



REQUEST for PROPOSAL #913
PROFESSIONAL, TECHNICAL AND EXPERT SERVICES

Clark County Washington

RELEASE DATE: WEDNESDAY, JANUARY 29, 2025
DUE DATE: WEDNESDAY, FEBRUARY 19, 2025 by 1:30 pm

Request for Proposal for:

CLARK COUNTY RESOURCE LANDS STUDY

SUBMIT:

One (1) Original
Four (4) Complete Copies

of the Proposal to:

<u>Shipping Method of your Choice or Hand Delivery</u>	<u>United States Postal Service</u>
Clark County ATTN: Office of Purchasing 1300 Franklin Street, 6 th Floor, Suite 650 Vancouver WA 98660 564-397-2323	Clark County ATTN: Office of Purchasing PO Box 5000 Vancouver WA 98666-5000 564-397-2323

Office Hours: 8:00 am – 3:00 pm, Monday – Friday, except Legal Holidays.

No electronic submissions.

****Proposals must be delivered to the Purchasing office – No Exceptions**

****Proposals must be date and time stamped by Purchasing staff by 1:30 pm on due date.**

****Proposal shall be sealed and clearly marked on the package cover with RFP #, Title & Company Name**

Refer Questions to Project Manager:

Jose Alvarez
Program Manager II, Community Planning Dept.
Jose.Alvarez@clark.wa.gov
564-397-4998

ADMINISTRATIVE REQUIREMENTS - Contractors shall comply with all management and administrative requirements established by Washington Administrative Code (WAC), the Revised Code of the State of Washington (RCW), and any subsequent amendments or modifications, as applicable to providers licensed in the State of Washington.

ALL proposals submitted become the property of Clark County. It is understood and agreed that the prospective Proposer claims no proprietary rights to the ideas and written materials contained in or attached to the proposal submitted. Clark County has the right to reject or accept proprietary information.

AUTHORSHIP - Applicants must identify any assistance provided by agencies or individuals outside the proposers own organization in preparing the proposal. No contingent fees for such assistance will be allowed to be paid under any contract resulting from this RFP.

CANCELLATION OF AWARD - Clark County reserves the right to immediately cancel an award if the contractual agreement has not been entered into by both parties or if new state regulations or policy make it necessary to change the program purpose or content, discontinue such programs, or impose funding reductions. In those cases where negotiation of contract activities are necessary, Clark County reserves the right to limit the period of negotiation to sixty (60) days after which time funds may be unencumbered.

CONFIDENTIALLY - Proposer shall comply with all applicable state and federal laws governing the confidentiality of information.

CONFLICT OF INTEREST - All proposals submitted must contain a statement disclosing or denying any interest, financial or otherwise, that any employee or official of Clark County or the appropriate Advisory Board may have in the proposing agency or proposed project.

CONSORTIUM OF AGENCIES - Any consortium of companies or agencies submitting a proposal must certify that each company or agency of the consortium can meet the requirements set forth in the RFP.

COST OF PROPOSAL & AWARD - The contract award will not be final until Clark County and the prospective contractor have executed a contractual agreement. The contractual agreement consists of the following parts: (a) the basic provisions and general terms and conditions, (b) the special terms and conditions, (c) the project description and goals (Statement of Work), and (d) the budget and payment terms. Clark County is not responsible for any costs incurred prior to the effective date of the contract. Clark County reserves the right to make an award without further negotiation of the proposal submitted. Therefore, the proposal should be submitted in final form from a budgetary, technical, and programmatic standpoint.

DISPUTES - Clark County encourages the use of informal resolution to address complaints or disputes arising over any actions in implementing the provisions of this RFP. Written complaints should be addressed to Clark County – Purchasing, P.O. Box 5000, Vancouver, Washington 98666-5000.

DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS - It is the policy of Clark County to require equal opportunity in employment and services subject to eligibility standards that may be required for a specific program. Clark County is an equal opportunity employer and is committed to providing equal opportunity in employment and in access to the provision of all county services. Clark County's Equal Employment Opportunity Plan is available at <http://www.clark.wa.gov/hr/documents.html>. This commitment applies regardless of race, color, religion, creed, sex, marital status, national origin, disability, age, veteran status, on-the-job injury, or sexual orientation. Employment decisions are made without consideration of these or any other factors that are prohibited by law. In compliance with department of Labor Regulations implementing Section 504 of the rehabilitation Act of 1973, as amended, no qualified handicapped individual shall be discriminated against in admission or access to any program or activity. The prospective contractor must agree to provide equal opportunity in the administration of the contract, and its subcontracts or other agreements.

MUNICIPAL RESEARCH and SERVICE CENTER - Clark County (WA) contracts with the Municipal Research and Service Center (MRSC) to maintain our Consultant, Small Works and Vendor rosters. To be eligible to participate in this Clark County public solicitation and the resulting contract, your business must be registered with the MRSC Rosters. Failure to register may result in your proposal being marked nonresponsive. Be sure to select Clark County in your application. If you have questions about the registration process, contact the MRSC Rosters at 206-436-3798 or <https://mrsrosters.org/businesses/business-membership/>

INDEPENDENT PRICE DETERMINATION - The prospective contractor guarantees that, in connection with this proposal, the prices and/or cost data have been arrived at

independently, without consultation, communication, or agreement for the purpose of restricting competition. This does not preclude or impede the formation of a consortium of companies and/or agencies for purposes of engaging in jointly sponsored proposals.

INTERLOCAL AGREEMENT - Clark County has made this RFP subject to Washington State statute RCW 39.34. Therefore, the proposer may, at the proposers option, extend identical prices and services to other public agencies wishing to participate in this RFP. Each public agency wishing to utilize this RFP will issue a purchase order (or contract) binding only their agency. Each contract is between the proposer and the individual agency with no liability to Clark County.

LIMITATION - This RFP does not commit Clark County to award a contract, to pay any costs incurred in the preparation of a response to this RFP, or to procure or contract for services or supplies.

LATE PROPOSALS - A proposal received after the date and time indicated above will not be accepted. No exceptions will be made.

ORAL PRESENTATIONS - An oral presentation may be required of those prospective contractors whose proposals are under consideration. Prospective contractors may be informed that an oral presentation is desired and will be notified of the date, time and location the oral presentation is to be conducted.

OTHER AUDIT/MONITORING REQUIREMENTS - In addition, auditing or monitoring for the following purposes will be conducted at the discretion of Clark County: Fund accountability; Contract compliance; and Program performance.

PRICE WARRANT - The proposer shall warrant that the costs quoted for services in response to the RFP are not in excess of those which would be charged any other individual or entity for the same services performed by the prospective contractor, in a similar socioeconomic, geographical region.

PROTESTS - Must be submitted to the Purchasing Department.

PUBLIC SAFETY - May require limiting access to public work sites, public facilities, and public offices, sometimes without advance notice. The successful Proposer's employees and agents shall carry sufficient identification to show by whom they are employed and display it upon request to security personnel. County project managers have discretion to require the successful Proposer's employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

ACCEPTANCE or REJECTION OF PROPOSALS - Clark County reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with any or all prospective contractors on modifications to proposals, to waive formalities, to postpone award, or to cancel in part or in its entirety this RFP if it is in the best interest of Clark County to do so.

SUBCONTRACTING - No activities or services included as a part of this proposal may be subcontracted to another organization, firm, or individual without the approval of Clark County. Such intent to subcontract shall be clearly identified in the proposal. It is understood that the contractor is held responsible for the satisfactory accomplishment of the service or activities included in a subcontract.

VERBAL PROPOSALS - Verbal proposals will not be considered in making the award of any contract as a result of this RFP.

WORKERS COMPENSATION INSURANCE – The contractor shall comply with R.C.W. Title 51- with minimum coverage limits of \$500,000 for each accident, or provide evidence that State law does not require such coverage.

FOR ALTERNATIVE FORMATS
Clark County ADA Office: V: 564-397-2322
ADA@clark.wa.gov

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Clark County Resource Lands Study

Part I Proposal Requirements

Section IA	General Information
1. Introduction	<p>Clark County Washington seeks the services of a consultant to perform a county-wide resource lands study. The study is to include evaluation of agricultural, forest, and surface mining overlay-designated lands within the county’s unincorporated and urban growth areas. The general purpose of the study is to supplement the county’s ongoing comprehensive plan periodic update and to ensure that the county’s resource lands designations comply with applicable county code and state statutes, specifically the Growth Management Act (GMA).</p> <p>Located in southwest Washington State, Clark County is approximately 70 miles from the Pacific Ocean. It is physically compact, measuring approximately 25 miles across in either direction encompassing 656 square miles. The Columbia River forms the western and southern boundaries of the county with over 40 miles of river frontage. The Columbia is the only fresh-water harbor for ocean-going commerce on the entire west coast of North America. While the Columbia River forms the county’s southern and western boundaries, the Lewis River forms the northern perimeter and the Cascade Mountain range the eastern border</p> <p>Clark County has a current estimated population of approximately 536,300. The unincorporated areas of the county include approximately 300,000 acres, consisting primarily of rural residential and designated resource lands. Resource designated lands in Clark County are primarily agricultural lands (+/- 35,000 acres) and forest lands (+/-158,000 acres). While the Surface Mining Overlay (SMO) is considered a resource designation, it is not a stand-alone zone, and is applied over other base zones, primarily forestry designated lands. The agriculture and forest lands designations were adopted primarily during the implementation of the county’s original 1994 comprehensive plan. There has been little change since that time. The county performed an in-depth review project for the SMO areas in 2014. No significant changes to the SMO have occurred since that time.</p> <p>In December 2024, the Clark County Council directed staff to move forward with a new study of the resource lands designations in the county to determine if the current zoning and comprehensive plan maps accurately reflect existing conditions and comply with state and local designation criteria. The purpose of the request for proposal is engage a contractor to perform the aforementioned study.</p> <p>The financial and contractual aspects of the project will be administered by the Clark County Community Planning Department. The substantive technical aspects of the project, including all deliverables will be managed by the Clark County Community Planning Department, the county’s long-range planning department under the direction of the project manager.</p> <p>Clark County (WA) contracts with the Municipal Research and Service Center (MRSC) to maintain our Consultant, Small Works and Vendor Rosters. To be eligible to participate in this Clark County public solicitation and the resulting contract your business must be registered with the MRSC Rosters. Failure to register may result in your proposal being marked nonresponsive. Be sure to select Clark County in your application. If you have questions about the registration process, contact the MRSC Rosters at 206-436-3798 or https://mrscrosters.org/businesses/business-membership/</p> <p>If your company contact details <i>are not</i> on the Plan Holder List at https://clark.wa.gov/internal-services/request-proposal-1 Attachment B, Letter of Interest must be submitted to participate in this RFP.</p> <p>Proposers shall respond to all sections to be considered.</p> <p>Clark County has made this Request for Proposal subject to Washington State statute RCW 39.34 Interlocal Cooperation Act. The proposer may opt to extend identical services and prices</p>

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Clark County Resource Lands Study

	<p>to qualified public agencies. Each contract is between the proposer and individual agency binding only their agency, with no liability to Clark County.</p>
<p>2. Background</p>	<p>Clark County has not performed a comprehensive resource lands study since the initial adoption of the county's first comprehensive plan under the GMA in 1994. It was during the adoption of the initial plan in the mid-1990's that the bulk of agriculture and forest lands designations in place today were evaluated. (See Exhibits for additional background information/history of resource lands designation and rural development history.) In recent years various constituencies within the county expressed the desire for reevaluation of resource lands within the county. The county's current work on the 2025-2045 Comprehensive Plan update has added focus to this topic.</p> <p>In December 2024, the County Council directed staff to perform an updated resource lands study to evaluate the county's existing resource lands designations for accuracy and compliance with state and local land use regulations. The hope of the county is to expedite this study through contracting with a consultant so that the outcomes can be available in 2025 to help inform the county's decisions regarding the comprehensive plan update.</p>
<p>3. Scope of Project</p>	<p>The county seeks a thorough technical evaluation of agricultural, forest and mineral resource land designations within the unincorporated areas, outside of the current urban growth areas, of the county utilizing applicable state and local resource lands designation criteria. This evaluation is to include both the currently designated agriculture, forest, and mineral resource lands, as well as recommendations for inclusion of any lands that should qualify for such designation, but currently are not designated resource lands.</p> <p>The primary deliverable will be a formal "Clark County Resource Lands Study" that fully describes the methodology, provides analysis, and reports the results in a manner that can be extrapolated for use in rezoning and potential designation decision recommendations to the county council. Mapping shall be prepared to present recommendations of each resource land type to be designated</p> <p>Public outreach meetings or events will be required to properly elicit input from the public on these topics.</p> <p>Specifically, public involvement should include:</p> <ol style="list-style-type: none"> 1. Creation of a public outreach plan including uses for traditional, non-traditional and technological outreach resources. 2. A minimum of four interviews with different stakeholders representing each of the following resource land (agriculture, forestry and mining) constituents: <ol style="list-style-type: none"> a. Land owners b. Active farmers including a variety of farming interest from large operations to smaller organic producers, livestock producers and specialty crop producers; forest and mining operators. c. Land conservation groups d. Agricultural and farmers market boards 3. Website content developed (including information on the plan, updates on the status of the plan, and meeting times and dates) and visual elements of website for dissemination of project information. County will host website.

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	<ol style="list-style-type: none"> 4. Coordination throughout the study development process to include bi-monthly update meeting with key County personnel. 5. Coordination and facilitation of at least two public meeting for each of the resources (Agriculture, Forest, and Mining) to solicit input on the study from a broad representation of county citizens and stakeholders, farmers and agricultural interest groups, forest and mining operators, environmental and land conservation groups and special taxation entities. The County will assist in the scheduling and making room reservations for the public meetings. 6. Facilitators, meeting presentation and other materials, meeting summaries and any other needed items. 7. Presentation and other materials developed by the consultant for review by County staff. 														
4. Project Funding	Allocation of funds for this RFP will be established based on the funds requested in the selected proposal.														
5. Title VI Statement	<p><u>Title VI Statement</u></p> <p>Clark County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.</p> <p>El Condado de Clark, de acuerdo con las disposiciones del Título VI de la Ley de Derechos Civiles de 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d a 2000d-4) y el Reglamento, por la presente notifica a todos los postores que se asegurará afirmativamente de que cualquier contrato celebrado de conformidad con este anuncio, las empresas comerciales desfavorecidas tendrán la oportunidad plena y justa de presentar ofertas en respuesta a esta invitación y no serán discriminadas por motivos de raza, color u origen nacional en consideración a un laudo.</p>														
6. Timeline for Selection	<p>The following dates are the <u>intended</u> timeline:</p> <table border="1" data-bbox="423 1409 1511 1848"> <tr> <td>Deadline for Questions and Answers</td> <td>February 12, 2025</td> </tr> <tr> <td>Final date for Addendum, if needed</td> <td>February 13, 2025</td> </tr> <tr> <td>Proposals Due</td> <td>February 19, 2025</td> </tr> <tr> <td>Proposal Review/Evaluation Period</td> <td>February 20 – 24, 2025</td> </tr> <tr> <td>Selection Committee Recommendation</td> <td>February 24, 2025</td> </tr> <tr> <td>Contract Negotiation/Execution</td> <td>February 24 – February 28, 2025</td> </tr> <tr> <td>Contract Intended to Begin</td> <td>March 11, 2025</td> </tr> </table>	Deadline for Questions and Answers	February 12, 2025	Final date for Addendum, if needed	February 13, 2025	Proposals Due	February 19, 2025	Proposal Review/Evaluation Period	February 20 – 24, 2025	Selection Committee Recommendation	February 24, 2025	Contract Negotiation/Execution	February 24 – February 28, 2025	Contract Intended to Begin	March 11, 2025
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<p>7. Employment Verification</p>	<p>The Proposer, if awarded the Contract, shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program before execution of the Contract. The Contractor shall ensure all Contractor employees, and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon County request. Failure by Contractor to comply with this subsection shall be considered a material breach.</p> <p>(Sole Proprietors must submit a letter stating such.)</p>
<p>Section IB</p>	<p>Work Requirements</p>
<p>1. Required Services</p>	<p>The county seeks a consultant to provide a thorough technical evaluation of agricultural, forest and mineral resource land designations within the unincorporated areas, outside of the current urban growth areas, of the county utilizing applicable state and local resource lands designation criteria.</p>
<p>2. County Performed Work</p>	<p>Please see Exhibits A and B for background information on the existing designation of natural resource lands in Clark County and subsequent amendments.</p>
<p>3. Deliverables & Schedule</p>	<ol style="list-style-type: none"> 1. A detailed work plan submitted to the contract manager for approval within three weeks of the contract start date. The work plan is a crucial document for planning and managing the project. It must include the project scope and objectives, specific tasks, timelines, data requirements, work assignments of contract personnel, and other details. 2. A draft report for internal review, due no later than June 2, 2025. 3. A final report presented to the County Council at a public meeting on June 24, 2025.
<p>4. Place of Performance</p>	<p>Contract performance may take place in the County's facility, the Proposer's facility, a third-party location or any combination thereof.</p>
<p>5. Period of Performance</p>	<p>A contract awarded as a result of this RFP will be for seven (7) months and is intended to begin on March 11, 2025 and end October 10, 2025.</p> <p>Clark County reserves the right to extend the contract resulting from this RFP for a period of two (2) additional years, in one (1) year increments, with the same terms and conditions, with the exception of cost, by service of a written notice of its intention to do so prior to the contract termination date. Cost for additional option year(s) shall be reviewed prior to extension of the contract.</p> <p>The county also reserves the right to terminate the contract, with thirty (30) days written notice, at any time if the requirements of the contract are not being met satisfactorily, solely in the county's judgment.</p>
<p>6. Prevailing Wage Applicable to all public work as defined in RCW 39.04.010(4) Public Works Definition</p>	<p>Pursuant to Washington State RCW 39.12 PREVAILING WAGES ON PUBLIC WORKS all work identified in this project as a public work requires the contractor to pay Washington State prevailing wages and file all affidavits of intent to pay with the WA State Dept of Labor & Industries.</p> <p>Contractors shall meet the requirements for Prevailing Wage and public works requirements, per RCW 39.04.350 BIDDER RESPONSIBILITY CRITERIA – SWORN STATMENT – SUPPLEMENTAL CRITERIA.</p>

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	<p>For this project select the Clark County rates that apply on the proposal closing date from either of these sites:</p> <p>http://www.wsdot.wa.gov/Design/ProjectDev/WageRates/default.htm http://www.ini.wa.gov/TradesLicensing/PrevWage/WageRates</p> <p>Before payment is made by the Local Agency of any sums due under this contract, the Local Agency must receive from the Contractor and each Subcontractor a copy of "Statement of Intent to Pay Prevailing Wages" (Form L & I Number 700-29) approved by the Washington State Department of Labor and Industries.</p> <p>A fee of \$45.00 per each "Statement of Intent to Pay Prevailing Wages" and "Affidavit of Wages Paid" is required to accompany each form submitted to this Department of Labor and Industries. The Contractor is responsible for payment of these fees and shall make all applications directly to the Department of Labor and Industries. These fees shall be incidental to all the proposed items of this contract.</p>
<p>7. Debarred/Suspended</p>	<p>Federally or Washington State debarred or suspended suppliers may not participate in this Request for Proposal.</p> <p>All proposer's must fill out, sign and submit the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" form with their proposal to be eligible to participate.</p>
<p>8. Americans with Disabilities Act (ADA) Information</p>	<p>Clark County in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all of its programs and activities. This material can be made available in an alternate format by emailing ADA@clark.wa.gov or by calling 564-397-2322.</p>
<p>9. Public Disclosure</p>	<p>This procurement is subject to the Washington Public Records Act (the "Act"), chapter 42.56 RCW. Once in the County's possession, all of the RFP Submittals shall be considered public records and available for public records inspection and copying, unless exempt under the Act.</p> <p>If a Respondent or Proposer considers any portion of an RFP Submittal to be protected under the law, whether in electronic or hard copy form, the Respondent or Proposer shall clearly identify each such portion with the word "PROPRIETARY". The County will notify the Respondent or Proposer in writing of the request and allow the Respondent or Proposer ten (10) days to obtain a court order enjoining release of the record(s). If the Respondent or Proposer does not take such action within the ten (10) day period, the County will release the portions of the RFP Submittal deemed subject to disclosure. All Respondents and Proposers who provide RFP Submittals for this procurement accept the procedures described above and agree that the County shall not be responsible or liable in any way for any losses that the party may incur from the disclosure of records to a third party who requests them.</p>
<p>10. Insurance/Bond</p>	<p>A. Waiver of Subrogation</p> <p>All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against County, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of subrogation prior to a loss. Contractor hereby waives its own right of subrogation against County and shall require similar written express waivers and insurance clauses from each of its subcontractors.</p>

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B. Proof of Insurance

Proof of Insurance shall be provided prior to the starting of the contract performance. Proof will be on an ACORD Certificate(s) of Liability Insurance, which the Proposer shall provide to Clark County. Each certificate will show the coverage, deductible and policy period. Policies shall be endorsed to state that coverage will not be suspended, voided, canceled or reduced without a 30-day written notice by mail to the County. It is the Proposer's responsibility to provide evidence of continuing coverage during the overlap periods of the policy and the contract.

C. Worker's Compensation

As required by the industrial insurance laws of the State of Washington.

D. Automobile

If the Proposer or its employees use motor vehicles in conducting activities under this Contract, liability insurance covering bodily injury and property damage shall be provided by the Proposer through a commercial automobile insurance policy. The policy shall cover all owned and non-owned vehicles. Such insurance shall have minimum limits of \$1,000,000 per occurrence, combined single limit for bodily injury liability and property damage liability with a \$1,000,000 annual aggregate limit. If the Proposer does not use motor vehicles in conducting activities under this Contract, then written confirmation to that effect on Proposer letterhead shall be submitted by the Proposer.

E. Commercial General Liability (CGL) Insurance

Written under ISO Form CG0001 or its latest equivalent with minimum limits of \$2,000,000 per occurrence and in the aggregate for each one-year policy period. Personal and Advertising Injury \$1,000,000 and General Aggregate \$1,000,000. This policy must renew annually. This coverage may be any combination of primary, umbrella or excess liability coverage affording total liability limits of not less than \$1,000,000 per occurrence and in the aggregate. However, if other policies are added they must be a follow-form policy in language, renewal date, and have no more exclusions than the underlying coverage. Products and Completed Operations coverage shall be provided for a period of three years following Substantial Completion of the Work. The deductible will not be more than \$50,000 unless prior arrangements are made with Clark County on a case-by-case basis; the criterion is the Contractor's liquidity and ability to pay from its own resources regardless of coverage status due to cancellation, reservation of rights, or other no-coverage-enforce reason. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability. Clark County needs to be listed as additional insured.

F. Professional Liability (aka Errors and Omissions)

The Proposer shall obtain, at Proposer's expense, and keep in force during the term of this contract Professional Liability insurance policy to protect against legal liability arising out of contract activity. Such insurance shall provide a minimum of \$1,000,000 per occurrence. The deductible will not be more than \$25,000 unless prior arrangements are made with Clark County on a case-by-case basis; the criterion is the Proposer's liquidity and ability to pay from its own resources. It should be an "Occurrence Form" policy. If the policy is "Claims Made", then Extended Reporting Period Coverage (Tail coverage) shall be purchased for three (3) years after the end of the contract.

G. Umbrella Liability Coverage

Umbrella Coverage in the amount of \$1,000,000 shall be provided and will apply over all liability policies without exception, including Commercial General Liability and Automobile Liability.

H. Additional Insured

Clark County, its officers, employees and agents, will be named on all policies of contractor and any subcontractors as an additional insured, with no restrictions or limitations concerning products and completed operations. This coverage shall be primary coverage and noncontributory to any coverage maintained by Clark County. The contractor shall provide Clark County with verification of insurance and endorsements required by this agreement. Clark

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	<p>County reserves the right to require complete, certified copies of all required insurance policies at any time. All insurance shall be obtained from an insurance company authorized to do business in the State of Washington.</p> <p>All policies must have a Best's Rating of A-VII or better.</p>
11. Plan Holders List	<p>All proposers are required to be listed on the plan holders list.</p> <ul style="list-style-type: none">✓ Prior to submission of proposal, confirm your organization is on the Plan Holders List below: <p>To view the Plan Holders List, click on the link below or copy and paste into your browser. Clark County RFP site: https://clark.wa.gov/internal-services/purchasing-overview</p> <ul style="list-style-type: none">• If your organization is NOT listed, submit Attachment B - Letter of Interest to ensure your inclusion.• Proposals received by Clark County by proposers not included on the Plan Holders List may be considered non-responsive.

