product manufacturing			X	P	P	X	X
	3279	Other nonmetallic mineral product manufacturing			X	P	P	X	X
331	Primary metal manufacturing				X	P	P	X	X
332	Fabricated metal product manufacturing								
	3321	Forging and stamping			P	P	P	X	P
	3322	Cutlery and hand tool manufacturing			P	P	P	P	P
	3323	Architectural and structural metals manufacturing			P	P	P	X	P
	3324	Boiler, tank, and shipping container manufacturing			P	P	P	X	P
	3325	Hardware manufacturing			P	P	P	X	P
	3326	Spring and wire product manufacturing			P	P	P	X	P
	3327	Machine shops			P	P	P	C	P
	3328	Coating, engraving, heat treating, and allied activities			P	P	P	X	P
			332813	Electroplating, plating, polishing, anodizing, and coloring	C	P	P	X	C
	3329	Other fabricated metal product manufacturing			P	P	P	X	P
333	Machinery manufacturing				P	P	P	C	P
334	Computer and electronic product manufacturing				P	P	P	P	P
335	Electrical equipment, appliance, and component manufacturing				P	P	P	P	P
336	Transportation equipment manufacturing				P	P	P	X	P
			336991	Motorcycle, bicycle, and parts manufacturing	P	P	P	P	P
337	Furniture and related product manufacturing				P	P	P	X	P
339	Miscellaneous manufacturing				P	P	P	P	P
C. Wholesale Trade									
423	Wholesale trade, durable goods (retail sales prohibited)				P	P	P	P	P
424	Wholesale trade, nondurable goods (retail sales prohibited)				P	P	P	P	P
425	Wholesale electronic markets and agents and brokers				P	P	P	P	P
D. Retail Trade									
	Retail sales of products fabricated on site				P ¹	P ¹	P ¹	P ¹	P ¹
	Construction and industrial equipment sales				P	P	P	X	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ⁴⁰
	4411	Automotive dealers		X	X	X	X	X
	4412	Other motor vehicle dealers		X	X	X	X	X
	4413	Automotive parts, accessories, and tire stores		P ¹	P ¹	P ¹	P ¹	P ¹
	4441	Building material and supplies dealers		P	X	X	X	P
		44412	Paint and wallpaper stores	P ¹	X	X	X	P ¹
		44413	Hardware stores	P ¹	X	X	X	P ¹
445	Food and beverage stores			P ¹	X	X	P ¹	P ¹
	44512	Convenience stores		P ¹	P ¹	P ¹	P ¹	P ¹
446	Health and personal care stores			P ¹	X	X	P ¹	P ¹
447	Gasoline stations			C	C	C	C	C
448	Clothing and clothing accessories stores			P ¹	X	X	P ¹	P ¹
451	Sporting goods, hobby, book and music stores			P ¹	X	X	P ¹	P ¹
452	General merchandise stores			X	X	X	X	X
453	Miscellaneous store retailers			P ¹	X	X	P ¹	P ¹
454	Nonstore retailers			P	X	X	P	P
	45431	Fuel dealers		P	P	P	X	C
E. Transportation and Warehousing								
482	Rail transportation			P	P	P	X	P
483	Water transportation			X	P	X	X	X
484	Truck transportation			P	P	P	P	P
485	Transit and ground passenger transportation			P	P	P	P	P
486	Pipeline transportation			P	P	P	P	P
487	Scenic and sightseeing transportation			P	P	X	X	P
488	Support activities for transportation			P	P	X	X	P
	4882	Support activities for rail transportation		P	P	P	X	P
	4883	Support activities for water transportation		X	P	P	X	X
	4884	Support activities for road transportation		P	X	X	X	P
	4885	Freight transportation arrangement		P	P	P	P	P
	4889	Other support activities for transportation		P	P	P	P	P
491	Postal service			P	P	P	P	P
492	Couriers and messengers			P	P	P	P	P
493	Warehousing and storage			P	P	P	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ¹⁰
F. Information								
511	Publishing industries			P	P	P	P	P
512	Motion picture and sound recording industries			P	P	P	P	P
515	Broadcasting (except Internet)			P	P	P	P	P
516	Internet publishing and broadcasting			P	P	P	P	P
517	Telecommunications			P	P	P	P	P
	5172	Wireless communications carriers		P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷
518	Internet service providers, web search portals, and data processing services			P	P	P	P	P
519	Other information services			P	P	P	P	P
52 Finance and insurance				X	X	X	P	X
	5221	Branch banks (including drive-up service)		P ¹	P ¹	X	P	P ¹
524	Insurance carriers and related activities			P	X	X	P	P
53 Real estate and rental and leasing								
531	Offices of real estate agents and brokers			P	X	X	P	P
532	Rental and leasing services			P	X	X	P	P
	5324	Commercial and industrial machinery and equipment rental and leasing		P	P	P	X	P
533	Lessors of nonfinancial intangible assets (except copyrighted works)			X	X	X	P	X
54 Professional, Scientific, and Technical Services								
541	Professional, scientific, and technical services			P	X	X	P	P
		54135	Building inspection services	P	X	X	P	P
		54136	Geophysical surveying and mapping services	P	X	X	P	P
		54137	Surveying and mapping (except geophysical services)	P	X	X	P	P
		54138	Testing laboratories	P	X	X	P	P
		54194	Veterinary services	P	P	X	P	P
55 Management of companies and enterprises								
	551	Management of companies and enterprises		P	X	X	P	P
56 Administrative and support and waste management and remediation services								
561	Administrative and support services			P	X	X	P	P
	5616	Investigation and security services		P	X	X	P	P
	5617	Services to buildings and dwellings		P	X	X	P	P
	5619	Other support services		P	X	X	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)					IL	IH	IR	BP	IL-RILB Overlay ¹⁰
562	Waste management and remediation services				C ⁶	C ⁶	C ⁶	X	C ⁶
61 Educational services ⁴⁴¹⁰									
611	Educational services ⁴⁴¹⁰				C	C	X	C	C
	6111	Elementary and secondary schools ⁴⁴¹⁰			C	C	X	C	X
	6112	Junior colleges ⁴⁴¹⁰			C	C	X	C	C
	6113	Colleges and universities ⁴⁴¹⁰			C	C	X	C	C
	6114	Business schools and computer and management training ⁴⁴¹⁰			C	C	X	P	C
	6115	Technical and trade schools			P	P	P	P	P
			611519	Truck driving schools	P	P	X	P	P
	6116	Other schools and instruction			C	C	X	P	C
			611692	Automobile driving schools	P	C	X	P	P
	6117	Educational support services ⁴⁴¹⁰			C	C	X	P	C
62 Health care and social assistance									
621	Ambulatory health care services				P	X	X	P	P
	6215	Medical and diagnostic laboratories			P	X	X	P	P
	6216	Home health care services			P	X	X	P	P
	6219	Other ambulatory health care services			P	X	X	P	P
		62191	Ambulance services		P	P	P	P	P
622	Hospitals				C	X	X	P	C
623	Nursing and residential care facilities				X	X	X	P	X
	6232	Residential mental retardation, mental health, and substance abuse facilities			X	X	X	C	X
624	Social assistance				X	X	X	P	X
	6244	Child day care services			P ¹	P ¹	P ¹	P	P ¹
71 Arts, entertainment, and recreation					P ¹	X	X	P	P ¹
	7112	Spectator sports			C	X	X	C	C
		71391	Golf courses and country clubs		X	X	X	X	X
		71392	Skiing facilities		X	X	X	X	X
		71393	Marinas		P	X	X	X	P
		71394	Fitness and recreational sports centers		P ¹	P ¹	P ¹	P ¹	P ¹
		71399	All other amusement and recreation industries		P ¹	X	X	P ¹	P ¹

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP	IL-RILB Overlay ¹⁰
72 Accommodations and food services								
721	Accommodation			X	X	X	P	X
722	Food services and drinking places			P ¹	P ¹	P ¹	P ¹	P ¹
	7223	Special food services		P	P	P	P	P
81 Other services (except public administration)								
811	Repair and maintenance			P ³	P ³	P ³	P ³	P ³
	8111	Automotive repair and maintenance		P ³	P ³	P ³	C	P ³
	8113	Commercial and industrial machinery and equipment (except automotive and electronic repair and maintenance)		P ³	P ³	P ³	C	P ³
812	Personal and laundry services			P ¹	X	X	P ¹	P ¹
		81221	Funeral homes and funeral services	X	X	X	P	X
		81222	Cemeteries and crematories	C	C	C	C	C
	8123	Dry cleaning and laundry services		P ¹	X	X	P ¹	P ¹
		81233	Linen and uniform supply	P	P	X	P	P
		81291	Pet care (except veterinary) services	P ¹	X	X	P ¹	P ¹
813	Religious, grant making, civic, professional, and similar organizations			X	X	X	C	X
92 Public Administration ^{14,10}				P	X	X	P	P
	92214	Correctional institutions ^{14,10}		C	C	X	X	X
G. Other uses not listed as NAICS codes								
1. Service stations for vehicle fleets, including cardlock facilities				P	P	P	P	P
2. Personal property storage including outdoor RV and boat storage				P	X	X	X	P
3. Accessory uses								
a. Administrative, educational, and other related activities and facilities				P ²	P ²	P ²	P ²	P ²
b. Caretaker, security or manager residence when incorporated as an integral part of a permitted use				P ²	P ²	P ²	P ²	P ²
c. Off-site hazardous waste treatment and storage facilities (subject to RCW 70.105.210)				P ²	P ²	P ²	P ²	P ²
4. Other Uses								
a. Parks, trails and related uses ^{14,10}				P ²	P ²	P ²	P ²	P ²
b. Existing residential uses without any increase in density, including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to the limits regarding the replacement.				P	P	P	P	P
c. Legally existing commercial and industrial use structures				P	P	P	P	P

Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)	IL	IH	IR	BP	IL-RILB Overlay ¹⁰
d. Public facilities for the support of construction projects and agency operations, including offices for employees of the facility	P	P	P	P	P
e. Electric vehicle infrastructure	P	P	P	P	P
f. Coffee and food stands two hundred (200) square feet or less	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
g. Agricultural stands and markets	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
h. Medical marijuana collective gardens	X	X	X	X	X
i. Marijuana-related facilities	X	X	X	X	X

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¹ These uses shall be limited to a maximum of ten percent (10%) of the gross floor area of all buildings within the development site. These uses are intended to serve and support the needs of employees, clients, customers, vendors, and others having business at the industrial site, to allow limited retail sales of products manufactured on site, to attract and retain a quality workforce, and to further other public objectives such as trip reduction.

² Permitted only in association with a permitted use.

³ The repair and maintenance subsector does not include all establishments that do repair and maintenance. For example, a substantial amount of repair is done by establishments that also manufacture machinery, equipment and other goods. These establishments are included in Sector 31-33 Manufacturing Uses. Repair of transportation equipment is often provided by or based at transportation facilities, such as airports and seaports, and these activities are included in Sector 48-49 Transportation and Warehousing. Excluded from this subsector are establishments primarily engaged in rebuilding or remanufacturing machinery and equipment. These are classified in Sector 31-33, Manufacturing Uses. Also excluded are retail establishments that provide after-sale services and repair. These are classified in Sector 44-45, Retail trade.

⁴ Subject to the provisions of Section 40.250.022, Surface Mining Overlay District.

⁵ Businesses that are actively working on construction projects and not just coordinating with other contractors. Uses include the storage of materials for use on construction projects, trucks, and other equipment, and shall not be a purely office use. These uses shall not include professional offices such as engineers, planners or architects that support land development and subdivision projects.

⁶ Subject to the provisions of Section 40.260.200.

⁷ See Table 40.260.250-1.

⁸ Subject to the provisions of Section 40.260.055.

⁹ Subject to the provisions of Section 40.260.025.

¹⁰ Pursuant to Section 40.520.075(E), specific major industrial developments are required to be the subject of an open record public hearing held before the hearing examiner with notice published at least thirty (30) days before the hearing date and mailed to all property owners within one (1) mile of the site.

¹¹ Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-04-03; Ord. 2016-06-12; Ord. 2018-01-09)

D. Development Standards. Development standards for employment zoning districts are as follows:

1. All districts.

- a. New lots, structures and additions to structures subject to this section shall comply with the applicable standards for lots, building height, setbacks and landscaping in Table 40.230.085-2, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is

1 required for all new development and modifications to existing permitted development unless
 2 expressly exempted by this title (see Section 40.520.040).

3

Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements					
Subject	Zone				
	IL	IH	IR	BP	IL-RILB Overlay
Minimum area of new zoning district	None	None	None	5 acres ⁴	100
Maximum area of new zoning district	None	None	None	None	None
Minimum lot area	None	None	None	5 acres ⁴	50
Minimum lot width	None	None	None	None	None
Maximum building height ⁶	100 feet ²	100 feet ²	100 feet ^{2, 3}	100 feet ²	100 feet ²
Minimum building setback					
Front/street side	20 feet	20 feet	20 feet	20 feet	20 feet
Side (interior)	0 feet	0 feet	0 feet	0/20 feet ⁵	0/100 feet ⁷
Rear	0 feet	0 feet	0 feet	0/20 feet ⁵	0/100 feet ⁷
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.386), and all other applicable standards.				
Minimum site landscaped area ¹	10 percent	0 percent	0 percent	15 percent	10 percent

4
 5 ¹ Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or
 6 zones. See Sections 40.230.085(E) and 40.320.010.

7
 8 ² Excluding unique architectural features such as towers, cupolas and peaked roofs. No height limitation for accessory towers.

9
 10 ³ Building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent
 11 to residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is increased to the building height.

12 ⁴ New parcels smaller than five (5) acres are not permitted unless consistent with a site plan approval.

13 ⁵ Twenty (20) feet when abutting residentially zoned property.

14 ⁶ For buildings exceeding thirty-six (36) feet in height, the building setback shall be equal to the height of the
 15 building, up to a maximum setback of fifty (50) feet.

16 ⁷ One hundred (100) feet required on perimeter of IL-RILB comprehensive plan designation and
 17 implementing zone. On interior lot lines, zero (0) feet applies.

18 (Amended: Ord. 2014-01-08; Ord. 2016-04-03)

19 b. Site plan review pursuant to Section 40.520.040 is required for all new development and
 20 modifications to existing permitted development unless expressly exempted by this title.

- 1 c. Freestanding commercial retail buildings are permitted with the exception of drive-through
2 retail businesses. Freestanding commercial retail buildings shall not exceed ten thousand
3 (10,000) square feet. Where commercial retail uses are approved, a note shall be placed on the
4 final site plan indicating the cumulative amount of the commercial retail areas that have been
5 approved and the residual amount that remains available for use.
- 6 d. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
- 7 e. Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in
8 Chapter 40.340.
- 9 f. Landscaping. Landscaping and buffers shall be provided as required in Table 40.230.085-2
10 and Chapter 40.320.
- 11 2. Additional Development Standards for the Railroad Industrial District.
- 12 a. The perimeter around railroad industrial parks shall be landscaped to an L5 or L3 standard
13 except along the rail line. In determining which standard applies, the responsible official will
14 consider the potential impacts, such as noise and visual impacts to neighboring properties.
15 Generally, greater impacts trigger the L5 standard and lesser impacts trigger the L3 standard.
- 16 b. The performance standards of Section 40.230.085(E) shall be met at the park perimeter.
- 17 c. No tracks are allowed in public roadways except at at-grade crossings.
- 18 d. At-grade crossings shall be minimized to the greatest extent practicable.
- 19 e. Applicants for development in this zoning district shall submit a rail use plan showing where
20 they could build a spur track that will connect with the main line. A rail use plan does not apply
21 if an applicant can show there is an existing track or spur. Development shall not preclude the
22 extension of any spur track.
- 23 3. Additional Development Standards for the Business Park District.
- 24 a. Uses in Setbacks. No service road, spur track, hard stand, or outside storage area shall be
25 permitted within required setbacks adjoining residential districts.
- 26 b. Setbacks. No minimum setback is required where side or rear lot lines abut a railroad
27 right-of-way or spur track.
- 28 c. Fences. Fencing around the perimeter of the development and fencing abutting public or
29 private streets shall be a combination of solid wall, wrought iron, or other similar treatment.
30 Sections of fence or wall longer than fifty (50) feet shall be interspersed with trees or hedges at
31 least every fifty (50) feet for a distance of at least five (5) feet to break up the appearance of the
32 fence or wall. Fences or walls shall not block sight distance at intersections. The responsible
33 official may approve and condition an alternative fence design that is compatible with existing,
34 abutting fencing, landscaping, and land uses that still meets the intent of the development
35 standards of the Business Park zoning district.
- 36 d. Site Landscaping and Design Plan. In addition to site plan requirements, the following
37 requirements shall apply:
- 38 (1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to
39 residential zones, the applicant shall provide and maintain a vegetative buffer at least
40 eleven (11) feet high that creates a varied appearance to the blank wall. Other features
41 such as false or display windows, artwork, and varied building materials are acceptable.

