Public Comment

SEPA Alternatives

10/14/14 – 11/18/14

O'Donnell, Mary Beth

CP 16#0332

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, October 13, 2014 11:27 AM
To: O'Donnell, Mary Beth
Subject: Clark County Comp Plan and the Clallan County Court of Appeals Dicision regarding rural lands - (This information to be placed in public record)

oops, sorry, I sent this to Oliver and Rebecca and missed you.
My bad!

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Monday, October 13, 2014 10:58 AM
To: Silliman, Peter; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Clark County Citizens United Inc.; Barnes, Ed; Madore, David; Mielke, Tom
Subject: Clark County Comp Plan and the Clallan County Court of Appeals Dicision regarding rural lands - (This information to be placed in public record)

Dear Commissioners,

It is clear to Clark County Citizens United, Inc. that county planning staff is delaying any meaningful interpretation of the public process and testimony regarding the rural lands in the 2016 update of the Comprehensive Plan. When presenting the results of a scoping for the SEIS, staff only referenced limited comments submitted into the record from the public, which came from four poorly attended meetings. These meetings were located in the urban areas of the county, and did not include rural areas. The scoping references did not include ongoing testimony from CCCU, which represents approximately 6000 rural and resource landowners, from 1994 to today, nor did it consider the past public record of hundreds of landowners begging the commissioners to not place their 2.5 and 5 acre parcels into 10, 20, 40 and 80 acre zones. Staff is also ignoring the fact that approximately 80%, or more, of the rural and resources lands have been zoned into a non-conforming and substandard lot size, in the old 1994 GMA Comp Plan. Work sessions are now being scheduled by staff, to review the supposed three alternatives for the SEIS, when there has been no meaningful opportunity for rural landowners to weigh in on the update process. CCCU does not believe that four open houses, poorly advertised and attended, and online discussions, constitutes a meaningful public process required under the GMA, for such a weighty and important subject, having such a massive financial and economic impact to rural and resource landowners.

On one hand county staff reports claim that more rural land needs to be preserved for agricultural uses and on the other hand, staff tells CCCU that rural lands are not going to be considered in the 2016 update. CCCU was told the same thing in the 2004 update and the 2007 update, when testimony was submitted regarding asking for a review of the rural and resource land designations and zoning. CCCU was told that those areas will be reviewed later, which never happened. CCCU, Inc. does not agree that the GMA intended that the rural lands must remain static and in the same zoning given it in 1994 and then be ignored year after year after year, at each update. In addition, the GMA Plan is generally considered a twenty year plan, which indicates that both urban and rural areas should now be evaluated and considered for change. In light of the massive downzoning of small rural and resource parcels to large and very large resource and rural parcels, all of the record indicates that incorrect and misguided designations could have occurred in 1994 and that a correction and reconsideration of those areas is now in order. Clark County Citizens United, Inc. is asking the Clark County Board of Commissioners to make those appropriate changes in a fair and balanced process and in a proper and timely fashion.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

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STATE OF WASHINGTON
BY _____
DEPUTY

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

NO. 39601-7-II

CLALLAM COUNTY,

Respondent,

vs.

WESTERN WASHINGTON GROWTH MANAGEMENT

HEARINGS BOARD, ET AL.,

Appellants.

Clallam County Superior Court Cause No. 08-2-00646-1

CLALLAM COUNTY'S AMENDED RESPONSE BRIEF

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   Issue: Does RCW 36.70A.130 allow Growth Board review of unamended portions of a Comprehensive Plan and non-mandatory portions of a Capital Facilities Plan within an unamended Urban Growth Area?

2. The Superior Court was correct that the Growth Board erred in finding that the County's current choice of 2/1 du. acre in the Carlborg non-municipal UGA, during implementation of the sewer service element of the CFP, was non-compliant and invalid.

   Issue: Do RCW 36.70A.070(3) and 36.70A.110 allow the Growth Board to prohibit septic system service for UGA designations and require full implementation of sewer service as an element in all UGA CFP's?

3. The Superior Court was correct that the Growth Board erred in declaring County's Rural Lands Report did not fully supports County's choice of R2 and RW2 densities as consistent with the County's rural character.

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4. The Superior Court was correct in rejecting Futurewise's belated 'internal consistency' challenge of the County's comprehensive plan and development regulations for rural lands, where County's creation of R2/RW2 densities as consistent with its rural planning.

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I. COUNTER ASSIGNMENTS OF ERROR

1. The Superior Court was correct that the Growth Board lacked jurisdiction to rule that the Carlsborg CFP fails to comply with GMA, because the CFP was adopted in 2000, no appeal was timely filed, and GMA update requirements (e.g., UGAs) do not apply to County's prior enactments unless the controlling sections of the GMA have been amended in the interim.

