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# Clark County Ordinance Report

As Reported by Community Planning  
On: December 29, 2010

**Title:** An ordinance correcting the Unified Development Code (Title 40) to reflect the will of the Board expressed, and previously approved, in a duly notified public hearing held on October 26, 2010.

**Brief Description:** An ordinance relating to Capital Facilities Plans and required update time frames.

Ordinance 2010-12-12 does not reflect the Board of Commissioners decision The purpose of this ordinance is to amend the adopting ordinance to reflect the Board of Commissioners decision.

The Comprehensive Plan adopting ordinance 2010-12-12 contains omissions relating to amendments to the Unified Development Code (Title 40). The purposed of this ordinance is to amend the adopting ordinance to reflect the Board of Commissioners decision.

**Brief History:**

- PC Work session: August 5, 2010
- PC Hearing: August 19, 2010
- BOCC Work session: October 6, 2010
- BOCC Hearing: October 26, 2010

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**DEPARTMENT REPORT**

**Staff:** Jeff Niten, ext. 4909  
**Legal Counsel:** Chris Cook, ext. 4775

**Background:** At a public hearing on October 26, 2010 for the 2010 Annual Review and Docket cycle the Board of Commissioners approved CPZ2010-00024 Capital Facilities Plans.

At the hearing the Board of Commissioners considered testimony from applicants and their representatives as well as the staff reports.

The adopted ordinance did not reflect the Board of Commissioners approval of staff recommendations regarding CPZ2010-00024.

**Summary of Ordinance:** An ordinance relating to land use; adopting amendments to the 20-year Comprehensive Growth Management Plan Map correcting an obvious omission in Ordinance 2010-12-12.

**Appropriation:** None.

**Fiscal Note:** None.

**Committee/Task Force Created:** No.

**Effective Date:** This ordinance shall go into effect at midnight on the date of adoption of this ordinance.



Approved: 11/20/12

SQ 240-12  
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ORDINANCE NO. 2012-11-00

A CORRECTION ORDINANCE relating to land use correcting an obvious error in Ordinance 2010-12-12.

WHEREAS, Clark County adopted an updated 20-Year Comprehensive Growth Management Plan through ordinance 2007-09-13 on September 25, 2007 to meet the goals and requirements of Chapter 36.70A RCW; and

WHEREAS, the ordinance clearly does not reflect the action taken by the Board; and

WHEREAS, the Board of Commissioners at a duly noticed public hearing held on October 26, 2010 did adopt by a 2-0 vote item CPZ2010-00024 Capital Facilities Plans

WHEREAS, this ordinance corrects an omission in adopted ordinance 2010-12-12; now, therefore:

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

Section 1. Title 40 amendments

1. Clark County Unified Development Code (Title 40) is hereby amended. In the matter of **CPZ2010-00024 Capital Facilities Plans** (Exhibit 1a and 1b) the Board concluded that that the changes would streamline development plans and ease time constraints on updates to Capital Facilities Plans.

Section 2. Severability.

If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date

This ordinance shall go into effect on the date of adoption of this ordinance.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

- 1) Transmit a copy of this ordinance to the Washington State Department of Commerce within ten days of its adoption pursuant to RCW 36.70A.106.
- 2) Transmit a copy of the adopted ordinance to Clark County Geographic Information Systems, to Community Planning Department, and to Community Development Department - Development Services (Tidemark Data Manager and Code Enforcement).
- 3) Record a copy of this ordinance with the Clark County Auditor.
- 4) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 37.70A.290.

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ADOPTED this 20th day of November 2012.

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

Attest:

*Rebecca J. Jira*

Clerk to the Board

Approved as to Form Only:

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Anthony F. Golik  
Prosecuting Attorney

By: *Christine Cook*

Christine Cook  
Deputy Prosecuting Attorney

By: *[Signature]*

Marc Boldt, Chair

By: \_\_\_\_\_

Steve Stuart, Commissioner

By: \_\_\_\_\_

Tom Mielke, Commissioner



1 **40.560.010 Plan Amendment Procedures**

2 P. Other Plan Amendment Categories.

- 3 1. Capital facilities plan and updates shall be reviewed annually at a  
4 minimum every four years in Type IV public hearings conducted by the  
5 planning commission and board for those facilities subject to county  
6 jurisdiction. School capital facility plan and updates shall be reviewed at  
7 minimum ~~two (2)~~ four (4) year intervals.
- 8 2. The Clark County parks, recreation and open space plan shall be  
9 reviewed annually by the Clark County parks advisory board and the  
10 board. Any amendments thereto which necessitate changes to the  
11 comprehensive plan shall be reviewed in public hearings by the  
12 planning commission and the board.
- 13 3. In updating capital facilities plans, policies and procedures, the county  
14 must determine that these updates are consistent with applicable  
15 policies and implementation measures of the comprehensive plan, and  
16 in conformance with the purposes and intent of the applicable  
17 interjurisdictional agreements.