- 1 (2) Parking areas adjacent to rights-of-way shall be physically separated from the
2 rights-of-way by landscaping or other features to a height of three (3) feet. A combination of
3 walls, berms and landscape materials is preferred. Sidewalks may be placed within this
4 landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five
5 (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on
6 adjacent roads. The creation of a perimeter feature shall not interfere with the
7 implementation of low impact development stormwater management features on site.
- 8 (3) If a development is located within two hundred fifty (250) feet of an existing or proposed
9 transit stop, the applicant shall work with the transit agency in locating a transit stop and
10 shelter as close as possible to the main building entrance.
- 11 (4) Parking island locations may be designed to facilitate on-site truck maneuvering.
- 12 (5) Required setback areas adjacent to streets and abutting a residential district shall be
13 continuously maintained in lawn or live groundcover. Allowed uses in these areas are
14 bikeways, pedestrian paths and stormwater facilities.
- 15 (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater
16 facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a
17 pedestrian plaza, the plaza must:
- 18 (a) Have a minimum width and depth of ten (10) feet and a minimum size of six hundred
19 fifty (650) square feet; and
- 20 (b) Have a minimum of eighty percent (80%) of the area paved in a decorative paver or
21 textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
- 22 (7) Structures should be clustered on site to maximize open space within the development.
- 23 e. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided which
24 connects the street to the public entrances of the structure(s) on site.
- 25 (1) The circulation system shall be hard surfaced and be at least five (5) feet wide.
- 26 (2) Where the system crosses driveways, parking, and/or loading areas, the system must be
27 clearly identifiable through the use of elevation changes, speed bumps, varied paving
28 materials or other similar methods approved by the reviewing authority and in compliance
29 with the Americans with Disabilities Act (ADA).
- 30 (3) The pedestrian circulation system and parking areas must be adequately lighted so that
31 parking areas can be used safely when natural light is not present.
- 32 (4) The pedestrian system must connect the site to adjacent streets and transit stops. The
33 pedestrian system must also connect on-site public open space or parks, commercial,
34 office and institutional developments to adjacent like uses and developments for all
35 buildings set back forty-five (45) feet or farther from the street lot line when existing
36 development does not preclude such connection. Development patterns must not preclude
37 eventual site-to-site connections, even if an adjoining site is not planned for development
38 at the time of the applicant's development.
- 39 f. Commercial Retail Bonus. Additional floor area beyond ten percent (10%) of the total may be
40 devoted to commercial uses if the following conditions are met. Commercial and service
41 bonuses are expressed as a percentage of total floor area of the development or building, up to
42 a maximum of twenty percent (20%).

- 1 (1) All required parking is contained within the building or parking structure associated with the
- 2 development: two and one-half percent (2.5%) bonus for each building served by the
- 3 qualifying parking structure.
- 4 (2) The building is oriented such that access to a transit stop is available within one-half (1/2)
- 5 mile: two and one-half percent (2.5%) bonus.
- 6 (3) Child care facilities are provided within the development: two and one-half percent (2.5%)
- 7 bonus.
- 8 (4) Any six (6) of the following enhanced pedestrian spaces and amenities are provided:
- 9 plazas, arcades, galleries, courtyards, outdoor cafes, widened sidewalks (more than six (6)
- 10 feet wide outside of public right-of-way), benches, shelters, street furniture, public art or
- 11 kiosks: two and one-half percent (2.5%) bonus.

12 **4. Additional Development Standards for the IL-RILB Overlay District.**

13 **a. Use and Dimensional Standards.**

- 14 (1) Permitted, accessory and conditional uses are permitted in accordance with Section
- 15 40.230.085(C).
- 16 (2) Floor area ratios: See Table 40.230.085-2. Determined by height, setbacks, and landscape
- 17 standards.
- 18 (3) Maximum building heights: See Table 40.230.085-2.
- 19 (4) Maximum lot coverage (building and impermeable surface): See Table 40.230.085-2.
- 20 Determined by setbacks, landscaping, and stormwater standards.
- 21 (5) Setbacks: See Table 40.230.085-2.
- 22 (6) Minimum spacing between buildings: Consistent with International Building Code at
- 23 Chapter 14.01, Adoption of Building Safety Codes, and Chapter 14.05, Clark County
- 24 Revisions to International Building Code.

25 **b. Site Design.**

- 26 (1) Circulation/access to and within each lot and/or area shall be compatible with the RILB
- 27 Master Concept Plan.
- 28 (a) Joint Access. Tenants may design and utilize joint accesses, where feasible, for
- 29 adjacent sites within the RILB in order to minimize the total number of driveways.
- 30 (b) The responsible official shall review proposed joint accesses between parcels. If the
- 31 responsible official finds that all other applicable access and circulation standards are
- 32 met, he or she may approve the proposed joint access.
- 33 (c) Reciprocal Access Agreement. The applicant shall submit to Clark County a reciprocal
- 34 access agreement or other legal covenant running with the land to formalize the joint
- 35 access prior to commencement of construction. The agreement must be signed by all
- 36 affected property owners or tenants, shall be notarized, and shall be recorded with the
- 37 Clark County Auditor prior to construction.

38 **(2) Street Standards.**

- 39 (a) Streets shall meet the provisions of Section 40.350.030.

(b) Private streets shall be designed and constructed to be compatible with the rural character of the RILB and surroundings by integrating low impact development, landscaping, and water quality treatment measures. Private roads shall be consistent with Figures 40.230.085-1 and 40.230.085-2 that provide two (2) options for road design addressing stormwater quality unless the responsible official requires the standard private road design or an alternative application of the county's stormwater manual that meet the intent of this development standard.

Figure 40.230.085-1 – Street Section A: Water Quality Bio-Filtration Swale with Private Road Section

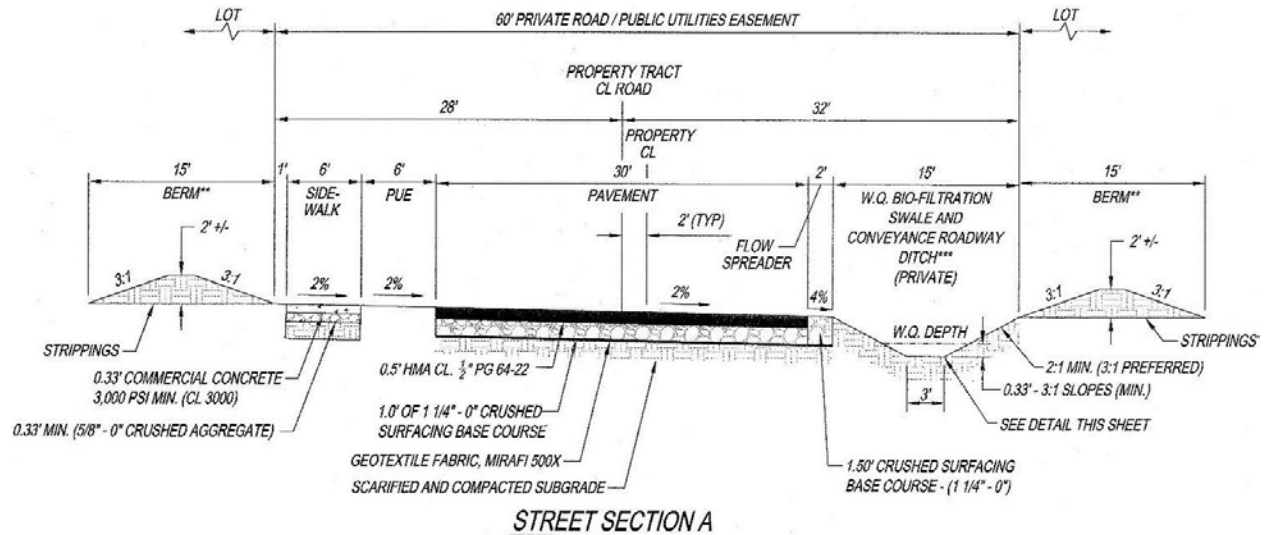
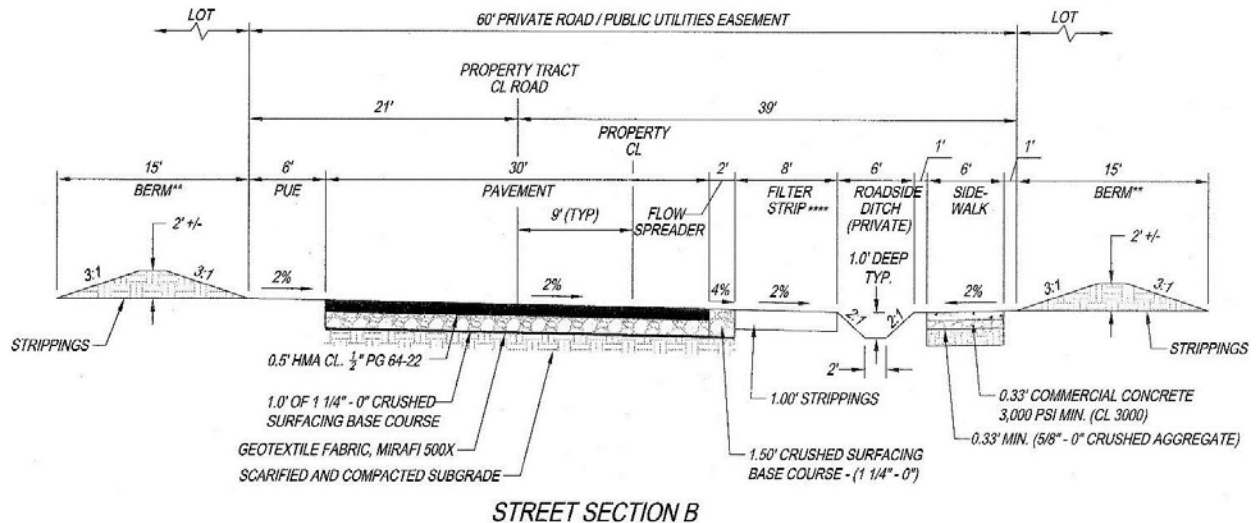


Figure 40.230.085-2 – Street Section B: Water Quality Filter Strip with Private Road Section



(3) **Parking Requirements.** Parking shall meet the requirements of Chapter 40.340, Parking, Loading and Circulation.

(4) **Nonmotorized Circulation and Handicapped Accessibility.** The standards of Section 40.350.010, Pedestrian/Bicycle Circulation Standards, shall be met with regard to nonmotorized circulation and handicapped accessibility.

- 1 ~~(5) Transportation demand management programs shall be implemented consistent with~~
2 ~~Chapter 5.50, Commute Reduction.~~

- 3 ~~(6) Transit-Oriented Site Planning. Site plans implemented consistent with the RILB Master~~
4 ~~Concept Plan shall identify the location of on-site sheltered bus stops (with current or~~
5 ~~planned service) or a sheltered bus stop within one-quarter (1/4) mile of the site with~~
6 ~~adequate walkways, if approved by C-TRAN.~~

- 7 ~~(7) Signage. Signage shall meet the requirements of Chapter 40.310, Signs.~~

- 8 ~~(8) Landscaping Requirements. Landscaping shall be consistent with standards contained in~~
9 ~~Chapter 40.320 and the following standards. In the case of conflict, the following standards~~
10 ~~shall apply.~~

- 11 ~~(a) Opaque Screen. An opaque screen shall be installed in the one hundred (100) foot~~
12 ~~perimeter setback of the RILB. This screen is opaque from the ground to a height that~~
13 ~~is equal to or greater than the adjacent building roof and mechanical equipment of one~~
14 ~~hundred (100) foot depth. This screen may be composed of a combination of~~
15 ~~landscaped earth berm, planted vegetation, fencing or existing vegetation. Compliance~~
16 ~~of planted vegetative screens or natural vegetation will be evaluated on the basis of the~~
17 ~~average mature height and density of foliage of the subjected species, or field~~
18 ~~observation of the existing vegetation. The opaque portion of the screen must be~~
19 ~~opaque in all seasons of the year. At maturity, the portion of the intermittent visual~~
20 ~~obstructions should not contain any completely unobstructed openings more than ten~~
21 ~~(10) feet wide. The portion of intermittent visual obstructions may contain deciduous~~
22 ~~plants. Suggested planting patterns should be naturalized and use native plants suited~~
23 ~~to the area.~~

- 24 ~~(b) Evergreen Trees. At least one (1) row of evergreen trees shall be planted, minimum~~
25 ~~eight (8) feet in height and ten (10) feet maximum separation at time of planting.~~
26 ~~Permitted evergreen tree species are those with the ability to develop a minimum~~
27 ~~branching width of eight (8) feet within five (5) years. Multiple tree species shall be~~
28 ~~integrated into the buffer design to promote long-term health and provide visual~~
29 ~~interest.~~

- 30 ~~(c) Deciduous Trees. Projects shall incorporate deciduous trees (vine maples are a~~
31 ~~desirable example) into the buffer to add seasonal variety and interest. Deciduous~~
32 ~~trees shall have a caliper of at least one (1) inch at the time of planting.~~

- 33 ~~(d) Shrubs shall be planted at a rate of one (1) shrub per twenty (20) square feet of~~
34 ~~landscaped area. At least fifty percent (50%) of the shrubs shall be evergreen. At least~~
35 ~~twenty-five percent (25%) of the shrubs should be deciduous to provide seasonal~~
36 ~~interest. Shrubs shall be at least sixteen (16) inches tall at planting and have a mature~~
37 ~~height between three (3) and four (4) feet.~~

- 38 ~~(e) Ground cover shall be planted and spaced to result in total coverage of the required~~
39 ~~landscape area within three (3) years as follows:~~
- 40 ~~(i) Four (4) inch pots at eighteen (18) inches on center.~~
- 41 ~~(ii) One (1) gallon or greater sized containers at twenty-four (24) inches on center.~~

- 42 ~~(f) New landscaping materials shall consist of drought-tolerant species that are native to~~
43 ~~the coastal region of the Pacific Northwest or noninvasive naturalized species that~~
44 ~~have adapted to the climatic conditions of the coastal region of the Pacific Northwest.~~

1 ~~(g) Maintenance. A two (2) year performance bond, irrevocable letter of credit, or~~
2 ~~assignment of cash deposit shall be posted.~~

3 ~~(9) Open Space. Demonstrate consistency with the coordinated open space, wetlands,~~
4 ~~stormwater and landscaping elements of the RILB Master Concept Plan.~~

5 ~~(10) Agriculture is allowed on site per the permitted uses of the IL-RILB overlay. Provision is~~
6 ~~made for compatibility with agricultural activities on abutting agricultural lands of long-term~~
7 ~~commercial significance via:~~

8 ~~(a) Perimeter landscaped setbacks consistent with subsection (D)(4)(b)(8) of this section;~~

