

RESOLUTION NO. 2003-09-12

A RESOLUTION RELATING TO LAND USE; RESPONDING TO A REMAND FROM THE GROWTH MANAGEMENT HEARINGS BOARD RELATING TO CERTAIN PROPERTIES PREVIOUSLY ZONED AGRI-FOREST.

1 WHEREAS, the 1994 Comprehensive Plan included approximately 35,000 acres
2 of rural land designated Agri-Forest; and

3 WHEREAS, such designation was challenged before, and upheld by, the
4 Western Washington Growth Management Hearings Board; however, in April of 1997,
5 the Clark County Superior Court entered a judgment overturning such classification on
6 the grounds that it was not authorized by the Growth Management Act, that it was not
7 supported by the record, and that the process of its adoption violated early public
8 participation requirement of the Act; and

9 WHEREAS, the Board of County Commissioners thereafter appointed a 13-
10 member task force, which in March of 1998, reported its recommendations on re-
11 designating the 35,000 acres; and

12 WHEREAS, in June of 1998, the Board of County Commissioners substantially
13 adopted the task force recommendation, including placement of significant acreage into
14 newly-created R-10 and R-20 rural districts, and rejected two task force minority reports
15 which had recommended either that virtually all of the acreage be designated R-5 or
16 that approximately 3,500 acres be designated for resource; and



17 WHEREAS, one month following the Board's decision, the State Supreme Court
18 ruled in Redmond v. Growth Hearings Board, 136 Wn.2d 38 (1998), that current
19 commercial production is not required for resource designation; and

20 WHEREAS, based upon its conclusion that the County may have misapplied the
21 Act's designation criteria, the Western Washington Growth Management Hearings
22 Board, in May of 1999, remanded for further consideration the 3,500 acres identified in
23 the second minority report; and

24 WHEREAS, technical review by staff indicates that a majority of the parcels
25 constituting the current 3,500-acre remand are not associated with designated resource
26 areas and, therefore, should not be further considered; and

27 WHEREAS, owners of the remaining parcels were notified of the remand
28 process and many attended two public open houses in February and March, 2003; and

29 WHEREAS, the Planning Commission has forwarded its recommendation to the
30 Board following a duly-advertised public hearing; and

31 WHEREAS, the Board of County Commissioners has also held its own duly-
32 advertised public hearings on this matter; and

33 WHEREAS, during both the Planning Commission and Board public hearings,
34 substantial testimony was received indicating that these parcels do not qualify for
35 resource designation under applicable statutory and regulatory criteria; now, therefore,

36 BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY
37 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

38 *Section 1. Prior Designations Reconfirmed.* The designations of the subject
39 properties approved by the Board in June of 1998 are hereby reconfirmed.

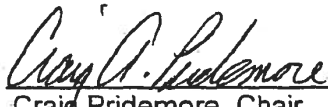
40 Section 2. Instructions to Clerk. The Clerk to the Board is instructed to publish
41 notice of this Resolution pursuant to RCW 36.70A.290.

42 ADOPTED this 23 day of September, 2003.

Attest:

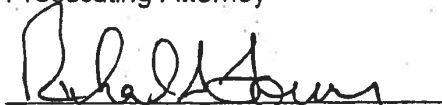

Clerk to the Board

BOARD OF COMMISSIONERS
FOR CLARK COUNTY

By: 
Craig Pridemore, Chair

Approved as to form only:
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Betty Sue Morris, Commissioner


Richard Lowry, WSBA #4894
Chief Civil Deputy

By: _____
Judie Stanton, Commissioner

(resolution/2003/WWGMHB Agri-Forest)

