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.

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

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

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

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

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WHEREAS, one month following the Board’s decision, the State Supreme Court
ruled in Redmond v. Growth Hearings Board, 136 Wn.2d 38 (1998), that current
commercial production is not required for resource designation; and
WHEREAS, based upon its conclusion that the County may have misapplied the
Act’s designation criteria, the Western Washington Growth Management Hearings
Board, in May of 1999, remanded for further consideration the 3,500 acres identified in
the second minority report; and
WHEREAS, technical review by staff indicates that a majority of the parcels
constituting the current 3,500-acre remand are not associated with designated resource
areas and, therefore, should not be further considered; and
WHEREAS, owners of the remaining parcels were notified of the remand
process and many attended two public open houses in February and March, 2003; and
WHEREAS, the Planning Commission has forwarded its recommendation to the
Board following a duly-advertised public hearing; and
WHEREAS, the Board of County Commissioners has also held its own duly-
advertised public hearings on this matter; and
WHEREAS, during both the Planning Commission and Board public hearings,
substantial testimony was received indicating that these parcels do not qualify for
resource designation under applicable statutory and regulatory criteria; now, therefore,
BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:
Section 1. Prior Designations Reconfirmed. The designations of the subject
properties approved by the Board in June of 1998 are hereby reconfirmed.
Section 2. Instructions to Clerk. The Clerk to the Board is instructed to publish notice of this Resolution pursuant to RCW 36.70A.290.

ADOPTED this 23 day of September, 2003.

Attest:

Clerk to the Board

BOARD OF COMMISSIONERS FOR CLARK COUNTY

By: Craig Pridemore, Chair

By:

Betty Sue Morris, Commissioner

By:

Judie Stanton, Commissioner

Approved as to form only:

ARTHUR D. CURTIS
Prosecuting Attorney

Richard Lowry, WSBA #4894
Chief Civil Deputy

(resolution/2003/MMGMHR Agri-Forest)