9 ~~(b) Agricultural use allowances, including but not limited to smaller-scale organic farming~~
10 ~~within on-site open space areas of the RILB Master Concept Plan; or~~

11 ~~(c) Other site-specific measures as determined through State Environmental Policy Act~~
12 ~~review if there are possible significant adverse impacts.~~

13 ~~c. Environmental Quality.~~

14 ~~(1) Air Quality. Emissions shall not exceed Southwest Clean Air Agency Regulations.~~

15 ~~(2) Water Quality. Stormwater quantity and quality shall be managed consistent with Chapters~~
16 ~~13.26A and 40.386. Implementing site plans shall document consistency with the regional~~
17 ~~stormwater concept included with the RILB Master Concept Plan.~~

18 ~~(3) Development shall be consistent with critical areas regulations:~~

19 ~~(a) Chapter 40.410, Critical Aquifer Recharge Areas (CARAs);~~

20 ~~(b) Chapter 40.420, Flood Hazard Areas;~~

21 ~~(c) Chapter 40.430, Geologic Hazard Areas;~~

22 ~~(d) Chapter 40.440, Habitat Conservation; and~~

23 ~~(e) Chapter 40.450, Wetland Protection.~~

24 ~~d. Infrastructure.~~

25 ~~(1) Specific major industrial developments implementing the RILB Master Concept Plan shall~~
26 ~~assure that all new infrastructure is provided for by interlocal agreement between the~~
27 ~~county and the service provider or otherwise guaranteed by the service provider and the~~
28 ~~applicant and documented to the satisfaction of the responsible official.~~

29 ~~(2) The applicant shall extend road and utility improvements to and within the rural industrial~~
30 ~~site consistent with the RILB Master Concept Plan and service provider requirements.~~

31 ~~(a) The applicant shall be responsible for all costs of new infrastructure; provided,~~
32 ~~however, this requirement does not preclude use of government programs that fund~~
33 ~~portions of infrastructure to facilitate economic development and needed community~~
34 ~~facilities. A latecomer's agreement may be approved where an applicant installs~~
35 ~~improvements that will serve future phases or adjacent development. The applicant~~
36 ~~shall pay applicable impact fees or system development charges for system~~
37 ~~improvements supporting the development.~~

38 ~~(b) Appropriate provisions for right-of-way dedication and right-of-way improvements~~
39 ~~adjacent to the specific major industrial developments shall be made, including street~~

1 paving, and sidewalks, curb, gutter, and street lighting. Improvements shall be installed
2 prior to issuance of a building permit for any development in the rural industrial
3 development, unless an appropriate bond or instrument acceptable to the county is
4 provided to guarantee installation of improvements.

5 (c) Power and Water Supply. Proof of adequate and available water to serve each phase
6 of the development as specified by Clark Public Utilities shall be provided.

7 (d) Sewage Disposal. Proof of adequate sewage disposal to serve each phase of the
8 development as specified by the Clark Regional Wastewater District shall be provided.

9 (e) All utilities, including irrigation, domestic water and sewer, electrical distribution,
10 telecommunication, and other necessary services, shall be installed prior to or in
11 conjunction with construction of permitted buildings in the rural industrial development.

12 (f) The internal water system shall include fire hydrants and fire flow pressure consistent
13 with Fire District requirements.

14 (g) Concurrency requirements shall be met as provided in Section 40.350.020,
15 Transportation Concurrency Management System.

16 (3) Urban governmental services may be provided to this major industrial development so long
17 as such services are not connected to uses in nonurban areas unless such connections
18 are consistent with state law and the Clark County comprehensive plan and have been
19 approved by Clark County.

20 (4) Consistent with existing local, state, and federal laws, water and natural gas pipelines and
21 electric power lines and facilities and railroad tracks may cross nonurban areas to serve
22 this specific major industrial development.

23 (5) Applicants for development on the Ackerland properties shall submit a rail use plan
24 showing where they could build a spur track that will connect with the main line. A rail use
25 plan does not apply if an applicant can show there is an existing track or spur.
26 Development shall not preclude the extension of any spur track.

27 e. Protection of Nonurban Lands. The following measures assure the protection of such lands
28 from urban growth:

29 (1) The rural industrial development is consistent with the uses authorized in RCW 36.70A.367
30 and this chapter.

31 (2) Urban governmental services shall not be extended to uses outside the boundaries of this
32 specific rural industrial development (except where such services must extend through the
33 rural or resource areas between this rural industrial development and another urban
34 growth area) unless such extensions are consistent with state law and the Clark County
35 comprehensive plan and have been approved by Clark County.

36 (3) No boundary change to this rural industrial development site shall be made without an
37 amendment to the comprehensive plan land use map consistent with the requirements of
38 RCW 36.70A.367 and the Clark County Code.

39 (Amended: Ord. 2015-11-24; Ord. 2016-04-03; Ord. 2018-01-09)

40 *****

1 **40.520.070 Master Planned Development**

2
3 A. Purpose.

4 The master planning standards in this section are intended to:

- 5 1. Promote coordinated and cohesive site planning and design of large, primarily light industrial and
6 mixed use sites that will occur over an extended period of time;
- 7 2. Promote coordinated and cohesive site planning and design of large, heavy industrial sites that will
8 occur over an extended period of time;
- 9 3. Provide a means of streamlining and consolidating development review processes. For large sites,
10 intensive and integrated master planning review may occur earlier within the development process,
11 lessening the scope of piecemeal review later as individual developments occur;
- 12 4. Through consolidation of review processes, provide a level of predictability to project applicants,
13 the county and the community at large regarding the nature and type of development which will
14 occur in the future; and
- 15 5. Through flexibility of standards and consolidation of reviews, promote and facilitate quality
16 development of larger sites in an integrated, cohesive manner providing for functional, design and
17 other linkages between, and consistency among, a mix of individual uses and structures.

18 (Amended: Ord. 2012-12-14)

19 B. Applicability.

20 1. Light Industrial (IL) Zones.

21 Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to apply
22 for approval of a master plan by the reviewing authority. A minimum of seventy-five percent
23 (75%) of the area proposed for master planning shall be held under common ownership at the time
24 of application. A minimum of eighty-five percent (85%) of the area proposed for master planning
25 shall be zoned light industrial (IL), or a change in zoning requested to this effect, at the time of
26 application. The master plan shall consist of both a concept plan which shows the location,
27 distribution and phasing of land uses and related facilities and a development plan as each phase
28 of the plan is developed.

29 2. Mixed Use (MX) Zone.

30 Any development with proposed phasing of uses shall submit a master plan. A minimum of
31 seventy-five percent (75%) of the area proposed for master planning shall be held under common
32 ownership at the time of application. The master plan shall consist of both a concept plan which
33 shows the location, distribution and phasing of land uses and related facilities and a development
34 plan as each phase of the plan is developed.

35 3. Heavy Industrial (IH) Zone.

36 Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to apply
37 for approval of a master plan by the reviewing authority. A minimum of seventy-five percent (75%)
38 of the area proposed for master planning shall be held under common ownership at the time of
39 application.

40 ~~4. Rural Industrial Land Banks.~~

1 ~~Rural industrial land banks established pursuant to RCW 36.70A.365 or 36.70A.367 are required to~~
2 ~~have a master plan that meets the requirements of Sections 40.560.010(J) and 40.520.075.~~

3 (Amended: Ord. 2012-12-14; Ord. 2014-12-16)

4 C. Approval Process.

5 1. Applications for a master plan shall be reviewed using a Type II-A process as described in Section
6 40.510.025, unless:

7 ~~a. Submitted with a subdivision, when it shall be reviewed using a Type III process; or~~

8 ~~b. Submitted as part of a rural industrial land bank, when it shall be reviewed as a Type IV process.~~

9 2. The master planning review is intended to provide a means of consolidating various reviews into a
10 single master plan application and review, such that development subsequent to an approved
11 master plan can be processed through site plan review. The master plan ordinance is not intended
12 to integrate proposed large-scale zone or comprehensive plan changes to commercial
13 designations, or to facilitate development to that effect.

14 3. Master plan review and subsequent site plan review shall serve to integrate the following review
15 processes:

16 a. Conditional use review;

17 b. Mixed use review;

18 c. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability
19 requirement of this section;

20 d. Responsible official review;

21 e. Variance.

22 4. Proposed comprehensive plan map changes increasing areas of commercial designations shall be
23 processed separately under Section 40.560.010.

24 5. Upon approval by the reviewing authority and timely implementation as described in Section
25 40.520.070(H), the master plan shall remain in force unless amended through Section 40.520.060,
26 Post-Decision Review. All development in the master plan area shall thereafter comply with the
27 master plan requirements and standards included or referenced therein. Provisions of this
28 subsection may be implemented through this section, incorporating Sections 501 through 506 of
29 Chapter 347, Laws of 1995.

30 6. All post-decision reviews of master plans in MH zones are Type I reviews. Development sites within
31 the master planned area may be reconfigured under post-decision review as necessary to attract
32 uses as defined in Section 40.520.070(B)(3).

33 (Amended: Ord. 2010-08-06; Ord. 2014-12-16)

34 *****

1 **40.520.075 Rural Industrial Development Master Plan**
2

3 A. Purpose.

4 The master planning standards in this section are intended to:

- 5 1. Promote coordinated and cohesive site planning and design of rural industrial development sites
6 that will develop over an extended period of time;
- 7 2. Provide a means of streamlining and consolidating development review processes, lessening the
8 scope of piecemeal review as individual developments occur;
- 9 3. Provide a level of predictability to project applicants, the county and the community at large
10 regarding the nature and type of development which will occur in the future; and
- 11 4. Through flexibility of standards and consolidation of reviews, promote and facilitate quality
12 development in an integrated, cohesive manner providing for functional, design and other linkages
13 between, and consistency among, a mix of individual uses and structures.

14 B. Applicability.

15 This chapter applies to rural industrial sites and land banks established pursuant to RCW 36.70A.365 or
16 36.70A.367 and Section 40.560.010(JH). Such sites are to be a minimum of one hundred (100) acres in
17 size and zoned light industrial (IL) with an IL-RILB overlay.

18 C. Approval Process.

- 19 1. A master plan prepared for a rural industrial site or land bank will be processed as part of the
20 application for the land bank pursuant to Section 40.560.010(JH).
- 21 2. The master planning review is intended to provide a means of consolidating various reviews into a
22 single master plan application and review, such that specific major industrial developments
23 subsequent to an approved master plan can be processed through site plan review.
- 24 3. Master plan review and subsequent site plan review for specific major industrial developments shall
25 serve to integrate the following review processes:
 - 26 a. Conditional use review;
 - 27 b. Responsible official review; and
 - 28 c. Variance.
- 29 4. Upon approval by the reviewing authority, the master plan shall remain in force unless amended
30 through Section 40.520.060, Post-Decision Review. All development in the master plan area shall
31 thereafter comply with the master plan requirements and standards included or referenced therein.
32 Provisions of this subsection may be implemented through this section, incorporating Sections 501
33 through 506 of Chapter 347, Laws of 1995.
- 34 5. All post-decision reviews of master plans are Type I reviews.

35 D. Approval Criteria.

- 36 1. In approving the master plan, site plans subsequent to master plan approval, or amendments to the
37 master plan, the review authority shall make a finding that the following approval criteria are met:
 - 38 a. General goals:

- 1 (1) Achievement of the goals and objectives of the community framework plan and the
2 comprehensive plan;
- 3 (2) Enhancement of economic vitality, particularly opportunities for high wage employment;
- 4 (3) Efficient provisions and use of public facilities and services;
- 5 (4) Plan sufficient infrastructure to meet concurrency needs; and
- 6 (5) Goals provided in the purpose statements of the applicable zoning district.
- 7 b. Specific conditions:
- 8 (1) The master plan contains adequate provisions for ensuring that the original visions and
9 goals as stated in the master plan will be implemented;
- 10 (2) The site of the proposed master plan is adequate in size and shape to accommodate the
11 proposed uses and all yards, spaces, walls and fences, parking, loading, landscaping, and
12 other features as required by this title, and to ensure that said use will have no significant
13 detrimental impacts on neighboring land uses and the surrounding area;
- 14 (3) The site for the proposed uses relates to streets and highways that are or will be adequate
15 in width and pavement type to carry the quantity and kind of traffic generated by the
16 proposed uses;
- 17 (4) Adequate public utilities are or will be available to serve the proposed project;
- 18 (5) The establishment, maintenance, and/or conduct of the use for which the development
19 plan review is sought will not, under the circumstances of the particular case, be
20 detrimental to the health, safety, or welfare of persons residing or working in the
21 neighborhood of such use and will not, under the circumstances of the particular case, be
22 detrimental to the public welfare, injurious to property or improvements in said
23 neighborhood; nor shall the use be inconsistent with the character of the neighborhood or
24 contrary to its orderly development;
- 25 (6) The proposed master plan facilitates quality development in an integrated manner which
26 provides for a functional and design interrelation of uses and/or structures;
- 27 (7) The master plan meets all submittal requirements of this section, and material submitted
28 provides sufficient detail to enable review for compliance;
- 29 (8) All areas of the master plan site to be developed with commercial uses shall be so
30 delineated on the master plan. Commercially delineated areas proposed within industrially
31 zoned areas of the master plan site shall account for no more than ten percent (10%) of the
32 total area.
- 33 2. The review authority may impose conditions as necessary to satisfy the requirements of this
34 section.
- 35 3. The applicant may choose one (1) of two (2) options for environmental review:
- 36 a. Environmental review for build-out of the master plan. Projects included in the environmental
37 review of the master plan shall not require additional environmental review; or
- 38 b. Environmental review of the conceptual master plan followed by project-specific environmental
39 review to be completed at the time of individual project development. This option includes
40 situations where the conceptual SEPA review for the master plan is completed concurrently
41 with project-specific SEPA review on a first phase. The scope of a narrower review of project

1 proposals may be based on relevant similarities, such as common timing, impacts,
2 implementation or subject matter (per WAC 197-11-060(3)).

3 E. Site Plan Review Process Under an Approved Master Plan.

4 Major industrial development proposals submitted pursuant to an approved master plan shall be
5 reviewed under Section 40.520.040, subject to a demonstration of consistency with the approved
6 master plan and applicable conditions of master plan approval. Such specific major industrial
7 developments are subject to a Type III review process according to Section 40.510.030, with the
8 following specific hearing notice requirements that supersede those of Section 40.510.030: An open
9 record public hearing shall be held before the hearing examiner with notice published at least thirty (30)
10 days before the hearing date and mailed to all property owners within one (1) mile of the site. The
11 review authority may impose conditions of approval for such site plan proposal as necessary to ensure
12 compliance with master plan approval criteria or conditions.

13 F. Development Standards, Covenants, and Guidelines.

14 1. The applicant has two (2) options in establishing development standards to control development in
15 the master plan area:

- 16 a. Incorporate the development standards as adopted by the ordinance codified in this section; or
- 17 b. Propose new development standards (which may incorporate some of the standards in this
18 section). Development standards that differ from the existing land use code requirements will
19 be reviewed as part of master plan review.

20 2. Development Standards. See Section 40.230.085(D).

21 3. Covenants, Conditions and Restrictions. Notwithstanding any other provision in this section, the
22 review authority may enter into developer agreements pursuant to RCW 36.70B.170 through
23 36.70B.210. Council may also declare the master plan a planned action pursuant to RCW
24 43.21C.031.

25 a. Other site development restrictions, such as easements and covenants, not covered by the
26 development standards or applicable ordinances may be incorporated into the master plan, in a
27 section stipulating covenants, conditions and restrictions that run with the land;

28 b. Where separate ownership of lots within the master plan area may occur, to ensure
29 consistency in development and protect the character of the development, the owners may be
30 required, or may desire, to confer responsibility for maintaining common open space,
31 communal recreational areas and facilities, private roads and landscaping to one (1) of the
32 following:

33 (1) An association of owners that shall be created as an association of owners under the laws
34 of the state and shall adopt and propose articles of incorporation or association and
35 bylaws, and adopt and improve a declaration of covenants and restrictions on the common
36 open space that is acceptable to the Prosecuting Attorney. Automatic membership in the
37 association upon purchase of property and association fees shall be contained in
38 covenants that run with the land. The association must have the power to levy
39 assessments. Nonpayment of association fees can become a lien on the property; or

40 (2) Dedication to a public agency that agrees to maintain the common open space and any
41 buildings, structures or other improvements which have been placed on it.