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Part II Proposal Preparation and Submittal

Section IIA	Pre-Submittal Meeting / Clarification
1. Pre-Submittal Meeting	There are no plans to hold a pre-submittal meeting.
2. Proposal Clarification	<p>Questions and Requests for Clarification regarding this Request for Proposal must be directed in writing, via email, to the person listed on the cover page.</p> <p>The deadline for submitting such questions/clarifications is February 12, 2025 by 12:00 pm.</p> <p>An addendum will be issued no later than February 13, 2025 to all recorded holders of the RFP if a substantive clarification is in order.</p> <p>The Questions & Answers/Clarifications are available for review at the link below. Each proposer is strongly encouraged to review this document prior to submitting their proposal.</p> <p>Clark County RFP site: https://clark.wa.gov/internal-services/request-proposal-1</p>
Section IIB	Proposal Submission
1. Proposals Due	<p>Sealed proposals must be received no later than the date, time and location specified on the cover of this document.</p> <p>The outside of the envelope/package shall clearly identify:</p> <ol style="list-style-type: none"> 1. RFP Number and; 2. TITLE and; 3. Name and Address of the Proposer. <p>Responses received after submittal time will not be considered and will be returned to the Proposer - unopened.</p> <p>Proposals received with insufficient copies (as noted on the cover of this document) cannot be properly disseminated to the Review Committee and other reviewers for necessary action, therefore, may not be accepted.</p>
2. Proposal	<p>Proposals must be clear, succinct and not exceed fifteen (15) pages, excluding resumes, coversheet and debarment form. Proposer's who submit more than the pages indicated may not have the additional pages of the proposal read or considered.</p> <p>For purposes of review and in the interest of the County, the County encourages the use of submittal materials (i.e. paper, dividers, binders, brochures, etc.) that contain post-consumer recycled content and are <u>readily recyclable</u>.</p> <p>The County discourages the use of materials that cannot be readily recycled such as PVC (vinyl) binders, spiral bindings, and plastic or glossy covers or dividers. Alternative bindings such as reusable/recyclable binding posts, reusable binder clips or binder rings, and recyclable cardboard/paperboard binders are examples of preferable submittal materials.</p> <p>Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.</p>

Request for Proposal #913
Clark County Resource Lands Study

	<p>All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.</p> <p>Additional support documents, such as sales brochures shall not be included with each copy unless otherwise specified.</p>
Section IIC	Proposal Content
1. Cover Sheet	This form is to be used as your proposal Cover Sheet. See Cover Sheet - Attachment A .
2. Project Team	Introduce proposal reviewers to the project team, including any proposed sub-consultants. Tell us who will be involved, what roles and responsibilities you will each take on. Details on specific team member qualifications and experience can be included in attached resumes.
3. Management Approach	Describe how the proposer will organize, manage, and report on the status of the project. Indicate who within the organization will have final authority for the work.
4. Respondent's Capabilities	Explain to the reviewers why you are the best team to hire for this project. Tell us about your team's relevant experience and qualifications that will set you up for success in accomplishing the project scope of work in Section 1A, required services and deliverables in Section 1B. Include links to relevant project examples reviewers can look at.
5. Project Approach and Understanding	<p>Explain to reviewers your proposed approach for achieving the project scope of work and objectives in Section 1A, the required services and deliverables in Section 1B. Proposals should include a general statement of the Consultant's understanding of the scope of services and include a proposed task list, level of effort for each task, and a schedule for completing the whole project and each task.</p> <p>A sample report must be submitted with the proposal. The sample report should be fairly recent and written by a principal member of the team proposed for this project. Ideally, the report should address resource land issues, but related topics are acceptable. One hard copy of the sample report is required. In addition, proposers are requested to submit the sample report electronically in Word or Adobe Acrobat files.</p>
6. Proposed Cost	Cost will not be used as an evaluation criterion and shall not submitted with proposal.

**Request for Proposal #913
Clark County Resource Lands Study**

Part III Proposal Evaluation & Contract Award

Section IIIA	Proposal Review and Selection												
1. Evaluation and Selection:	Proposals received in response to this RFP will be evaluated by a Review Committee. Depending on your funding requirements the Committee review results and recommendations may require presentation to an appropriate advisory board prior to the consent process with the Clark County Council.												
2. Evaluation Criteria Scoring	<p>Each proposal received in response to the RFP will be objectively evaluated and rated according to a specified point system.</p> <p>A one hundred (100) point system will be used, weighted against the following criteria:</p> <table border="1" data-bbox="402 716 1421 1241"> <tr> <td data-bbox="402 716 1344 842">Proposal Approach - The firm's approach to this work, including compliance with requirements, innovative offerings, services offered and other related matters.</td> <td data-bbox="1344 716 1421 842">30</td> </tr> <tr> <td data-bbox="402 842 1344 968">Experience - The experience of the firm, length of time in business and other matters relating to relevant experience and experience of the individuals assigned to this project.</td> <td data-bbox="1344 842 1421 968">25</td> </tr> <tr> <td data-bbox="402 968 1344 1031">Work History - Past performance with work provided to the County</td> <td data-bbox="1344 968 1421 1031">10</td> </tr> <tr> <td data-bbox="402 1031 1344 1094">References - Either submitted with the proposal or known to the County.</td> <td data-bbox="1344 1031 1421 1094">10</td> </tr> <tr> <td data-bbox="402 1094 1344 1188">Criteria Specific to your Project Needs - The ability of the firm to deliver this project based on the contemplated scope of work and volume of business.</td> <td data-bbox="1344 1094 1421 1188">25</td> </tr> <tr> <td data-bbox="402 1188 1344 1241" style="text-align: right;">Total Points</td> <td data-bbox="1344 1188 1421 1241">100</td> </tr> </table>	Proposal Approach - The firm's approach to this work, including compliance with requirements, innovative offerings, services offered and other related matters.	30	Experience - The experience of the firm, length of time in business and other matters relating to relevant experience and experience of the individuals assigned to this project.	25	Work History - Past performance with work provided to the County	10	References - Either submitted with the proposal or known to the County.	10	Criteria Specific to your Project Needs - The ability of the firm to deliver this project based on the contemplated scope of work and volume of business.	25	Total Points	100
Proposal Approach - The firm's approach to this work, including compliance with requirements, innovative offerings, services offered and other related matters.	30												
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Work History - Past performance with work provided to the County	10												
References - Either submitted with the proposal or known to the County.	10												
Criteria Specific to your Project Needs - The ability of the firm to deliver this project based on the contemplated scope of work and volume of business.	25												
Total Points	100												
Section IIIB	Contract Award												
1. Consultant Selection	<p>The County will determine the most qualified proposer based on the evaluation criteria listed using predetermined weights, the attributes of the Proposers and the overall responsiveness of the Proposal. If the County does not reach a favorable agreement with the top Proposer, the County shall terminate negotiations and begin negotiations with the next qualified Proposer. If the County is unable to reach agreeable terms with either Proposer, they may opt to void the RFP and determine next steps.</p> <p>Clark County reserves the right to accept or reject any or all proposals received, to negotiate with any or all prospective contractors on modifications to proposals, to waive formalities, to postpone award, or to cancel in part or in its entirety this RFP. Clark County reserves the right to award the contract based on the best interests of the County.</p>												
2. Contract Development	The proposal and all responses provided by the successful Proposer may become a part of the final contract.												

Request for Proposal #913
Clark County Resource Lands Study

3. Award Review	The public may view Request for Proposal documents by submitting a public records request at www.clark.wa.gov .
4. Orientation/Kick-off Meeting	A kick-off meeting with the project team(s) will be scheduled to take place following County Council authorization of the contract.

**Request for Proposal #913
Clark County Resource Lands Study**

Attachment A: COVER SHEET

General Information:

Legal Name of Proposing Firm	
Street Address	
City State Zip Code	
Contact Person Title	
Phone	
Program Location (if different than above)	
Email Address	
Tax Identification Number	

ADDENDUM:

Proposer shall acknowledge receipt of Addenda by checking the appropriate box(es).

None 1 2 3 4 5 6

NOTE: Failure to do so, shall render the proposer non-responsive and therefore be rejected.

I certify that to the best of my knowledge the information contained in this proposal is accurate and complete and that I have the legal authority to commit this agency to a contractual agreement. I realize the final funding for any service is based upon funding levels, and the approval of the Clark County Council and required approvals.

Authorized Signature of Proposing Firm

Date

Printed Name

Title

**Request for Proposal #913
Clark County Resource Lands Study**

Attachment B: LETTER OF INTEREST

Legal Name of Proposing Firm	
Street Address	
City State Zip Code	
Contact Person Title	
Phone	
Program Location (if different than above)	
Email Address	

- All proposers are required to be included on the plan holders list.
- If your organization is NOT listed, submit the ‘Letter of Interest’ to ensure your inclusion.

Email Letter of Interest to: Koni.Odell@clark.wa.gov and Priscilla.Mason@clark.wa.gov

Clark County web link: <https://clark.wa.gov/internal-services/request-proposal-1>

This document will only be used to add a proposer to the plan holders list. Submitting this document does not commit proposer to provide services to Clark County, nor is it required to be submitted with proposal.

Proposals may be considered non-responsive if the Proposer is not listed on the plan holders list.

**Request for Proposal #913
Clark County Resource Lands Study**

Attachment C



Clark County, Washington

**Certification Regarding
Debarment, Suspension and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State or local department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Company Name

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.

**SUPPORTING DOCUMENTATION
VOLUME IV**

**AGRICULTURAL FOCUS GROUP
FOREST FOCUS GROUP
MINERAL FOCUS GROUP**



EX#164d (X.A.04)

20 YEAR COMPREHENSIVE GROWTH MANAGEMENT PLAN
CLARK COUNTY

TABLE OF CONTENTS

SUPPORTING DOCUMENTATION Volume IV

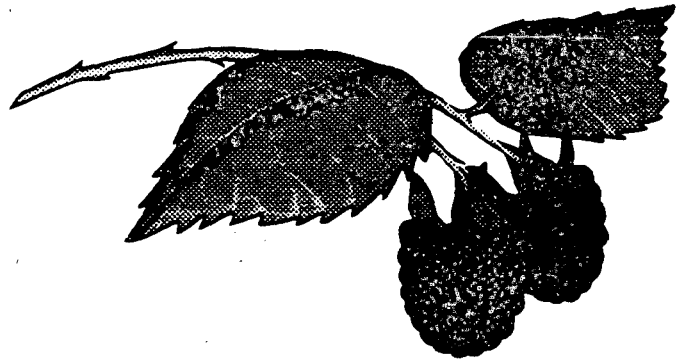
- A. FARM FOCUS FINAL REPORT
 - 1. Agricultural Capability Map

- B. FOREST FOCUS FINAL REPORT
 - 1. Forestry Capability Map

- C. MINERAL FOCUS FINAL REPORT
 - 1. Mineral Resource Map

**Rural & Natural Resource Lands
Advisory Committee**

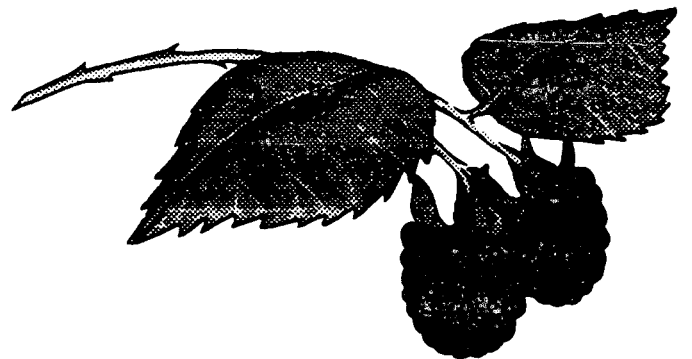
**Farm Focus Group
Final Report**



Rural & Natural Resource Lands
Advisory Committee

Farm Focus Group
Final Report

Clark Firestone
Don Kemper
Dennis Lagler
Eugene Lampson
Frank Messner
Clint Page
Keith Pfeifer
David Pike
Mike Roth
Jim Schlatter
Jim Seekins
Blair Wolfley



MEMORANDUM

TO: Rural & Natural Resource Lands Advisory Committee
FROM: Farm Focus Group
DATE: December 9, 1993
SUBJECT: Final Report

This document is the final report of Farm Focus Group. It contains the following elements:

Classifying and Designating Farm Resource Lands

This section includes background information and a summary of the delineation methodology.

Farm Focus Group - Position Statement #1

This section summarizes one of two positions taken by the focus group on the economic viability of agriculture in Clark County. Corresponding policy guidelines and development recommendations follow each position statement. (Position statement #1 and position statement #2 carry equal weight.)

Position Statement #1 - Agriculture/Wildlife District

This section recommends existing Agriculture/Wildlife zoning be applied to the Vancouver Lake lowlands.

Position Statement #1 - Comprehensive Plan - Rural Farm I

This section provides management policies for tier I farm lands.

Position Statement #1 - Comprehensive Plan - Rural Farm II

This section provides management policies for tier II farm lands.

Position Statement #1 - Comprehensive Plan - Rural Farm III

This section provides management policies for tier III farm lands.

Farm Focus Group - Position Statement #2

This section summarizes the second of two positions taken by the focus group on the economic viability of agriculture in Clark County. Corresponding policy guidelines and development recommendations follow. (Position statement #1 and position statement #2 carry equal weight.)

Position Statement #2 - Agriculture/Wildlife District

This section recommends existing Agriculture/Wildlife zoning be applied to the Vancouver Lake lowlands.

Memorandum
December 9, 1993
Page 2

Position Statement #2 - Comprehensive Plan - Commercial Agriculture I/II

This section provides management policies for tier I and tier II farm lands. In developing policies for Commercial Agriculture I/II under position statement #2, the focus group discussed both 20-acre and 40-acre minimum lot sizes. The discussion focused on whether a 40-acre minimum lot size provides greater protection of farm land and allows greater flexibility in agricultural use. The focus group agreed on a 20-acre minimum with the understanding that this report would reflect that some members believed a 40-acre minimum lot size does provide greater protection and allows greater flexibility for farm use. This statement is intended to be that expression.

Position Statement #2 - Comprehensive Plan - Commercial Agriculture III

This section provides management policies for tier III farm lands.

Final maps of farm tier I, II & III and the Vancouver Lake lowlands are being produced by Clark County's GIS Department and will be provided under separate cover.

CLASSIFYING AND DESIGNATING AGRICULTURAL RESOURCE LANDS

BACKGROUND

Agricultural land is defined by the Growth Management Act as "land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees...or livestock, and that has long-term commercial significance for agricultural production." Long-term commercial significance "includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land."

The Washington State Department of Community Development provided counties and cities with guidelines to assist in classifying and designating resource lands. These guidelines specify criteria for identifying agricultural resource lands.

Quality soils is a primary factor. DCD requires that the land-capability classification system of the United States Department of Agriculture Soil Conservation Service be used in classifying agricultural resource land. This system includes eight classes of soils published in soil surveys.

The effects of proximity to population areas and the possibility of more intense uses of the land are also important factors in classifying agricultural lands. DCD provides 10 indicators to assess these factors.

1. The availability of public facilities.
2. Tax status.
3. The availability of public services.
4. Relationship or proximity to urban growth areas.
5. Predominant parcel size.
6. Land use settlement patterns and their compatibility with agricultural practices.
7. Intensity of nearby land uses.
8. History of land development permits issued nearby.
9. Land values under alternative uses.
10. Proximity to markets.

DELINEATION METHODOLOGY

The agricultural focus group began its work by quantifying and mapping DCD's ten indicators. Maps were created showing prime and unique soil, agricultural cover, forest cover, parcel size, tax status, physical structures, roads, utilities and zoning. Heavily forested areas were not mapped.

The maps were used to identify Clark County's best farmland. Unlike the forest focus group, which started with forest areas that had been identified by landowners for designation as long-term resource land, the agriculture group started by identifying "core" agricultural areas.

To qualify as a core, an area had to have a minimum of one forty-acre or two adjacent twenty-acre parcels with a predominance of prime or unique soils. To complete the core, all adjacent undeveloped parcels with a predominance of prime or unique soils were added, and all adjacent developed parcels down to 10 acres with a predominance of prime or unique soils were added. This process identified major patterns of high quality soils in areas with generally larger parcels.

The next step was to add to each core area adjacent parcels with less than a predominance of prime or unique soils that support agriculture use. All adjacent undeveloped parcels with a predominance of agricultural cover (as determined by interpretation of 1990 aerial photographs) or agricultural cover in combination with prime or unique soils were added to the core, and all adjacent developed parcels down to 10 acres with a predominance of agricultural cover or agricultural cover in combination with prime or unique soils were added to the core. Whenever possible, major roadways, significant physical features, or major parcel lines were used as boundaries.

This process expanded identified farm areas to include major patterns of high quality soils and agricultural activity in areas with generally larger parcels. These lands became candidate areas for consideration as agricultural resource lands of long-term commercial significance.

The focus group next used DCD's guidelines to more closely examine candidate areas with serious limiting factors and to determine the relative value of candidate areas for agricultural use. Sixty-nine candidate areas comprising approximately 50,000 acres were identified. The Vancouver Lake lowlands candidate area, with its high quality of soils, large parcels, and wildlife values, was placed in a special class. The remaining candidate areas were divided into three tiers.

As a general guide, Tier I agricultural areas are 800 acres or larger in size, have at least 50% prime or unique soils, and have at least 50% of their area in parcels 20 acres or larger; Tier II agricultural areas are 300 acres or larger, have at least 50% prime or unique soils, have at least 50% of their area in parcels 20 acres or larger, or are candidate areas that are 800 acres or larger that did not meet the soil and/or parcel size minimums for Tier I classification; Tier III agricultural areas are all candidate areas that did not meet size, soil or parcel size minimums for Tier I or Tier II classification.

The focus group's final step was to evaluate the economic viability of the candidate areas and develop policy guidelines and recommended development regulations. The focus group could not reach consensus on economic viability. Two position statements were developed.

One position concludes that, with the exception of the Vancouver Lake lowlands, agriculture is generally no longer economically viable in most parts of Clark County. Corresponding policy guidelines and development recommendations reflect this conclusion.

The other position concludes that agriculture is economically viable in Clark County and should be conserved. Corresponding policy guidelines and development recommendations reflect this conclusion.

FARM FOCUS GROUP POSITION STATEMENT #1

BACKGROUND

Agriculture is generally no longer economically viable in most parts of Clark County. Two tests of economic viability cannot be met. First, net farm income is inadequate to support a household: that is, a household cannot make a living from farming without supplemental, nonfarm income. Second, farm income cannot support the cost of land, at current values, even if all other household income is generated from nonfarm activity. Other factors, such as operational conflicts and regulation, make farming difficult and costly.

Land prices are too high - Current land prices in Clark County are too high to make farming economical. Farm income cannot support the interest and principal payments necessary to purchase land. This is a primary reason why new farms are not locating in Clark County. Purchases of farmland are typically for rural residential or hobby farm uses where agriculture is not relied upon for income. Land for rural residences can be sold and will be purchased at a price that far exceeds its value for agriculture uses.

"Opportunity cost" is too great - Those who already own agricultural land are faced with a potential economic return on other uses of the land that far exceeds the economic return of farming. This is a primary reason why many farms have ceased operation or moved to other areas of the state or region where land can be purchased and held at agricultural prices.

Residential development is too pervasive - Current residential development in and around agricultural areas makes farming difficult and costly. Normal agricultural activities must be modified to address residential complaints about noise, odor, dust, chemical application and traffic congestion caused by farm equipment on rural roads. Modified or alternative farm practices used to reduce complaints or liability increase farming costs. This is another reason why many farms have ceased operation or moved to other areas of the state or region where standard agricultural activities can be practiced without costly modifications.

Regulations are costly - Governmental regulations increase the cost of farming. Some regulations are found throughout the state, such as storage requirements for dairy waste. Other regulations are local, such as burning bans and clearing permits. Both state and local regulations make farming more difficult and costly. In areas where economic viability is marginal or is already lost, these additional costs accelerate conversion of farm land to non-farm uses.

Support services and markets are gone - Local markets for many agricultural products, such as packing plants, have left Clark County. Additionally, suppliers of agricultural products, equipment and services are leaving the county. The closest suppliers for some agricultural products and services are in the Willamette Valley of Oregon.

CONCLUSION

Agriculture is generally no longer economically viable in most parts of Clark County. Therefore, with the exception of the Vancouver Lake lowlands, Clark County has little or no agricultural resource lands as defined in the Growth Management Act. Most farming activity occurs in rural areas. People farm because it is a way of life they choose, not because of return on investment or economic viability. It is hobby farming or farming as a rural residential lifestyle. Those who wish to participate in small-scale farming in the rural area or who wish to continue large-scale farming in the rural area as long as possible, should be provided incentives and protections to do so.

**POSITION STATEMENT #1
AGRICULTURE/WILDLIFE DISTRICT**

Chapter 18.300

**AGRICULTURE/WILDLIFE DISTRICT
(AG/WL)**

Sections:

- 18.300.010 Purpose.**
- 18.300.020 Permitted uses.**
- 18.300.030 Conditional uses.**
- 18.300.040 Uses permitted after review and approval as set forth in Chapter 18.403 of this Ordinance.**
- 18.300.050 Height regulations.**
- 18.300.060 Lot requirements.**

18.300.010 Purpose.

To encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices. (Secs. 1, 2 of Ord. 1987-07-42)

18.300.020 Permitted uses.

The following uses are permitted:

- A. Agricultural.**
- B. Wildlife game management.**
- C. Public interpretive/educational uses.**
- D. Single-family dwellings.**
- E. Plant nurseries.**
- F. Roadside stands, not exceeding three hundred (300) square feet in area, exclusively for the sale of agricultural products grown in the affected area, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.**
- G. Public recreation access ways, trails, viewpoints, and associated parking.**
- H. Accessory buildings and activities including housing for agricultural employees, but not at a density exceeding that which is otherwise permitted,**

and signs consistent with Code Chapter 18.409 (SIGNS).

L. Family daycare centers. (Secs. 1, 3 of Ord 1987-07-42; amended by Sec. 6 of Ord. 1989-01-09)

18.300.030 Conditional uses.

The following are the conditional uses in the Agricultural/Wildlife (AG/WL) District, in accordance with the provisions of Chapter 18.404.

- A. Fire stations.**
- B. Off-street parking and turnouts.**
- C. Silviculture.**
- D. Public or private recreational facilities requiring limited physical improvements, which are oriented to the appreciation, protection, study, or enjoyment of the fragile resources of this area. In addition to those findings as specified by Chapter 18.404 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:**
 1. There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
 2. The subject site cannot be put to any reasonable economic use which is provided for in Section 18.300.020. (Sec. 1, Ord. 1990-03-16)

18.300.040 Uses permitted after review and approval as set forth in Chapter 18.403 of this Ordinance.

Home occupations. (Secs. 1, 5 of Ord. 1987-07-42)

18.300.050 Height regulations.

None. (Secs. 1, 6 of Ord. 1987-07-42)

18.300.060 Lot requirements.

The following parcel size (acres) shall be the minimum permitted:

- A. Agricultural 20**
- B. Wildlife game management 20**
- C. Public interpretive/educational uses N/A**
- D. Single-family dwellings 160**
- E. Plant nurseries 20**
- F. Silviculture 20**

G. Public recreation access-
ways and associated parking
and trails. N/A
(Secs. 1, 2 of Ord. 1987-07-42)

Note: This zone district would apply only to the agricultural candidate area in the Vancouver Lake lowlands.

**POSITION STATEMENT #1
COMPREHENSIVE PLAN
RURAL FARM I
(Tier I)**

RURAL FARM I DESIGNATION

The rural farm designation is intended to retain hobby farming and small-scale farming in the rural area as a rural residential lifestyle, and to encourage large-scale farming in the rural area as long as possible. Residents of rural farm tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

RURAL FARM I MANAGEMENT POLICIES

It is the policy of Clark County to conserve hobby farming and small-scale farming within large-lot rural residential areas and to promote and sustain normally accepted farm and forestry practices.

It is the policy of Clark County to encourage large-scale farming in rural farm areas as long as possible, even though large-scale agriculture is generally no longer economically viable in most parts of Clark County.

Standard agricultural practices and supporting activities, including farmworker housing and use of water resources for irrigation, should be supported.

Capital improvement plans shall take into consideration maintaining and upgrading public roads to meet rural levels of residential development, as well as small-scale farm and forestry practices.

The primary land-use activities in rural farm areas are hobby farms, small-scale farms, small-scale forest and farm management, large lot residential development, home occupations, and ancillary uses which support small-scale farm and forest activities.

The county shall encourage and support public recreation, education, and interpretative activities and facilities which complement the rural character and resource values located within the designated area.

The county supports and encourages the maintenance of farm and forest lands in current use property tax classifications.

The county encourages cooperative resource management among farmland and timberland owners, farm foresters, rural residents, environmental groups, local, state and federal resource agencies, and Indian tribes for managing private and public farm and forest lands and public resources.

Land use activities near and adjacent to designated farm and forest resource lands should be sited and designed to minimize conflicts with farm management, forest management, and other activities on those resource lands.

Residential development on lands adjacent to farm and forest resource lands should be sited and/or grouped away from the designated resource land and provide an open space buffer between residential and resource-based activity.

The county shall implement a "waiver of remonstrance" or similar program whereby residents of rural farm tracts shall be informed that they are locating in a rural farm area and that they may be subject to normal and accepted farm and forestry practices.

The county shall discourage the conversion of land from farm or forest management activities, except where land is committed for permitted levels of residential, recreational, or other uses.

The minimum lot size shall be 20 acres, subject to the following development standards.

DEVELOPMENT STANDARDS

One single-family dwelling or mobile home per preexisting legal lot of record smaller than 20 acres.

One single-family dwelling or mobile home per 20-acre minimum lot, plus a) one additional single-family dwelling or mobile home for purposes of creating a residential cluster on a segregated lot, or b) one additional single-family dwelling or mobile home for purposes of creating a family compound without dividing the parent parcel.

If the additional single-family dwelling or mobile home is for purposes of creating a residential cluster on a segregated lot, the second single-family residence shall be placed on a segregated lot no smaller than one acre. The segregated lot shall be located to have the least impact on farming activity and shall be setback 180 feet from adjacent parcels in the rural farm district, unless other residential structures exist on the adjoining parcel boundary with which the segregated lot may be grouped. No parcel setback is required from the permanent legal access. The original single-family dwelling must remain with the parent parcel.