18 *(Amended: Ord. 2007-09-13; Ord. 2008-12-15)*

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#### **40.620.030 School Impact Fee – Capital Facilities Plan**

Clark County will collect school impact fees on behalf of any school district whose capital facilities plan has been adopted as a portion of the Clark County comprehensive plan in accordance with the provisions of this section.

##### **A. Plan Submittal.**

A school district requesting impact fees shall submit to the county, and update at least every ~~two (2)~~ four (4) years, a capital facilities plan adopted by the school board and consisting of the following elements:

1. A "standard of service" which identifies the program year, class size by grade span, number of classrooms, types of facilities, and other factors identified by the school district;
2. The district's "capacity" over the next six (6) years based upon an inventory of the district's facilities either existing or under construction and the district's standard of service;
3. A forecast of future needs for school facilities based upon the district's enrollment projections;
4. At least a six (6) year financing plan component, updated as necessary to maintain at least a six (6) year forecast period, for financing needed school facilities within projected funding levels;
5. Application of the formula set out in Section 40.620.040 based upon information contained in the capital facilities plan. Separate fees shall be calculated for single-family and multifamily types of dwelling units, based upon the student generation rates determined by the district for each type of dwelling unit. If insufficient information is available for a district to calculate a multifamily student generation rate, a county-wide average shall be utilized. For purposes of this section, mobile homes and duplexes shall be treated as single-family dwellings.

**Board of County Commissioners  
Staff Report Docket Case# - Capital Facilities Plan CPZ2010-00024  
Date Issued: September 10, 2010**

**Recommendation**

The Planning Commission heard this case on August 19, 2010 and recommends **approval** of the request to amend the Unified Development Code text to change language related to the Capital Facilities Plan timeline for required updates by a unanimous vote.

**General Information**

In an effort to streamline the Unified Development Code, and ease the time constraints on updates of Capital Facilities Plans staff recommends extending the time frame of required updates from annually to a maximum of four (4) years. Any Capital Facilities Plan may be updated every year as necessary.

**Background**

Due to differing approval timelines for Comprehensive Plan amendments among cities within Clark County, and the County itself, it was suggested that the required submittal timelines for capital facilities plans be lengthened. Currently the Unified Development Code requires Capital Facilities Plans be submitted for review each year regardless of any proposed changes. School Capital Facilities Plans are required to be submitted every two years. This proposal would allow School, and other Capital Facilities Plans, to be submitted every year, but only require submittal every four years.

**Summary of Comments Received**

To date, no comments from other agencies or the public have been received regarding this proposal.

**Clark County Unified Development Code**

**40.560.010 (N) Comprehensive Plan Policy or Text Changes**

1. Action Required. Plan policy or text changes 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 provision of this chapter.

**Finding:** This request is being processed as part of the annual update to the Comprehensive Plan.

2. Required Criteria. Plan text or policy changes may be approved only when all of the following are met:
  - a. The amendment shall meet all the requirements of and be consistent with the Growth Management Act and other requirements, the countywide planning policies, the community framework plan, the comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.

Finding: This request is compliant with all relevant plans. This proposal is made to ease the concurrent adoption by various districts and incorporated cities within the county.

### **RECOMMENDATION AND CONCLUSIONS**

Based upon the information provided and the findings presented in this report, the Planning Commission recommends that the Board of Commissioners **APPROVE** the request for the following reasons:

1. This action will enable school districts to submit Capital Facilities Plans a maximum of every four years facilitating concurrent adoption by the county and various incorporated cities.
2. This action will allow the county to submit updates to Capital Facilities Plans when changes are proposed rather than a requirement to submit every year even if no changes are proposed.

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Marc Boldt, Tom Mielke, and Steve Stuart, Chair, present.

**9:45 A.M.**

**PRESENTATION: OCTOBER 2010 COMMISSIONERS' AWARD FOR EXCELLENCE**

Commissioner Stuart presented the October 2010 Commissioners' Award for Excellence to Jane Leonard, Public Information and Outreach.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**CONSENT AGENDA: 1 – 9**

**Discussion**

There was no discussion.