42 4. Other conditions which may be addressed in this section of the master plan document are
43 agreements and assurances on the part of the applicant and on the part of the county with respect
44 to future development. Other general provisions may be included in the final master plan: effective

1 date, duration, cooperation and implementation, intent and remedies, periodic review, dispute
2 resolution, assignment, relationship of parties, hold harmless, notices, severability and termination,
3 time of essence, waiver, successors and assigns, governing state law, constructive notice and
4 acceptance, processing fees.

5 5. The owner may choose to establish architectural design guidelines to promote consistency
6 throughout the development. Administering the guidelines shall be the responsibility of the owner of
7 the site or the association of owners. The guidelines may consist of, for example, roof pitches,
8 building materials, window treatments, paving materials, and building articulation, etc.

9 6. The comprehensive plan map shall be amended to add the suffix “-mp” to the site at the time of
10 approval of master plans approved under this chapter.

11 (Added: Ord. 2014-12-16; Amended: Ord. 2016-04-03; Ord. 2019-05-07)

12 *****

13

1 **40.560.010 Plan Amendment Procedures**

2

3 A. Purpose.

4 1. The purpose of this section is to set forth procedures for adoption or amendment of the
5 comprehensive plan and development regulations pursuant to applicable provisions of the Growth
6 Management Act, Chapter 36.70A RCW (GMA), the Shoreline Master Program (SMP) pursuant to
7 the Shoreline Management Act, Chapter 90.58 RCW (SMA), the State Environmental Policy Act,
8 Chapter 43.21C RCW (SEPA), and the Washington Administrative Code (WAC).

9 2. Plan amendments will be reviewed in accordance with applicable provisions of the GMA, SEPA,
10 the WAC, the countywide planning policies, the community framework plan, the goals and policies
11 of the comprehensive plan, Clark County Code, the capital facilities plan, and official population
12 growth forecasts.

13 3. The SMP will be reviewed in accordance with the goals, policies and regulations of the SMP,
14 consistent with the SMA and the state shoreline guidelines in Chapter 173-26 WAC, and with
15 SEPA.

16 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

17 B. Applicability.

18 All amendments to the comprehensive plan are legislative actions subject to a Type IV process (Section
19 40.510.040). The criteria and requirements of this section apply to all applications or proposals for
20 changes to the comprehensive plan including:

21 1. Countywide comprehensive plan map changes involving urban growth area (UGA) boundary
22 changes and rural map changes;

23 2. Comprehensive plan map changes not involving a change to UGA boundaries;

24 3. Comprehensive plan policy or text changes;

25 4. Arterial atlas amendments;

26 5. Changes to other plan documents (such as capital facilities and the shoreline master program); and

27 6. Amendments that may be reviewed and acted upon outside the annual amendment cycle are
28 subject to the review criteria established in this chapter, and are limited to the following:

29 a. Resolution of an emergency condition or situation that involves public health, safety or welfare,
30 when adherence to the amendment process set forth in this section would be detrimental to the
31 public health, safety or welfare;

32 b. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and
33 designations applicable to the subarea, if the cumulative impacts of the proposed plan are
34 addressed by appropriate environmental review under SEPA;

35 c. The adoption or amendment of a shoreline master program pursuant to Chapter 90.58 RCW;

36 d. To resolve an appeal of a comprehensive plan adoption or amendment filed with the Growth
37 Management Hearings Board or a court of competent jurisdiction pursuant to RCW
38 36.70A.300;

39 e. Siting of major industrial developments and/or master planned locations outside UGA
40 boundaries consistent with the requirements of state statute RCW 36.70A.365;

- 1 f. The amendment of the capital facilities element of the comprehensive plan that occurs
- 2 concurrently with the adoption of the county budget pursuant to RCW 36.70A.130(2)(a)(iv); or
- 3 g. Technical, nonsubstantive corrections to obvious land use mapping errors which do not involve
- 4 interpretation or application of the criteria for the various land use designations contained in the
- 5 comprehensive plan.

6 Subsection (B)(1) of this section may only occur consistent with RCW 36.70A.130. Subsection (2) of
 7 this section may be initiated by either the county or a property owner. Subsections (3) to (6) of this
 8 section may only be initiated by the county.

9 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2016-09-04; Ord. 2017-07-04;
 10 Ord. 2018-01-01; Ord. 2019-05-07)

11 C. Annual Review Cycle.

- 12 1. Proposed annual site-specific comprehensive plan amendments pursuant to RCW 36.70A.130(2)
- 13 that are submitted for review are subject to a Type IV process pursuant to Section 40.510.040.
- 14 2. Applications for plan map amendments are generally processed in conjunction with concurrent
- 15 rezone requests. Rezone applications considered with a plan map amendment request are
- 16 reviewed consistent with the plan designation to zone consistency tables in Chapter 1, Land Use, of
- 17 the comprehensive plan, and according to the procedures and timing specifications for plan map
- 18 amendment specified in this section. Rezone applications considered with a plan map amendment
- 19 request must comply with Sections 40.510.040 and 40.560.020.

20 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

21 D. Governmental Coordination.

- 22 1. The county shall coordinate the annual review process with each city and town.

23 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

24 E. Comprehensive Plan Map Changes – General.

25 All plan map changes must be accomplished through the following:

- 26 1. Changes approved by the county as a result of a comprehensive periodic review of the plan to be
- 27 initiated by Clark County pursuant to RCW 36.70A.130(5)(b);
- 28 2. Changes approved by the county in response to county-initiated amendments or property owner
- 29 site-specific requests, not more than once per year pursuant to RCW 36.70A.130(2)(a);
- 30 3. Out-of-cycle amendments, as authorized by RCW 36.70A.130(2), initiated and approved by the
- 31 county at any time;
- 32 4. Applications for map changes and urban growth area boundary amendments must be consistent
- 33 with the plan designation to zone consistency tables in Chapter 1, Land Use, of the comprehensive
- 34 plan and accompanied by concurrent rezone applications;
- 35 5. A county-initiated proposal for siting major industrial facilities consistent with RCW 36.70A.365, and
- 36 processed if accompanied by a current property owner-submitted rezone application;
- 37 6. The county shall assess the cumulative impacts of all proposed plan map changes prior to Council
- 38 taking action. Monitoring benchmarks may be used to assess impacts.

1 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01;
2 Ord. 2019-05-07)

3 F. Criteria for All Map Changes.

4 Map changes may only be approved if all of the following are met:

- 5 1. The proponent shall demonstrate that the proposed amendment is consistent with the applicable
6 requirements of the GMA and the WAC, the county comprehensive plan, the county code, and
7 official population growth forecasts; and
- 8 2. The proponent shall demonstrate that the designation is in conformance with the appropriate
9 locational criteria identified in the plan; and
- 10 3. The map amendment or site is suitable for the proposed designation, and there is a lack of
11 appropriately designated alternative sites within the vicinity; and
- 12 4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to
13 the area within which the subject property lies; (b) better implements applicable comprehensive
14 plan policies than the current map designation; or (c) corrects an obvious mapping error; and
- 15 5. Where applicable, the proponent shall demonstrate that the full range of urban public facilities and
16 services can be adequately provided in an efficient and timely manner to serve the proposed
17 designation. Such services may include water, sewage, storm drainage, transportation, fire
18 protection, and schools. Adequacy of services applies only to the specific change site.

19 (Amended: Ord. 2007-09-13; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

20 G. Additional Criteria for Rural Map Changes.

21 1. Natural Resource Land Designation.

22 The proponent of an amendment to the plan map for changing a natural resource land designation
23 to a smaller lot size natural resource land designation shall demonstrate that all of the following
24 criteria have been met:

- 25 a. The amendment complies with applicable provisions of GMA and the WAC;
- 26 b. The requested change does not impact the character of the area to the extent that further plan
27 map amendments will be warranted in future annual reviews; and
- 28 c. The amendment meets the locational criteria for the requested designation.

29 2. Rural Centers.

- 30 a. The county shall consider and evaluate the expansion of, or change of land use within, a rural
31 center through the annual review process under this chapter.
- 32 b. The county shall consider and evaluate the creation of a rural center through the docket
33 process under this chapter.
- 34 c. Before the county considers establishing a new rural center, the proponent(s) shall submit to
35 the county a petition signed by at least sixty percent (60%) of the property owners of the land
36 within the boundaries of the proposed new rural center.
- 37 d. The proponent of an amendment to create or expand a rural center shall demonstrate that all of
38 the following criteria have been met:

- 1 (1) The proposed rural center complies with the provisions of RCW 36.70A.070(5)(d); and
- 2 (2) The requested change does not impact the character of the area to the extent that further
- 3 plan map amendments will be warranted in future annual reviews; and
- 4 (3) The site does not meet the criteria for the existing resource plan designation; and
- 5 (4) The amendment meets the locational criteria for the requested designation.
- 6 3. The county may consider changes to the urban reserve overlay only during a comprehensive plan
- 7 periodic review and not on an annual basis.
- 8 (Amended: Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2017-07-04; Ord. 2018-01-01;
- 9 Ord. 2019-05-07)

10 H. Additional Criteria for Rural Major Industrial Map Changes.

11 This section governs designations outside of UGAs for major industrial developments under RCW
 12 36.70A.365.

- 13 1. Application. The county shall process an application for a rural industrial development designation
- 14 pursuant to RCW 36.70A.365 as a Type IV legislative action pursuant to Section 40.510.040 and
- 15 this chapter.
- 16 2. Rural industrial designations require a minimum of one hundred (100) acres and a maximum of
- 17 ~~seven hundred (700) acres in size~~, and are designated as follows:
- 18 a. Comprehensive Plan.
- 19 (1) Major industrial developments (light industrial).
- 20 ~~(2) Major industrial land banks (light industrial).~~
- 21 b. Zoning.
- 22 (1) Major industrial developments (IL).
- 23 ~~(2) Major industrial land banks (IL).~~
- 24 3. Process. Prior to formally proposing a designation under this section, the county shall:
- 25 a. Undertake an inventory of available urban industrial land;
- 26 b. Consult with affected city(ies) regarding a proposed designation;
- 27 c. Make a preliminary assessment that the applicable statutory criteria are met and that the
- 28 proposed location is superior to other potential rural sites;
- 29 d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and
- 30 e. Complete a master plan for the development site as required pursuant to Section 40.520.075.
- 31 4. Approval Criteria.
- 32 a. In addition to the other applicable designation criteria under this chapter, major industrial
- 33 developments ~~or major industrial land banks~~ may only be approved upon a finding that the
- 34 requirement and criteria of RCW 36.70A.365, respectively, are met.

1 b. Development Agreement. No designation under this section may be approved unless
2 accompanied by a development agreement pursuant to RCW 36.70B.170 and Section
3 40.350.020 which at a minimum assures compliance with statutory requirements and criteria.

4 5. Adjacent Nonurban Areas. A designation under this section does not permit urban growth in
5 adjacent nonurban areas.

6 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2012-12-14;
7 Ord. 2014-12-16; Ord. 2017-07-04; Ord. 2018-01-01; Ord. 2019-05-07)

8 *****

9



816 Second Ave, Suite 200, Seattle, WA 98104
p. (206) 343-0681
futurewise.org

October 17, 2019

Mr. Karl Johnson, Chair
Clark County Planning Commission
c/o Sonja Wisler, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810

Dear Chair Johnson and Planning Commissioners:

Subject: Comments on the public hearings for CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, and CPZ2019-00032, GMA Compliance Rural Industrial Land Bank (RILB).

Sent via email to: sonja.wisler@clark.wa.gov; sharon.lumbantobing@clark.wa.gov; gary.albrecht@clark.wa.gov; oliver.orjiako@clark.wa.gov

Thank you for the opportunity to comment on the CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, and CPZ2019-00032, GMA Compliance Rural Industrial Land Bank (RILB). We oppose CPZ2019-00008 because it is inconsistent with Clark County Comprehensive Plan and support CPZ2019-00032 because it is required by state law.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members throughout Washington State including Clark County.

Please recommend denial of CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, because it is inconsistent with the Clark County Comprehensive Plan 2015-2035 and state law.

The *Clark County Comprehensive Plan 2015-2035*, on page 36, provides that:

A Rural 10 designation is applied within the rural area to prevent premature subdivision of future urban areas where the lands are adjacent to designated Urban Reserves, where the predominant size is equal or greater than 10 acres, to act as a buffer to Natural Resource lands or to protect environmentally critical areas consistent with applicable county ordinance and related regulations. This allows for efficient urban development when land is added to the urban growth areas. A Rural 20 designation applies to rural areas where the lands act as a buffer to Natural Resource designated lands, are used for small scale forest or farm production or contain significant environmentally constrained areas as defined by applicable county code and related regulations.

The *Clark County Comprehensive Plan 2015-2035* does not allow a Rural 5 designation to act as a buffer adjacent to Natural Resource lands.¹ “Natural Resource Lands” are “lands which may be used for commercial forest, agriculture, or mineral extraction industries.”² As Staff Report for this proposal documents, the “subject parcel abuts two Agriculture (AG-20) parcels to the east and west.”³ These are Natural Resource lands and according to *Clark County Comprehensive Plan 2015-2035* adjacent to the Agriculture lands are to be designated and zoned Rural 10 or Rural 20. So, designating and zoning this lot Rural 5 is inconsistent with the comprehensive plan.

The *Clark County Comprehensive Plan 2015-2035* also provides on page 37 as follows.

Previously Developed Agriculture and Forest Zoned Property

Land divisions of remainder or parent parcels created under previous Agriculture or Forest Zoning District “Cluster” provisions, which are now within a resource zone or rural residential zone, cannot further divide until brought into the urban growth area.

The parcel proposed for the comprehensive plan amendment and rezone is a remainder lot of Whipple Creek Heights, an agricultural cluster subdivision created in 1990.⁴ It is now within a rural residential zone.⁵ So, according to the *Clark County Comprehensive Plan 2015-2035* it cannot be further subdivided until it is brought into the urban growth area. Since the purpose of the comprehensive plan amendment and rezone is to allow further subdivision of the remainder lot, the comprehensive plan amendment and rezone is also inconsistent with this provision of the comprehensive plan.⁶

State law requires that comprehensive plans shall be internally consistent.⁷ State law also requires that “[a]ny amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.”⁸ As we have seen, the comprehensive plan amendment and rezone is inconsistent with the comprehensive plan. Therefore, this proposal violates three provisions of state law.

Why does this matter? Agriculture and residential uses are inherently incompatible.⁹ Maintaining the buffers required by the comprehensive plan will help conserve the adjacent and nearby working

¹ *Clark County Comprehensive Plan 2015-2035* p. 36 (Amended by Ordinance 2019-02-02) last accessed on October 16, 2019 at: <https://www.clark.wa.gov/community-planning/documents>.

² *Clark County Comprehensive Plan 2015-2035* p. 279 (Amended by Ordinance 2019-02-02).

³ Staff Report to the Clark County Planning Commission Subject: CPZ2019-00008, Whipple Creek for Comprehensive Growth Management Plan and Map Amendment p. 1 of 9 (Oct. 17, 2019) accessed on Oct. 16, 2019 at:

https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/01%20CPZ2019_00008%20Whipple%20Creek%20Staff%20Report%20and%20Exhibit%201.pdf.

⁴ Staff Report to the Clark County Planning Commission Subject: CPZ2019-00008, Whipple Creek for Comprehensive Growth Management Plan and Map Amendment p. 1 of 9 (Oct. 17, 2019)

⁵ *Id.* at p. 3 of 9.