If the additional single-family dwelling or mobile home is for purposes of creating a family compound without dividing the parent parcel, the second single-family residence shall be located to have the least impact on farming activity. All structures created in this manner shall remain with the parent parcel.

Two additional single-family dwelling units or mobile homes for each additional 20 acres of contiguous undivided land in the Rural Farm I district for purposes of a) creating a residential cluster on segregated lots, or b) creating a family compound without dividing the parent parcel.

If the additional single-family dwellings or mobile homes are for purposes of creating a

residential cluster on a segregated lots, each additional residence shall be placed on a segregated lot no smaller than one acre. The segregated lots shall be located to have the least impact on farming activity and shall be setback 180 feet from adjacent parcels in the rural farm district, unless other residential structures exist on the adjoining parcel boundary with which the segregated lots may be grouped. No parcel setback is required from the permanent legal access. When the first of the two additional homes is built, the number of legal buildable 20-acre lots shall be reduced by one. In addition, the contiguous 20-acre tract must remain as an undivided portion of the parent parcel.

If the additional single-family dwellings or mobile homes are for purposes of creating a family compound without dividing the parent parcel, each additional single-family residence shall be located to have the least impact on farming activity. When the first of the two additional homes is built, the number of legal buildable 20-acre lots shall be reduced by one. All structures created in this manner shall remain with the parent parcel.

When temporary or mobile structures are used to create a family compound without dividing the parent parcel, removing the temporary or mobile structure shall return the parcel to its original status.

**POSITION STATEMENT #1
COMPREHENSIVE PLAN
RURAL FARM II
(Tier II)**

RURAL FARM II DESIGNATION

The rural farm designation is intended to retain hobby farming and small-scale farming in the rural area as a rural residential lifestyle, and to encourage large-scale farming in the rural area as long as possible, recognizing that certain lands therein may have limitations due to natural features, parcelization, and nearby development patterns. Residents of rural farm tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

RURAL FARM II MANAGEMENT POLICIES

It is the policy of Clark County to conserve hobby farming and small-scale farming within large-lot rural residential areas and to promote and sustain normally accepted farm and forestry practices.

It is the policy of Clark County to encourage large-scale farming in rural farm areas as long as possible, even though large-scale agriculture is generally no longer economically viable in most parts of Clark County.

Standard agricultural practices and supporting activities, including farmworker housing and use of water resources for irrigation, should be supported.

Capital improvement plans shall take into consideration maintaining and upgrading public roads to meet rural levels of residential development, as well as small-scale farm and forestry practices.

The primary land-use activities in rural farm areas are hobby farms, small-scale farms, small-scale forest and farm management, large lot residential development, home occupations, and ancillary uses which support small-scale farm and forest activities.

The county shall encourage and support public recreation, education, and interpretative activities and facilities which complement the rural character and resource values located within the designated area.

The county supports and encourages the maintenance of farm and forest lands in current use property tax classifications.

The county encourages cooperative resource management among farmland and timberland owners, farm foresters, rural residents, environmental groups, local, state and federal resource

agencies, and Indian tribes for managing private and public farm and forest lands and public resources.

Land use activities near and adjacent to designated farm and forest resource lands should be sited and designed to minimize conflicts with farm management, forest management, and other activities on those resource lands.

Residential development on lands adjacent to farm and forest resource lands should be sited and/or grouped away from the designated resource land and provide an open space buffer between residential and resource-based activity.

The county shall implement a "waiver of remonstrance" or similar program whereby residents of rural farm tracts shall be informed that they are locating in a rural farm area and that they may be subject to normal and accepted farm and forestry practices.

The county shall discourage the conversion of land from farm or forest management activities, except where land is committed for permitted levels of residential, recreational, or other uses.

The minimum lot size shall be 10 acres.

**POSITION STATEMENT #1
COMPREHENSIVE PLAN
RURAL FARM III
(Tier III)**

RURAL FARM III DESIGNATION

The rural farm designation is intended to retain hobby farming and small-scale farming in the rural area as a rural residential lifestyle, recognizing that certain lands therein may have limitations due to natural features, parcelization, and nearby development patterns which may limit the opportunity to support hobby farming and small-scale uses. Residents of rural farm tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

RURAL FARM III MANAGEMENT POLICIES

It is the policy of Clark County to conserve hobby farming and small-scale farming within large-lot rural residential areas and to promote and sustain normally accepted farm and forestry practices.

It is the policy of Clark County to encourage large-scale farming in rural farm areas as long as possible, even though large-scale agriculture is generally no longer economically viable in most parts of Clark County.

Capital improvement plans shall take into consideration maintaining and upgrading public roads to meet rural levels of residential development, as well as small-scale farm and forestry practices.

The primary land-use activities in the rural farm areas are hobby farms, small-scale farms, small-scale forest and farm management, large lot residential development, home occupations, and ancillary uses which support small-scale farm and forest activities.

The county shall encourage and support public recreation, education, and interpretative activities and facilities which complement the rural character and resource values located within the designated area.

The county supports and encourages the maintenance of farm and forest lands in current use property tax classifications.

The county encourages cooperative resource management among farmland and timberland owners, farm foresters, rural residents, environmental groups, local, state and federal resource agencies, and Indian tribes for managing private and public farm and forest lands and public resources.

Land use activities near and adjacent to designated farm and forest resource lands should be sited and designed to minimize conflicts with farm management, forest management, and other activities on those resource lands.

Residential development on lands adjacent to farm and forest resource lands should be sited and/or grouped away from the designated resource land and provide an open space buffer between residential and resource-based activity.

The county shall implement a "waiver of remonstrance" or similar program whereby residents of rural farm tracts shall be informed that they are locating in a rural farm area and that they may be subject to normal and accepted farm and forestry practices.

The county shall discourage the conversion of land from farm or forest management activities, except where land is committed for permitted levels of residential, recreational, or other uses.

The minimum lot size shall be the same as the rural zoning district for the surrounding area.

FARM FOCUS GROUP POSITION STATEMENT #2

BACKGROUND

Agriculture in Clark County is economically viable. Many areas have the growing capacity, productivity and soil composition for long-term commercial production of agricultural products. Although some of these lands include hobby farms and rural residences, the population and intensity of nearby uses is compatible with farming activity.

Good farm conditions exist in Clark County - Many areas in the county have good, productive soils with excellent growing capacity. These higher class soils are the most efficient, productive and flexible agricultural land. When these lands are irrigated they possess even greater farm value.

Farming remains part of Clark County's economy - In 1987 Clark County had 1,428 farms totaling 94,646 acres. Their combined sales were \$36.8 million.

Future conditions may change - Agricultural activities which are marginally profitable given today's conditions may be very profitable in the future. Changes in technology, markets and energy costs could significantly change the economic viability of many agricultural activities in Clark County. Value-added processing and direct marketing are already being used on some farms.

Public investments should be protected - Federally funded programs drained water from significant areas of Clark County to improve agricultural conditions. Many farmers also have significant investments in land preparation. These investments should be protected through continued use of these lands for agricultural purposes.

Protection of the land base - High levels of parcelization remove land from agricultural production. Few 2.5- or 5-acre parcels produce agricultural products; they are primarily rural residences. Land for agricultural purposes--whether leased or owned--must be of adequate size to allow reasonable and economic use.

Many farms are small- or part-time farms - Farms do not need to be large to be economically viable. In 1987, 49% of all farms in the U.S. and 81% of all farms in Clark County had annual farm sales less than \$10,000. In that same year, 29% of all farms in the U.S. and 67% of all farms in Clark County were less than 50 acres.

Non-farm household income is common - Many farms rely on non-farm income. In 1987, 45% of the operators of U.S. farms reported their principal occupation as something other than farming. In Clark County, 63% of farm operators in 1987 reported their principal occupation as something other than farming. Complete household income cannot be the test of economic viability.

Small farms and minifarms need protection - All farms, regardless of size, need protection from incompatible land uses, such as extensive residential development. Residential development in and around agricultural areas makes farming difficult and costly for all farms of all sizes.

CONCLUSION

Agriculture in Clark County is economically viable. Therefore, Clark County must designate its farm lands as agricultural resource lands as defined in the Growth Management Act. Farming activity is the best use of these lands and incompatible land uses must be prohibited. Farming may also occur in rural areas where incentives and protection should also be provided.

**POSITION STATEMENT #2
AGRICULTURE/WILDLIFE DISTRICT**

Chapter 18.300

**AGRICULTURE/WILDLIFE DISTRICT
(AG/WL)**

Sections:

- 18.300.010 Purpose.**
- 18.300.020 Permitted uses.**
- 18.300.030 Conditional uses.**
- 18.300.040 Uses permitted after review and approval as set forth in Chapter 18.403 of this Ordinance.**
- 18.300.050 Height regulations.**
- 18.300.060 Lot requirements.**

18.300.010 Purpose.

To encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices. (Secs. 1, 2 of Ord. 1987-07-42)

18.300.020 Permitted uses.

The following uses are permitted:

- A. Agricultural.**
- B. Wildlife game management.**
- C. Public interpretive/educational uses.**
- D. Single-family dwellings.**
- E. Plant nurseries.**
- F. Roadside stands, not exceeding three hundred (300) square feet in area, exclusively for the sale of agricultural products grown in the affected area, and set back a minimum twenty (20) feet from the abutting right-of-way or property line.**
- G. Public recreation access ways, trails, viewpoints, and associated parking.**
- H. Accessory building and activities including housing for agricultural employees, but not at a density exceeding that which is otherwise permitted.**

and signs consistent with Code Chapter 18.409 (SIGNS).

I. Family daycare centers: (Secs. 1, 3 of Ord 1987-07-42; amended by Sec. 6 of Ord. 1989-01-09)

18.300.030 Conditional uses.

The following are the conditional uses in the Agricultural/Wildlife (AG/WL) District, in accordance with the provisions of Chapter 18.404.

- A. Fire stations.**
- B. Off-street parking and turnouts.**
- C. Silviculture.**
- D. Public or private recreational facilities requiring limited physical improvements, which are oriented to the appreciation, protection, study, or enjoyment of the fragile resources of this area. In addition to those findings as specified by Chapter 18.404 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:**
 1. There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
 2. The subject site cannot be put to any reasonable economic use which is provided for in Section 18.300.020. (Sec. 1, Ord. 1990-03-16)

18.300.040 Uses permitted after review and approval as set forth in Chapter 18.403 of this Ordinance.

Home occupations: (Secs 1, 5 of Ord. 1987-07-42)

18.300.050 Height regulations.

None. (Secs. 1, 6 of Ord. 1987-07-42)

18.300.060 Lot requirements.

The following parcel size (acres) shall be the minimum permitted:

- A. Agricultural 20**
- B. Wildlife game management 20**
- C. Public interpretive/educational uses N/A**
- D. Single-family dwellings 160**
- E. Plant nurseries 20**
- F. Silviculture 20**

G. Public recreation access-
ways and associated parking
and trails. N/A
(Secs. 1, 2 of Ord. 1987-07-42)

Note: This zone district would apply only to the agricultural candidate area in the Vancouver Lake lowlands.

**POSITION STATEMENT #2
COMPREHENSIVE PLAN
COMMERCIAL AGRICULTURE I/II
(Tier I/II)**

COMMERCIAL AGRICULTURE I/II DESIGNATION

The Commercial Agriculture I/II designation is applied to those lands which have the growing capacity, productivity and soil composition for long-term commercial production of agricultural products and which are capable of long-term management for the production of agricultural products and other natural resources such as timber. This designation recognizes that some other land uses and activities which do not conflict with long-term agricultural management are necessary and/or appropriate on agricultural lands. Agricultural lands have been identified by parcel size, soil productivity and composition, current land use, and other physical characteristics conducive to growing and harvesting agricultural crops and products.

COMMERCIAL AGRICULTURE I/II MANAGEMENT POLICIES

1. It is the policy of Clark County to conserve the county's highest quality agricultural lands for productive agricultural use and to protect the opportunity for these lands to support the widest variety of agricultural crops and products as listed in RCW 36.70A.030(2) by identifying and designating agricultural lands of long-term commercial significance.
2. In order to conserve commercial agricultural lands, the county should limit residential development in or near agricultural areas and limit public services and facilities which lead to the conversion of agricultural lands to non-resource uses.
3. Minimum parcel size should be adequate to allow reasonable and economic agricultural use and discourage the conversion of agricultural lands to residential use. The minimum parcel size in Commercial Agriculture I/II shall be 20 acres. (See attached development standards.)
4. The primary land use activities in agricultural areas are commercial agriculture, forest management, mineral extraction, ancillary uses and other non-agricultural related economic activities relying on agricultural lands.
5. Land uses on commercial agricultural lands should include all standard agricultural practices and supporting activities, including farmworker housing and use of water resources for irrigation.
6. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate the transport of commodities.
7. Commercial agricultural land considered desirable for acquisition for public recreational, scenic and park purposes, should first be evaluated for its impact on a viable agricultural industry and local government revenue and programs.

8. The County supports and encourages the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84.34 and CCC 3.08.
9. The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for agricultural use only when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those agricultural lands.
10. The County endorses the concept of cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and Indian tribes for managing the county's public and private agricultural lands.
11. Land use activities within or adjacent to agricultural land should be sited and designed to minimize conflicts with agricultural management and other activities on agricultural land.
12. Residential development on lands adjacent to agricultural land should be sited and/or grouped away from the agricultural land and provide an open space buffer between residential and agricultural activity.
13. It is the policy of the county to encourage the continuation of commercial agricultural management by:
 - a) supporting land trades that result in consolidated agricultural ownerships;
 - b) working with agricultural landowners and managers to identify and develop other incentives for continued farming.
14. Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering agricultural practices, land use and the environment.
15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that agricultural, forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

DEVELOPMENT STANDARDS

One single-family dwelling or mobile home per preexisting legal lot of record smaller than 20 acres.

One single-family dwelling or mobile home per 20-acre minimum lot, plus one additional single-family dwelling or mobile home for purposes of creating a family compound without dividing the parent parcel. The second single-family residence shall be located to have the least impact on farming activity. All structures created in this manner shall remain with the parent parcel.

Two additional single-family dwelling units or mobile homes for each additional 20 acres of contiguous undivided land in the Commercial Agriculture I/II district for purposes of creating a family compound without dividing the parent parcel. Each additional single-family residence shall be located to have the least impact on farming activity. When the first of the two additional homes is built, the number of legal buildable 20-acre lots shall be reduced by one. All structures created in this manner shall remain with the parent parcel.

When temporary or mobile structures are used to create a family compound without dividing the parent parcel, removing the temporary or mobile structure shall return the parcel to its original status.

**POSITION STATEMENT #2
COMPREHENSIVE PLAN
COMMERCIAL AGRICULTURE III
(Tier III)**

COMMERCIAL AGRICULTURE III DESIGNATION

The Commercial Agriculture III designation is applied to those lands which have the growing capacity, productivity and soil composition for long-term commercial production of agricultural products and which are capable of long-term management for the production of agricultural products and other natural resources such as timber, recognizing that certain lands therein may have limitations due to natural features, parcelization, and nearby development patterns which may limit the opportunity to support some large-scale agricultural uses or intensive agricultural activities. This designation recognizes that some other land uses and activities which do not conflict with long-term agricultural management are necessary and/or appropriate on agricultural lands. Agricultural lands have been identified by parcel size, soil productivity and composition, current land use, and other physical characteristics conducive to growing and harvesting agricultural crops and products.

COMMERCIAL AGRICULTURE III MANAGEMENT POLICIES







1. It is the policy of Clark County to conserve the county's highest quality agricultural lands for productive agricultural use and to protect the opportunity for these lands to support the widest variety of agricultural crops and products as listed in RCW 36.70A.030(2) by identifying and designating agricultural lands of long-term commercial significance.
2. In order to conserve commercial agricultural lands, the county should limit residential development in or near agricultural areas and limit public services and facilities which lead to the conversion of agricultural lands to non-resource uses.
3. Minimum parcel size should be adequate to allow reasonable and economic agricultural use and discourage the conversion of agricultural lands to residential use. The minimum parcel size in Commercial Agriculture III shall be 10 acres.
4. The primary land use activities in agricultural areas are commercial agriculture, forest management, mineral extraction, ancillary uses and other non-agricultural related economic activities relying on agricultural lands.
5. Land uses on commercial agricultural lands should include all standard agricultural practices and supporting activities, including farmworker housing and use of water resources for irrigation.
6. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate the transport of commodities.

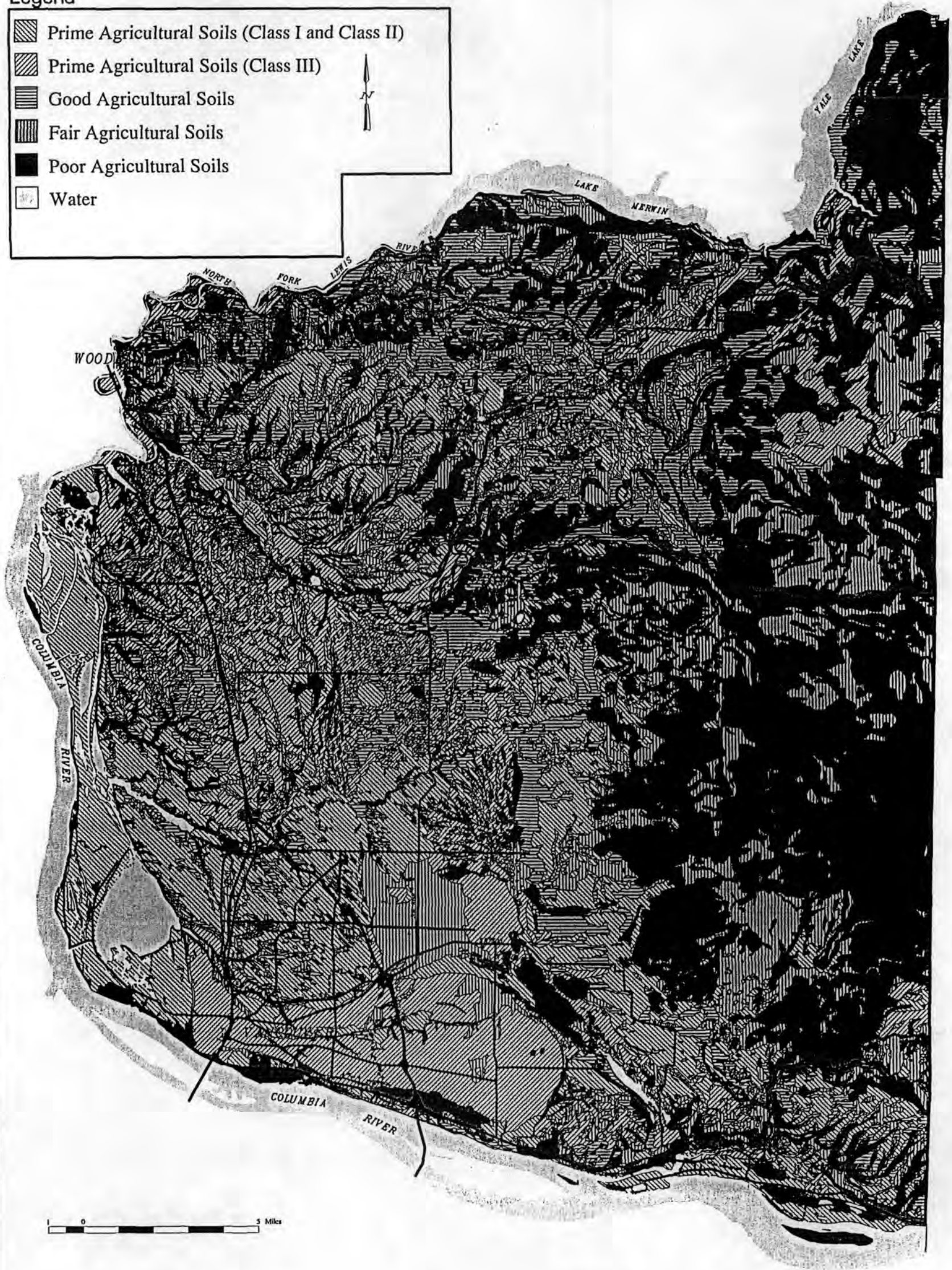
7. Commercial agricultural land considered desirable for acquisition for public recreational, scenic and park purposes, should first be evaluated for its impact on a viable agricultural industry and local government revenue and programs.
8. The County supports and encourages the maintenance of agricultural lands in current-use property tax classifications, including those classifications as provided for in RCW 84.34 and CCC 3.08.
9. The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for agricultural use only when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those agricultural lands.
10. The County endorses the concept of cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and Indian tribes for managing the county's public and private agricultural lands.
11. Land use activities within or adjacent to agricultural land should be sited and designed to minimize conflicts with agricultural management and other activities on agricultural land.
12. Residential development on lands adjacent to agricultural land should be sited and/or grouped away from the agricultural land and provide an open space buffer between residential and agricultural activity.
13. It is the policy of the county to encourage the continuation of commercial agricultural management by:
 - a) supporting land trades that result in consolidated agricultural ownerships;
 - b) working with agricultural landowners and managers to identify and develop other incentives for continued farming.
14. Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering agricultural practices, land use and the environment.
15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that agricultural, forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

AGRICULTURAL CAPABILITY

GMA SEIS

Legend

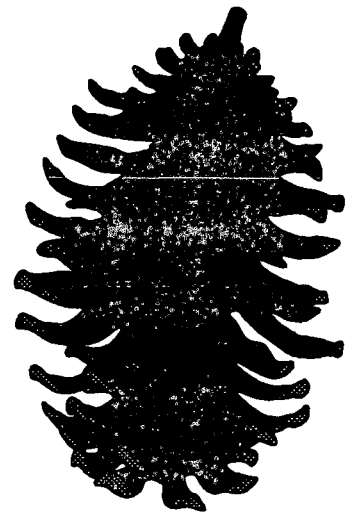
-  Prime Agricultural Soils (Class I and Class II)
-  Prime Agricultural Soils (Class III)
-  Good Agricultural Soils
-  Fair Agricultural Soils
-  Poor Agricultural Soils
-  Water



Clark County and Battle Ground, Camas, LaCenter, Ridgefield, Vancouver, Washougal, Woodland and Yacolt

**Rural & Natural Resource Lands
Advisory Committee**

**Forest Focus Group
Final Report**



Rural & Natural Resource Lands
Advisory Committee

Forest Focus Group
Final Report

Dan Dupuis
Lloyd Handlos
Ottie Nabors
Fred Pickering
Jill Stansbury
Gretchen Starke



MEMORANDUM

TO: Rural & Natural Resource Lands Advisory Committee
FROM: Forest Focus Group
DATE: December 5, 1993
SUBJECT: Final Report

This document is the final report of Forest Focus Group. It contains the following elements:

Classifying and Designating Forest Resource Lands

This section includes background information and a summary of the delineation methodology.

Comprehensive Plan - Commercial Forest I

This section provides management policies for tier I forest lands.

Zoning Code - Commercial Forest I District

This section covers intent and purpose, permitted, conditional and special uses, minimum density and lot area, and development policies and standards for tier I forest lands.

Comprehensive Plan - Commercial Forest II

This section provides management policies for tier II forest lands.

Zoning Code - Commercial Forest II District

This section covers intent and purpose, permitted, conditional and special uses, minimum density and lot area, and development policies and standards for tier II forest lands.

Comprehensive Plan - Rural Resource

This section provides management policies, permitted, conditional and special uses, minimum density and lot area, and development policies and standards for rural lands that are suitable for growing trees but are outside designated forest resource lands.

Issue Papers

Four issue papers cover the topics of compensation, expanded Commercial Forest II designations, blocking resource lands, and review of eliminated farm candidate areas for designation as forest resource lands.

Final maps of Commercial Forest I & II, expanded Commercial Forest II, and rural resource areas are being produced by Clark County's GIS Department and will be provided under separate cover.

CLASSIFYING AND DESIGNATING FOREST RESOURCE LANDS

BACKGROUND

Forest land is defined by the Growth Management Act as "land primarily useful for growing trees, including Christmas trees...for commercial purposes, and that has long-term commercial significance for growing trees commercially." Long-term commercial significance "includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land."

The Washington State Department of Community Development provided counties and cities with guidelines to assist in classifying and designating resource lands. These guidelines specify criteria for identifying forest resource lands.

Quality soils is a primary factor. According to DCD, the private forest land grading system of the state Department of Revenue should be used in classifying forest resource lands. Long-term commercially significant forest lands generally have a predominance of the higher private forest land grades.

The effects of proximity to population areas and the possibility of more intense uses of the land are also important factors in classifying forest lands. DCD provides seven indicators to assess these factors.

1. The availability of public services and facilities conducive to the conversion of forest lands.
2. The proximity of forest land to urban and suburban areas and rural settlements: forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.
3. The size of the parcels: forest lands consist of predominantly large parcels.
4. The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.
5. Property tax classification: property is assessed as open space or forest land pursuant to (chapter 84.33 or 84.34 RCW).
6. Local economic conditions which affect the ability to manage timberlands for long-term commercial production.
7. History of land development permits issued nearby.

