## 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



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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. T	he 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 <u>September</u> , 2003.	
	Attest:  Attest:  Clerk to the Board	BOARD OF COMMISSIONERS FOR CLARK COUNTY  By:     Way   Indemote   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	Judie Stanton, Commissioner	

(resolution/2003/WWGMHB Agri-Forest)

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