⁶ *Id.* at p. 2 of 9.

⁷ RCW 36.70A.070 emphasis added.

⁸ RCW 36.70A.130(1)(d).

⁹ Arthur C. Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL of the AMERICAN PLANNING ASSOCIATION 467, p. 468 (1992) and Tom Daniels, *What to Do About Rural Sprawl?* p. *1 (Paper Presented at The American Planning Association Conference, Seattle, WA: April 28, 1999) copies of both enclosed in a separate

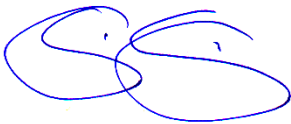
farms to the north, west, and east and the farmland on this property.¹⁰ We respectfully urge the Planning Commission to recommend denial of the proposed comprehensive plan and zoning amendments.

Please recommend approval of CPZ2019-00032 to remove the authorization for and all references to the Rural Industrial Land Banks from the comprehensive plan and development regulations and to designate the Industrial Land Banks Agriculture and zone them Agriculture 20 as these amendments are necessary to comply with state law.

As the staff report does a very good job of explaining, approval of CPZ2019-00032 is necessary to comply with state law. The industrial land banks were not needed to meet the county's 20 employment needs and still qualify as agricultural lands of long-term commercial significance.¹¹ We strongly support the amendments.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 and email: tim@futurewise.org.

Very Truly Yours,



Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

email. The Journal of the American Planning Association is peer-reviewed. Journal of the American Planning Association *Instructions for authors* webpage p. 3 of 8 also enclosed in a separate email.

¹⁰ See the aerial image from the "Maps" showing the existing land uses and zoning last accessed last accessed on Oct. 16, 2019 at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>.

¹¹ *Clark County Buildable Lands Report* pp. 10 – 10 (June 2015) last accessed on Oct. 16, 2019 at:

https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/4%20-%202015BUILDABLE_LANDS_REPORT.pdf; *Clark County Rural Industrial Land Bank Programmatic Environmental Review pursuant to RCW 36.70A.367(2)(b), and Addendum to the Clark County Comprehensive Growth Management Plan Final Environmental Impact Statement* (Oct. 2015) Appendix B: Agricultural Lands Analysis pp. 11 – 36 last accessed on Oct. 16, 2019 at: https://www.clark.wa.gov/sites/default/files/dept/files/council-meetings/2016/040516_7_AppendixB.pdf.



Nisqually Indian Tribe
4820 She-Nah-Num Dr. S.E.
Olympia, WA 98513
(360) 456-5221

October 4, 2019

Oliver Orjiako, Director
Clark County Community Planning
1300 Franklin Street; 3rd Floor
Vancouver, WA 98666

Dear Mr. Orjiako,

The Nisqually Indian Tribe thanks you for the opportunity to comment on:

Re: CPZ2019-00032 - DNS for RILB

The Nisqually Indian Tribe has reviewed the Determination of Nonsignificance you provided for the above-named project and concurs with its findings. The Nisqually Indian Tribe has no further information or concerns at this time. Please keep us informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Sincerely,

Brad Beach
THPO Department
360-528-0680
360-456-5221 ext 1277
beach.brad@nisqually-nsn.gov

Annette "Nettsie" Bullchild
THPO Department
360-456-5221 ext 1106
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Jeremy "Badoldman" Perkuhn
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badoldman.jp@nisqually-nsn.gov

GMA Compliance

Rural Industrial Land Bank (RILB)

CPZ2019-00032

Gary Albrecht, Planner III

Community Planning

Presentation to Clark County Planning Commission

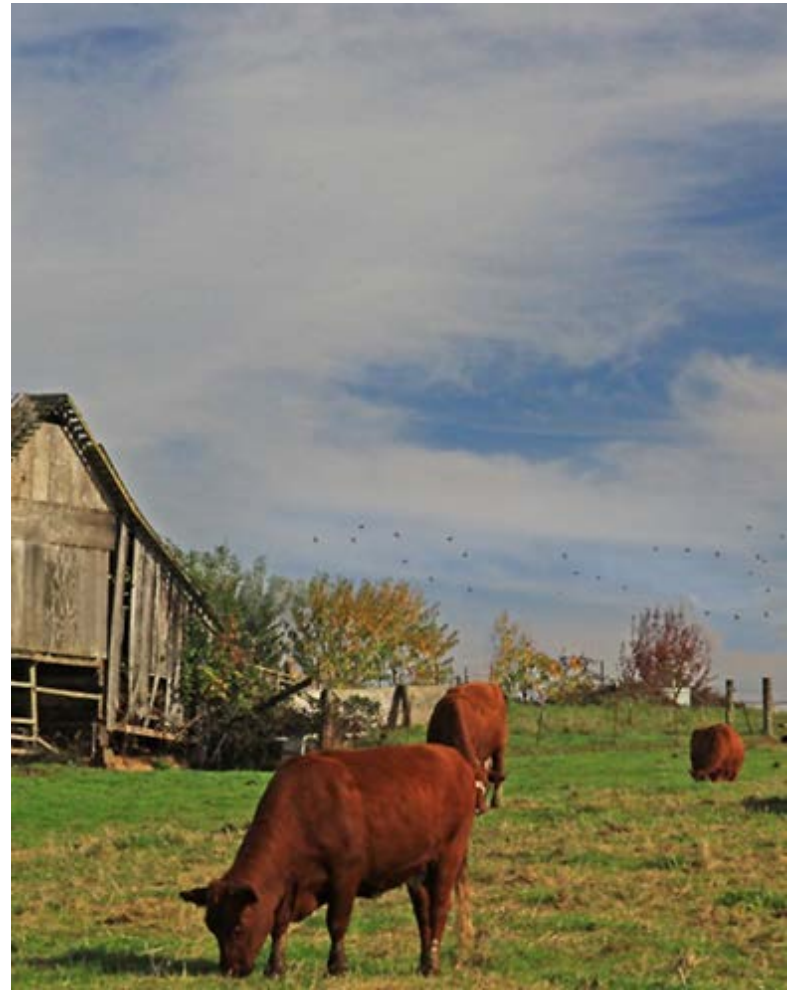
Hearing, October 17, 2019

Public Services Center, 6th Floor Training Room, 6:30 PM
1300 Franklin Street, Vancouver



Agenda

- Background
- Vicinity map
- Court of Appeals
- Council direction
- What's being removed
- Public process



Background

2007 Clark County receives RILB application

Addendum to Environmental Final Environmental Impact Statement

Master Plan

SEPA Appeal

2014 Section 40.520.070 Planned Master Development

Section 40.520.075 Rural Industrial Development Master Plan

Section 40.560.010 Plan Amendment Procedures

2016 RILB Overlay adopted

Arterial Atlas Amended

Comp Plan appealed to Growth Management Hearings Board (GMHB)

2017 GMHB Decision:

Final Decision and Order

County amended 2015 Buildable Lands Report

2018 GMHB issued:

Order on Compliance Order on Motions to Modify Compliance Order,

Rescind Invalidity, Stay Order and Supplement the Record)

2019 Court of Appeals Decision

Clark County does not appeal decision



Court of Appeals

August 20, 2019 decision:

- Issues regarding the county's UGAs designations for the cities of Ridgefield and La Center are moot.
- Court stated that the county has no ability to plan for the annexed land, and that the GMHB cannot compel the county to take action to come into compliance regarding that land.
- Annexed land into cities could not be challenged under the GMA.
- Supported the GMHB ruling that the de-designation of agricultural land was out of compliance with the state's Growth Management Act

Filed
Washington State
Court of Appeals
Division Two
August 20, 2019

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

CLARK COUNTY,

Petitioner/Cross Respondent,

FRIENDS OF CLARK COUNTY;
FUTUREWISE,

Respondents/Cross Petitioners,

and

CITY OF RIDGEFIELD; CITY OF LA
CENTER; RDGB ROYAL ESTATE FARMS
LLC; RDGK REST VIEW ESTATES LLC;
RDGM RAWHIDE ESTATES LLC, RDGF
RIVER VIEW ESTATES LLC, RDGS
REAL VIEW LLC, and 3B NORTHWEST
LLC,

Petitioners,

and

CLARK COUNTY CITIZENS UNITED,
INC.,

Petitioners,

v.

GROWTH MANAGEMENT HEARINGS
BOARD,

Respondent.

No. 50847-8-II
(Consolidated)



Council direction

- Council is not appealing August 20, 2019 Court of Appeals decision
- Propose amendments to comply with Growth Management Hearings Board Final Decision and Order



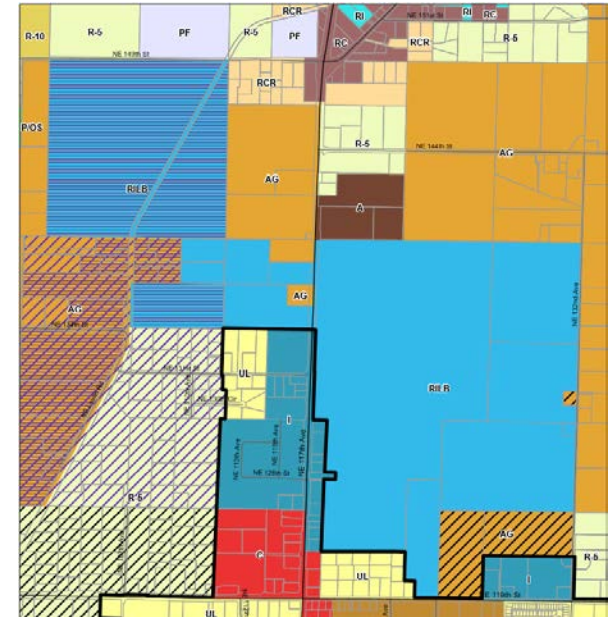
What's being removed?

- Comprehensive plan designation of Rural Industrial Land Bank
- Zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB)
- Comprehensive Plan text and zoning code related to RILB
- Arterial Atlas amendments related to RILB circulation



What's being removed?

- Repeal Ordinances related to RILB: 2016-04-03, 2016-05-03 and 2018-12-64
- Amend Comprehensive Plan and Zoning Maps for 13 parcels (600 acres):
 - Amend comprehensive plan designation of Rural Industrial Land Bank (RILB) to Agriculture (AG)
 - Amend zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB) to Agriculture (AG-20)



Existing Comp Plan



What's being removed?

Proposed Comprehensive Plan Text Amendments		
No.	Element	Description
1	Table of Contents	Delete Rural Industrial Land Bank (RILB) from the Table of Contents, page i.
2	Land Use	Delete Rural Industrial Land Bank (RILB) from Table 1.4 Rural Lands Plan Designation to Zone Consistency, page 31.
3	Land Use	Delete Rural Industrial Land Bank (RILB) and associated text, page 36-37.
4	Rural & Natural Resource	Delete County 20-year Plan Rural Industrial Land Bank goal and plan policies section 3.8, page 98.



What's being removed?

Proposed Clark County Code Amendments		
No.	Title 40	Description
1	40.230.085	Amend CCC 40.230.085 - Employment Districts (IL, IH, IR, BP, IL-RILB) to delete all references to RILB in subsection (B)(1)(d), Table 40.230.085-1 Uses, Table 40.230.085-1 footnote 10, Table 40.230.085-2 Lot Standards, Setbacks, Lot Coverage and Building Height Requirements, Table 40.230.085-2 footnote 7, subsection (D)(4) including Figures 40.230.085-1 and 40.230.085-2, and associate renumbering.
2	40.520.070	Amend CCC 40.250.070 – Master Planned Development to delete all references to RILB in subsection (B)(4) and (C)(1)(b)
3	40.520.075	Amend CCC 40.520.075 – Rural Industrial Development Master Plan to delete all references to RILB and/or RCW 36.70A.367 in (B) and amend Section 40.560.010(J) to Section 40.560.010(H), and delete “with an IL-RILB overlay. Amend (C)(1) to amend Section 40.560.010(J) to Section 40.560.010(H), and delete “or land bank” and “for the land bank.”
4	40.560.010	Amend CCC 40.560.010 – Plan Amendment Procedures to delete all references to RILB and/or RCW 36.70A.367 in (H), delete (H)(a)(2) Major industrial land banks (light industrial), and delete (H)(b)(2) Major industrial land banks (light industrial).



What's being removed?

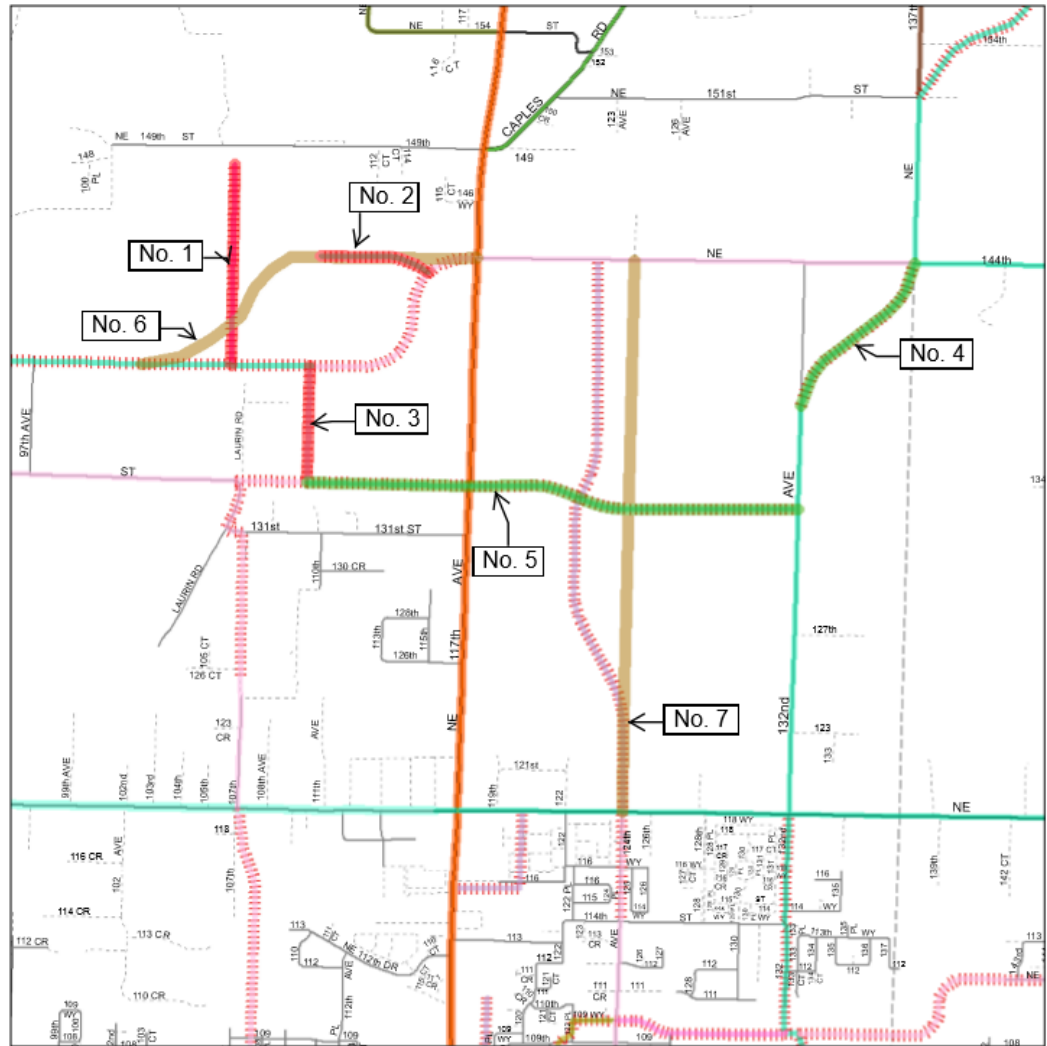
Proposed Arterial Atlas Map Amendments		
No.	Amendment	Description
1	Delete	At approximately NE 106 th Ave., delete a proposed commercial/industrial road, running north/south from NE 139 th St. to NE 149 th St.
2	Delete	At approximately NE 144 th St. and NE 114 th Ave, delete a proposed NE 144 th St. commercial/industrial road extension to the Chelatchie Prairie Railroad.
3	Delete	At approximately NE 110 th Ave. a proposed 2-lane minor arterial (M-2cb) from NE 134 th St. to NE 139 th St.
4	Reclassify	A road segment between NE 144 th St. and the intersection of NE 139 th St./NE 132 th Ave. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2).
5	Reclassify	A road segment of NE 134 th St. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2) between approximately NE 110 th Ave. to NE 132 nd Ave intersection.
6	Modify	A planned road extension at approximately NE 112 th Ave. from transitioning gradually from NE 139 th St. to NE 144 th St. returning to the prior alignment beginning further west at NE 102 nd Ave. connecting NE 139 th St. to NE 144 th St.
7	Modify	A planned road extension at approximately NE 124 th Ave. from NE 119 th St. to NE 144 th St. returning to the prior vertical alignment instead of the serpentine westward alignment.