DELINEATION METHODOLOGY

The forest focus group began its work by quantifying and mapping DCD's seven indicators. With the exception of soil grades, which are uniformly outstanding throughout the county, maps were created showing parcel size, tree cover, tax status, physical structures, roads, utilities, zoning, slope and rainfall. Urban areas and areas close to urban and suburban areas where few stands of timber remain were not mapped.

The maps were used to identify forest resources within the county. The group's task was made easier by the Washington Forest Protection Association, which represents many large and small forest owners, and the Washington Department of Natural Resources. These groups identified lands under their ownership for designation as long-term forest resource land.

Using WFPA and DNR lands as a core, the focus group added adjoining lands with similar forest resource values. The focus group also identified stands of timber with outstanding forest resource values that did not adjoin WFPA or DNR lands. Following examination of aerial photographs and site visits by staff to verify resource values, these lands were designated as the highest tier of forest resource lands.

The forest focus group next examined resource values on remaining forest lands. Using the current forest zone boundary as a general guide, additional forest resource lands were identified. Although these lands had the necessary resource values for long-term commercial significance, their location and character appeared better suited for farm forestry than for large industrial forestry. They were designated as a second tier of forest resource lands.

Policy guidelines and recommended development regulations for the two tiers of forest land were drafted. These policies and regulations are designed to conserve forest resource lands and maximize the opportunity for successful commercial management and harvest of trees. This includes limiting incompatible uses, such as intensive residential development, and increasing the forester's ability to employ standard management practices, such as chemical application.

As a final step, the focus group identified areas with forest resource values that were not included in the two tiers of forest resource land. The focus group could not reach consensus on whether to designate these lands as tier II forest resource lands or to leave them in a rural resource designation where higher levels of residential activity could occur. Position papers representing the two points of view were prepared.

**COMPREHENSIVE PLAN
COMMERCIAL FOREST I
(Tier I)**

COMMERCIAL FOREST I DESIGNATION

The Commercial Forest I designation is applied to those lands which are capable of long-term management for the production of forest products and other natural resources such as minerals. This designation recognizes that some other land uses and activities which do not conflict with long-term forest management are necessary and/or appropriate on forest lands. Forest lands have been identified by parcel size, current land use, economic viability, tax status as classified forest land, designated forest land, or forest open space, soil productivity, geology, topography and other physical characteristics conducive to growing and harvesting merchantable crops of timber within conventional crop rotation periods and under traditional and accepted forest practices.

COMMERCIAL FOREST I MANAGEMENT POLICIES

1. It is the policy of Clark County to conserve forest lands for productive economic use by identifying and designating forest lands of long-term commercial significance.
2. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate the transport of commodities.
3. In identifying and designating commercial forest land, the following factors should be taken into consideration: operational factors, growing capacity, site productivity and soil composition, surrounding land use, parcel size, economic viability, tax status, and public service levels that are conducive to long-term continuance in forest management.
4. The primary land use activities in forest areas are commercial forest management, agriculture, mineral extraction, ancillary uses and other non-forest related economic activities relying on forest lands.
5. The County encourages the multiple economic use of forest land for a variety of natural resource and other land use activities particularly suited for forest lands.
6. Commercial forest land considered desirable for acquisition for public recreational, scenic and park purposes, should first be evaluated for its impact on a viable forest industry and local government revenue and programs.
7. The County supports and encourages the maintenance of forest lands in timber and current use property tax classifications, including classified forest land, designated forest land and forest open space classifications as provided for in RCW 84.28 and RCW 84.33.
8. The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for forest use only when the services

or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those forest lands.

9. The County endorses the concept of cooperative resource management among timberland owners, environmental groups, state and federal resource agencies and Indian tribes for managing the states public and private timberlands and public resources.
10. Land use activities within or adjacent to forest land should be sited and designed to minimize conflicts with forest management and other activities on forest land.
11. Residential development on lands adjacent to forest land should be sited and/or grouped away from the forest land and provide an open space buffer between residential and forest activity.
12. Special development standards for access, lot size and configuration, fire protection, water supply, and dwelling unit location should be adopted for development within or adjacent to forest lands.
13. It is the policy of the county to encourage the continuation of commercial forest management by:
 - a) supporting land trades that result in consolidated forest ownerships;
 - b) working with forest landowners and managers to identify and develop other incentives for continued forestry.
14. Forest activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering forest practices, land use and the environment.
15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

**ZONING CODE
COMMERCIAL FOREST I DISTRICT
(Tier I)**

INTENT AND PURPOSE

The intent and purpose of the Commercial Forest I District is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Commercial Forest I policies of the Comprehensive Plan. The Commercial Forest I District applies to lands which have been designated as Commercial Forest I in the Comprehensive Plan. Nothing in this section shall be construed in a manner inconsistent with the Washington State Forest Practices Act.

PERMITTED USES

1. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.
2. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.
3. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing 10,000 board feet per day or less, and other uses involved in the harvesting of forest products.
4. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur bearing animals, honeybees including feeding operations, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.
5. Extraction of rock, gravel, oil, gas, minerals and geothermal resources, and the processing of rock and gravel, in accordance with all applicable local, state and federal regulations.
6. Storage of explosives, fuels and chemicals used for agriculture and forestry subject to all applicable local, state and federal regulations.
7. One single family dwelling unit or mobile home per 40-acre minimum lot or preexisting legal lot of record.
8. Public and semi-public building, structures and uses including but not limited to fire stations, utility substations, pump stations, wells, and transmission lines.
9. The erection, construction, alteration and maintenance of gas, electric, water or communication and public utility facilities.

10. Telecommunication facilities.
11. Forestry, environmental and natural resource research and facilities.
12. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks, and warming huts.
13. Heliports, helipads and helispots.
14. Watershed management facilities, including but not limited to diversion devices, impoundments, fire control, and stock watering.
15. Hydroelectric generating facilities producing less than 100 kilowatts per hour.
16. Treatment of waste water or application of sewage sludge, subject to all applicable federal, state and local laws and regulations.
17. Roadside stands.

CONDITIONAL USES

The following conditional uses shall be allowed when they do not diminish the primary use of lands within the Commercial Forest I District for long-term commercial production of forest products and other natural resources.

1. Public and private developed recreational facilities including but not limited to parks, playgrounds, campgrounds, lodges, cabins, recreational vehicle parks, boat launches and group camps.
2. Sanitary landfills, recycling facilities associated with sanitary landfills, incineration facilities and inert waste and demolition waste disposal sites.
3. State correction work camps to supply labor for forest management related work projects and for forest fire control.
4. Saw mills, shake and shingle mills, and other products from wood residues, drying kilns and equipment.
5. One accessory living unit in conjunction with a single family dwelling or mobile home. Kitchen facilities may not be provided in accessory living unit.
6. One additional single family dwelling unit or mobile home for each additional 40-acres of contiguous undivided land in the Commercial Forest I District for the purpose of creating a family compound without dividing the parent parcel. All structures created in this manner shall remain with the parent parcel. For each single family dwelling created in this manner, the number of legal buildable lots which can be created on the parent parcel shall be reduced by one.
7. Dams for flood control and hydroelectric generating facilities producing greater than 100 kilowatts per hour.
8. The processing of oil, gas, minerals and geothermal resources,

SPECIAL USES

The following special uses shall be allowed when they do not diminish the primary use of lands within the Commercial Forest I District for long-term commercial production of forest products and other natural resources.

1. Home occupations
2. Home businesses
3. Day care centers

MINIMUM DENSITY AND LOT AREA

The minimum density or lot area for any new subdivision, short subdivision or segregation of property shall be 40 acres, except for parcels to be used for uses and activities provided under the Permitted Use section (3), (8), (9), (11), (12) and the Conditional Use section (1), (3), (4), (7), (8), (9).

DEVELOPMENT POLICIES AND STANDARDS

1. **Setbacks.** All structures shall maintain a minimum setback of two hundred (200) feet. The minimum front yard setback may be reduced to fifty (50) feet when the front yard is adjacent to a permanent legal access road.
2. **Building height.** No residential building shall exceed thirty-five (35) feet in height.
3. **Fire Protection.** Residential and recreational dwellings shall comply with the applicable standards contained in Clark County's Wildland Urban Interface/Intermix Ordinance.
4. **Water Supply.** New residential or recreational domestic water sources shall be certified by the State of Washington and shall not be located within two hundred (200) feet of adjacent property.
5. **Access.** Access to residential properties shall not traverse forest land unless permanent legal access has been granted.
6. **At the time of plat approval and a building permit issuance, whichever is applicable, the following language shall be included on the plat or the permit:**

"Notice: the subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, application of fertilizers, herbicides, sewage sludge, and associated management activities. When performed in accordance with county, state and federal law, these forest management activities are not subject to legal action as a public nuisance."

7. At the time of building permit issuance, the party securing the permit shall file with the County Planning Division a management plan stipulating how forest and/or farm resources shall be managed on the subject property in a manner that is consistent with the Commercial Forest I land-use designation.

Note: It is the intent of the Forest Focus Group that purchasers of property within or adjacent to forest resource lands be provided at the time of sale information outlining federal, state and local laws and regulations governing application of herbicides and other forest management activities within the forest resource zone.

**COMPREHENSIVE PLAN
COMMERCIAL FOREST II
(Tier II)**

COMMERCIAL FOREST II DESIGNATION

The Commercial Forest II designation is applied to those lands which are capable of long-term management for the production of forest products and other natural resources such as minerals. This designation recognizes that some other land uses and activities which do not conflict with long-term forest management are necessary and/or appropriate on forest lands. Forest lands have been identified by parcel size, current land use, economic viability, tax status as classified forest land, designated forest land, or forest open space, soil productivity, geology, topography and other physical characteristics conducive to growing and harvesting merchantable crops of timber within conventional crop rotation periods and under traditional and accepted forest practices.

COMMERCIAL FOREST II MANAGEMENT POLICIES

1. It is the policy of Clark County to conserve forest lands for productive economic use by identifying and designating forest lands of long-term commercial significance.
2. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate the transport of commodities.
3. In identifying and designating commercial forest land, the following factors should be taken into consideration: operational factors, growing capacity, site productivity and soil composition, surrounding land use, parcel size, economic viability, tax status, and public service levels that are conducive to long-term continuance in forest management.
4. The primary land use activities in forest areas are commercial forest management, agriculture, mineral extraction, ancillary uses and other non-forest related economic activities relying on forest lands.
5. The County encourages the multiple economic use of forest land for a variety of natural resource and other land use activities particularly suited for forest lands.
6. Commercial forest land considered desirable for acquisition for public recreational, scenic and park purposes, should first be evaluated for its impact on a viable forest industry and local government revenue and programs.
7. The County supports and encourages the maintenance of forest lands in timber and current use property tax classifications, including classified forest land, designated forest land and forest open space classifications as provided for in RCW 84.28 and RCW 84.33.
8. The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for forest use only when the services

or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those forest lands.

9. The County endorses the concept of cooperative resource management among timberland owners, environmental groups, state and federal resource agencies and Indian tribes for managing the states public and private timberlands and public resources.
10. Land use activities within or adjacent to forest land should be sited and designed to minimize conflicts with forest management and other activities on forest land.
11. Residential development on lands adjacent to forest land should be sited and/or grouped away from the forest land and provide an open space buffer between residential and forest activity.
12. Special development standards for access, lot size and configuration, fire protection, water supply, and dwelling unit location should be adopted for development within or adjacent to forest lands.
13. It is the policy of the county to encourage the continuation of commercial forest management by:
 - a) supporting land trades that result in consolidated forest ownerships;
 - b) working with forest landowners and managers to identify and develop other incentives for continued forestry.
14. Forest activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering forest practices, land use and the environment.
15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

**ZONING CODE
COMMERCIAL FOREST II DISTRICT
(Tier II)**

INTENT AND PURPOSE

The intent and purpose of the Commercial Forest II District is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Commercial Forest II policies of the Comprehensive Plan. The Commercial Forest II District applies to lands which have been designated as Commercial Forest II in the Comprehensive Plan. Nothing in this section shall be construed in a manner inconsistent with the Washington State Forest Practices Act.

PERMITTED USES

1. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.
2. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.
3. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing 10,000 board feet per day or less, and other uses involved in the harvesting of forest products.
4. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur bearing animals, honeybees including feeding operations, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.
5. Extraction and processing of rock and gravel on sites no greater than two acres for the purposes of construction and maintenance of a timber management road system, in accordance with all applicable local, state and federal regulations.
6. Storage of fuels and chemicals used for on-site or adjacent agriculture and forestry purposes, subject to all applicable local, state and federal regulations.
7. One single-family dwelling or mobile home per preexisting legal lot of record smaller than 20 acres.

One single-family dwelling or mobile home per 20-acre minimum lot, plus a) one additional single-family dwelling or mobile home for purposes of creating a residential cluster on a segregated parcel, or b) one additional single-family dwelling or mobile home for purposes of creating a family compound without dividing the parent parcel.

If the additional single-family dwelling or mobile home is for purposes of creating a residential cluster on a segregated parcel, the second single-family residence shall be placed on a segregated parcel no smaller than three-quarters (3/4) of an acre and no larger than one acre. The segregated parcel shall be located adjacent to the original single-family dwelling and shall be setback 180 feet from adjacent parcels in the Commercial Forest I and Commercial Forest II districts, unless other residential structures exist on the adjoining parcel boundary with which the segregated parcel may be grouped. No parcel setback is required from the permanent legal access. The original single-family dwelling must remain with the parent parcel.

If the additional single-family dwelling or mobile home is for purposes of creating a family compound without dividing the parent parcel, the second single-family residence shall be placed adjacent to the original single-family dwelling. All structures created in this manner shall remain with the parent parcel.

Two additional single-family dwelling units or mobile homes for each additional 20 acres of contiguous undivided land in the Commercial Forest II District for purposes of a) creating a residential cluster on segregated parcels, or b) creating a family compound without dividing the parent parcel.

If the additional single-family dwellings or mobile homes are for purposes of creating a residential cluster on a segregated parcel, each additional residence shall be placed on a segregated parcel no smaller than three-quarters (3/4) of an acre and no larger than one acre. The segregated parcels shall be located adjacent to the original single-family dwelling and shall be setback 180 feet from adjacent parcels in the Commercial Forest I and Commercial Forest II districts, unless other residential structures exist on the adjoining parcel boundary with which the segregated parcels may be grouped. No parcel setback is required from the permanent legal access. When the first of the two additional homes is built, the number of legal buildable 20-acre lots shall be reduced by one. In addition, the contiguous 20-acre tract must remain as an undivided portion of the parent parcel.

If the additional single-family dwellings or mobile homes are for purposes of creating a family compound without dividing the parent parcel, each additional single-family residence shall be placed adjacent to the original single-family dwelling. When the first of the two additional homes is built, the number of legal buildable 20-acre lots shall be reduced by one. All structures created in this manner shall remain with the parent parcel.

8. Public and semi-public building, structures and uses including but not limited to fire stations, utility substations, pump stations, wells, and transmission lines.
9. The erection, construction, alteration and maintenance of gas, electric, water or communication and public utility facilities, except communication towers.

10. Telecommunication facilities.
11. Forestry, environmental and natural resource research and facilities.
12. Dispersed recreation and recreational facilities such as regional parks whose primary use is passive recreation activities such as hiking, fishing, swimming, picnicking and wildlife observation, primitive cabins and campsites, trails, and trailheads.
13. Helipads and helispots.
14. Watershed management facilities, including but not limited to diversion devices, impoundments, fire control, and stock watering.
15. Hydroelectric generating facilities producing less than 100 kilowatts per hour.
16. Treatment of waste water or application of sewage sludge, subject to all applicable federal, state and local laws and regulations.
17. Roadside stands.

CONDITIONAL USES

The following conditional uses shall be allowed when they do not diminish the primary use of lands within the Commercial Forest II District for long-term commercial production of forest products and other natural resources.

1. Public and private developed recreational facilities including but not limited to parks, playgrounds, campgrounds, lodges, cabins for commercial purposes, recreational vehicle parks, boat launches and group camps.
2. Sanitary landfills, recycling facilities associated with sanitary landfills, incineration facilities and inert waste and demolition waste disposal sites.
3. Saw mills, shake and shingle mills, and other products from wood residues, drying kilns and equipment.
4. Extraction and processing of rock, gravel, oil, gas, minerals and geothermal resources, in accordance with all applicable local, state and federal regulations.
5. Storage of explosives used for agriculture and forestry, subject to all applicable local, state and federal regulations.
6. One accessory living unit per 20-acre minimum lot or preexisting legal lot of record. Kitchen facilities may not be provided in the accessory living unit. Accessory living units shall be allowed only in conjunction with an existing single-family dwelling or mobile home.
7. Communication towers
8. Heliports.

9. Dams for flood control and hydroelectric generating facilities producing greater than 100 kilowatts per hour.

SPECIAL USES

The following special uses shall be allowed when they do not diminish the primary use of lands within the Commercial Forest II District for long-term commercial production of forest products and other natural resources.

1. Home occupations
2. Home businesses
3. Day care centers

MINIMUM DENSITY AND LOT AREA

The minimum density or lot area for any new subdivision, short subdivision or segregation of property shall be 20 acres, except for parcels to be used for uses and activities provided under the Permitted Use section (3), (8), (9), (10), (12) and the Conditional Use section (1), (9), (10).

DEVELOPMENT POLICIES AND STANDARDS

1. **Setbacks.** All structures shall maintain a minimum setback of two hundred (200) feet. The minimum front yard setback may be reduced to fifty (50) feet when the front yard is adjacent to a permanent legal access road.

All structures on parcels segregated for residential cluster use shall maintain a minimum front-yard setback of twenty-five (25) feet, a minimum side-yard setback of twenty (20) feet, and a minimum rear-yard setback of twenty (20) feet; minimum lot width shall be one hundred forty (140) feet.

2. **Building height.** No residential building shall exceed thirty-five (35) feet in height.
3. **Fire Protection.** Residential and recreational dwellings shall comply with the applicable standards contained in Clark County's Wildland Urban Interface/Intermix Ordinance.
4. **Water Supply.** New residential or recreational domestic water sources shall be certified by the State of Washington and shall not be located within two hundred (200) feet of adjacent property.

All domestic water sources on parcels segregated for residential cluster use shall not be located within 200 feet of adjacent parcels in the Commercial Forest I and Commercial Forest II district, unless other residential structures exist on the adjoining parcel boundary with which the segregated parcels are grouped. No domestic water source setback is required from the permanent legal access.

5. Access. Access to residential properties shall not traverse forest land unless permanent legal access has been granted.

6. At the time of plat approval and a building permit issuance, whichever is applicable, the following language shall be included on the plat or the permit:

"Notice: the subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, application of fertilizers, herbicides, sewage sludge, and associated management activities. When performed in accordance with county, state and federal law, these forest management activities are not subject to legal action as a public nuisance."

7. At the time of building permit issuance, the party securing the permit shall file with the County Planning Division a management plan stipulating how forest and/or farm resources shall be managed on the subject property in a manner that is consistent with the Commercial Forest II land-use designation.

Note: It is the intent of the Forest Focus Group that purchasers of property within or adjacent to forest resource lands be provided at the time of sale information outlining federal, state and local laws and regulations governing application of herbicides and other forest management activities within the forest resource zone.

COMPREHENSIVE PLAN RURAL RESOURCE

RURAL RESOURCE DESIGNATION

The rural resource designation is intended to retain an area's rural character and conserve its natural resources while providing rural residential use in designated areas. The purpose of this designation is to promote forest and agricultural uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of forest and agricultural lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the forest and farm area. Residents of rural resource tracts shall recognize that they will be subject to normal and accepted forestry and farming practices.

RURAL RESOURCE MANAGEMENT POLICIES

It is the policy of Clark County to conserve farm and forest lands within large-lot rural residential areas and to promote and sustain normally accepted farm and forestry practices.

Capital improvement plans shall take into consideration maintaining and upgrading public roads to meet rural levels of residential development, as well as small-scale farm and forestry practices.

The primary land-use activities in the rural resource areas are small-scale forest and farm management, large lot residential development, home occupations, and ancillary uses which support small-scale farm and forest activities.

The county shall encourage and support public recreation, education, and interpretative activities and facilities which complement the rural character and resource values located within the designated area.

The county supports and encourages the maintenance of forest and farm lands in timber and current use property tax classifications, including classified forest, designated forest, and forest and farm open space classifications as provided for in RCW 84.28 and RCW 84.33.

The county encourages cooperative resource management among timberland owners, farm foresters, rural residents, environmental groups, local, state and federal resource agencies, and Indian tribes for managing private and public forest lands and public resources.

Land use activities near and adjacent to designated farm and forest resource lands should be sited and designed to minimize conflicts with forest management, farm management, and other activities on those resource lands.

Residential development on lands adjacent to farm and forest resource lands should be sited and/or grouped away from the designated resource land and provide an open space buffer between residential and resource-based activity.

The county shall implement a "waiver of remonstrance" or similar program whereby residents of rural resource tracts shall be informed that they are locating in a rural resource area and that they may be subject to normal and accepted farm and forestry practices.

Special development standards for access, lot size and configuration, fire protection, water supply, and dwelling unit location should be adopted for development adjacent to farm and forest resource lands.

The county shall discourage the conversion of land from farm or forest management activities, except where land is committed for permitted levels of residential, recreational, or other uses.

PERMITTED USES

1. The growing, harvesting, and transport of timber, forest products, and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.
2. Removal, harvesting, wholesaling, and retailing of vegetation from forest lands including but not limited to fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.
3. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding, sale and/or production of poultry, livestock, fur bearing animals, honeybees, Christmas trees, nursery stock, and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.
4. Storage of fuels and chemicals used for on-site or adjacent agriculture and forestry purposes, subject to all applicable local, state, and federal regulations.
5. One single-family dwelling or mobile home per preexisting legal lot of record smaller than the designated minimum lot size.
6. One single-family dwelling or mobile home per _____-acre minimum lot and accessory buildings.
7. Forestry, agricultural, environmental, and natural resource research facilities.
8. Park and recreation facilities whose primary use is passive recreation activities such as hiking, fishing, swimming, picnicking, and wildlife observation.
9. Roadside stands for sale of agricultural or forest products.

CONDITIONAL USES

1. Public and private developed recreation facilities including but not limited to parks, playgrounds, campgrounds, lodges, cabins for commercial purposes, bed and breakfast inns, recreational vehicle parks, boat launches, group camps, and golf courses.

2. Sanitary landfills, recycling facilities associated with sanitary landfills, incineration facilities, and inert waste and demolition waste disposal sites.
3. Extraction and processing of rock, gravel, oil, gas, minerals, and geothermal resources, in accordance with all applicable local, state, and federal regulations.
4. One accessory living unit which may not include kitchen facilities.
5. Kennels and riding stables.
6. Communications towers.

SPECIAL USES

The following special uses shall be allowed when they do not diminish the agricultural and forest uses allowed within the rural resource areas.

1. Public and semi-public buildings, structures, and uses including but not limited to utility substations, pump stations, and transmission lines, which cannot be located in a village, hamlet or urban area due to population distribution, location of resources, or other factors.
2. The erection, construction, alteration, and maintenance of gas, electric, water, or communication and public utility facilities, except communication towers.
3. Home occupations.
4. Home businesses.
5. Day care centers.
6. Fire stations and wells.

MINIMUM DENSITY AND LOT AREA

The minimum density or lot area for any new subdivision, short subdivision, or segregation of property shall be _____ acres, except for parcels to be used for uses and activities provided under the Conditional Use section (1) and Special Uses section (1), (2).

DEVELOPMENT POLICIES AND STANDARDS

1. Setbacks:
 - A. All non-dwelling structures, or dwelling structures on parcels less than 2.5 acres in size, shall maintain setbacks of front yard - 50 feet; side yard - 20 feet; rear yard - 20 feet.
 - B. All dwelling structures on parcels 2.5 acres or greater in size shall maintain setbacks of front yard - 50 feet; side yard - 50 feet; rear yard - 50 feet.
2. Building height: No residential building shall exceed 35 feet in height.

3. Fire protection: Residential and recreational dwellings shall comply with the standards contained in Clark County's Wildland Urban Interface/Intermix Ordinance, where applicable.
4. At the time of plat approval and building permit issuance, whichever is applicable, the following language shall be included on the plat or permit:

"Notice: the subject property is within or near land designated for forest or agricultural use and subject to a variety of activities that may not be compatible with residential development. In addition to other activities, these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, the raising and management of livestock, and the application of fertilizers, herbicides, insecticides and associated management activities. When performed in accordance with county, state, and federal law, forest or farm management activities are not subject to legal action as a public nuisance." (Also see footnote #1.)

5. At the time of building permit issuance, the party securing the building permit shall enter into a "waiver of remonstrance" (sample attached) which represents a consent to customarily accepted farm and forestry practices occurring within the designated rural resource areas, and to development standards and building setbacks which apply within the designated rural resource areas. The waiver is intended to be binding on all subsequent owners of the property and shall run with the said title to the subject property. (Also see footnote #1.)
6. At the time of building permit issuance, the party securing the permit shall file with the County Planning Division a management plan stipulating how forest and/or farm resources shall be managed on the subject property in a manner that is consistent with the rural resource land-use designation.

Footnote #1: The Forest Focus group stated a desire to extend the public notice and waiver of remonstrance provisions to include the purchase, inheritance, or other transfer of property; the specific method and language for accomplishing this is referred to the Planning Division.

Footnote #2: It is the intent of the Forest Focus Group that purchasers of property within or adjacent to forest resource lands be provided at the time of sale information outlining federal, state and local laws and regulations governing application of herbicides and other forest management activities within the forest resource zone.