**ACTION:** Moved by Mielke to **APPROVE** consent agenda items 1 through 9. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

**PUBLIC COMMENT**

- 1) Robert Taylor, Vietnam Veteran, asked the board to consider a code change with regard to flying the Prisoners of War (POW) flag so that it is flown at all times at the Public Service Center and Center for Community Health.
- 2) Red Warren, Vancouver, commented about the county's benefits package for employees.
- 3) Pauline Warren, Vancouver, commented about the county's benefits package for employees.
- 4) Margaret Tweet, Camas, commented about the county's benefits package for employees.
- 5) Sharon Nasset, Portland, had comments pertaining to the Columbia River Crossing Project.
- 6) Jim Kinney commented on the proposed Hazel Dell Sports Complex.
- 7) Jack Davis commented on the proposed Hazel Dell Sports Complex.

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**PUBLIC HEARING: ANNUAL REVIEWS**

[Commissioner Stuart had to leave at this point in the proceedings.]

**Item Description:**

1. **CPZ2010-00024 Capital Facilities Plans** The County proposes a text change to Unified Development Code 40.560.010(P)(1) and 40.620.030. Currently, the U.D.C. requires school districts to submit updated Capital Facilities Plans every two years, and other plans annually. The county proposes a change to allow the submission of all Capital Facilities Plans every four years, or earlier if necessary.

**Staff Contact:** Jeff Niten

**Department:** Community Planning

**Staff Summary:**

Niten summarized the request to allow school districts up to four years to update their Capital Facilities Plans, although nothing would prohibit an updated CFP every year if necessary. Secondly, the County's Capital Facilities Plans need to be reviewed annual regardless of any changes and the proposal is to review those only when changes are proposed. He added that the Planning Commission has recommended approval.

**Comments from the public:**

- 1) Marnie Allen, 2500 NE 65<sup>th</sup> Avenue, representing Clark County School Districts, expressed support of the Planning Commission and staff recommendations.

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00024 Capital Facilities Plans.  
Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present).  
Motion carried.

**Item Description:**

2. **CPZ2010-00005 King** – The property owner has requested that the County review the overlay district (UH-40 and RI) currently applied to his property, parcel 119452-038. Located at 11114 NE 130<sup>th</sup> Circle, Vancouver, Washington. Adjacent properties have similar overlays applied. The County will consider the applicability of the current overlays given compatibility of overlay and zoning.

**Staff Contact:** Jeff Niten

**Department:** Community Planning

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**Staff Summary:**

Niten noted that the Planning Commission heard this case on May 20, 2010 and recommended approval by a unanimous voted. The PC also recommended approval for two adjacent properties directly to the north and south to be changed since they have similar overlays and the property owners requested the application.

**Comments from the public:**

None

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00005 King. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**Item Description:**

- 3. CPZ2010-00001 Blackberry Hill** – The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 140027-000 (159.57 acres) from FR-1 with FR-80 zoning to FR-2 with FR-40 zoning, located at the eastern terminus of NE 23<sup>rd</sup> St., approximately 1,300 feet east of its intersection NE 307<sup>th</sup> Avenue, Washougal, Washington.

**Staff Contact:** Jeff Niten

**Department:** Community Planning

**Staff Summary:**

Niten noted that the Planning Commission heard this case on June 17, 2010 and recommended approval by a unanimous vote.

**Comments from the public:**

None

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00001 Blackberry Hill. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**Item Description:**

- 4. CPZ2010-00002 Hockinson Rural Center** – The property owner is seeking to expand the Hockinson Rural Center boundary and change the Comprehensive Plan and zoning designation for parcel 194842-000 (15.1 acres) from Rural with R-5 zoning to Rural Center with RC-1 zoning. The subject site is located at the northwest corner of the intersection of NE 170<sup>th</sup> Avenue and NE 164<sup>th</sup> Circle.

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**Staff Contact:** Jeff Niten  
**Department:** Community Planning

**Staff Summary:**

Niten summarized that the request was to expand the Hockinson Rural Center and change the subject parcel from Rural with R-5 zoning to Rural Center with RC-1. The Planning Commission heard the case on June 17, 2010 and recommended approval by a vote of 4 to 3.

Commissioner Boldt expressed concerns about going from 5's to 1's and what that would do to their comp plan; he said he instead would prefer going to 2.5. Christine Cook, Deputy Prosecuting Attorney; and Gordy Euler, Community Planning, responded.

**Comments from the public:**

- 1) Earl Jackson, Attorney, Jackson Jackson & Kurtz, Battle Ground, noted that he was representing the applicants and provided a letter highlighting the Planning Commission's findings, as well as addressing the State Growth Management Act requirements for rural components of the Comprehensive Plan.
- 2) Ronald Bertsch, Coldwell Banker, Battle Ground, stated that his interpretation of the Planning Commission's acceptance was the fact that the parcel goes to natural boundaries. He said this request would be consistent with the older places that have been established and also fits in with new development and protection of the wetland. He didn't believe there was any neighborhood dissent regarding the proposal.