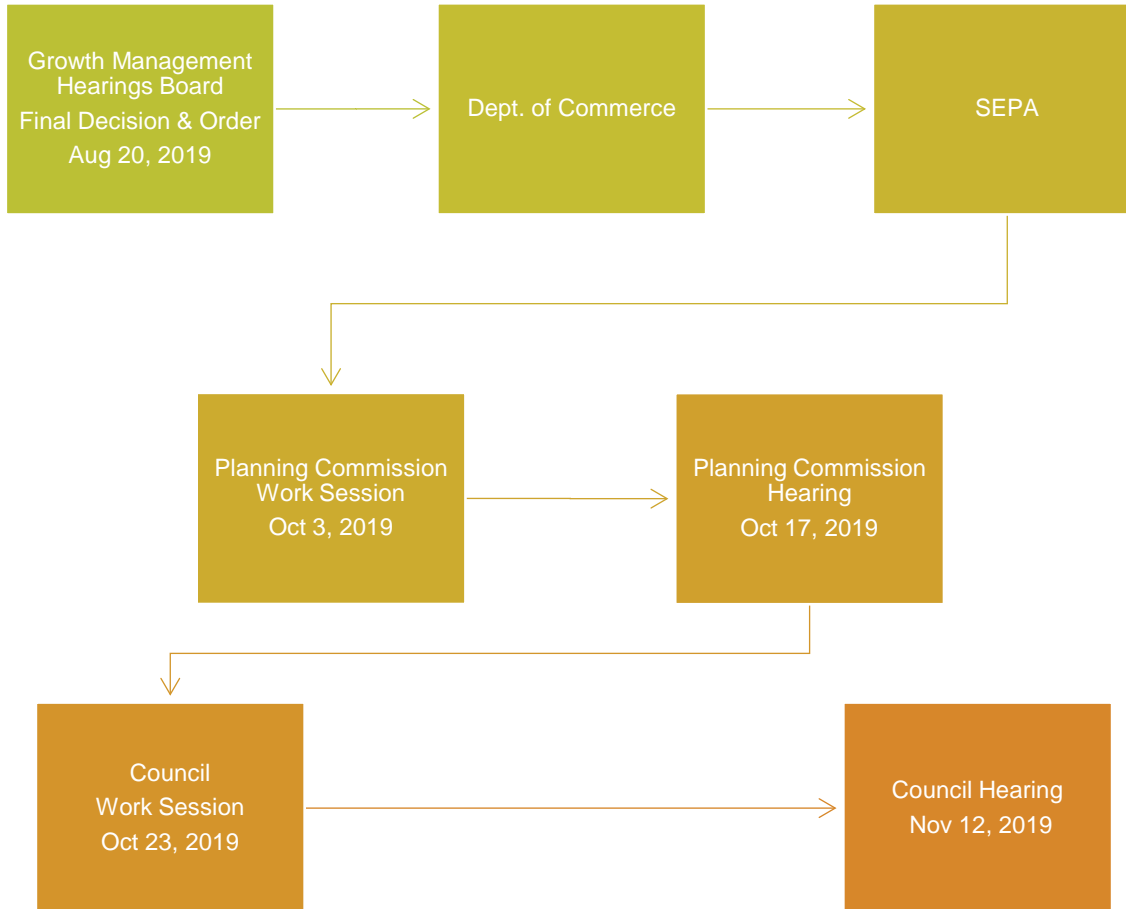
What's being removed?

Arterial Atlas Amendments:

1. Delete
2. Delete
3. Delete
4. Reclassify
5. Reclassify
6. Modify
7. Modify



Public process



Thank you!

Comments and questions

Clark County Community Planning

www.clark.wa.gov/community-planning

564-397-2280



GMA Compliance

Rural Industrial Land Bank (RILB)

CPZ2019-00032

Gary Albrecht, Planner III

Community Planning

Presentation to Clark County Planning Commission

Work Session, October 3, 2019

Public Services Center, 6th Floor Training Room, 5:30 PM
1300 Franklin Street, Vancouver



Agenda

- Background
- Vicinity map
- Court of Appeals
- Council direction
- What's being removed
- Next steps



Background

2007 Clark County receives RILB application

Addendum to Environmental Final Environmental Impact Statement

Master Plan

SEPA Appeal

2014 Section 40.520.070 Planned Master Development

Section 40.520.075 Rural Industrial Development Master Plan

Section 40.560.010 Plan Amendment Procedures

2016 RILB Overlay adopted

Arterial Atlas Amended

Comp Plan appealed to Growth Management Hearings Board (GMHB)

2017 GMHB Decision:

Final Decision and Order

County amended 2015 Buildable Lands Report

2018 GMHB issued:

Order on Compliance Order on Motions to Modify Compliance Order,

Rescind Invalidity, Stay Order and Supplement the Record)

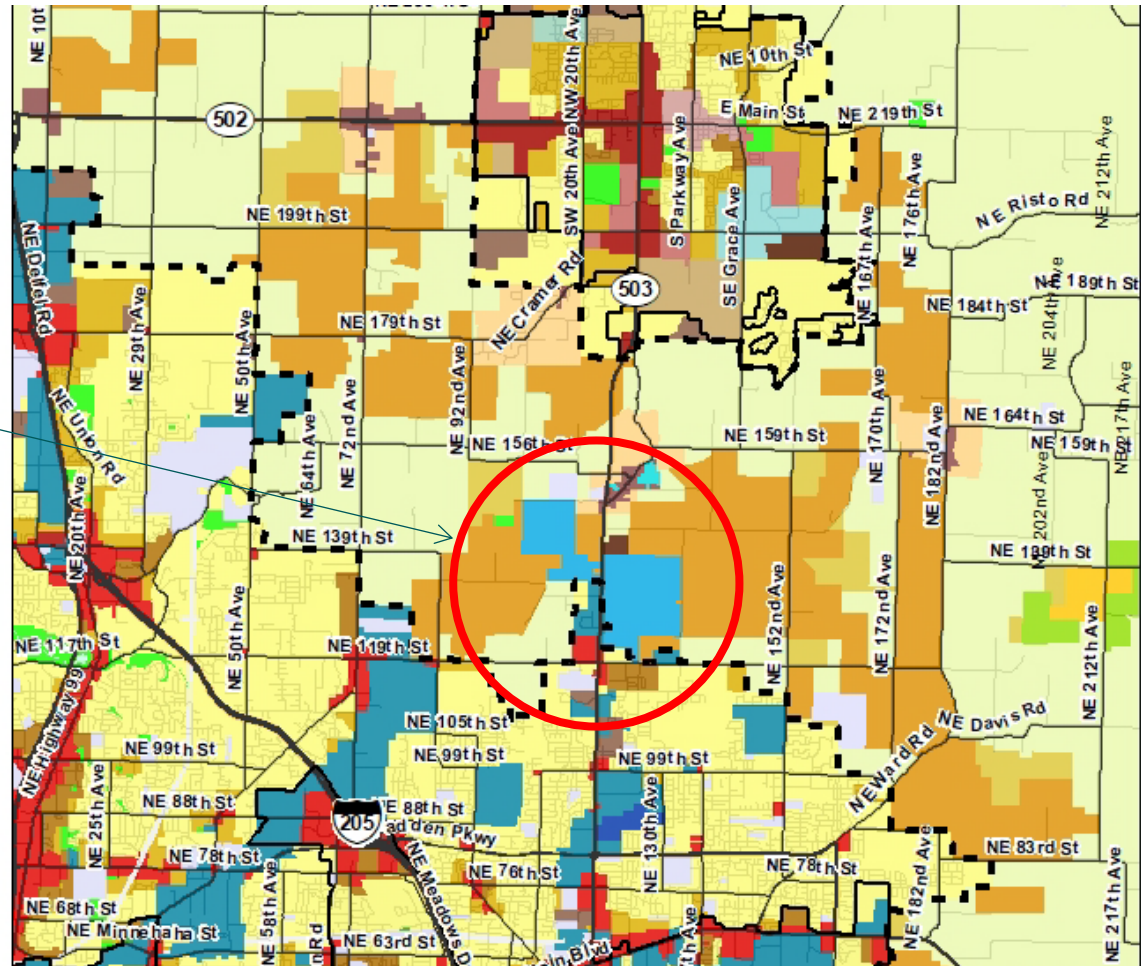
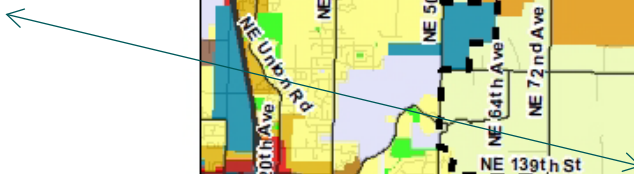
2019 Court of Appeals Decision

Clark County does not appeal decision



Vicinity map

Rural
Industrial
Land Bank



Court of Appeals

August 20, 2019 decision:

- Issues regarding the county's UGAs designations for the cities of Ridgefield and La Center are moot.
- Court stated that the county has no ability to plan for the annexed land, and that the GMHB cannot compel the county to take action to come into compliance regarding that land.
- Annexed land into cities could not be challenged under the GMA.
- Supported the GMHB ruling that the de-designation of agricultural land was out of compliance with the state's Growth Management Act

Filed
Washington State
Court of Appeals
Division Two
August 20, 2019

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

CLARK COUNTY,

Petitioner/Cross Respondent,

FRIENDS OF CLARK COUNTY;
FUTUREWISE,

Respondents/Cross Petitioners,

and

CITY OF RIDGEFIELD; CITY OF LA
CENTER; RDGB ROYAL ESTATE FARMS
LLC; RDGK REST VIEW ESTATES LLC;
RDGM RAWHIDE ESTATES LLC, RDGF
RIVER VIEW ESTATES LLC, RDGS
REAL VIEW LLC, and 3B NORTHWEST
LLC,

Petitioners,

and

CLARK COUNTY CITIZENS UNITED,
INC.,

Petitioners,

v.

GROWTH MANAGEMENT HEARINGS
BOARD,

Respondent.

No. 50847-8-II
(Consolidated)



Council direction

- Council is not appealing August 20, 2019 Court of Appeals decision
- Propose amendments to comply with Growth Management Hearings Board Final Decision and Order



What's being removed?

- Comprehensive plan designation of Rural Industrial Land Bank
- Zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB)
- Comprehensive Plan text and zoning code related to RILB
- Arterial Atlas amendments related to RILB circulation



What's being removed?

Proposed Comprehensive Plan Text Amendments		
No.	Element	Description
1	Table of Contents	Delete Rural Industrial Land Bank (RILB) from the Table of Contents, page i.
2	Land Use	Delete Rural Industrial Land Bank (RILB) from Table 1.4 Rural Lands Plan Designation to Zone Consistency, page 31.
3	Land Use	Delete Rural Industrial Land Bank (RILB) and associated text, page 36-37.
4	Rural & Natural Resource	Delete County 20-year Plan Rural Industrial Land Bank goal and plan policies section 3.8, page 98.



What's being removed?

Proposed Clark County Code Amendments		
No.	Title 40	Description
1	40.230.085	Amend CCC 40.230.085 - Employment Districts (IL, IH, IR, BP, IL-RILB) to delete all references to RILB in subsection (B)(1)(d), Table 40.230.085-1 Uses, Table 40.230.085-1 footnote 10, Table 40.230.085-2 Lot Standards, Setbacks, Lot Coverage and Building Height Requirements, Table 40.230.085-2 footnote 7, subsection (D)(4) including Figures 40.230.085-1 and 40.230.085-2, and associate renumbering.
2	40.520.070	Amend CCC 40.250.070 – Master Planned Development to delete all references to RILB in subsection (B)(4) and (C)(1)(b)
3	40.520.075	Amend CCC 40.520.075 – Rural Industrial Development Master Plan to delete all references to RILB and/or RCW 36.70A.367 in (B) and amend Section 40.560.010(J) to Section 40.560.010(H), and delete “with an IL-RILB overlay. Amend (C)(1) to amend Section 40.560.010(J) to Section 40.560.010(H), and delete “or land bank” and “for the land bank.”
4	40.560.010	Amend CCC 40.560.010 – Plan Amendment Procedures to delete all references to RILB and/or RCW 36.70A.367 in (H), delete (H)(a)(2) Major industrial land banks (light industrial), and delete (H)(b)(2) Major industrial land banks (light industrial).



What's being removed?