(sample)

**WAIVING RIGHT OF REMONSTRANCE AGAINST
CUSTOMARILY (commonly) ACCEPTED FARM
OR FORESTRY PRACTICES**

This Agreement and Waiver is entered into this _____ day _____, of 19___. This Agreement and Waiver is for the benefit of the parties hereto and Clark County, Washington. The undersigned, being the legal owner(s) of real property hereinafter described, do hereby agree as follows:

This Agreement and Waiver shall be construed as a consent to those customarily (commonly) accepted farm or forestry practices within the vicinity of the hereinafter described property to the extent that the farm or forestry practice is allowed by County and State laws, including any applicable dimensional and use requirements.

This Agreement and Waiver is in consideration of: _____
in the _____ District and is required by the Comprehensive Plan and Zoning Code of Clark County, Washington.

The property subject to this waiver of remonstrance is described as Map # _____,
Tax Lot # _____ and is more particularly described as (metes and bounds):

This Agreement and Waiver shall in no way limit, restrict or pre-empt the authority of Clark County to exercise any of its governmental authority as regards the subject site.

It is hereby intended that this Agreement and Waiver shall be binding on ourselves and all subsequent owners of the herainabove described property as well as any of the aforesaid's heirs, successors, assignees or purchasers of the hereinabove described property and shall run with the title to the said property.

The Agreement and Waiver shall immediately be recorded in the Deed Records of Clark County of the above-described property and shall not be removed until this waiver is no longer required by Clark County's zoning laws.

DONE AND DATED this _____ day of _____, 19__.

**FOREST FOCUS GROUP
ISSUE PAPER #1**

Compensation

BACKGROUND

The Forest Focus Group classified and designated two tiers of forest resource land utilizing the definition of forest resource land contained in the Growth Management Act and criteria established by the Department of Community Development.

The Tier I and Tier II forest resource lands are delineated on parcel-base maps which are included in this report. In addition, the Forest Focus Group has prepared for each tier of forest resource land recommended policies, permitted and conditional uses, minimum lot sizes, and development standards.

The forest resource land delineations and the corresponding policy/land-use recommendations would result in reduced levels of land division and/or residential development within forest resource land areas.

The Forest Focus Group drafted two position statements regarding compensation to landowners who fall within these areas and reflect differing points of view within the advisory group.

POSITION STATEMENTS

Statement #1: In those cases where land is classified and designated as forest resource land, and where it is subject to zoning and land-use regulation that is more restrictive than provided in the Clark County Comprehensive Land Use Plan adopted May 10, 1979 and in amendments and revisions thereto, and where that zone change reduces the development options on the subject property causing a significant reduction in value, the county should make every effort to treat landowners in an equitable manner through a TDR program, purchase of development rights, or some other mechanism.

Statement #2: In those cases where land is classified and designated as forest resource land, and where it is subject to zoning and land-use regulation that is more restrictive than provided in the Clark County Comprehensive Land Use Plan adopted May 10, 1979 and in amendments and revisions thereto, and where that zone change reduces the development options on the subject property causing a significant reduction in value, the more restrictive zoning and land use regulations shall not apply until a program is in place that compensates the landowner for the difference in value through transfer of development rights, purchase of development rights, or some other mechanism of compensation.

**FOREST FOCUS GROUP
ISSUE PAPER #2**

Expanded Tier II Designations

BACKGROUND

The Forest Focus Group has classified and designated two "tiers" of forest resource lands, utilizing the following process.

First, in designating Tier I, the focus group mapped blocks of property that are owned and/or managed by the Washington Forest Protection Association (WFPA) and the Department of Natural Resources (DNR) and that the WFPA and DNR themselves have identified as long-term commercial forest lands.

Second, the focus group expanded these "cores" by including contiguous parcels whose resource values are similar to the WFPA/DNR properties and which meet the criteria for resource lands established by the Department of Community Development. The main criteria considered were parcel size (generally 40 acres or more), tax status, tree cover, and settlement patterns.

Third, the focus group identified areas that did not have a WFPA/DNR core, but that met the criteria for Tier I designation.

In designating Tier II, the focus group utilized the current forest zone boundary, with some minor adjustments.

Following this process, some members of the forest focus group suggested that certain areas whose resource values appeared to be consistent with a Tier II forest resource designation had not been included because they fell outside the current forest zone boundary. The following process was developed to designate these expanded Tier II areas:

1. Identify "cores" consisting of one 40-acre parcel or two contiguous 20-acre parcels that are in classified, designated, or current use tax status.
2. Add all contiguous parcels that are in classified, designated, or current use tax status.
3. Add all parcels greater than 10 acres with a preponderance of tree cover.
4. Adjust boundaries to join resource land designated areas.
5. Adjust boundaries to eliminate heavily parcelized and/or developed areas. (Some parcelized and/or developed areas may be retained to avoid fragmentation of candidate areas.)
6. Candidate areas following delineation must include a minimum of approximately 100 acres.

Members of the Forest Focus Group did not reach consensus on whether these additional areas should be identified as Tier II resource lands. The following position statements reflect the differing points of view within the advisory group.

POSITION STATEMENTS

Statement #1: The Washington State Department of Community Development has provided criteria for classifying and designating resource lands based on resource values, settlement patterns, and other factors. In using the current forest zoning boundary to designate Tier II forest lands, certain areas whose resource values are consistent with a Tier II designation are not included. The process outlined above utilizes criteria established by the state for resource land designation and provides for a comprehensive designation of Tier II forest resource lands.

Statement #2: The expanded Tier II resource land designations affect areas which are currently zoned for agriculture or rural residential development. These designations and the corresponding Tier II policy/land-use recommendations would result in reduced levels of land division and/or residential development, without any guarantee of compensation for lost value. Furthermore, virtually all of the expanded Tier II resource lands are located within the area the Forest Focus group has designated as "rural resource." The Forest Focus group has developed policy and land-use recommendations for "rural resource" lands that will adequately protect resource values in the expanded Tier II areas without the need to change the current zoning framework.

**FOREST FOCUS GROUP
ISSUE PAPER #3**

Blocking Resource Lands

BACKGROUND

The forest and farm focus groups have, through separate processes, classified and designated forest and farm resource lands. However, management activities on forest and farm resource lands are often similar and compatible. In contrast, the location of residential and resource activities on adjoining or nearby lands may create conflicts over issues such as noise, chemical applications, traffic, and so on.

POSITION STATEMENTS

The forest focus group recommends that, upon completion of the resource lands delineation process, forest and farm resource lands be reviewed to unify boundaries and, where appropriate, create undivided blocks of resource lands.

**FOREST FOCUS GROUP
ISSUE PAPER #4**

**Review of eliminated farm candidate areas
for designation as forest resource lands.**

BACKGROUND

The forest focus group has classified and designated two tiers of forest resource lands, utilizing the definition of forest resource land contained in the Growth Management Act and criteria established by the Department of Community Development.

Through its delineation process, the farm focus group has delineated several candidate areas for consideration as farm resource lands. Generally speaking, these farm candidate areas have resource values--such as soils--which may be useful for both farm and forest management activities. Moreover, some of the farm candidate areas border or are located in close proximity to designated forest resource lands.

Because of these conditions, the forest focus group suggested that candidate areas which are eliminated from consideration as farm resource lands may qualify as forest resource lands and should be reviewed for forest resource designation.

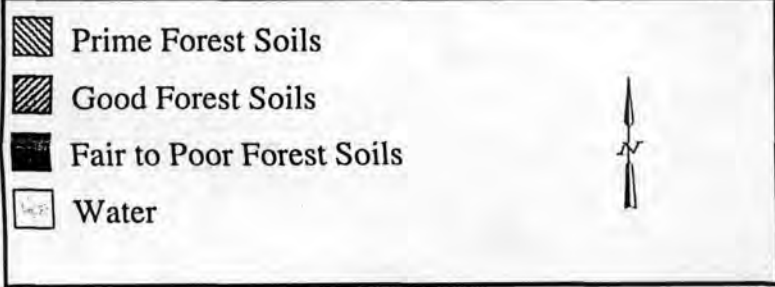
POSITION STATEMENTS

The forest focus group recommends that farm candidate areas which are eliminated from consideration as farm resource lands be reviewed for designation as Tier I or Tier II forest resource lands. Recommendation is by consensus.

FOREST CAPABILITY

GMA SEIS

Legend



Clark County and Battle Ground, Camas, LaCenter, Ridgefield, Vancouver, Washougal, Woodland and Yacolt

**Rural and Natural Resource Lands
Advisory Committee**

**Mineral Focus Group
Final Report**

MEMORANDUM

TO: Rural and Natural Resource Advisory Committee
FROM: Mineral Focus Group
SUBJECT: Final Report
DATE: January 14, 1994

This document is the final report of the Mineral Focus Group. It contains the following elements:

Classifying and Designating Mineral Resource Lands

This section includes background information and a summary of the delineation methodology.

Comprehensive Plan

This section provides management policies for mineral resource lands.

Zoning Code

This section covers intent and purpose, permitted and conditional uses as well as development policies and standards for mineral resource lands. The Focus group did not spend much time in this area (some areas are blank or just highlight issues that need to be discussed in the future), due in part to DNR revising some of their work and the county is revisiting existing regulations due to the recent mineral legislation that was passed.

Termination of the Mining Designation

The Focus Group identified a need to develop a process for and identification of future land use designations for those areas designated as Mineral Resources. The group recommended the designation (not the continued use of Surface Mining Overlay) of existing active sites and proposed sites with the use of an overlay system for reclamation. The group did not suggest future land uses for reclamation but rather left that to the other groups. Therefore future land uses would be based on adjacent uses. Many of the proposed mining areas have also been identified as as either Forest or Agricultural areas as well.

Criteria for Designating Mineral Resources

The Focus Group recognized that due to limited geological information that all mineral sites may not have been identified and therefore developed some basic criteria that would need to be addressed in requesting a land use change in the

future as information was provided by those interested in designating other mining sites. A matrix was also developed to help frame the issues that need to be addressed.

Land Use Scenarios

The Focus Group developed a series of scenarios to be incorporated into the required Environmental Impact State.

CLASSIFYING AND DESIGNATING MINERAL RESOURCE LANDS

BACKGROUND

Clark County currently administers mining through the Surface Mining Combining District. This is an overlay zone that can be combined with any other zone district, such as Agriculture or Rural Residential and also have some surface mining combined with urban residential zones. The ordinance identifies the extraction of sand, gravel, and minerals as a use permitted outright in the District, but requires a conditional use permit through the public hearing process for related activities such as rock crushing, asphalt mixing and concrete batching. The ordinance also established performance standards addressing hours of operation, compliance with state noise limitations, slopes, drainage and reclamation requirements, etc.

The ordinance was adopted in 1980 as part of the countywide rezoning effort to implement the Comprehensive Plan of 1979. Uses legally established prior to that time have a grandfathered right to continue as nonconforming uses. When implemented, this combining zone was applied to all existing gravel pits, whether active or inactive, as well as to unmined sites for which the owner indicated an intent to mine.

The designation and conservation of significant mineral resource lands within Clark County is required by the 1990 State Growth Management Act. Section 17 of the Act states that " each county .. shall designate where appropriate... mineral resource lands that are not already characterized by urban growth and that have long term significance for the extraction of minerals." The Act defines "minerals" as gravel, sand, and valuable metallic substances.

There are three key issues to the designation and conservation of mineral resource lands. These issues include:

1. defining what types of mineral resources are potentially significant in the County;
2. defining the extent and longterm significance of aggregate that is needed to meet the demand of the County's projected population; and
3. determining how to balance a variety of land uses within mineral resource areas.

Information gathered from the Washington State Department of Natural Resources and U.S. Bureau of Mines indicates that the only mineral resources within Clark County are sand, gravel and crushed rock. Sand and gravel are used as round rock aggregates in concrete, as drain rock or as crushed rock. Crushed rock is used to

produce road base or asphalt aggregate. Both types of aggregate function mainly to reduce the amount of cement and tar used in concrete and asphalt.

The Community Framework Plan which was adopted by the BOCC in April 1992 was formulated to respond to a longer time span and greater population than the 20 year GMA planning horizon. The Community Framework Plan identifies a 50 year population of approximately 500,000 people, almost double the existing population countywide. DNR also suggests using a time span of approximately 50 years in assessing whether a particular site meets the criteria. DNR recommends using 15 tons per capita per year. For analysis purposes, DNR recommends using two tons per cubic yard and 80,000 cubic yards per acre of the resource.

Based on DNR suggested tonnage criteria there will be a need for approximately 1900 acres if a 50 foot deposit or double the acreage if only a 25 foot deposit of minerals. This is also based on a minimal amount of export of minerals outside Clark County. The Clark County Aggregate Industry Alliance recently completed a study in an attempt to forecast the need for aggregate in the next 20 years based on existing inventory. The "moderate demand" scenario which is based on an increase in per capita aggregate uses but elimination of aggregate exports and imports indicates a need for approximately 27 million short tons of sand and gravel and a similar amount for crushed rock for a total of approximately 54 million tons.

Clark County Aggregate Forecast Scenarios

Scenario	Resource Supply and Demand (in short tons)		
	Sand & Gravel	Crushed Rock	Total
Current Resource Available ('92)	23,974,000	7,455,000	31,429,000
Less Forecast Demand (1992-2013)			
Maximum Demand	76,015,476	51,892,251	127,907,727
Moderate Demand	52,255,444	35,191,443	87,446,887
Minimum Demand	44,470,035	29,827,165	74,297,200
Surplus/Deficit at 2013			
Maximum Demand	-49,738,476	-43,002,251	-92,740,727
Moderate Demand	-26,672,922	-26,826,816	-53,499,738
Minimum Demand	-18,887,512	-21,462,539	-40,350,051
Year of Resource Depletion			
Maximum Demand	2001	1997	1999
Moderate Demand	2004	1999	2002
Minimum Demand	2005	1999	2003

Source: E.D. Hovee & Company, March 1993.

I. CLASSIFICATION OF POTENTIAL MINERAL RESOURCE LANDS

An important step in this process was to identify potential mineral resource lands of long-term commercial significance. This was based heavily on the criteria in the DCD guidelines (WAC 369-190). The DCD classification criteria are intended to ensure resource conservation in a manner that also maintains a balance of land uses. The DCD guidelines encourage the classification of known and potential mineral resources so that access to resources of long-term commercial significance is not knowingly precluded.

The DCD guidelines state that " other proposed land uses within (mineral resource areas) may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses". Special attention may include notification of property owners surrounding a designated mining site and a limitation on nuisance claims by surrounding property owners.

Washington Administrative Code 365-190-070 outlines the criteria to be used to identify and classify aggregate and mineral resource lands. The following is a list of this criteria followed by its application within Clark County.

1. General land use patterns in the area - Mineral resource lands, except existing mining sites within the Urban Growth Area, should be located outside the UGA. Areas characterized by residential development are not considered to be appropriate for long-term mineral extraction. Initially, the group used the 1979 UGB which provided for urbanization between Vancouver and Camas. However, the area within the vicinity of Fisher Swale was not included within either the Vancouver or Camas IUGA and the group made the recommendation to designate approximately 80 acres adjacent to existing mining sites within the English Pit area.
2. Availability of utilities - Mineral resource lands, except some existing mining sites within the UGA, should be located in areas that do not have public water, sewer, or other urban level of public services available. Such services are conducive to urban development, which is generally incompatible with mineral extraction.
3. Surrounding parcel sizes and surrounding uses - (See #1) Mineral resource lands are primarily in areas that have existing agriculture, forestry or low density residential uses (one dwelling per 5 acres or less) which are generally compatible with mining operations.
4. Accessibility and proximity to the point of use or market - A mineral resource site is generally expected to locate within a 20 mile radius of the point of use or market. Majority of proposed sites are within the 20 mile radius but

may take longer with regards to travel time vs. distance. This is especially true for quarry rock as it is predominately found within the forest lands.

5. Physical and topographic characteristics of the mineral resource site - This does impact the potential mining ability of some sites to the topographic within the county. The location of geologic hazard areas such as active, potential and historical unstable slopes were part of the criteria to assessed proposed future mining sites. This issue would also be addressed during the EIS process.
6. Depth of the resource - This varies depending on the location of the mining site. Along the East Fork and Main Branch of the Lewis River, the thickness of the deposits vary, but on the terraces they are approximately 30 to 60 feet thick. The sand and gravel found in the southern half of the county (Orchards, East Mill Plain) are some of the most important deposits in the county with little overburden and a resource depth beyond 50 feet.
7. Depth of the overburden - This also varies throughout the county depending of the location of the site. In the southern portion of the county and in an area north of Ridgefield currently being mined there is little overburden as well. The changes throughout the county and will become more of an issue in the future as the sites delineated as "potential mining sites" indicates a greater amount of overburden.
8. Physical properties of the resource including quality and type - The quality of gravel is determined by the age of the deposit, type of rock, and degree of weathering or soundness. Within Clark County, sand and gravel deposits which may be commercially developed are not abundant. Of all known sand and gravel deposits in Clark County, only a small percentage is known to be of commercial quality.
9. Life of the resource - The mineral resource land base within Clark County appears to be limiting and may not be able to meet future demands this is due in part to two main reasons: (1) one of the largest deposits in the Mill Plain & Orchards area is rapidly urbanizing leading to conflicts with mining extraction and (2) the East Fork Lewis River has high quality aggregate but has a number of environmental limitations.
10. Resource availability in the region - There are a number of potential mineral resources within the region which includes those deposits within the Portland Metro area. Because of its location at the confluence of two major river system, aggregate materials can be imported into the Portland area with relative ease. Significant supplies exist in eastern Washington and Oregon, along the Columbia River.

II. MAPPING CRITERIA FOR MINERAL RESOURCE LANDS WITHIN CLARK COUNTY

Those areas meeting the following criteria are considered potential mineral resource lands of long-term commercial significance.

Mineral Deposits - Existing deposits consist of sand, gravel and rock as shown as provided by DNR information for Clark County using G.I.S information.

Location - Except for existing mining sites within the Urban Growth Area, classified lands are located outside the UGA, public parks and residential areas with existing densities primarily higher than 1 dwelling unit per 5 acres.

Land Use - Existing use in the area is mining, agriculture, forestry, vacant or very low density residential and not within environmental sensitive areas.

Area size - Proposed areas are 80 acres or more with a 40 acre parcel or two 20 acres at a minimum, except for existing mining sites or overlay areas which vary in size.

Designated Mineral Resource Lands within Clark County

Designated resource lands include mining sites under an existing permit that are not depleted and any future site identified through the aforementioned process. The group recommended the designation (not the continued use of Surface Mining Overlay) of existing active sites and proposed sites with the use of an overlay system for reclamation. The group did not suggest future land uses for reclamation but rather left that to the other groups. Therefore future land uses would be based on adjacent uses. Many of the proposed mining areas have also been identified as either Forest or Agricultural areas as well.

Purpose

The primary purpose of this class is the classification for long-term commercially significant aggregate resources. The site must contain mineral resources which are minable, recoverable, and marketable under the technologic and economic conditions that exist at the time of application for designation or which can be estimated to exist in the foreseeable future (50 years). The economic viability of aggregate resources should take into consideration the mineral resource land's proximity to population areas, product markets and the possibility of more intense uses of the land. Activities and land uses on and surrounding these sites should be encouraged and promoted.

Characteristics

Future mineral resource lands consist of areas with the potential for the existence of mineral resources. These areas appear to contain the resource based on the information supplied by DNR; are primarily not within environmentally sensitive areas (ie., 100-year floodplain, high quality wetland areas); and are at least 80 acres in size or which at least one 40-acre parcel or two 20-acre parcels are currently vacant.

1. Quarried Rock

- o No specific future sites have been identified for this type of mineral resource; however, the source for mineral is located within the **Commercial Forest Designation**. Key provisions proposed by WFPA/DNR identifies the primary land use activities within these areas for commercial forest management, agriculture, and mineral extraction.

2. Aggregate Rock

- o Sites have been identified throughout the county which have the potential for mining activity as characterized above. These sites will still have to go through the required permitting process.
- o Future sites not identified through this designation process may exist and the land use designation for "Mineral Resources" needs to occur prior to or concurrent with the required permitting process.

COMPREHENSIVE PLAN MINERAL RESOURCES

Clark County's approach to the Mineral Resources Land policy document is to outline the general goal and policies for mineral resource lands that include active mining sites, potential sites and sites requested for designation by the landowner.

Goal:

To protect and ensure appropriate use of gravel and mineral resources of the county, and minimize conflict between surface mining and surrounding land uses.

General Policies

1. It is the policy of Clark County to conserve mineral lands for productive economic use by identifying and designating lands of long-term commercial significance consistent with the 20 year planning horizon mandated by growth management.
2. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate transport of commodities.
3. In identifying and designating commercial mineral lands the following factors should be taken into consideration: geological, environmental and economic factors; existing and surrounding land uses, parcel size and public service levels that are conducive to long-term production of mineral resources.
4. The county shall maintain an inventory of gravel and mineral resource sites. The comprehensive plan inventory shall comprise:
 - a. A list of designated sites;
 - b. A list of "potential" sites for which information about the quality and quantity of the site is not adequate to allow a determination of long term commercial significance.
 - c. A list of current sites; and
 - d. A list of old sites.
5. Encourage recycling of concrete and other aggregate minerals.
6. Encourage the use of other materials which can be substituted for mineral resources.
7. Restoration of mineral extraction sites should occur as the site is mined, consistent with requirements identified in RCW 78.44.

8. The land shall not be rezoned until the gravel or mineral resource is depleted, or reasons for not mining the site are clearly demonstrated, or the site has been reclaimed
9. Mining shall not occur within the 100-year floodplain and mining within any associated wetlands shall be subject to the requirements of the Clark County Shoreline Master Program.
10. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities and the scenic qualities of the shorelines and any adverse impacts shall be mitigated.

Tier I

The Tier I designation is applied to those lands which are currently capable of long-term production of natural resources such as minerals. These sites have been identified by current land use, economic viability, geology and other physical characteristics conducive to the extraction of minerals, these areas are currently identified as having a Surface Mining Overlay and/or permitted or have been designated through the focus group process and will be designated for mineral extraction.

Policies

1. Land use activities adjacent to mineral lands should be sited and designed to minimize conflicts with mineral activities on such lands.
2. Designated mineral operations of long-term commercial significance are not exempt from the normal environmental review process of the county or state agencies.
3. Establish standards and programs whereby residents of rural lands adjacent to designated resource lands are informed that they are locating in a natural resource area and that will be subject to normal and accepted mining practices that comply with federal, state and local regulations.
4. Prior to designation of these "potential sites" subdivisions, short subdivisions or large lot segregation shall be prohibited, exceptions may be made through a resource redesignation.
5. Expansion of existing sites should be limited to expanding the pit site and not the intensity of the operation.

6. The county shall allow continued mining at existing active sites. Expansion beyond the limits of the existing overlay shall comply with applicable best management practices and other state and county laws and regulations.

Tier II

The voluntary (by landowner request) designation of other mineral resource lands, classified as Tier II will be allowed following the adoption of the plan the subsequent development and county approval of criteria which will define any additional mineral resource lands. Areas not identified as either existing or "potential" sites can, in the future, demonstrate the probability for occurrence of a mineral deposit, may be so designated upon approval of the county.

1. The policies identified in both Tier I and general policies are applicable to Tier II and subject to permit approval.
2. For potential future sites identified by an individual or company, the county shall review available information about gravel and mineral resources, and if the information is adequate, designate the site as Resource when one of the following conditions exist:
 - a. As part of the next scheduled periodic review of the comprehensive plan; or
 - b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a comprehensive plan amendment.
4. The county shall judge the significance of future sites, on a case by case basis, to be given the surface mining overlay by the commercial or industrial value of the resource; and the relative quality and quantity of the resource.
 - a. The resource should be of a quality that allows them to be used for construction materials.
 - b. The resource should be of a quantity sufficient to economically justify development.
 - c. The market area for a specific aggregate source is dependent on the characteristics of the aggregate, cost of extraction, accessibility, opportunity, type of transportation, and the location of high demand areas.
5. Designation of these mineral resource lands should follow the "Criteria for Designating Mineral Resources".

ZONING CODE

It is the intent to ensure the continued use of rock, stone, gravel, sand, earth and minerals and discourage incompatible uses consistent with the Resource policies of the Comprehensive Plan. Nothing in this section shall be construed in a manner inconsistent with the provisions of Washington State Statutes RCW 78.44 and WAC 332-18.

Permitted

- o Extractions from deposits of rock, stone, gravel, sand, earth and minerals.
- o Extraction of rock, gravel, oil, gas, and geothermal resources, and the processing of rock and gravel, in accordance with all applicable local, state and federal regulations within the designated Tier I Forest lands.
- o Stockpiling and storage of minerals subject to Site Plan Review.
- o Building, structures, apparatus, and equipment necessary for the above uses to be carried out; subject to Site Plan Review.
- o The extraction and processing of minerals on sites no greater than two acres for the purposes of construction and/or maintenance for timber management or on-site construction needs.

Conditional Uses

- o Asphalt mixing, concrete batching, clay bulking and rock crushing for those sites not identified within Tier I Forest Lands.
- o The processing of oil, gas, mineral and geothermal resources within designated Tier I Forest Lands.
- o Extraction of rock, gravel, oil, gas, minerals and geothermal resources, and the processing of rock and gravel, in accordance with all applicable local, state and federal regulations within Tier II Forest lands.