**Discussion:**

Following extensive discussion, it was decided to continue the hearing to November 16 in order to further address the question of changing to Rural Center with RC-2.5 zoning.

**ACTION:** Moved by Boldt to **CONTINUE** the hearing for CPZ2010-00002 Hockinson Rural Center to November 16, 2010 at 10:00 a.m. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**Item Description:**

5. **CPZ2010-00003 NW Underwater Construction** – The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 115378-000 (5.08 acres) from Rural with R-5 zoning to Rural Industrial with MH zoning. The subject site is located at 19617 NE 58<sup>th</sup> St., Vancouver, Washington.

**Staff Contact:** Jeff Niten  
**Department:** Community Planning

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**Staff Summary:**

Niten summarized that the Planning Commission heard this case on June 17, 2010 and recommended approval by a unanimous vote. The property has historically been used as a boat manufacturing facility and the applicant has requested that the historic use be recognized as conforming. Niten added that Commissioner Stuart had mentioned some things he would like to see as part of an agreement between the applicant and the county, and the applicant did provide a list of uses that they would be willing to limit.

**Comments from the public:**

- 1) Alan Wallace, Land Use Council for NW Underwater Construction, provided background information. He noted that there is a specific amendment to the Growth Management Act subsequent to its adoption in 1990 that allows for limited areas of more intense rural industrial development. He said it allows for the Growth Management plans of every jurisdiction to recognize limited areas of pre-existing non-rural uses. Wallace also commented on the list of uses the applicant would limit.

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00003 NW Underwater Construction. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**Item Description:**

6. **CPZ2010-00027 International Children's Care** – The property owner has requested that the County review the zoning and Comprehensive Plan designation (R-30 and UH) currently applied to their property, as a mapping error, and to amend the Comprehensive Plan and zoning to General Commercial (GC). The property, parcel 186509-000, is located at 2711 NE 134<sup>th</sup> Way, Vancouver, Washington. The County will consider the alleged mapping error and the applicability of the current zoning and comprehensive plan designation.

**Staff Contact:** Jose Alvarez

**Department:** Community Planning

**Staff Summary:**

Alvarez summarized that the request was to correct a mapping error in the land use designation of portion of parcel 186509-000 from Comprehensive Plan Urban High Density Residential with R-30 zoning to General Commercial. He noted that the Planning Commission heard the request on October 21 and unanimously recommended approval.

**Comments from the public:**

None

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00027 International Children's Care. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**Item Description:**

**7. Establishment of a Railroad Industrial Overlay** – The Board of County Commissioners (BOCC) adopted an interim ordinance (Res. 2010-07-14) on July 27, 2010 establishing a railroad industrial overlay (CCC Section 40.250.270) and applying it to five parcels in the Brush Prairie rural center.

**Staff Contact:** Gordy Euler, Community Planning; Fred Abraham, General Services

**Staff Summary:**

Euler summarized that the Planning Commission held a work session on the interim ordinance on September 2 and a public hearing on September 17. The PC recommended that the interim ordinance be made permanent by a vote of 7-0. Euler said that on the advice of the Prosecuting Attorney they are adding language to the Comprehensive Plan that would recognize the term "Railroad Industrial Overlay" as follows – "This district is implemented with an overlay zone and recognizes the importance of the County Railroad as an economic development asset. The overlay requirements closely match those of the County's Industrial Zoning districts." He said that language would be back before the board before the end of the year.

**Comments from the public:**

None

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Boldt to **APPROVE** CPZ2010-00026 Establishment of a Railroad Industrial Overlay. Commissioners Mielke and Boldt voted aye (Commissioner Stuart not present). Motion carried.

**COMMISSIONER COMMUNICATIONS**

There were no comments.

Hearing adjourned

**CLARK COUNTY BOARD OF COMMISSIONERS  
MINUTES OF OCTOBER 26, 2010**

**2:00 P.M. PUBLIC BID OPENING**

**BID OPENING 2554**

Bid Opening 2554 postponed to November 2, 2010, at 2:00 p.m.

**BOARD OF COUNTY COMMISSIONERS**

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Steve Stuart, Chair



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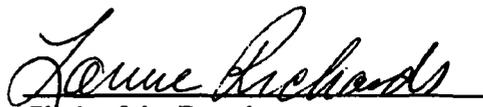
Tom Mielke, Commissioner



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Marc Boldt, Commissioner

ATTEST:



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Terrie Richards  
Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org)).