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3. The Superior Court was correct that the Growth Board erred in declaring County's Rural Lands Report did not fully supports County's choice of R2 and RW2 densities as consistent with the County's rural character. [Futurewise's Assignment of Error No. 2]

   Issue: Do RCW 36.70A.020 and 36.70A.110 allow the Growth Board to substitute its analyses and interpretations for County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County?

4. The Superior Court was correct in rejecting Futurewise's belated 'internal consistency' challenge of the County's comprehensive plan and development regulations for rural lands, where County's creation of R2/RW2 densities as consistent with its rural planning. [Futurewise's Assignment of Error Nos. 4 & 5)

   Issue: Can Futurewise for the first time on appeal raise new argument and challenges to County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County?

II. COUNTER STATEMENT OF THE CASE

This case comes before the this Court pursuant to Clallam County's ("County's") successful Superior Court appeal of the Western Washington Growth Management Growth Board's ("Growth Board's") *Final Decision and Order ("FDO")* entered on April 23, 2008, and its *Order on ... Reconsideration ("Reconsideration")* entered on June 9, 2008.[1] Pursuant to those agency orders, County was found both 'invalid' and non-compliant with the Growth Management Act. On partial-appeal to the Superior Court, the Court overturned the Growth Board's decisions as to the Carlsborg non-municipal UGA and as to County rural lands zoning. [2]

The Growth Management Act (GMA) requires counties to review their designated urban growth areas ("UGAs") every ten years. RCW 36.70A.130(3). Clallam County conducted its update review in response to the foregoing GMA requirements from 2004 through 2007.[3] The County's review included: public hearings, analysis by the Clallam County

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[1] CP 482, IR 35, Final Decision & Order ("FDO"). *Order on...Reconsideration* addressed primarily LAMIRD issues of a non-participating party to this appeal.

[2] CP 123, *Memorandum Opinion*. Clallam County Superior Court (06/26/09), attached hereto as Appendix "A".

[3] CP 482, IR 35 *FDO*,pp. 3-5 (Procedural History); *County's Opening Brief*, CP 236

Department of Community Development ("DCD"), and other measures which led to the issuance of recommendations by the Clallam County Planning Commission; performance of an urban growth area review resulting in the publication of the report entitled Clallam County's Urban Growth Area Analysis and 10 Year Review, DCD (May 2007) ("UGA Report"); [4] and preparation of a detailed analysis of the County's rural land element and zoning and proposals for designating limited areas of more intensive rural development, published in the reports entitled Clallam County Rural Lands Report, DCD (2006 and Suppl. 2007) ("*Rural Lands Report*"),[5] and Clallam County LAMIRDs Report (Dec. 2006; Suppl. 2007) ("LAMIRD Report")[6].

The appellant herein, Seattle-based special interest group Futurewise, in its Petition for Review before the Growth Board had challenged the County's determination that its update review complied with the GMA. Futurewise argued that Clallam County zoning densities greater than one dwelling unit per five acres ("1/5 du./ac.") were not rural and this zoning generally had to be prohibited within rural areas.[7] Futurewise also challenged the sewerage and police planning policies of a non-municipal (unincorporated) UGA of Carlsborg, a commercial, retail and population center located on and about U.S. Hwy. 101, between the cities of Sequim

[4] CP 228, Appx. "A".
[5] CP 228, Appx. "B".
[6] LAMIRDs are not part of this appeal.
[7] CP 482, IR 35 *FDO*, pp. 9-10, 53-54

and Port Angeles.[8]

County's briefing and hearing presentation before the Growth Board and Superior Court, introduced extensive evidence supporting its conclusion that its rural densities were consistent with Clallam County's rural character and the GMA. The County submitted a *Rural Lands Report*, noted above, which explained how the County's unique rural character, as expressed within its Comprehensive Plan polices (CPs) and Development Regulations (DRs) harmonized the GMA planning goals and requirements.[9] Nevertheless, by improperly framing its role as factual arbiter of "what is the appropriate density within the rural areas of Clallam County," the Growth Board concluded that the rural character in all areas of Clallam County should be no more than 1/5 du., and any rural zoning with a maximum density of less than 1 du per 5 acres was noncompliant with the GMA.[10] The Growth Board's decision gave no consideration and no deference to County's choice of facts, calculations or criteria in setting a variety of rural densities. Instead, the Growth Board obsessed over average, countywide farm sizes, existing countywide acreage numbers for a given zoning density, and other non-deferential and erroneous factors.[11]

In its briefing and hearing presentation on the Carlsborg non-municipal UGA before the Growth Board and Superior Court, County introduced extensive evidence regarding the history and planning of the community of

[8] CP 482, IR 35 *FDO*, pp. 9-10, 71, 73.
[9] CP 228, Appdx "B"; CP 482, IR 23, Ex. 78, Appnx. "B".
[10] CP 482, IR 35 *FDO*, p. 97, No. 30.
[11] CP 482, IR 35 *FDO*,pp. 59-61