Minimum Lot Size

1. Existing active sites shall be designated an "Mineral Resource and be a contiguous geographic area. When the activity includes extraction along with asphalt mixing, concrete batching, clay bulking or rock crushing, the total site shall be a minimum of 20 acres. Activities which are limited to

extractions only shall not have a minimum site.

2. Future sites designated as "Mineral Resource" shall be a minimum of 20 acres within a contiguous geographic area.
3. Lands rezoned to "Mineral Resource" may be reviewed as deemed necessary by the planning division and at intervals not to exceed 10 years to determine whether substantial changes in the comprehensive plan and local conditions beyond any such developments anticipated in granting the zone have occurred, and to consider the current mineral status of the land, all to determine whether a rezone to another classification is warranted.

Development Policies and Standards

- o The quality of the resource should be consistent with the requirements of the Washington State Department of Transportation addressing LA Wear, air degradation, etc.
- o The proposed site must demonstrate that there is at least 2000 tons of aggregate deposited on the site which meets the above specifications. This may be done by verifying the depth of the overburden, type of aggregates found and the depth of the resource.
- o Road Access - for surface mining operations, access on any public right-of-way shall be surfaced in accordance with County Transportation Division development standards as appropriate.
- o All access roads within 100 feet of a paved county road or state highway are paved unless the applicant demonstrates that other methods of dust control will be implemented in a manner which provides for the safety and maintenance of the county road or state highway.
- o Roads within the surface mining parcel which are used as part of the surface mining operation are constructed and maintained in a manner by which all applicable standards for vehicular noise control and ambient air quality are or can be satisfied.
- o Noise - No development or activity shall exceed the maximum Environmental Noise Levels established by WAC 173-60. (address ambient noise level by %)?
- o Hours of Operation - Hours of operation unless otherwise authorized shall be between 7 am and 8 p.m.
- o Public Safety - Owners of surface mines shall ensure that their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that the ground vibrations and fly-rock to off mine site uses are monitored and minimized.
- o **Setbacks**

Excavation operations shall be permitted no closer than 75 feet from any property line, street, road or highway. Structures or buildings shall not be located closer than one hundred feet from a developed residential property line. Office buildings shall maintain a twenty-five foot setback.

- o Inspections - The granting of any permit hereunder is conditioned upon the consent of the owner to permit inspection of the site at any time. The inspection will include a review of all applicable county permits and work actually being conducted on the site. All violations shall be noted whether or not they are corrected in the presence of the inspector.
- o Erosion Control - All disturbed areas including faces of cut and fill slopes, shall be prepared and maintained to control erosion. This control may consist of plantings sufficient in amount or type to stabilize the slope.
- o Fencing - The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced according the State Department of Natural Resources' standards.

Termination of the Mineral Resource Zoning

- o When a mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed subject to the approved reclamation plan, the property shall be rezoned to the subsequent use zone identified in the comprehensive plan.
- o A reclamation overlay should be developed to determine future land uses and the process for achieving these land uses. Future land use designations for terminated and reclaimed mining sites shall be based on surrounding land uses. This should be consistent with the proposed reclamation plan and permit requirements established by DNR.

CRITERIA FOR DESIGNATING MINERAL RESOURCES

The primary reason is that the geological information required to accurately identify, evaluate and designate mineral resources of long-term "commercial" significant is limited in scope. Also, lands with the geologic potential for commercial mineral extraction once identified must also be evaluated in light of additional criteria which address factors such as land use compatibility, economic issues and environmental concerns.

The county shall analyze information about the location, quality and quantity of gravel and mineral deposits. A decision about the significance of a site shall include:

1. A survey map, tax lot map or other legal description that identifies the location and perimeter of the gravel and mineral resource; and
2. Information showing that the resource meets or can meet applicable quality specifications for the intended use(s). Information shall consist of laboratory test data or the determination of a geologist or engineer.
3. Information showing the quality of the resource as determined by exploratory test data or other calculations compiled and attested by a geologist or engineer.
4. Life of the resource, which will help to assess the needs and demands for the county with regards to mineral resources and also the impact to adjacent land uses.
5. The attached matrix should serve as a reference point for both the county and applicant to assess the feasibility of designating and protecting the mineral resource and should be tied to future land use decisions.

MATRIX FOR ASSESSING PROTECTION OF MINERAL RESOURCES

	WRITE IT OFF	CONSIDER FOR PROTECTION	PROTECTION DESIRABLE	PROTECTION HIGHLY DESIRABLE	PROTECTION CRITICAL
QUALITY OF DEPOSIT	low grade deposit	variable but located near use area or processing plant	Deposit made economical to mine by upgrading material	grade meets the requirements for road construction or can be upgraded	concrete quality
SIZE OF DEPOSIT	small deposit	small deposit (less than 2,000 tons)	medium-size deposit.	Large deposit (7.5 million tons).	very large deposit (10 million tons)
ACCESS - DISTANCE FROM MARKET	More than 20 miles from use area.	Distance from use area is minimized due to access to interstate	Less than 10 miles of the use area; alternative access route available.	Large deposit presently beyond economical hauling distance to present use areas. Near highways : access can be provided.	Within 5 miles of uses area. Adjacent to highway with access for trucks;
COMPATIBLE WITH NEARBY AREAS	Adjacent land use presently incompatible with mining (appreciable residential development within range of excessive noise, dust, blasting, vibrations, etc.)	Scattered development within outer range of impacts of mining; owners may not object to mining.	Adjacent land suitable for development and within commuting distance of use area.	Imminent incompatible development on adjacent lands.	No incompatible land uses existing or likely in the foreseeable future (adjacent land in national forest, operator's ownership, agricultural land use).
IMPACT OF NOISE	Noise level in adjacent presently developed areas would clearly exceed standards if mining occurred.		Noise level in adjacent undeveloped areas would exceed standards for likely use, but use of these areas can be easily delayed or economical mitigation can be provided by barriers.		Noise at adjacent residential area less than 50 dB(A) due to distance or topographical barrier. berm can be constructed easily.
IMPACT OF BLASTING	Too close to existing subdivision				Blasting not required; permanent open space between quarry and other uses; topographic barrier between quarry and other land uses; only occasional light blasting; blasting compatible with adjacent uses/.

	WRITE IT OFF	CONSIDER FOR PROTECTION	PROTECTION DESIRABLE	PROTECTION HIGHLY DESIRABLE	PROTECTION CRITICAL
IMPACT OF TRUCK TRAFFIC	Only access is local road through residential area.	Slightly longer alternative route exists.	Alternative truck route can be built at reasonable expense; alternative transportation (conveyor, etc. can be sued past residential streets.		Adjacent to freeway with access to site.
VISUAL IMPACT	Mining would destroy or create.	Mining activity cannot be screened and would permanently alter landscape.	Some activity visible from residential areas, but no permanent deterioration of landscape.	Mining activity can be easily screened by berm and/or vegetation.	Activity screened by topography or vegetation, or appreciably reduced by distance.
WATER QUALITY	Within wellhead protection areas				Not within wellhead protection areas
WETLANDS IMPACT	High quality wetlands throughout the site	high quality wetlands only on a portion of site and can be avoided.	lower quality wetlands on site and can be mitigated	wetlands can be avoided on site	no or minimal wetlands on site and of low quality
SLOPES	site located in active unstable slope area	potential or historical unstable slopes	unstable slopes on site can be avoided	minimal slopes throughout the site	level grade mining site with minimal slopes
BIOLOGICAL IMPACT	Endangered and threatened plants or animals on-site.	Site includes prime wildlife habitat that would be permanently removed by mining.	Species of Special Concern located on site	Minor or temporary loss of wildlife habitat.	No significant biological resources; rehabilitation of site would replace or create habitat.
RECLAMATION POTENTIAL	Cannot be reclaimed for future uses		Meets DNR reclamation requirements		Restored to support identified future land use and potential as open space/park site.
IMPACT OF FLOODING	Within 100 year floodplain. Mining would cause erosion of adjacent property; could be prevented only at great expense.		Mining would create erosion hazard for roads, bridges, and utility lines; however, these structures could be strengthened at reasonable costs.		Outside of 100 year floodplain and shorelines of the county. Mining would create flood control channel and would not damage adjacent land.

LAND USE SCENARIOS FOR MINERAL LANDS

1. No Action Alternative

The existing sites and overlays would remain as is. There would be no designation of sites or overlay areas. Therefore, it would be possible that the actual mining area could be reduced because of the development of lands underlying mining overlay areas. According to the study completed by Mr. Hovee for the Aggregate Alliance this would mean that the resources for both aggregate and quarry would be depleted within the next eight to ten years. However, this report did not take into account Fisher Quarry of existing county and state mining leases. These additional sites would probably increase the lifespan of the quarry resource.

2. Designate Existing Sites

This would be similar to the first alternative except all existing sites and overlay areas would be designated as resource lands. This would allow for more protection of the sites. However, there would still be concern about the overall supply of the resource. Much of the existing overlay areas are already being mined and much of the overlay areas not being mined appear to be in environmental sensitive areas.

3. Designate Existing Sites Minus Certain Areas

This alternative would be similar to the first two alternatives but would allow more review of the sites and overlays which are not appropriate as future mining areas. There are two predominant reasons for highlighting removal of some sites or areas and that would be for environmental reasons or the site has been mined out.

4. Designation of Existing Sites and the Use of an Overlay District for the proposed sites.

This would allow for the protection of existing sites and overlays (minus those sites or areas not appropriate for mining) and some protection for future sites. The protection of these future sites is difficult to determine, some of the proposed sites have also been identified as either or agricultural or forestry resources, which allows somewhat more protection from

incompatible land uses; other sites are closer to the urbanizing area making them more feasible but potentially causing more land use conflicts and the eroding away of the land underneath the overlay; and other sites have a distance factor which could influence their viability.

- o Based on the projected 2013 population, existing reserves for both sand & gravel and crushed rock and a moderate demand (ie., 14.5-15 tons per capita) the following tonnage is needed:

Sand and Gravel 26,672,922 tons or
 13,336,461 cubic yards or
 166.7 acres per 50 ft recoverable deposits or
 333.4 acres per 25 ft recoverable deposits

Crushed Rock 26,826,816 tons or
 13,413,408 cubic yards or
 167.7 acres per 50 ft recoverable deposits or
 335.3 acres per 25 ft recoverable deposits

- * According to DNR:
Average Need = 15 tons per capita
Average Demand = 2 tons per cubic yard and 80,000 cubic yards per acre

Approximately 6000 acres has been identified through the planning effort. However, over half of that acreage is within three sites; along the Gorge, Camp Bonneville and adjacent to Lake Merwin. Based on calculations according to DNR there is a need for between a low of 1800 acres to 3600 acres depending on the depth of the deposit.

5. Designate both Existing Sites and Proposed Sites

This would provide for the most protect with regards to preserving mining ability for the future and depending on the quality and quantity of the resources within the proposed sites would allow for ability to mine beyond the 20 year planning horizon. Final calculations will occur among determination of which sites should be removed and which added.

This is the preferred scenario identified by the Mineral Focus group because it provided for the greatest protection of potential mining sites provided some existing overlay areas along the East Fork of the Lewis are either removed or recognized as having minimal mining potential due to environmental concerns.


* WITHIN ALL SCENARIOS IT SHOULD BE POSSIBLE TO INCLUDE A PROCESS FOR ALLOWING THE DESIGNATION OF FUTURE SITES BASED INFORMATION PROVIDED BY THE OPERATOR AND THE USE OF THE MATRIX. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE HOW MUCH RESOURCE WOULD BE PROTECTED. IN THE FUTURE, IT MAY BECOME MORE DIFFICULT TO IDENTIFY THESE SITES DUE TO LAND USE INCOMPATIBILITIES.


MINERAL RESOURCES


GMA SEIS

Legend


Potential Deposits


 Sand and Gravel


 Rock

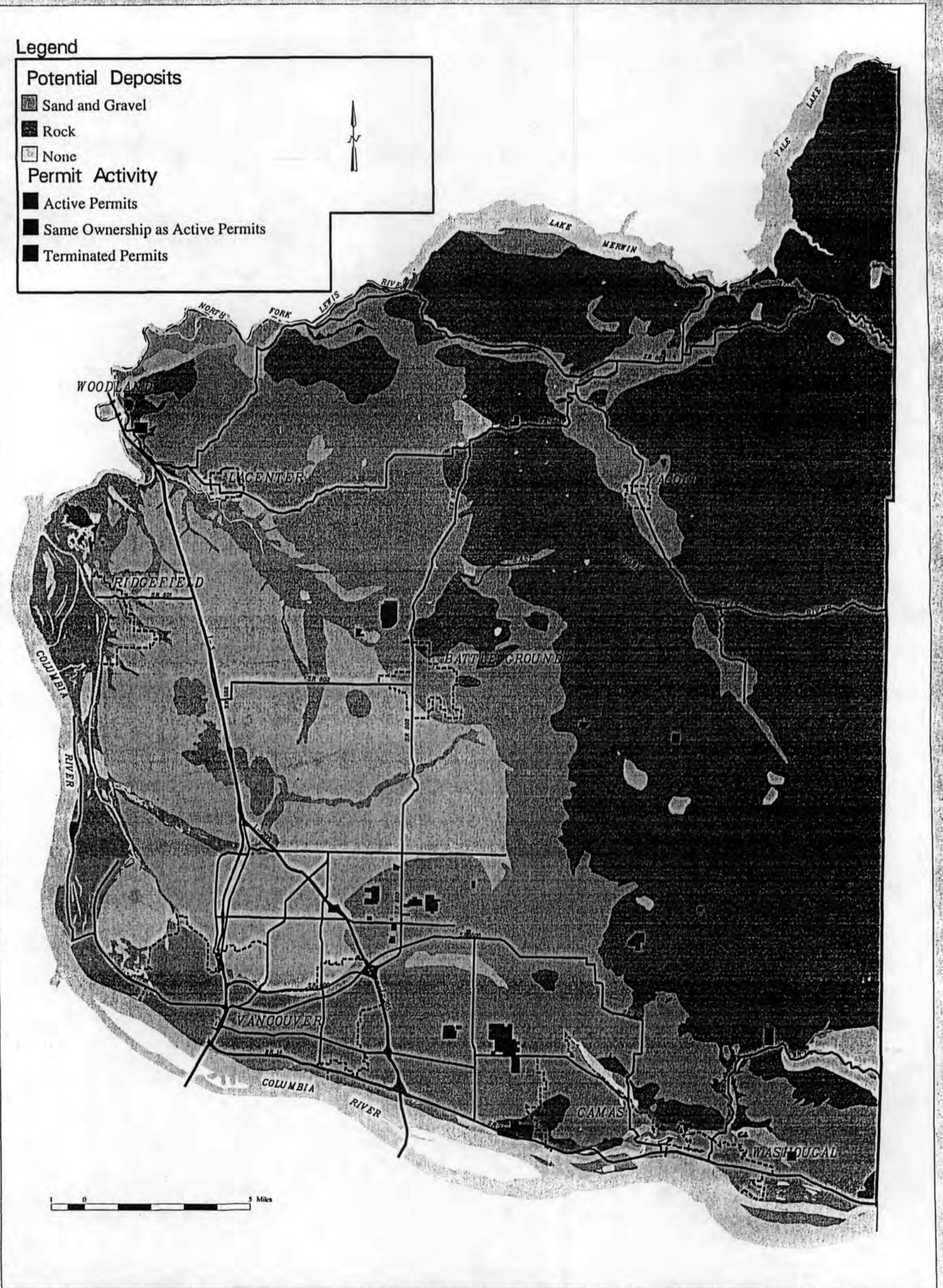
 None

Permit Activity

 Active Permits

 Same Ownership as Active Permits

 Terminated Permits



Clark County and Battle Ground, Camas, LaCenter, Ridgefield, Vancouver, Washougal, Woodland and Yacolt



Exhibit B
Clark County Comprehensive Plan
 Rural Land
 Issue Paper 2.0 – November 2020

Purpose

The purpose of this issue paper is to provide regulatory and historical context related to the designation of rural land in Clark County, WA and Clark County Code amendments to support the rural lifestyle.

Comprehensive Planning in Clark County

The following occurred prior to the adoption of the Growth Management Act of 1990.

- 1935 Clark County established its first county planning department and planning commission under Chapter 35.63 RCW.
- 1961 In 1959, the state legislature approved Chapter 36.70 RCW, which applied specifically to county, regional and joint planning programs. Clark County adopted its first Comprehensive Plan (1961 Plan) on April 27, 1961 with the corresponding map on October 2, 1961. [Commissioners' Journal book, page 25929 and 26235 respectively].
- 1971 The county adopted an urban services boundary for the City of Vancouver. The boundary served to limit the extension of sewer, water, and roads while establishing a planning area for the determination of future services.
- 1979 On May 10, 1979, Clark County adopted the Clark County Comprehensive Plan (1979 Plan); Volume 1 and 2. The 1979 Plan included a map that identified appropriate levels of development on all lands in unincorporated Clark County and adopted urban area boundaries for the cities of Vancouver, Camas, Washougal, Ridgefield, La Center, and Battle Ground and the town of Yacolt. [1979 Plan Map].

In rural areas, the 1979 Plan designated and provided policies to encourage the preservation of forest, agricultural, and mining land while setting varying levels of housing lots for rural residential areas. Four Rural Residential categories were widely distributed throughout the county outside of urban growth areas. The density ranges reflected existing rural residential development patterns. The 1979 Plan noted that "it should be understood that existing residential property or lots smaller than the recommended sizes will not be affected by the 1979 Plan recommendations. Any existing lot can be developed provided it can comply with health regulations. The rural densities recognized in the 1979 Plan were:

- Suburban - 1 to 2 ½ acres,
- Rural Residential – 2 ½ to 5 acres,
- Rural Estate - 5 to 10 acres, and
- Farm Residential - Over 10 acres." [1979 Plan, Vol. 2, page 17 and 18].

In addition, "lot sizes in rural residential areas should be related to the existing development pattern, the availability of essential services, natural limitations, and proximity to the urban areas. Rural residential areas should be protected from urban encroachment

to preserve the character of the area. Clustered housing should be encouraged in all residential areas including that portion of agricultural and forest lands used for residential purposes.” [1979 Plan, Vol. 2, page 15].

The 1979 plan included chapters related to transportation planning (adopting an arterial road plan as a part of the countywide plan map), identifying cultural heritage areas, and creating policies on improving community appearance. [RES. 1979-05-46]. The 1979 Plan stated that its planning horizon was “intended to be a ten (10) year period for the development of Clark County.” [1979 Plan, Vol. 2, page 3]. In addition, the 1979 Plan could be updated annually in light of changing circumstances and a major reevaluation would occur every five (5) years.

- 1980 On June 11, 1980, Clark County adopted a countywide zoning ordinance and map. [RES. 1980-06-80].

Growth Management in Clark County 1990 - 2020.

- 1990 The state legislature adopted the Growth Management Act (GMA) as codified primarily in Chapter 36.70A RCW. The GMA responded to concerns about rapid population growth, increasing development pressures, increased traffic congestion, pollution, school overcrowding, urban sprawl and the loss of rural lands. The GMA required counties to adopt comprehensive land use plans, preliminary classifications and designations, and to enact development regulations on or before July 1, 1993. Under Section 7 - Comprehensive Plans Mandatory Elements, the GMA instructed counties to include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. “The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.” [Laws of WA, 1990 1st Ex. Session, Chapter 17, Section 7, page 1979].
- 1991 In April 1991, the state Department of Community, Trade and Economic Development (now Commerce) adopted guidelines in WAC 365-196-330 for establishing a rural element in comprehensive plans. Section 330 was renumbered as WAC 365-196-425 effective February 19, 2010.
- 1992 Clark County adopted countywide planning policies pursuant to RCW 36.70A.210 on July 22, 1992. [ORD. 1992-07-60].
- 1993 In April 1993, Clark County adopted emergency moratoria on cluster subdivisions in the agricultural and forest zoning districts, planned unit developments in the rural estate, rural farm, rural residential, and suburban residential zoning districts, and interim requirements for county review and approval of large lot (5-20 acre) land divisions. [ORD. 1993-04-13 through 15 and 1993-04-26 through 28].
- 1993 The Community Framework Plan (Framework Plan) was adopted on May 26, 1993. [ORD. 1993-05-41]. The Framework Plan provided policy direction in the development of the 1994 Comprehensive Plan. The county adopted the following Framework Plan policies for rural centers and rural lands:
- 1.0 “Land Use - The land use element for 20-year comprehensive plans determines the general distribution and location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other uses. The land use element includes population densities, building intensities, and estimates of future population growth. The land use element is to provide for protection of groundwater resources, and where applicable, address drainage, flooding, and run-off problems and provide for coordinated solutions.” [Framework Plan, page 13].

1.2 “Framework Plan Policies

1.2.0 Establish a hierarchy of activity centers, including both urban and rural centers.

Hierarchy of Centers

All Planning should be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks, and civic facilities essential to the daily life of the residents. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.” [Framework Plan, page 15].

- b. “Outside of urban growth and urban reserve areas, Rural Activity Centers provide public facilities (e.g. fire stations, post offices, schools and commercial facilities) to support rural lifestyles. Rural centers may not have a full range of urban levels of services.

Villages are characterized by residential uses, rural commercial, post offices, veterinary clinics, daycare, existing commercial and industrial uses, schools, package sanitary treatment, village greens and public water. The residential densities are to be a minimum of 2 units per acre and no more than 4 units per acre (1.5 to 3 gross units per acre).

Hamlets are smaller than villages and have residential uses, community or public water systems, and rural commercial development to support rural and natural resource uses. These are convenience commercial centers with residential densities a minimum of 2 units per acre and no more than 4 units per acre (1.5 to 3 gross units per acre).” [Framework Plan, page 16-17].

The county adopted the following rural lands policies in the Framework Plan:

- 4.0 “Rural Lands – The Rural Lands Element contains policies governing the use of lands which are not reserved for agriculture, forest, or mineral resources, nor are they designated for urban development. Land uses, densities, and intensities of rural development are to be compatible with both adjacent urban areas and designated natural resource lands.

4.1 Countywide Planning Policies

The county shall recognize existing development and provide lands which allow rural development in areas which are developed or committed to development of a rural character.

4.2 Framework Plan Policies

4.2.0 Rural areas should meet at least one of the following criteria:

- opportunities exist for small scale farming and forestry which do not qualify for resource land designation;
- the area serves as buffer between designated resource land or sensitive areas;
- environmental constraints make the area unsuitable for intensive development;
- the area cannot be served by a full range of urban levels of service; or
- the area is characterized by outstanding scenic, historic or aesthetic values which can be protected by a rural designation.

- 4.2.1 Recreational uses in rural areas should preserve open space and be environmentally sensitive.
- 4.2.2 Commercial development of appropriate scale for rural areas are encouraged within rural centers.
- 4.2.3 Establish large lot minimums for residential development appropriate to maintain the character of the rural area.
- 4.2.4 Develop a program for the transfer or purchase of development rights (TDR) or similar programs to encourage implementation of these rural lands policies.
- 4.2.5 New master planned resorts are to meet the following criteria:
- provide self-contained sanitary sewer systems approved by the Southwest Washington Health District;
 - be served by public water systems with urban levels of fire flow;
 - preserve and enhance unique scenic or cultural values;
 - focus primarily on short-term visitor accommodations rather than for-sale vacation homes;
 - provide a full range of recreational amenities;
 - locate outside urban areas, but avoid adversely impacting designated resource lands;
 - preserve and enhance sensitive lands (critical habitat, wetlands, critical areas, etc.);
 - housing for employees only may be provided on or near the resort;
 - comply with all applicable development standards for master planned resorts, including mitigation of on and offsite impacts on public services, utilities, and facilities.
- 4.2.6 Encourage the clustering of new development within a destination resort or a designated rural center (village or hamlet). All new development should be a scale consistent with the existing rural character.
- 4.2.7 Revise existing development standards and housing programs to permit and encourage development of affordable housing for people who work in resource-based industries in rural centers.” [Framework Plan, pages 24 and 25].

1993 The Board of County Commissioners (BOCC) convened a Rural and Natural Resource Lands Advisory Committee charged with classifying and designating agricultural and forest resource lands based on the minimum guidelines contained in Chapter 365-190 WAC. The Rural and Natural Resource Lands Advisory Committee comprised of members of the public formed two subcommittees to streamline the effort: the 12 member Farm Focus Group and the 6 member Forest Focus Group. Each subcommittee issued reports in December 9, 1993.

The Farm Focus Group Final Report (Farm Group Report) noted that the Farm Focus Group had generated countywide core area maps based on state guidelines. Soil quality was a primary factor. Commerce required that the land-capability classification system of the U.S. Dept. of Agriculture Soil Conservation Service (Soil Conservation Service) be used to classify soils of agricultural resource land. [Farm Group Report, page 1].

The effects of proximity to population areas and the possibility of more intense uses of the land were also important factors. [Farm Group Report, page 1]. WAC 365-190-050 Agricultural Lands provided ten factors for counties and cities to consider:

1. "the availability of public facilities;
2. tax status;
3. the availability of public services;
4. relationship or proximity to urban growth areas;
5. predominant parcel size;
6. land use settlement patterns and their compatibility with agricultural practices;
7. intensity of nearby land uses;
8. history of land development permits issued nearby;
9. land values under alternative uses; and
10. proximity to markets." [Farm Group Report, page 1].