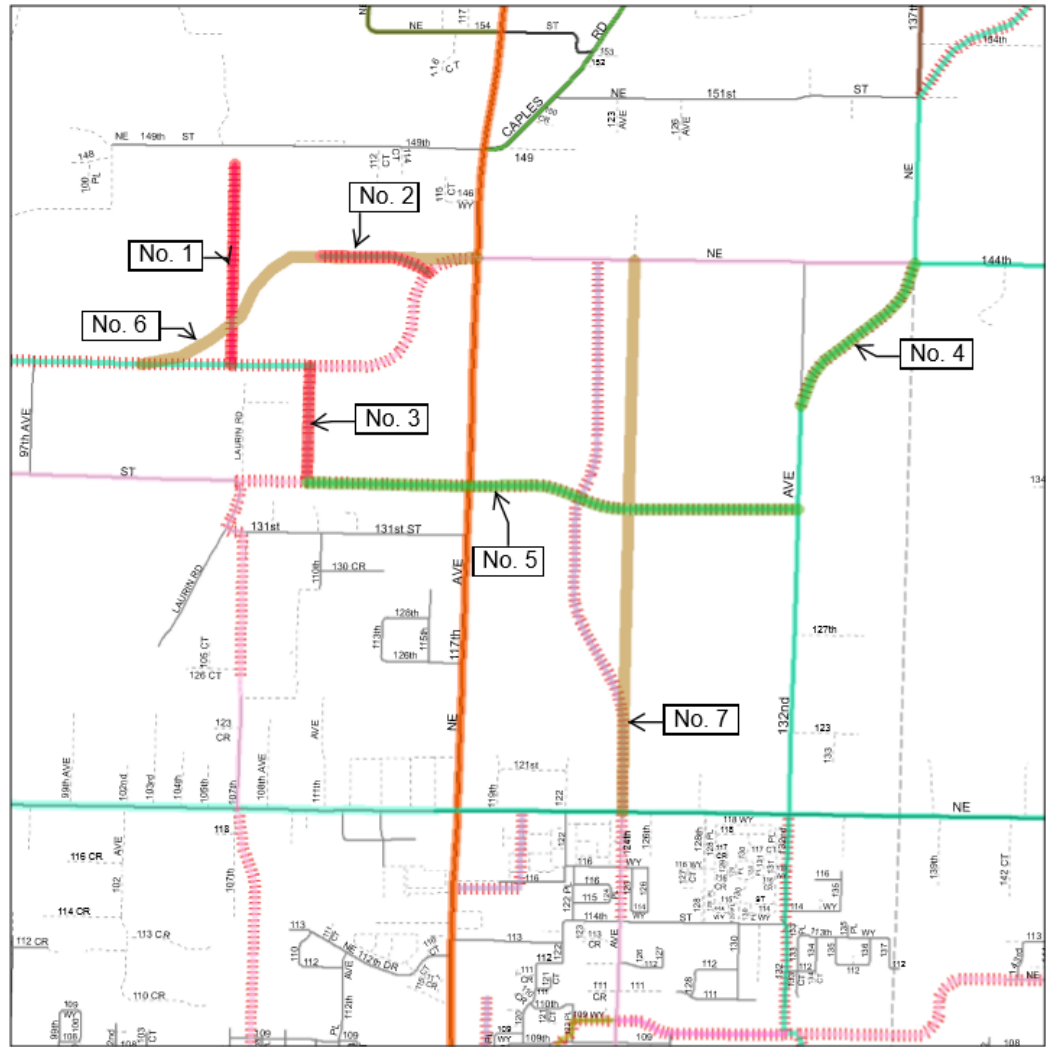
Proposed Arterial Atlas Map Amendments		
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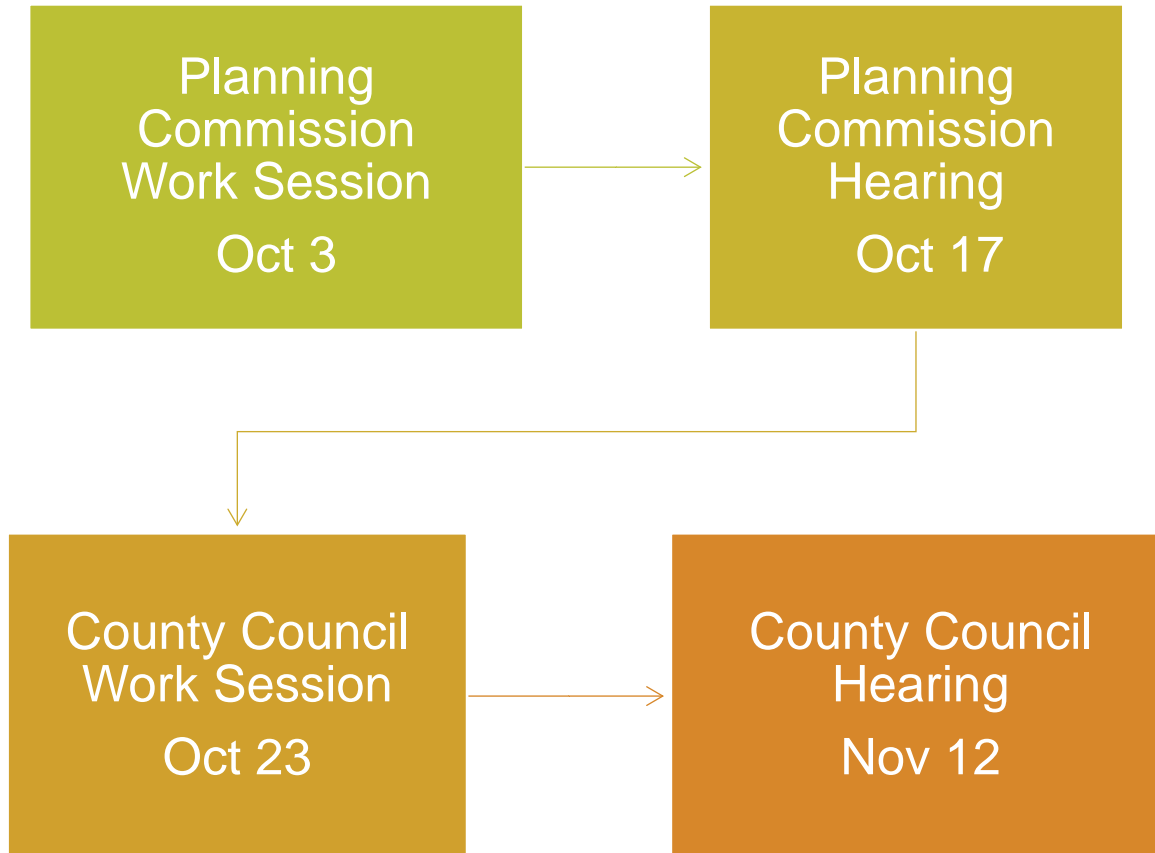
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Next steps



Thank you!

Comments and questions

Clark County Community Planning

www.clark.wa.gov/community-planning

564-397-2280



NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by **October 15, 2019**.

DESCRIPTION:

This is a non-project action per WAC197-11-704(2)(b).

CPZ 2019-00032_GMA Compliance RILB

Amendments to the Comprehensive Growth Management Plan text, plan map, zoning map, and Title 40 to remove all references to the Rural Industrial Land Bank. The proposed amendments are a response to the Growth Management Hearings Board final decision and order regarding the Rural Industrial Land Bank. [[GMHB Case No. 16-2-0005c](#)].

ACTION REQUESTED:

Clark County is proposing to amend the Comprehensive Growth Management Plan text, plan map, zoning map, and Title 40 to remove all references to the Rural Industrial Land Bank.

RESPONSIBLE

OFFICIAL: Oliver

Orjiako, Director
Community Planning
PO Box 9810
Vancouver WA 98666-
9810 oliver.orjiako@clark.wa.gov
[a.gov](http://clark.wa.gov)

BILL TO:

Sonja Wiser, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-
9810 (360) 397-2280 ext.
4558
Sonja.wiser@clark.wa.gov

PUBLICATION DATE: October 2, 2019

PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE



DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal:

Clark County is requesting proposed amendments to the Comprehensive Growth Management Plan text, plan map, zoning map, arterial atlas map, and Title 40 to remove all references to the Rural Industrial Land Bank. The proposed amendments are a response to the Growth Management Hearings Board final decision and order regarding the Rural Industrial Land Bank. [\[GMHB Case No. 16-2-0005c\]](#). The proposed amendment is a non-project action. Project ID: CPZ2019-00032.

Proponent: *Clark County Community Planning*

Location of proposal, including street address, if any: NE 119th St. & SR 503 area.

Lead Agency: *Clark County, Washington*

This proposed amendment is a non-project action. CPZ2019-00032 is a proposed amendment to the Comprehensive Growth Management Plan text, plan map, zoning map, and Title 40 to remove all references to the Rural Industrial Land Bank.

During the 2016 Plan update the county designated approximately 600 acres of what was agricultural land to be Employment Center with a light industrial zoning and Rural Industrial Land Bank overlay. On August 20, 2019, the Court of Appeals upheld the GMHB ruling that a portion of the 2016 Plan was out of compliance with the state's Growth Management Act. [\[Clark County v. Growth Management Hearings Bd., Wn. App. \(2019\)\]](#).

Clark County Council has decided to not file an appeal of the Court of Appeals decision. The proposed amendments are a response to the Growth Management Hearings Board final decision and order regarding the Rural Industrial Land Bank, bringing the Comprehensive Growth Management Plan 2015-2035 into compliance.

An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. This is a non-project action per WAC197-11-704(2)(b). Adoption by ordinance of the amendments by the Clark County Council is expected in November 2019.

Comments must be submitted by: October 15, 2019

Responsible Official: Oliver Orjiako
Position/title: Director
Address: **RE: SEPA Comments**
Clark County Community Planning
1300 Franklin Street; 3rd Floor
P.O. Box 9810
Vancouver, WA 98666-9810

Date: 9-27-19 **Signature:** Oliver Orjiako

The staff contact person and telephone number for any questions on this review is Gary Albrecht, Planner III, (564) 397-4318.

For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov.

**Clark County SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960**

A. BACKGROUND

1. Name of proposed project, if applicable:

CPZ 2019-00032 GMA Compliance RILB

2. Name of applicant:

Clark County

3. Address and phone number of applicant and contact person.

Oliver Orjiako; Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(564) 397- 4112

4. Date checklist prepared:

September 11, 2019

5. Agency requesting checklist:

Clark County, WA

6. Proposed timing or schedule (including phasing, if applicable):

The Planning Commission hearing is scheduled for October 17, 2019. The Clark County Council hearing is scheduled for November 12, 2019. If approved by Clark County Council the effective date to amend the Comprehensive Growth Management Plan text, plan map, zoning map, and Title 40 to remove all references to the Rural Industrial Land Bank is November 22, 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No, this is a non-project action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

On May 4, 2007, a Programmatic Environmental Review pursuant to RCW 36.70A.367 (2)(b) and Addendum to the 2007 Clark County Comprehensive Growth Management Plan Final Environmental Impact Statement was prepared by BERK Consulting for the Clark County Rural Industrial Land Bank. The addendum includes an environmental characterization of the application site, an alternative sites analysis, a SEPA checklist prepared by the applicant, and a de-designation analysis for the application site.

On October 7, 2015, Clark County published a Notice of Determination of Significance with the addendum to the EIS that contains the alternative site analysis, the master planning process and the development regulations.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None, this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

Yes. Although this is a non-project action, Clark County Council approval is required to amend the Comprehensive Growth Management Plan text, plan map, zoning map, and Title 40 to remove all references to the Rural Industrial Land Bank.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Proposed Comprehensive Plan and Zoning Map Amendments
Amend the Comprehensive Plan designation of Rural Industrial Land Bank (RILB) and zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB) to the Comprehensive Plan designation of Agriculture (AG) and zoning designation of Agriculture (AG-20) on the following parcels: 198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, 198082000, 198113000, and 198076000.

Proposed Arterial Atlas Map Amendments		
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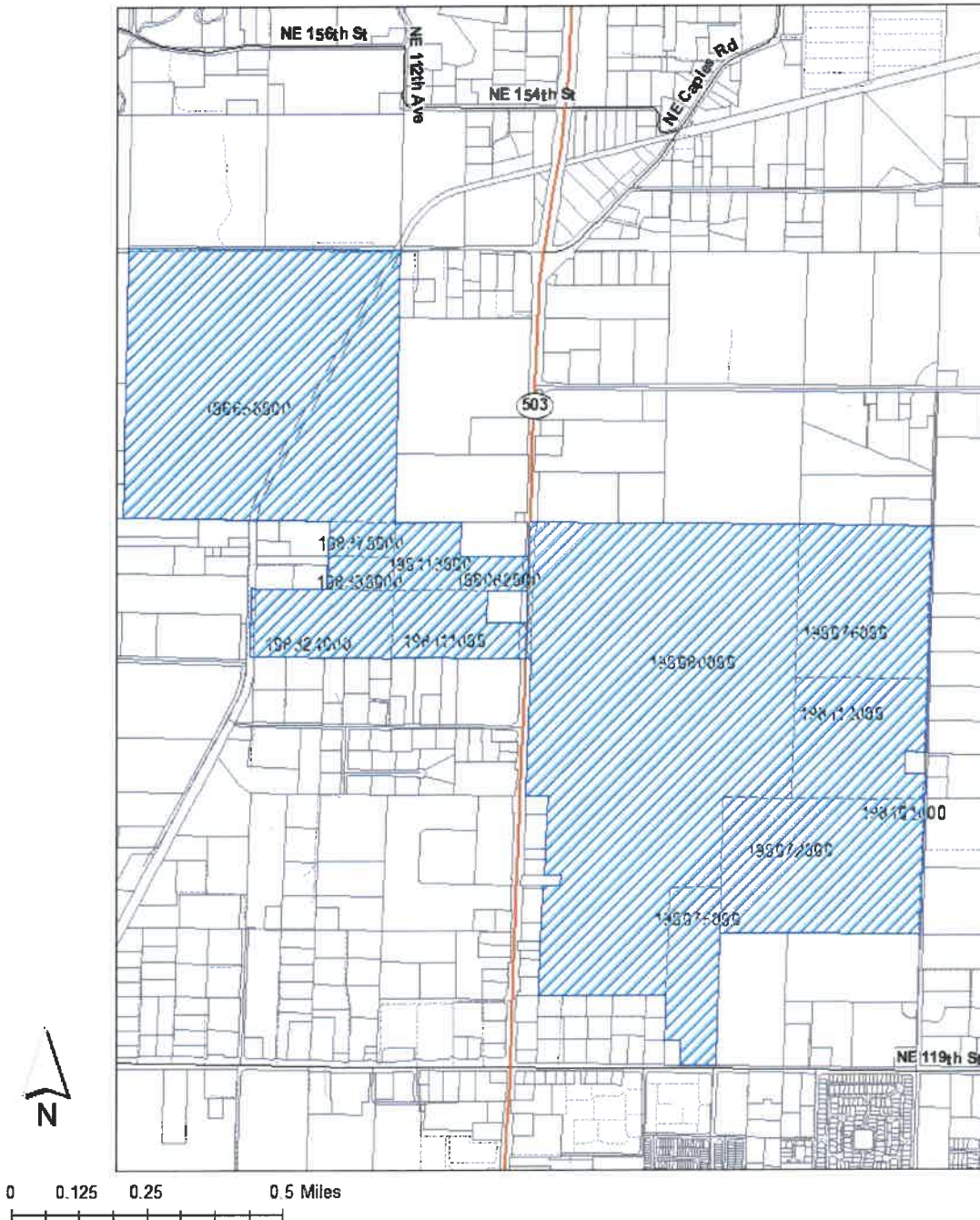
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4	40.560.010	Amend CCC 40.560.010 – Plan Amendment Procedures to delete all references to RILB and/or RCW 36.70A.367 in (H).

12. Location of the proposal. Clark County, Washington

Legend

 Rural Industrial Land Bank Overlay



This non-project action area amends the Comprehensive Plan designation and zoning map from Industrial (IL-RILB) to Agriculture (AG-20) on thirteen (13) parcels, approximately 600 acres.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. **General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.**

Not applicable, this is a non-project action.

- b. **What is the steepest slope on the site (approximate percent slope)?**

Not applicable, this is a non-project action.

- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

Not applicable, this is a non-project action.

- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not applicable, this is a non-project action.

- e. **Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

Not applicable. This is a non-project action. No development is anticipated as part of this application.

- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Not applicable. This is a non-project action.

- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Not applicable. This is a non-project action. No development is anticipated as part of this application.

- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

None. This is a non-project action. Site-specific measures and any mitigation measures will be developed during the development review process.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable. None, this is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable. None, this is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the development review process, if needed.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Not applicable. None, this is a non-project action.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.**

No. This is a non-project action. No development is associated with this proposal.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable. None, this is a non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

Not applicable. None, this is a non-project action.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.**

Not applicable. None, this is a non-project action.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Not applicable. None, this is a non-project action.

b. Ground Water:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

Not applicable. None, this is a non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

Not applicable. None, this is a non-project action.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

This is a non-project action. Future development projects will be required to address storm water runoff.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

This is a non-project action. Future development projects will be required to address storm water runoff.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This is a non-project action. Future development projects will be required to address storm water runoff.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the development review process.

4. Plants

a. Check or circle types of vegetation found on the site.

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

Additional vegetation is likely on site.

Not applicable. This is a non-project action.

b. What kind and amount of vegetation will be removed or altered?

This is a non-project action. Future development projects within will require a development review.

c. List threatened or endangered species known to be on or near the site.

This is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any;

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the development review process.

- e. List all noxious weeds and invasive species known to be on or near the site.**

Not applicable. This is a non-project action.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:**

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

Not applicable. This is a non-project action.

- b. List any threatened or endangered species known to be on or near the site.**

Not applicable. This is a non-project action.

- c. Is the site part of a migration route? If so, explain.**

Not applicable. This is a non-project action.

- d. Proposed measures to preserve or enhance wildlife, if any:**

Not applicable. This is a non-project action.

- e. List any invasive animal species known to be on or near the site.**

Not applicable. This is a non-project action.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable. This is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Not applicable. This is a non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

Not applicable. This is a non-project action.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

None, this is a non-project action.

