

RESOLUTION NO. 2015-_____

A resolution opposing attempts to locate a noncompliant casino in northern Clark
County.

1 WHEREAS, the Board of County Councilors is charged by state law and the Washington
2 Constitution with enforcing laws to protect the public health, safety, and welfare; and

3 WHEREAS, the Cowlitz tribe has sought and provisionally received recognition as a
4 federally protected tribe; and

5 WHEREAS, the Cowlitz tribe has claimed an historic connection to Clark County and
6 sought to establish a reservation adjacent to I-5 to facilitate their proposed gambling casino; and

7 WHEREAS, Clark County has previously attempted to accommodate tribal activities by
8 entering into a memorandum of understanding with the tribe and the Washington Growth
9 Management Hearings Board and the Court of Appeals concluded that the County's actions
10 violated Washington's Growth Management Act (GMA); and

11 WHEREAS, in 2008, the Board of County Commissioners sought to comply with the
12 Hearings Board orders and disavowed its agreement with the Cowlitz tribe and the County has
13 consistently opposed this development since that time; and

14 WHEREAS, the Washington Growth Management Hearings Board has recently ruled
15 that extending urban services outside the La Center Urban Growth Area (UGA) violates GMA;
16 and

17 WHEREAS, planning to provide urban services outside the UGA is inconsistent with the
18 countywide planning policies and the 20-year planning policies in the Clark County
19 Comprehensive Growth Management Plan; and

20 WHEREAS, an alternate plan to develop sanitary sewer for the casino complex involves
21 construction of an onsite sewer system and the use of injection wells without thoroughly
22 studying the effect on the Troutdale aquifer, a sole source aquifer for Clark County, and without
23 adequate consultation with affected federal agencies; and

24 WHEREAS, the Cowlitz tribe seeks to develop their property for uses no other county
25 resident could undertake and in violation of Clark County zoning codes; and

26 WHEREAS, the planned gambling casino complex, including hotel, RV park, conference
27 center, and other facilities, will create significant adverse impacts on Clark County. These
28 include especially a need for increased law enforcement in the vicinity of the casino either
29 directly or indirectly, strain on the transportation systems in the area, increased demand for social
30 and health services related to the casino, and environmental degradation resulting from
31 development and operation of the casino complex; and

32 WHEREAS, the Cowlitz have failed to adequately study or plan for the affordable
33 housing needs of their proposed employees, failures that will burden existing Clark County
34 taxpayers; and

35 WHEREAS, the negative environmental effects of the casino will also include the
36 stormwater impacts of newly-developed and very large impervious surfaces, potentially very
37 serious water quality effects on the East Fork of the Lewis River, a salmon bearing stream, and
38 disruption to the rural character and quality of life in rural Clark County lands that adjoin the
39 reservation; and

40 WHEREAS, the Cowlitz have failed to consider the individual and cumulative negative
41 impacts of their proposed development on surrounding property values; and

42 WHEREAS, the Environmental Impact Statement filed in connection with the proposed
43 reservation gambling casino did not adequately address or analyze the impacts of the casino; and

44 WHEREAS, the United States Department of the Interior, through the Bureau of Indian
45 Affairs, did not lawfully take the Cowlitz land into trust as a reservation for a gambling casino.
46 That issue is being litigated in the United States Court of Appeals for the District of Columbia,
47 and is not resolved ; and

48 WHEREAS, the Cowlitz are attempting to construct interchange improvements without
49 respecting the property interests of Clark County in its public roads; and

50 WHEREAS, the Board of County Councilors is considering this matter at a duly-
51 advertised open public meeting and finds and concludes that adoption of this Resolution will
52 further the public health and welfare; now, therefore,

53 IT IS HEREBY ORDERED AND RESOLVED by the Board of County Councilors of
54 Clark County, State of Washington, as follows:

55 **Section 1. Findings.** The Board hereby adopts as findings and conclusions those
56 facts and conclusions contained in the recitals above.

57 **Section 2.** The Board of County Councilors, in and for the County of Clark, State of
58 Washington formally opposes the attempts of the Cowlitz to establish a noncompliant reservation
59 and gambling complex in north Clark County. Due to the violations of state law and Clark
60 County code, the Board will not facilitate this development nor allow the realignment of any
61 county roads including, but not limited to, NW 31st Ave. and NW 319th St.

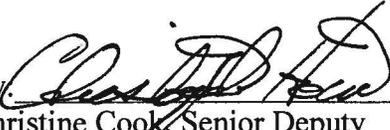
62 ADOPTED this _____ day of December, 2015.

Attest:

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON

Clerk to the Board

Approved as to form only:
ANTHONY F. GOLIK
Prosecuting Attorney

By: 

Christine Cook, Senior Deputy
Prosecuting Attorney

By: _____
David Madore, Chair

By: _____
Jeanne E. Stewart, Councilor

By: _____
Tom Mielke, Councilor