The Farm Focus Group could not reach consensus on the designation of agricultural lands of long-term commercial significance and the group split into two factions, each of which developed its own position statement. The Farm Group Report contained two different position statements. Position statement #1 "concluded that except for the Vancouver Lake lowlands, agriculture is generally no longer economically viable in most parts of Clark County. Position statement #2 stated that "agriculture is economically viable in Clark County and should be conserved." [Farm Group Report, page 3]. The Farm Focus Group concluded in its memorandum to the Rural and Natural Resource Lands Advisory Committee that both position statements carried equal weight. [Farm Group Report Memorandum, page 1].

The Rural and Natural Resource Lands Advisory Committee identified approximately 35,916 acres that exhibited characteristics common to both agriculture and forest designation and were not identified as agricultural land or forest land in either the Farm Focus Group or Forest Focus Group reports. The Rural and Natural Resource Lands Advisory Committee created a new hybrid resource designation, Agri-forest, to designate lands that exhibited characteristics common to both the agriculture and forest designations. The Rural and Natural Resource Lands Advisory Committee applied the Agri-forest designation to areas north of the East Fork of the Lewis River during the development of the Draft Supplemental Impact Statement but was unable to complete the work due to time constraints.

Staff completed the balance of the analysis for other areas adjacent to land designated Forest Tier I and property south of the East Fork of the Lewis River. Staff added the Agri-forest designation to those lands for the following reasons, according to a memo dated October 13, 1994 from Planning Director Craig Greenleaf to the Planning Commission (Greenleaf Memo):

1. "The committee separated the selection process into independent determinations of agriculture and forestry characteristics, leaving some land inappropriately considered;
2. The Farm Focus Group did not include heavily forested lands; some of those lands were commingled with agricultural lands and were overlooked by both focus groups;
3. Factors which are not objective tended to carry less weight (e.g. settlement patterns and their compatibility with agricultural practices).
4. The Forest Focus Group discounted the role of soils as a factor because they were found to be uniformly of high quality; and
5. The Farm Focus Group's failure to agree on "long term commercial significance" led to severe difficulty in defining agricultural lands on a consensual basis and narrowed the committee's outcome to things over which agreement was reached." [Greenleaf Memo, pages 3-4].

- 1994 On December 20, 1994, the Clark County 20-year Comprehensive Growth Management Plan 1994-2014 (1994 Plan) designated a total of 41,229 acres, or 64.42 square miles, of urban growth areas. [ORD. 1994-12-47 and 1994-12-53].
- 1994 On December 28, 1994, the Board of County Commissioners amended Clark County Code 9.26 to recognize the right to farm/log. [ORD. 1994-12-53].
- 1995 On February 28, 1995, a total of 85 different petitioners filed 61 separate petitions that challenged the 1994 Plan with the Western Washington Growth Management Hearings Board (GMHB). [GMHB Case No. 95-2-0067 (Achen, et. al.)]. One of the appellants, Clark County Citizens United (CCCU), raised the following resource related issues in its petition to the GMHB:

1. Did the county's designation of agricultural resource lands comply with the GMA?
2. Did the county's designation of agri-forest resource lands comply with the GMA?
3. Did the county's designation of forest resource lands comply with the GMA?

CCCU raised the following issues related to the parcel sizes in the rural area:

1. Did the county's designation of land use densities in rural areas comply with the GMA?
 2. Does a comprehensive plan that would make more than seventy percent (70%) of the properties in rural areas non-conforming comply with the GMA?
 3. Does a comprehensive plan which bases its land use densities strictly on OFM population projections comply with the GMA, when the county knows or should have known that those population projections underestimate anticipated population growth?
 4. May the county disregard its adopted framework plan policies when it adopts a comprehensive plan under the GMA and, if not, is the comprehensive plan consistent with the county's adopted framework plan policies?
 5. Does a comprehensive plan that ignores existing conditions in rural areas comply with the GMA?
 6. Did the county comply with the requirements of the State Environmental Policy Act (SEPA), RCW Ch. 43.21C and the GMA, in particular when the concept of rural villages and hamlets had been included in earlier drafts of the SEPA and were removed from the final?
- 1995 On July 23, 1995, ESB 5019 amended Chapter 36.70A RCW adding a new section to allow major industrial developments outside of urban growth areas. RCW 36.70A.365 allows counties to site major industrial developments where there is a specific development application involved. RCW 36.70A.367 provided a process for counties to establish up to two rural industrial land banks with the intent that they develop as industrial properties, but that statute expired in 2016.
- 1995 On September 20, 1995, in its Final Decision and Order (1995 FDO), the GMHB in Case No. 95-2-0067 (Achen, et. al.) remanded the 1994 Plan for inconsistency between population projections and capital facilities planning. However, the GMHB affirmed the county's designations of agricultural, forest and agri-forest resource lands.

"In classifying and designating agricultural and forest lands, Clark County not only considered WAC 365-190-050 and -060, but in fact used them exclusively." [1995 FDO, page 11].

"Our review of the record finds significant support for the ultimate conclusion of the BOCC that the agricultural land and forestry land designations were lands of 'long-term commercial significance.' Petitioners have failed to carry their burden of proving the decision was an erroneous application of goals

and requirements of the GMA. The county chose a decision that was within the reasonable range of discretion afforded by the act.” [1995 FDO, page 14].

On the issue of parcel size, the GMHB decision stated that no evidence in the record supported 5-acre minimum parcel size designation north of the rural resource line (a delineation by the East Fork of the Lewis River that recognized the differences in the character and parcelization between the area north of the river and that south of the river). The GMHB had two major concerns. First was that the 5-acre size was insufficient to buffer adjacent resource lands, and second was that significant parcelization had occurred in the rural and resource areas between 1990 and 1993.

“At the time of adoption of the emergency moratoria on clusters, subdivision planned unit developments, and large lot developments in April of 1993, an estimated 19 square miles of segregations had occurred since May 1, 1990... [1995 FDO, page 21-22]. There are implementation measures the county could take to level this playing field and reinject some fairness into the situation... If they do not, the unfair position that many of these site-specific petitioners find themselves in will be perpetuated.” [1995 FDO, page 25]. (Emphasis added.)

“...the Farm Focus Group established what became known as the ‘rural resource line’. South and west of this resource line, the focus group, staff and the Planning Commission recognized that segregations and parcelizations had occurred involving thousands of lots ranging from 1 to 2.5 acres.” [1995 FDO, page 22].

“A major omission that the BOCC made in establishing a 5-acre minimum lot size for all rural areas was ignoring the differences that existed north and south of the ‘resource line’.” [1995 FDO, pages 22-23].

“The BOCC did not give appropriate consideration to the evidence contained in their own record concerning the need for greater levels of buffering for resource lands, particularly north of the resource line. They did not appropriately consider the impacts of the parcelizations and segregations that had occurred since 1990.” [1995 FDO, page 24].

1997 CCCU and others appealed the GMHB (1995 FDO) in Case No. 95-2-0067 (Achen, et. al.) decision to Clark County Superior Court. Judge Edwin Poyfair issued Findings of Fact, Conclusions of Law and Order (Poyfair Decision) in case No. 96-2-00080-2 on April 4, 1997, which held that:

1. Agricultural resource land designation had been lawful.

“There is substantial evidence in the record to support the county’s designation of agricultural resource lands.” [Poyfair Decision, page 5].

2. The agri-forest designation was invalid;

“The agri-forest designations violate the GMA.... Furthermore, there is no substantial evidence in the record to support the designation of agri-forest lands under the GMA.” [Poyfair Decision, page 5]. “...failure to solicit meaningful public input for the agri-forest resource lands violates the public participation...” [Poyfair Decision, page 5].

3. The EIS issued by the county violated SEPA because of procedural flaws;

“The agri-forest resource land designations were disclosed subsequent to the publication of the final Plan EIS and were not disclosed or discussed in any way in the EIS alternatives.” [Poyfair Decision, page 5].

“The Board’s decision to uphold the adequacy of the EIS absent additional environmental analysis regarding the agri-forest designations and changes to the pattern of rural development was clearly erroneous.” [Poyfair Decision, pages 5-6].

4. On the issue of parcel size, the court ruled that the removal of rural activity centers was not addressed in the EIS; and

“...the county needed to provide a variety of rural densities to be compliant with the GMA, and that could be achieved by designating rural centers as envisioned in the Community Framework Plan.” [Poyfair Decision, page 5].

5. Rural development regulations were inconsistent with GMA because of failure to provide for a variety of rural densities.

“The eradication of the centers and their replacement with a uniform lot density violates the planning goal requiring a variety of residential densities.” [Poyfair Decision, page 6].

“The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character. While the GMA contains no restrictions on rural growth, it does require a variety of residential densities.” [Poyfair Decision, page 6].

“There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas are adequately sized and infrastructure in those growth areas is provided for.” [Poyfair Decision, page 6].

The Board decision, however, compelled the county to downzone substantial portions of the rural area in order to meet the Board’s apparent requirements.” [Poyfair Decision, page 6].

“The Board’s interpretation was erroneous, and the county’s decision to follow the Board’s lead was unfortunate.” [Poyfair Decision, Pages 6-7].

The county did not appeal the Superior Court decision and instead began a process to comply with the court’s order. The first step was to appoint two task forces; one to deal with the agri-forest designation and the other with establishing rural centers.

1998 The Rural Center Task Force members represented various organizations including CCCU, Rural Clark County Preservation Association, Clark County Natural Resources Coalition, Hazel Dell Sewer District, Meadow Glade Homeowners Association, fire districts, and rural property owners. The Rural Center Task Force presented their recommendations on establishing new rural centers pursuant to RCW 36.70A.070(5)(d) and WAC 365-196-425. The BOCC accordingly established the rural centers of Amboy, Chelatchie Prairie, Dollars Corner, Meadow Glade, Hockinson and Brush Prairie on June 16, 1998. [ORD. 1998-06-20].

1998 The Agri-forest Focus Group comprised of 13 public members, (including some CCCU members), made recommendations on re-designating approximately 35,000 acres of Agri-forest designated resource lands. The Agri-forest Focus Group majority recommended

that approximately 99% of the land should be designated Rural-5, Rural-10 and Rural-20. Rural-10 and Rural-20 were newly created in order to provide a variety of rural densities, as required by Judge Poyfair, and to buffer adjacent resource lands, primarily north of the rural resource line, as required by the GMHB. Certain members of the Agri-forest Focus Group issued minority reports. One of the two minority reports questioned the designation of 3,500 acres to rural as opposed to resource use and the other minority report recommended only 5- and 10-acre Rural zoning, similar to the 1979 Plan. On July 28, 1998, the BOCC adopted the Agri-forest Focus Group majority recommendation. [ORD. 1998-07-19].

- 1999 On May 11, 1999, the GMHB issued a Compliance Order (1999 Compliance Order) in Case No. 95-2-0067 (Achen et. al.) upholding the creation of six rural center designations and the change to Rural designations for approximately 35,000 acres of agri-forest lands; except for the 3,500 acres mentioned in the minority report, the designation of which was remanded back to the county.

“We find that Clark County is not in compliance with the GMA as relates to the 3,500 acres. In order to comply with the Act, the county must review the 3,500 acres in light of the Supreme Court’s holding in Redmond and the appropriate criteria stated therein to determine if RL [resource land] designation is appropriate.” [1999 Compliance Order, page 14]. (The State Supreme Court had ruled in Redmond v. CPSGMHB that current management of land for commercial agricultural production is not required for resource designation.)

No party appealed the 1999 Compliance Order. The county initiated a process to review the 3,500 acres, as required.

- 1999 On October 12, 1999, the county adopted Chapter 18.303B Rural Cluster Development. The purpose of the new chapter was “to provide for small lot residential development in the rural zoning districts which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies the Growth Management Act [GMA], especially the provisions for innovative development techniques to conserve open space and resource lands.” [ORD. 1999-10-08].
- 2000 On December 12, 2000, the county considered the recommendation of the Rural Center Task Force and approved the historical community of Fargher Lake as a rural center. [ORD. 2000-12-16].
- 2002 In April 2002, the county commissioners appointed a 12-member Rural Enterprises Task Force to develop recommendations on the criteria and standards that apply to the business use of rural properties. “This effort was in response to complaints from rural business operators about county restrictions on the use of rural property for varying types of business use. The central issue is the use of rural property. For some, it is the right to do what they wish with their property, including the use of it as a base for a home-based business conducted either on the property or elsewhere. For others, it is the right not to have a rural setting infringed upon by neighbors with home-based businesses.” The task force was charged with recommending a way to resolve this problem according to a memo dated August 1, 2003 from Long Range Planning Manager Patrick Lee to the Planning Commission.
- 2003 County staff completed a technical review on the remaining 3,500 acres remanded by the GMHB for lawful designation under the GMA. The technical review found that a majority of the 3,500-acres remanded to the county by the 1999 Compliance Order [GMHB Case No.

95-2-0067 (Achen et. al.)) were not associated with designated resource areas. The county applied a non-resource designation of Rural-5, Rural-10 or Rural-20 to those properties on September 23, 2003. [RES. 2003-09-12].

- 2004 On June 15, 2004, the county repealed CCC 40.260.100 and amended CCC 40.210.010 to support the use of rural and urban property for home businesses while protecting the integrity of the zoning district and maintaining the residential character of the area where the business is located. The code language followed the recommendations of the Rural Enterprises Task Force. [ORD. 2004-06-10].
- 2004 On September 7, 2004, the periodic update of the Clark County 20-year Comprehensive Growth Management Plan 2004-2024 (2004 Plan) added 6,124 acres, or 9.57 square miles, to urban growth areas. The county did not de-designate agricultural resource land. [ORD. 2004-09-02]. Petitioners filed 14 separate petitions to appeal the 2004 Plan and raised 43 issues with the Growth Management Hearings Board. The appeals focused, in part, on a last-minute reduction in the assumed growth rate moving it from 1.83 percent to 1.69 percent. There was no challenge to the rural element by any party.
- 2004 On December 16, 2004, the GMHB consolidated all 14 petitions under GMHB Case No. 04-2-0038c (Building Industry). After a series of procedural motions, only two petitioners, the Clark County Natural Resources Council (CCNRC) and Futurewise, remained as petitioners. The number of issues was reduced from 43 to 8. The county launched a new two-year update process that reopened the 2004 Plan. Based on agreements with the county, the cities of Battle Ground and Vancouver and the development industry petitioners withdrew their appeals.
- 2005 On November 23, 2005, the GMHB issued an order Amending Final Decision and Order of August 22, 2005 (2005 Amended FDO) on Reconsideration for GMBH Case No. 04-2-0038c (Building Industry). The decision upheld the 2004 Plan, finding:

“The county has not changed the manner or the conditions of how it applies Urban Reserve or Industrial Urban Reserve designations to commercially significant agricultural lands in the county comprehensive plan since these designations were found compliant by this board. Nor have the Growth Management Act requirements changed since this concept was found compliant in 1997.” [2005 Amended FDO, page 48].

“The county’s development regulations to conserve agricultural lands and prevent interference from incompatible uses are unchallenged and therefore deemed compliant.” [2005 Amended FDO, page 49].

“A property owner who wishes to change the designation of commercially significant agricultural land that also has an Urban Reserve or Industrial Urban Reserve overlay, must still meet the criteria for designation and zoning map changes outlined in CCC 40.50.010. Any owner of commercially significant agricultural land would be obliged to do the same.” [2005 Amended FDO, page 49].

“The limitations in county code at CCC40.50.010(G) and (I) deter the conversion of adjacent lands designated agricultural lands within the current twenty-year planning horizon.” [2005 Amended FDO, page 49].

No party appealed the 2005 Amended Final Decision and Order. The appeal of the 2004 Plan was ended.

- 2006 The GMHB issued its Order Finding Compliance and Closing Case No. 95-2-0067c (Achen, et. al.) on June 6, 2006. This Order was not appealed, and ended the appeal of the 1994 Plan, as amended on remand, which the GMHB found to be compliant with GMA.
- 2007 On September 25, 2007, the county adopted 2007 Plan amendments that adjusted the growth assumption in the 2004 Plan from 1.67% annually to 2.0% annually and added 12,023 acres to urban growth areas, more than a third of which had been designated as agricultural resource lands, and most of which was newly zoned for employment. [ORD. 2007-09-13]. John Karpinski, the Clark County Natural Resources Council, and Futurewise appealed the 2007 Plan, arguing that the county had erroneously de-designated 4,351 acres from agricultural resource land to non-resource designations and included those lands within urban growth areas. [GMHB Case No. 07-2-0027c (Karpinski)].
- 2008 During the 2007 Plan update process, the Board of County Commissioners expressed a desire for a future focus on rural issues. On February 13, 2008, the BOCC held a Rural Lands Review project work session. The work session discussion focused on the establishment of a new Rural Lands Task Force. As part of the work session, the BOCC reviewed rural principles and values and identified the charge for the new Rural Lands Task Force.
- The Rural Lands Task Force comprised of 16 members from the public representing the rural landowners was appointed in May 2008. The task force convened between June and September 2008 and was charged with completing phase 1 of the Rural Lands Review project: to identify and define rural character using the GMA and the Rural Element of the Comprehensive Plan.
- 2008 In addition to the Rural Lands Task Force, Clark County convened the Agriculture Preservation Advisory Committee in March 2008. The 16 member committee represented the farming and nurserymen wishing to continue in agriculture, the land trust and preservation community, food cooperatives, and related interests was charged with the development of a draft farm preservation plan. The committee met eleven times between March 2008 and January 2009 with technical assistance from the State Conservation Commission. The farm preservation plan recommended the committee's conclusions on the most effective short- and long-term actions to protect the opportunity to pursue and enhance commercial and non-commercial agriculture in the county.
- 2008 In its Amended Final Order and Decision, dated June 3, 2008 (2008 Final Order), the GMHB ruled in Case no. 07-2-0027c (Karpinski) on the de-designation of 19 areas of agricultural resource lands of long-term commercial significance. The GMHB affirmed the 2007 Plan with regard to 8 of the 19 areas and remanded the decision to the county with regard to the other 11 areas. The GMHB found that the de-designation of the following areas did not comply with RCW 36.70A.020(2), RCW 36.70A.020(8), and RCW 36.70A.1070:

- Battle Ground – BC (68.16 acres),
- Camas – CA-1 (342.56 acres),
- Camas – CB (402.19 acres),
- La Center - LB-1 (218.81 acres),
- La Center - LB-2 (244.53 acres),
- La Center - LE (112.47 acres),
- Ridgefield – RB-2 (199.69 acres),
- Vancouver – VA (125.02 acres),
- Vancouver – VA-2 (22.89 acres),
- Vancouver – VB (780.43 acres), and

- Washougal – WB (116.06 acres). [2008 Final Order, page 78 and 79].

1. Agricultural conservation’s role in managing growth.

“There is no doubt that the GMA sees agricultural lands and the industry that relies on them as something special given the duty set forth to designate agricultural land and conserve such land in order to maintain and enhance the agricultural industry.” [2008 Final Order, page 33].

“The pressure to convert these lands, especially in areas impacted by population growth and development is even more prevalent today (2008). The GMHB recognizes that counties and cities of WA face a multitude of difficult and demanding challenges when determining how their communities will grow...WA’s limited, irreplaceable agricultural lands are at the forefront of this mandate...” [2008 Final Order, page 33].

“The GMA, through RCW 36.70A.020 (8), .060, .070, .170, and-.177 direct counties and cities to protect agricultural lands by:

1. *Designating agricultural lands of long-term commercial significance (RCW 36.70A.170);*
2. *Assuring the conservation of agricultural land (RCW 36.70A.060);*
3. *Assuring that the use of adjacent lands does not interfere with the continued use of agricultural lands for agricultural purposes RCW 36.70A.060);*
4. *Conserving agricultural land in order to maintain and enhance the agricultural industry (RCW 36.70A.177);*
5. *Discouraging incompatible uses (RCW 36.70A.020); and*
6. *Adopting development regulations to implement these mandates (RCW 36.70A.060).” [2008 Final Order, page 33].*

“The question of the meaning of agricultural lands, under the GMA, was clarified by the Supreme Court in the Lewis County v. WWGMHB decision. In that case, the proper definition of agricultural land was set forth in the court holding; we hold that agricultural land is land:

- a. *Not already characterized by urban growth*
- b. *That is primarily devoted to commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics, and*
- c. *That has long-term commercial significance for agricultural production, as indicated by soil, growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses.*

This definition emphasizes the three required elements of agricultural lands - that it is not already characterized by urban grown, that it is primarily devoted to agricultural production, and has long-term commercial significance for agricultural production.” [2008 Final Order, page 34].

2. In assessing the relationship of the GMA agricultural goal to the economic development goal, the GMHB cited the Washington Supreme Court’s decisions in King County v. CPSGMHB and Lewis County v. WWGMHB:

“The Board finds that the Supreme Court held the GMA creates a mandate to designate agricultural lands because the Act includes goals with directive language and specific requirements. The Board finds that the GMA’s economic

development goal cannot supersede the agricultural mandate defined by the Supreme Court. The Supreme Court, in a later case, also set out a three-part test for evaluating agricultural lands.” [2008 Final Order, page 3].

Prior to issuance of the GMHB decision, the cities of Camas and Ridgefield annexed approximately 327 acres and 200 acres, respectively, of former agricultural and rural lands.

The county and other parties appealed the Growth Management Hearings Board Amended Final Decision to Clark County Superior Court. Case No. 08-2-03625-5c.

2008 On September 17, 2008, the Rural Lands Task Force presented to the BOCC a recommended definition of what rural character is for Clark County and a vision statement as follows:

“For Clark County, Rural Character is:

- Where the natural landscape predominates over the built environment;
- Where there is small acreage farming and forestry;
- Where provisions have been made to protect the land for future generations;
- Where there are modern economic opportunities to live and work in the rural area, particularly in and around rural centers;
- Where fish and wildlife habitats are valued;
- Where mining is a land use;
- Where urban services are not generally provided; and
- Where natural surface water and recharge areas are protected.

Rural Vision Statement: Clark County is to be positioned for present and future uses using fair, consistent and creative zoning. Specifically:

- Ease regulations and provide tax incentives for encouraging small scale agriculture and forestry;
- Expand cluster development in agricultural and forest zones;
- Create 5-acre agriculture and forestry homestead zones;
- Expand uses of Rural Centers to enhance their economic viability and community identity;
- Graduate lot sizes radiating from Rural Centers;
- Create a Zoning Fairness Board;
- Protect wetland and wildlife habitats;
- Allow and encourage alternative energy projects;
- Facilitate creation of local utility districts in and around Rural Centers; and
- Expand recreational opportunities.” [September 17, 2008, BOCC Work Session Rural Lands Review].

2009 On March 24, 2009, the BOCC held a work session to finalize “Rural Principles and Values and re-affirm the 2007 Plan planning assumption of a 90/10 urban/rural split for population growth.

Rural Principles and Values:

1. Rural areas are where natural landscapes dominate over the built environment.
2. Rural areas are where urban services are minimal or not provided.
3. Clark County is to be positioned for present and future uses using fair, consistent and creative rural zoning.
4. Encourage modern economic opportunities, including home businesses, compatible with surrounding uses by:
 - a. expanding uses in rural centers to enhance their economic viability and community identity; and
 - b. expanding recreational and tourism opportunities.

5. Maintain and enhance farming and forestry while minimizing incompatibilities with adjacent uses by:
 - a. minimizing the conversion of productive farmland; and
 - b. encouraging locally grown food.
 6. Identify real Urban Reserve areas that are poised to become urban areas when growth boundaries are expanded.
 7. Maintain breaks/green spaces – natural borders.
 8. Balance tax base among school districts, where appropriate.
 9. Re-affirm the right to farm/log ordinance.
 10. Rural areas are where fish and wildlife habitat are valued.” [March 24, 2009, BOCC Work Session Rural Lands Review Memorialization, pages 1 and 2].
- 2009 The Rural Lands Task Force re-convened with the addition of three members of the Agriculture Protection Advisory Committee on June 2, 2009, to launch phase 2 of the Rural Lands Review project.
- 2009 On June 12, 2009, Judge Robert Harris issued a ruling in Clark County Superior Court which affirmed the GMHB Amended Final Decision and Order [GMHB Case No. 07-2-0027c (Karpinski)] in part, reversed it in part, and dismissed the appeal of annexed lands in Camas and Ridgefield. [Case No. 08-2-03625-5 consolidated].
- Clark County appealed in part and also took action ordered by Clark County Superior Court to redesignate areas known as Vancouver VB (parts of which would be designated in 2016 as Rural Industrial Land Banks), Battle Ground BC, a portion of the areas known as Ridgefield RB-2 and Camas CA-1 as agricultural land. [ORD. 2009-12-15].
- 2010 The Rural Lands Task Force completed phase 2 of the Rural Lands Review and reviewed their recommendations with the BOCC at an April 14, 2010 work session. The recommendations focused on amendments to rural centers, agriculture and forest, mining, rural economy, urban reserve, and rural reserve. The BOCC reviewed each recommendation and provided direction whether to move the recommendation forward for more conversation and analysis. [April 14, 2010, BOCC Work Session Rural Lands Review Memorialization, pages 1 to 10].
- 2010 Clark County Code was amended to add a new section CCC 40.260.245 Wineries in response to ongoing issues and to encourage rural business. [ORD. 2010-10-02].
- 2011 On March 22, 2011, the Board of County Commissioners adopted Clark County Code amendments based on the Rural Lands Task Force recommendations. The code amendments were included in a larger Retooling Our Code project. The Retooling Our Code project consisted of several amendments over an 18-month period. The March 2011 amendments modified the rural commercial districts, rural center residential uses, rural center mixed use overlay districts, equestrian events centers and equestrian facilities, kennels, animal boarding facilities, and animal feed yards. [ORD. 2011-03-09].
- 2011 The Court of Appeals on April 13, 2011 remanded three of the eleven areas found non-compliant by the GMHB in Case No. 07-2-0027c (Karpinski) and affirmed the GMHB as to the others, including with regard to three areas that had been annexed by cities and had not been the subjects of appeal to the Court of Appeals. [Clark County v. WWGMHB, 161 Wash. App. 204 (2011)].
- 2011 On September 1, 2011, the Board of County Commissioners approved a contract with BERK & Associates to complete a Rural Lands Study which was phase 3 of the Rural Lands Review project. [Clark County Staff Report 200-11].