- 1) Describe special emergency services that might be required.**

This is a non-project action; not applicable.

- 2) Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable.

- 4) Describe special emergency services that might be required.**

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable. Development projects will require a development review process.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable.

- 3) Proposed measures to reduce or control noise impacts, if any:**

Not applicable.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?**

Not applicable. None, this is a non-project action.

- b. Has the site been used for agriculture? If so, describe.**

Not applicable. None, this is a non-project action.

- c. Describe any structures on the site.**

Not applicable. None, this is a non-project action.

- d. Will any structures be demolished? If so, what?**

Not applicable. None, this is a non-project action.

- e. What is the current zoning classification of the site?**

Not applicable. None, this is a non-project action.

- f. What is the current comprehensive plan designation of the site?**

Not applicable. None, this is a non-project action.

- g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Not applicable. None, this is a non-project action.

- i. Approximately how many people would reside or work in the completed project?**

Not applicable.

- j. Approximately how many people would the completed project displace?**

Not applicable.

- k. Proposed measures to avoid or reduce displacement impacts, if any:**

Not applicable.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

Not applicable.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

Not applicable.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None, as this is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None, as this is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:**

Not applicable.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable.

- b. What views in the immediate vicinity would be altered or obstructed?**

None, this is a non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:**

None, this is a non-project action.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

None, this is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

None, this is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?**

None, this is a non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

None, this is a non-project action. Any proposed impacts will be addressed during the development review process.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

Not applicable. None, as this is a non-project action.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

No, this is a non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

None, this is a non-project action.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

Not applicable. This is a non-project action.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

This is a non-project action. Development projects will go through a development review process that requires proof of submitting an archaeological pre-determination to the state (DAHP), if applicable.

- c. Proposed measures to reduce or control impacts, if any:**

None, this is a non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None, this is a non-project action. Site-specific measures and any mitigation measures will be developed during the development review process.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

None, this is a non-project action.

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

Not applicable. This is a non-project action.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

None, this is a non-project action.

- d. Will the proposals require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable. This is a non-project action.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable. This is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

Not applicable for this non-project action.

- g. Proposed measures to reduce or control transportation impacts, if any:**

This is a non-project action, not applicable.

- h. Proposed measures to reduce or control transportation impacts, if any:**

None; this is a non-project action. Development projects will require development review that will address any proposed measures to reduce or control transportation impacts, if needed.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? if so, generally describe.**

This is a non-project action; not applicable.

- b. Proposed measures to reduce or control direct impacts on public services, if any.**

This is a non-project action; not applicable.

16. Utilities

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Not applicable. This is a non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Not applicable. This is a non-project action.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Gary Albrecht

Position and Agency/Organization Planner III, AICP; Clark County

Date Submitted: 9-27-19

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

2. **How would the proposal be likely to affect plants, animals, fish or marine life?**

The proposed change will not likely affect plants, animals, fish or marine life. This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

3. How would the proposal be likely to deplete energy or natural resources?

This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This is a non-project action. No development is proposed. Future development will have to comply with development standards in Title 40: Clark County, Washington, Unified Development Code.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

All future development will have to comply with federal, state, and county development standards in Title 40, Clark County Unified Development Code such as protecting wetlands, historic, critical and habitat areas.



PLANNING COMMISSION RECOMMENDATION

DATE ISSUED: October 18, 2019

SUBJECT: CPZ2019-00032 GMA Compliance RILB

On October 17, 2019, the Planning Commission voted 6 to 0 to recommend to the County Council that it approve the proposal to amend the Comprehensive Growth Management Plan text, plan map, zoning map, arterial atlas map, and Title 40 to remove the authorization for and all references to, the Rural Industrial Land Bank. Below are brief descriptions of the proposed amendments.

Proposed Comprehensive Plan and Zoning Map Amendments	
Amend the Comprehensive Plan designation of Rural Industrial Land Bank (RILB) and zoning designation of Light Industrial (IL) with a Rural Industrial Land Bank Overlay (IL-RILB) to the Comprehensive Plan designation of Agriculture (AG) and zoning designation of Agriculture (AG-20) on the following parcels: 198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, 198082000, 198113000, and 198076000.	

Proposed Arterial Atlas Map Amendments		
No.	Amendment	Description
1	Delete	At approximately NE 106 th Ave., delete a proposed commercial/industrial road, running north/south from NE 139 th St. to NE 149 th St.
2	Delete	At approximately NE 144 th St. and NE 114 th Ave, delete a proposed NE 144 th St. commercial/industrial road extension to the Chelatchie Prairie Railroad.
3	Delete	At approximately NE 110 th Ave. a proposed 2-lane minor arterial (M-2cb) from NE 134 th St. to NE 139 th St.
4	Reclassify	A road segment between NE 144 th St. and the intersection of NE 139 th St./NE 132 th Ave. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2).
5	Reclassify	A road segment of NE 134 th St. from a 2-lane minor arterial (M-2cb) to a 2-lane collector (C-2) between approximately NE 110 th Ave. to NE 132 nd Ave intersection.
6	Modify	A planned road extension at approximately NE 112 th Ave. from transitioning gradually from NE 139 th St. to NE 144 th St. returning to the prior alignment beginning further west at NE 102 nd Ave. connecting NE 139 th St. to NE 144 th St.
7	Modify	A planned road extension at approximately NE 124 th Ave. from NE 119 th St. to NE 144 th St. returning to the prior vertical alignment instead of the serpentine westward alignment.

Proposed Comprehensive Plan Text Amendments		
No.	Element	Description
1	Table of Contents	Delete Rural Industrial Land Bank (RILB) from the Table of Contents, page i.
2	Land Use	Delete Rural Industrial Land Bank (RILB) from Table 1.4 Rural Lands Plan Designation to Zone Consistency, page 31.
3	Land Use	Delete Rural Industrial Land Bank (RILB) and associated text, page 36-37.
4	Rural & Natural Resource	Delete County 20-year Plan Rural Industrial Land Bank goal and plan policies section 3.8, page 98.
Proposed Clark County Code Amendments		
No.	Title 40	Description
1	40.230.085	Amend CCC 40.230.085 - Employment Districts (IL, IH, IR, BP, IL-RILB) to delete all references to RILB in subsection (B)(1)(d), Table 40.230.085-1 Uses, Table 40.230.085-1 footnote 10, Table 40.230.085-2 Lot Standards, Setbacks, Lot Coverage and Building Height Requirements, Table 40.230.085-2 footnote 7, subsection (D)(4) including Figures 40.230.085-1 and 40.230.085-2, and associate renumbering.
2	40.520.070	Amend CCC 40.250.070 – Master Planned Development to delete all references to RILB in subsection (B)(4) and (C)(1)(b)
3	40.520.075	Amend CCC 40.520.075 – Rural Industrial Development Master Plan to delete all references to RILB and/or RCW 36.70A.367 in (B) and amend Section 40.560.010(J) to Section 40.560.010(H), and delete “with an IL-RILB overlay. Amend (C)(1) to amend Section 40.560.010(J) to Section 40.560.010(H), and delete “or land bank” and “for the land bank.”
4	40.560.010	Amend CCC 40.560.010 – Plan Amendment Procedures to delete all references to RILB and/or RCW 36.70A.367 in (H), delete (H)(a)(2) Major industrial land banks (light industrial), and delete (H)(b)(2) Major industrial land banks (light industrial).

Any person(s) or entity(ies) wishing to appeal a determination of non-significance shall file a written petition with the County Council at the Public Service Center, 1300 Franklin St, Vancouver, WA, 98660, within fourteen (14) calendar days of the issuance of this Clark County Planning Commission Recommendation. The County Council shall decide a SEPA appeal in conjunction with its decision made in a public hearing on the underlying recommendation in accordance with CCC 40.570.080.D.2.b(2). The date and time of the County Council public hearing on this recommendation will be published in The Columbian newspaper at least two weeks before the hearing, and will be posted at www.clark.wa.gov/council-meetings.

SEPA appeals must be written and must contain all of the following:

1. the case number designated by the county;
2. the name and original signature of each petitioner for the appeal;
3. a statement showing that each petitioner is entitled to file the appeal as an interested party;
4. the specific aspect(s) of the decision being appealed;
5. the reasons why each aspect is in error as a matter of fact or law; and
6. the evidence or law relied on to prove the error.

The case file is available for review online at www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes or at 1300 Franklin Street, Vancouver, WA between 8:00 am and 5:00 PM M-F. Contact **Sonja Wiser (564) 397- 4558** or **Sonja.Wiser@clark.wa.gov**.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

October 15, 2019

Gary Albrecht, Planner III
Clark County
Community Development Department
PO Box 9810
Vancouver, WA 98666-9810

Dear Gary Albrecht:

Thank you for the opportunity to comment on the determination of nonsignificance for the Clark County Growth Management Act (GMA) Compliance – Rural Industrial Land Bank (RILB) Proposal (CPZ 2019-00032) as proposed by Clark County Community Planning. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Rebecca Rothwell, Wetlands/Shorelands Specialist (360) 407-7273**

Clark County GIS shows mapped wetlands on the subject parcels. Ecology recommends that on-site wetland determinations and delineations be conducted in advance of preparing future development proposals. Applicants will be required to avoid and minimize impacts to wetlands to the greatest extent practicable.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(MLD: 201905547)

cc: Rebecca Rothwell, SEA



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

09/10/2019

Mr. Gary Albrecht
Land Use Planner
Clark County
1300 Franklins Street
Post Office Box 9810
Vancouver, WA 98666-9810

Sent Via Electronic Mail

Re: Clark County--2019-S-638--60-day Notice of Intent to Adopt Amendment

Dear Mr. Albrecht:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed comprehensive plan and development amendment to comply with the Growth Management Hearings Board. Clark County will consider amendments to the Comprehensive Plan, zoning maps and Title 40 by deleting the Rural Industrial Land Bank and repealing related ordinances.

We received your submittal on 09/09/2019 and processed it with the Submittal ID 2019-S-638. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/09/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Ike Nwankwo, (360) 725-2950.

Sincerely,

Review Team
Growth Management Services

CLARK COUNTY



The Columbian

www.columbian.com/news/local

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Long legal fight over growth plan finally over

County decides against appealing most recent court ruling over its plan

By **JAKE THOMAS**
Columbian staff writer

A three-year legal battle over Clark County's comprehensive growth management plan has come to an end.

The county issued a news release Wednesday announcing that the Clark County Council decided against appealing the most recent court ruling over the county's comprehensive growth manage-

ment plan. The plan, required by state law to guide land-use and planning, has been in dispute shortly after being passed in June 2016.

The news release did not say when the council made the decision, but county officials later said it was made during an executive session, a closed-door council meeting, to discuss litigation.

The council's decision means that the county's goal of creating a rural industrial land bank on agricultural land is effectively quashed, annexations by La Center and Ridgefield are final, lot sizes will be larger for some areas and the county is on track to once

"The council decided last week that the likelihood of prevailing on reconsideration at the Supreme Court on the (rural industrial land bank) was minimal."

Julie Olson
Clark County councilor

again become eligible for some state grants.

"The council decided last week that the likelihood of prevailing on reconsideration at the Supreme Court on the (rural industrial land bank) was minimal," Clark County Councilor Julie Olson said in a text. She further noted that the council was ready to get the county's comprehensive plan into

compliance and move on.

But the county still has work to do before its comprehensive plan is in the clear.

Recap

Under the state's Growth Management Act, Clark County is required to produce a 20-year comprehensive growth plan. After passing an update to its plan

in 2016, Friends of Clark County and Seattle-based group Futurewise appealed it. The environmental groups alleged that the county's comprehensive plan violated the state Growth Management Act by facilitating sprawl and opening agricultural land up for development.

Property rights group Clark County Citizens United also appealed the comprehensive plan alleging that the county violated public participation requirements and excluded rural landowners. The group also argued that the plan illegally undermined prop-

PLAN, Page C4

Plan

From Page C1

erty rights, blocked land available for development and used a faulty population projection.

In 2017, the Growth Management Hearings Board, a quasi-judicial panel, dismissed the appeals made by Clark County Citizens United. The board found that the county met multiple procedural requirements of the Growth Management Act. But it agreed with Friends of Clark County and Futurewise that the smaller lot sizes established by the plan, the creation of the rural industrial land bank and expansion of the urban growth boundary were illegal.

The arguments continued in appellate court. Last month, a state appeals court issued ruling a that upheld many of the decisions of the Growth Management Hearings Board but finalized the annexations completed by Ridgefield and La Center which had previously been challenged by Futurewise. The ruling also upheld the board's decision on the rural industrial land bank.

What's next?

In a statement, Tim Trohimovich, Futurewise director of planning and law, said that the county's decision to not further appeal meant that protections for working farms and forests had been strengthened in Clark County.

"Futurewise and the Friends of Clark County are very pleased that Clark County is taking the legally required steps to conserve the 602 acres of working farmland the County had designated as the unneeded industrial land banks," he wrote. "We also appreciate that Clark County has chosen not to appeal this common sense decision pro-

tecting working farms and farmers in Clark County."

The Clark County Council has already taken some steps to come into compliance with the Growth Management Hearings Board.

The council issued a moratorium on development of the rural industrial land bank. It's also voted to change minimum lot sizes for agriculture from 10 to 20 acres and forest from 20 to 40 acres. The council also voted to amend the county's comprehensive plan to provide three rural zoning designation of 5, 10 and 20 acres. In addition to technical changes, the council also removed 17 parcels from Battle Ground's urban growth area.

According to the statement issued by the county, the Clark County Planning Commission will make recommendations this fall on how the county can come into compliance with the Growth Management Hearings Board's decision, which the council will hold a hearing on. After that, the plan will return to the Growth Management Hearings Board for review.

Since the board issued an order of invalidity for the county's comprehensive plan, Clark County has been ineligible for millions of dollars in state funding. The review could mean a lifting of the order just as the county is seeking money for transportation infrastructure upgrades.

"This gets the county a step closer to being in compliance with (state law) and restores the ability for the county to apply for and receive grants and loans from the Washington State Public Works Fund and Transportation Improvement Board," Council Chair Eileen Quiring said in a prepared statement.

Jake Thomas: 360-735-4515; jake.thomas@columbian.com; twitter.com/jakethomas2009

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, October 17, 2019 at 6:30 p.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington. Clark County completed a review and update of its comprehensive plan according to the Growth Management Act (GMA) on June 28, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) and a hearing on the issues was held February 8, 2017. The GMHB ruled on March 23, 2017 that certain portions of the 2016 plan update, including the establishment of a Rural Industrial Land Bank (RILB) had not complied with certain requirements of GMA. The county appealed the RILB decision. On Aug. 20, 2019, the Washington State Court of Appeals filed its decision on review of the GMHB decision. The court decision upheld the GMHB ruling that the portion of the 2016 Plan related to the RILB had failed to comply with the GMA. The Planning Commission will consider amendments to the **Comprehensive Growth Management Plan 2015-2035, zoning maps and Title 40** as a response to the GMHB final decision and order regarding the **Rural Industrial Land Bank (RILB)**, CPZ2019-00032_GMA Compliance RILB.


Staff Contact: Gary Albrecht at Gary.Albrecht@clark.wa.gov or (564) 397- 4318 and Oliver Orjiako at Oliver.Orjiako@clark.wa.gov or (564) 397- 4112

The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes> Copies of materials are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, WA. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711, or 800-833-6388, or Fax 564-397-6165.

Anyone wishing to attend this hearing should appear at the time and place stated above. Spoken testimony regarding this matter may be given there. Written testimony can be provided to the Planning Commission by e-mailing the clerk of the commission at Sonja.Wiser@clark.wa.gov or via US Postal Service to the Planning Commission, c/o Sonja Wiser, PO Box 9810, Vancouver, WA 98666-9810. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Planning Commission before the hearing.

Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: 
Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:
Please Bill:

Wednesday, October 2, 2019
Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810

Columbian Account 70914