- 2011 On December 6, 2011, the Board of County Commissioners adopted Clark County Code amendments based on the Rural Lands Task Force recommendations. The code amendments were included in a larger Retooling Our Code project. The December 2011 amendments added neighborhood parks and housing for temporary workers. [ORD. 2011-12-09].
- 2012 BERK & Associates completed the Rural Lands Study Situation Assessment on May 15, 2012. The Situation Assessment included: 1) a policy review of rural trends in Clark County, 2) market research study on agricultural and forest products, 3) a Transfer of Development Rights framework, and 4) a review of the Current Use Taxation program.
- 2012 On June 12, 2012, the Board of County Commissioners amended the pertinent sections of Clark County Code 40.100, 40.210, 40.220, 40.230, and 40.310 to allow roadside farm stands and agricultural markets. [ORD. 2012-06-02]. The code amendments originated from an Agriculture Preservation Advisory Committee recommendation in 2008 that had been forwarded to the Rural Lands Task Force for further review.
- 2012 On October 9, 2012, the Board of County Commissioners adopted the recommendations of the Equestrian Advisory Group. The advisory group had engaged the public over a 2-year period and recommended amendments to the Comprehensive Plan Rural Element, establishment of a new Equestrian Overlay Zone district, and an amendment to CCC 40.210.020(D) to allow equestrian facilities as a use on a rural cluster remainder lot. [ORD. 2012-12-20].
- 2012 On October 9, 2012, Clark County amended CCC 14.06.101.2 that amends IRC Section R101.0 and CCC 14.05.101.2 amends IBC Section 101.2 exempting agricultural buildings from acquiring a building permit as long as they meet the definition of an agricultural building as defined by IBC Section 202. [ORD 2012-10-08].
- 2013 The Washington Supreme Court granted review of the Court of Appeals' ruling on the Karpinski decision by the GMHB [Clark County v. WWGMHB, 161 Wash. App. 204 (2011)], considering only an issue involving un-appealed issues relating to the annexed areas of Camas. The Supreme Court vacated the Court of Appeals decision, holding that the Court of Appeals had improperly ruled on issues that no party had appealed. [Clark County v. WWGMHB, 177 Wn.2d 136 (March 21, 2013)].

Two of the justices issued a concurring opinion that agreed in the result, but for a different reason. The concurrence stated that after annexation by the cities, the designation of the annexed lands was moot, because the county could take no action to regulate those lands. The annexed lands remain annexed and urban.

In the course of the appeals and compliance processes, the GMHB and the Court of Appeals ruled that the de-designation of 1,500 acres of agricultural land had been noncompliant and invalid. The county removed those lands from urban growth areas and re-designated them as agricultural lands. The 1,500 acres had been included in the Battle Ground, Camas, Ridgefield, Vancouver, La Center, and Washougal urban growth areas. [ORD. 2009-12-15].

- 2013 On April 4, 2013, the Board of County Commissioners held a work session to provide an overview for a new commissioner on the Rural Lands Review project and the Rural Lands Study. The Board provided direction on the remaining recommendations as follows:
- homesteading/farmsteading would be dropped from further consideration,
 - develop a cluster provision for resource lands to move forward in the periodic update,

- a rural planned unit development provision in connection with a transfer of development rights program should be investigated in more detail, and
 - survey property owners and analyze the feasibility of AG-5 and AG-10 zoning districts.
- 2013 A new periodic update of the comprehensive plan with a required completion date June 30, 2016 began on July 2013.
- 2013 Clark County Code 40.260.245 Wineries was amended to include tasting rooms, events, and on-site food service on September 3, 2013. [ORD. 2013-08-11].
- 2013 In November 2013, the county surveyed owners of properties zoned for agriculture (AG-20) and forest (FR-40) to determine preferences of these owners for smaller minimum parcel sizes. Owners of AG-20 parcels larger than 10 acres and FR-40 parcels larger than 20 acres received letters asking for their preferences. The Board considered the results to decide if changes were needed in the county's rural lands policy. Any proposed changes would be done as part of the periodic review of the comprehensive plan update.
- 2014 On March 11, 2014, the GMHB entered an Order on Remand in Case No. 07-2-0027c (Karpinski) that upheld the de-designations of Vancouver VA and VA-2, based on urban growth within those areas, and concluded that area Washougal WB could not be de-designated.
- 2014 On July 1, 2014 the Board of County Commissioners amended the comprehensive plan and zoning maps to re-designate the area known as Washougal WB as agriculture (AG-20). [ORD 2014-07-03].
- 2014 The GMHB issued its Order Finding Compliance and Closing Case No. 07-2-0027c (Karpinski) on September 4, 2014. The appeal of the 2007 Plan was ended and the 2007 Plan, as amended on remand, was found to be compliant with GMA.
- 2014 The state Department of Natural Resources Division of Geology and Earth Resources produced an updated aggregate resource inventory map of Clark County that was significantly different from the previous inventory map. The Board of County Commissioners appointed the Mineral Lands Task Force in 2012 to review the new resource inventory map and the recommendations from the Rural Lands Task Force. The Mineral Lands Task Force comprised 8 members of the public representing property owners near mining operations, mining and aggregate operations, and a hydrologist. On December 16, 2014, the Board of County Commissioners adopted comprehensive plan and zoning map amendments related to the Surface Mining Overlay, new comprehensive plan Mineral Lands policies, and procedures for amending the overlay [RES. 2014-12-08] and, repealed CCC 40.250.020, replacing it with a new section CCC 40.250.022. [ORD. 2014-12-06].
- 2016 On April 26, 2016, the county established two rural industrial land bank (RILB) sites amending the 20-year Comprehensive Growth Management Plan 2004-2024 plan and zoning map designations from Agriculture (AG-20) to Employment Center (IL and IL- RILB Overlay) for eleven parcels located in the vicinity of State Route 503. In doing so, the county amended the 2007 Plan Land Use and Rural and Natural Resource Elements, the arterial atlas, and Clark County Code sections 40.230.085 and 40.520.075. [ORD. 2016-04-03].
- 2016 On May 10, 2016, the county amended the rural industrial land banks to include two parcels whose zoning was to be changed by Ordinance 2016-04-03, but which had been inadvertently left off the list of parcels in the ordinance. [ORD.2015-05-03]. Futurewise and Friends of Clark County (FOCC) appealed the ordinances (Ordinances 2016-04-03 and

2016-05-03) that established the two rural industrial land banks to the Growth Management Hearings Board. [GMHB Case No. 16-2-0002].

2016 On June 28, 2016, the Clark County Council updated the plan pursuant to RCW 36.70A.130, adopting the amended Clark County 20-year Comprehensive Growth Management Plan 2015-2035 (2016 Plan), which:

- amended the Rural Industrial Land Bank plan map designation from Employment Center to Rural Industrial Land Bank;
- reduced the minimum lot size for agriculture resource lands from twenty (20) acres to 10 acres (AG-20 to AG-10) and Tier II forest resource lands from forty (40) acres to twenty (FR-40 to FR-20), and created an optional cluster provision;
- created a single rural comprehensive plan designation allowing for a Type III process to rezone rural land to R-5, R-10, and R-20;
- reduced the minimum lot size for some rural lands from twenty (20) acres to ten (10) acres (R-20 to R-10);
- combined rural center commercial (CR-2) and rural commercial (CR-1) into a single comprehensive plan designation of rural commercial.
- expanded the urban growth boundaries of the cities of Battle Ground, La Center and Ridgefield, and
- merged two rural traffic impact fee districts into one. [Amended ORD. 2016-06-12].

Clark County Citizens United (CCCU), Futurewise and Friends of Clark County (FOCC) appealed the 2016 Plan. The GMHB consolidated all cases including RILB Case No 16-2-0002 under GMHB Case No. 16-2-0005c (CCCU-Futurewise). (Note that the county adopted other plan amendments not relevant to rural lands.)

2016 Prior to issuance of the GMHB decision, the cities of La Center and Ridgefield annexed approximately 57 acres and 111 acres, respectively, of land that had been de-designated from agricultural use.

2017 In its Final Decision and Order dated March 23, 2017 (2017 FDO), the GMHB in Case No. 16-2-0005c (CCCU-Futurewise) ruled on 25 issues raised by the appellants. The county prevailed on 18 issues, including the following:

1. All of CCCU's issues and arguments, including complaints about participation, timing, SEPA, property rights, density in the rural area, population projections and allocation, cluster remainders, the supposed rural vacant buildable lands model and the background reports.
2. FOCC's issues about the Capital Facilities Plan and funding, critical areas ordinances, the RILB deadline and annexation.

The GMHB held that the county was noncompliant on certain issues raised by Futurewise, as follows:

1. Urban Growth Area (UGA) expansions – each of the cities (Battle Ground, Ridgefield and La Center) had surplus lands and did not need an expanded UGA. The county and the cities had failed to take reasonable measures other than expansion to address issues related to sizing for each UGA.
2. De-designations for UGA expansions by Ridgefield and La Center – the county had failed to conduct an area-wide analysis of lands that addressed the effects of the de-designations on the viability of the agricultural industry in the area(s).
3. Urban reserve overlay – the GMHB described the overlay areas as “UGA enlargements.”

4. Allowing greater density in the resource zones – the GMHB held that this action did not protect and enhance the agricultural and forest industries.
5. Only one comprehensive plan designation for rural lands (outside urban centers) – the GMHB found that having one comprehensive rural lands designation implemented by R-5, R-10 and R-20 zones was not compliant with GMA.
6. RILB creation – the GMHB held that the county had not identified the maximum size of the RILB as required by GMA.
7. De-designation for the RILB – The GMHB held that the de-designation of agricultural resource land had not been proper because:

*“WAC 365-190-050(5) states that the final outcome of a designation process should “result in designating an amount of agricultural resource lands sufficient to maintain and enhance the **economic viability of the agricultural industry** in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.” (Emphasis added) Here, the county reviewed four sites and selected 602 acres within one site that may or may not have a key role to play in the agricultural industry in Clark County or the area. The county in 2004 found this land had long-term significance for agriculture when it designated the land pursuant to the requirements of RCW 36.70A.170.” [2017 FDO, page 78].*

“...the county failed to complete an area-wide analysis of the impacts on the agricultural industry...” [2017 FDO, page 41].

*“...de-designation decisions did not comply with WAC 365-196-050 in which a countywide or area-wide study creates a ‘process that should result in designating an amount of agricultural resource lands sufficient to maintain and enhance **the economic viability of the agricultural industry in the county over the long term**’.” (Emphasis added) [2017 FDO, page 42].*

The GMHB initially found that the plan was invalid only with respect to the de-designations for urban lands and the UGA expansions for the cities of Battle Ground, La Center and Ridgefield.

“WAC 365-190-050(3)(c)(v) lists one criteria for designating agricultural land as ‘[r]elationship or proximity to urban growth areas,’ but this does not mean that every piece of land abutting an UGA must be converted to urban uses. The Legislature intended for counties and cities to identify, designate and conserve agricultural land in RCW 36.70A.060 and that jurisdictions ‘shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with ...these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.’ The GMA was not intended to allow a domino effect of urbanization of parcel next to parcel. Carried to its logical end, natural resource lands would never be protected. Without designating and protecting natural resource lands, there is nothing to prevent the continuing loss of these lands.” [2017 FDO, page 80].

In response, the county adopted an ordinance on April 25, 2017 that suspended land divisions within lands designated agriculture, forest tier II and rural, and zone changes within those lands pursuant to CCC 40.560.020. [ORD. 2017-04-14]. In June, that suspension was made permanent. [ORD. 2017-06-04]. On July 11, 2017, the county amended the 2016 Plan, zoning maps and county code as follows:

1. Returning resource designations and zoning to agriculture AG-20 and forest FR-40;
 2. Returning rural comprehensive plan designations to Rural-5, Rural-10, and Rural-20.
 3. Repealing the urban reserve use list.
 4. Returning the Battle Ground Urban Growth Area to its pre-update size.
 5. Naming a maximum size for the rural industrial land banks. [ORD. 2017-07-04].
- 2017 On August 3, 2017, the Board of County Councilors advertised for volunteers to serve on an Agriculture Advisory Committee to review the remaining recommendations of the Agricultural Preservation Advisory Committee (2008) and focus on the long-term “viability of agriculture”. The BOCC ultimately and decided to put the conversation on hold.
- 2017 Clark County Council held a work session on September 13, 2017, to discuss the feasibility, scope, and budget of creating a Transfer of Development Rights program as recommended by the Rural Lands Study Situation Assessment prepared by BERK & Associates and Forterra on May 15, 2012. Council decided not to move forward with a Transfer of Development Rights program at that time.
- 2017 On September 26, 2017, the county amended the 2015 Buildable Lands Report in RES. 2017-09-13 to reflect recent development in Battle Ground, Ridgefield and La Center, and measures taken by those cities to achieve the densities projected for them. [GMHB in Case No. 16-2-0005c (CCCU-Futurewise)].
- 2017 The 2017 legislature enacted 3ESB 5517 (Exhibit 3), and Gov. Jay Inslee signed the bill into law, effective Oct. 19. The bill amended the GMA to allow “freight rail dependent uses” and gave Clark and Okanogan counties authority to allow such uses adjacent to short line railroads as authorized by RCW 36.70A.060 and RCW36.70A.108.
- 2018 Under the Freight Rail Dependent Uses project phase 1, the county reviewed comprehensive plan amendments and a new overlay with the Railroad Advisory Committee. On January 9, 2018, the Board of County Council amended the Land Use, Rural and Natural Resource, and Transportation elements of the comprehensive plan to create policies to support freight rail dependent uses on rural and resource lands and created a new Freight Rail Dependent Use Overlay. The overlay was applied to properties designated as agricultural resource lands located within 500 feet of the short line railroad line between NE 119th Street and NE 149th Street, excluding land zoned R-5 and land within the Brush Prairie Rural Center. [ORD. 2018-01-01].
- 2018 On January 9, 2018, the county amended CCC 40.560.010(I)(2)(b) to change the process for the evaluation of new rural centers from an “annual review” to a “docket” process. [ORD. 2018-01-01].
- 2018 On January 10, 2018, the GMHB in Case No. 16-2-0005c (CCCU-Futurewise) issued an Order on Compliance and Order on Motions to Modify Compliance Order, Rescind Invalidly, Stay Order and Supplement the Record (18 Compliance Order). Concerning the minimum lot sizes on agricultural and forest lands, the Urban Reserve uses, the Battle Ground UGA, the Rural plan designations, and the maximum size of rural industrial land banks, the GMHB held that the county had achieved compliance. The GMHB found that:

“With the county amendments in Ordinance 2017-07-04 regarding agricultural and forest lands, the Board finds and concludes that the county is now in compliance with RCW 36.70A.060 and RCW 36.70A.070.” [18 Compliance Order, page 12].

The GMHB stated that the county had taken no action to cure its noncompliance on the following issues:

1. The county had not demonstrated need for the UGB expansions in Ridgefield and La Center.
2. The county had done nothing to cure the unlawful de-designations of agricultural lands that Ridgefield and La Center brought into their UGBs.
3. The county had done nothing to cure the unlawful de-designation of 602 acres of agricultural land of long-term commercial significance (ALLTCS) for the RILB.

“Clark County was before this Board in 2007 in a similar challenge of the county’s process to de-designate approximately 4,000 acres of ALLTCS, then expand urban growth area boundaries to encompass those newly de-designated lands, and then various cities within Clark County rapidly annexed the former ALLTCS. The annexations took place while this Board was hearing the case and before it could render its decision about the county’s ALLTCS de-designation process. Eventually, the Court of Appeals found some of the ALLTCS should not have been de-designated and attempted to address the timing of GMA appeals and city annexations, but our Supreme Court vacated that portion of the Court of Appeals’ decision which addressed the timing of appeals and annexations.

Here the Board is once again presented with a challenge of the county’s process to change agricultural lands into urban or industrial lands. In 2016, as in 2007, the county de-designated ALLTCS abutting the cities of La Center, Ridgefield and Battle Ground as well as in proposed industrial areas. Then the county expanded the cities’ UGAs to encompass the newly de-designated agricultural lands and designated two rural industrial land banks. And, as in 2007, while appeals were pending before this Board challenging the county’s de-designation action, the cities rapidly annexed the former ALLTCS land from the expanded UGAs and zoned it for residential uses. The county and city processes have arguably denied recourse for challengers of ALLTCS de-designation. In the present case, while the Petitioners challenged the validity of the annexations themselves (Issue 7), the Board concluded it lacked jurisdiction to rule on that question. The Board did, however, find the county out of compliance with the GMA on Issue 5 (unwarranted UGA expansions) and Issues 10 and 19 (non-compliant de-designation of ALLTCS).” [18 Compliance Order, pages 13-14].

The county appealed the unfavorable aspects of the GMHB in Case No. 16-2-0005c (CCCU-Futurewise) decision to the Court of Appeals. CCCU appealed with respect to its losses on all of its issues. FOCC and Futurewise appealed the findings of compliance regarding minimum lot sizes in the Rural and Resource lands.

- 2018 The 2012 Rural Lands Study had included a recommendation for a Public Benefit Rating System (PBRS) to replace Current Use/Open Space Taxation. On January 16, 2018, the Clark County Council formed a team to audit the Current Use Program and an interdepartmental team led by the County Assessor’s Office to explore and design a PBRS.
- 2018 Clark County Council, recognizing that the unincorporated county needed an increase in the diversity of housing choices and variety of housing types, created a new section CCC 40.260.022 Accessory Dwelling Units - Rural on January 30, 2018. [ORD. 2018-01-17].

- 2018 On February 15, 2018, the Board of County Councilors held a joint work session with the Planning Commission to discuss future work plan items including an area-wide agriculture assessment and the feasibility of a pilot Transfer of Development Rights program. The Board decided not to move forward with these items.
- 2018 Under the Freight Rail Dependent Uses project phase 2, the Freight Rail Dependent Use Advisory Committee recommended to council a new Clark County Code section 40.250.120 Freight Rail Dependent Use Overlay, amendments to a variety of Clark County Code sections to support development in the overlay, and an amendment to the Freight Rail Dependent Use Overlay map. On September 18, 2018 at a Clark County Council work session, the Freight Rail Dependent Use phase 2 project was placed on hold pending the outcome of litigation between the county and the Portland Vancouver Junction Railroad.
- 2018 On October 17, 2018, the GMHB in Case No. 16-2-0005c (CCCU-Futurewise) issued its Order Finding Continuing Noncompliance (18 Second Compliance Order), regarding Issues 5, 10, and 19.

“Based upon review of the July 23, 2018, County Statement of Actions Taken to Achieve Compliance, the Growth Management Act, prior Board orders and case law, having considered the arguments of the parties offered in the briefing and at the compliance hearing, and having deliberated on the matter, the Board Orders:

- *The County’s Motions to rescind, modify or dismiss Issues 5 and 10 are DENIED.*
- *The County’s Motion to Stay Issue 19 is DENIED.*
- *Clark County is in CONTINUING NONCOMPLIANCE with RCW 36.70A.060 and WAC 365-190-050 regarding the 602 acres of former ALLTCS that were designated as Rural Industrial Land Banks.*
- *Clark County is in CONTINUING NONCOMPLIANCE with RCW 36.70A.110, RCW 36.70A.115, and RCW 36.70A.215 of the GMA by failing to take any corrective legislative action to address the noncompliance of Clark County Amended Ordinance No. 2016-06-12, relating to the Urban Growth Areas of the Cities of La Center and Ridgefield.*
- *The March 23, 2017, Determination of Invalidity remains in full force and effect, invalidating the UGA expansions for the cities of Ridgefield and La Center, as shown on the 2016 Comprehensive Plan Map, adopted by Section 2.2.2 (Exhibit 2) of Clark County Amended Ordinance No. 2016-06-12, and also shown on Figures 14 and 15 of Appendix B attached to the Clark County Comprehensive Growth Management Plan 2015-2035.*
- *Clark County is in CONTINUING NONCOMPLIANCE with RCW 36.70A.050 and RCW 36.70A.060 and WAC 365-190-050 of the GMA by failing to take any corrective legislative action to address the noncompliance of Clark County Amended Ordinance No. 2016-06-12, relating to the de-designation of 57 acres of agricultural land of long-term commercial significance near the City of La Center Urban Growth Area and 111 acres near the City of Ridgefield Urban Growth Area.*
- *The following parts of the 2016 Clark County Comprehensive Plan continue to be invalid and invalidity remains in full force and effect as stated in the Board’s January 10, 2018, Compliance Order: De-designation of ALL TCS on 57 acres near the La Center UGA and 111 acres near the Ridgefield UGA, as enacted in Amended Ordinance 2016-06-12 and Clark County’s 2016 Comprehensive Plan Map, Section 2.2.2 (Exhibit 2) of Clark County Amended Ordinance No. 2016-06-12 and also shown on Figure 24A of Appendix B attached to the Clark County Comprehensive Growth Management Plan 2015-2035.*
- *The following parts of the 2016 Clark County Comprehensive Plan continue to be invalid and invalidity remains in full force and effect as stated in the Board’s*

January 10, 2018, Compliance Order: De-designation of ALLTCS on 602 acres underlying two rural industrial land banks, as enacted in Amended Ordinance 2016-06-12 and Clark County's 2016 Comprehensive Plan Map, Section 2.2.2 (Exhibit 2) of Clark County Amended Ordinance No. 2016-06-12 and also shown on Figure 24A of Appendix B attached to the Clark County Comprehensive Growth Management Plan 2015-2035.” [18 Second Compliance Order, pages 13-14].

- 2018 On December 18, 2018, the council adopted Interim Ordinance 2018-12-64 that suspended land use applications to develop lands within the RILB.
- 2019 On February 12, 2019, the county extended the Interim Ordinance 2018-12-64 to suspend land use applications to develop lands within the RILB for six (6) months.
- 2019 On July 9, 2019, the GMHB in Case No. 16-2-0005c (CCCU-Futurewise) ruled in its Order Granting Stay for Issues 5, 10, and 19 and Re-enforcing Invalidity that the county need not take and report on actions to come into compliance regarding Issue 19 (RILB) until a final appellate decision was rendered on all issues, including the de-designations of agricultural lands.
- 2019 In 2012, Washington voters passed Initiative-502, which legalized the possession and use of one ounce or less of marijuana for persons over 21. The state Liquor and Cannabis Board adopted regulations regarding the production, processing, and retailing of marijuana and related products in Chapter 314-55 WAC. On July 2, 2019, Clark County Council amended county code to allow for the production and processing of marijuana in rural areas and retailing of marijuana within the Vancouver Urban Growth Area. [ORD. 2019-07-01].
- 2019 On August 6, 2019, Clark County Council extended Interim Ordinance 2018-12-64, suspending land use applications to develop lands within the RILB, for another six (6) months.
- 2019 On November 12, 2019, the county repealed and rescinded the establishment of the two rural industrial land banks and the de-designation of 602 acres of agricultural land underlying the RILB, as an appropriate response to the GMHB's orders in Case No. 16-2-0005c (CCCU-Futurewise) and the decision of the Washington Court of Appeals regarding the two rural industrial land banks. [ORD.2019-11-16].
- 2019 On December 11, 2019, the County Council agreed with the Planning Commission's recommendation and voted to deny a new Proebstel Rural Center, as the proposal did not meet the criteria in RCW 36.70A.070(5) and WAC 365-196-425(6) that define limited areas of more intense rural development.
- 2020 On January 8, 2020, the Washington Supreme Court denied the petitions of both CCCU and Futurewise to review the Court of Appeals decision regarding the 2016 comprehensive plan update. [*Clark County Citizens United v. Growth Management Hearings Board*, 194 Wn.2d 1021, 455 P.3d 130 (2020)].
- 2020 On February 18, 2020, following the passage of HB 2243 amending RCW 36.70A.213, County Council amended Clark County Code 40.370.010 to allow extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area, subject to certain requirements. The Council also increased the Rural District traffic impact fee rate to \$352. [Ordinance 2020-02-02].
- 2020 On March 26, 2020, The GMHB in Case No. 16-2-0005c (CCCU-Futurewise) ruled in its Order on Remand from the Court of Appeals that “*The Board found the County in*

compliance with RCW 36.70A.060 and WAC 365-190-050 and rescinded invalidity regarding 602 acres of agricultural lands that have been removed from Rural Industrial Land Bank designations. The Board also rescinded invalidity regarding the Urban Growth Areas (UGA) for the Cities of Ridgefield and La Center because the Court of Appeals ruled that annexations by La Center and Ridgefield rendered the UGA expansion issues moot.” [page 1].

The appeal of the 2016 Plan was ended. The next periodic review of the county’s comprehensive plan is due June 30, 2025.