Carlsborg—designated and zoned as a non-municipal UGA ten (10) years ago.[12] The Carlsborg Capital Facilities Plan ("CFP") for this UGA documented the planning for municipal sewer service, addressed engineering and financing strategies for providing sewer service to Carlsborg in the near term, and provided upgraded septic system requirements and density-limiting environmental regulations to 'bridge' the time span until the municipal sewer service became fully operational.[13] Specifically, the County adopted development regulations limiting density in the area to two dwelling units per acre ("2/1 du"), or a density that per se can be safely service individual septic systems while a municipal sewer plan is being implemented.[14] The Health Officer and Board of Health also upgraded septic system standards applicable to this area consistent with CFP policies.[15]

Importantly, since this case has gone before the courts, County chose to rescind RW2/R2 zoning of less than one dwelling unit per 2.4 acres outside of LAMIRDs, but subsequently adopted "innovative zoning" techniques to establish 2.4 acre zoning within specific rural areas of the County. Over the objections of Futurewise, these latest rezonings of rural lands were deemed in compliance with GMA by the Growth Board.[16]

[12] CP 482, IR 22, Carlsborg CFP Sewer Study cited in CP 228 & CP 164
[13] CP 228, Appx. "C".
[14] *Id.*
[15] *Id.*, as cited in CP 228 & CP 164
[16] *Dry Creek Coalition and Futurewise v.Clallam County*, WWGMHB No. 07-2-0018c (*Compliance Order-LAMIRDs & Rural Lands*, November 3, 2009) attached hereto as Appendix "B".

RW2/R2 zoning remains a potential rural zoning pending the outcome of these appeals.

III. STANDARD OF REVIEW

A. Growth Management Act.

County begins with an overview of the Growth Management Act ("GMA") with a particular emphasis on the provisions of that statute pertaining to local deference. In 1990, the Washington State Legislature passed the Growth Management Act, Ch. 36.70A RCW. The Legislature found that "uncoordinated and unplanned growth" posed a threat to the "environment, sustainable economic development, and the health, safety and high quality of life enjoyed by residents of this state." RCW 36.70A.010. To address the negative consequences of "uncoordinated and unplanned growth," the Legislature required counties of certain populations to undertake land use planning. RCW 36.70A.040.

The GMA is implemented by local governments through the adoption of comprehensive plans and implementing regulations. The GMA planning process follows a 'bottom up' approach. WAC 365-195-060(2). Instead of creating a statewide zoning authority or planning board, as other states have done, the GMA left the implementation to local government. That process mandates public participation in the development of comprehensive plans and development regulations implementing those plans. RCW 36.70A.140. To guide local governments in the preparation of comprehensive plans and development regulations the Legislature

identified 13 planning goals, but expressly refrained from imposing any order or priority of goals upon the local jurisdictions. RCW 36.70A.020.

The Legislature recognized that local governments needed the flexibility to enact comprehensive plans and development regulations that both complied with the goals of the GMA and took into account the unique characteristics of a particular locality. This legislative intent is expressly set forth in the provisions of the GMA establishing Growth Boards. The growth boards were established to hear and determine petitions from appropriate persons alleging that a county's comprehensive plan or development regulations were not in compliance with requirements of the GMA. RCW 36.70A.250-.2301. Comprehensive plans, development regulations, and amendments thereto, are presumed valid upon adoption. RCW 36.70A.320. It is the challenger of County regulations who bears the burden of establishing non-compliance with the GMA—and not the County proving compliance. RCW 36.70A.320(2).

The Legislature originally provided for a standard of Growth Board review based on the preponderance of evidence standard. In 1997, however, it amended the GMA to provide that the "board shall find compliance unless it determines that the action by the state agency, county or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter." RCW 36.70A.320(3). The Legislature expressly provided a statement of intent and finding for imposing upon the growth boards the "clearly erroneous" standard on review of local governmental actions under GMA.

> In amending RCW 36.70A.320(3) . . . *the legislature intends that the boards apply a more deferential standard of review* to actions of counties and cities than the preponderance of evidence standard provided for under existing law.

RCW 36.70A.3201 (emphasis added).

The Legislature went on to state the reasons why local governments planning for the growth of their communities are entitled to such deference.

> In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth consistent with the requirements and goals of this chapter. *Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances.* The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future, rests with that community.

Id. (emphasis added).

County submits that it has complied with the goals of the GMA in full consideration of the local circumstances in Clallam County. The Growth Board erroneously interpreted and applied the GMA and disregarded the Legislature's command to grant deference to County decisions in implementing GMA goals. Rather, the Growth Board has imposed its own view of the GMA upon County as to rural lands densities, and the densities and planning for urban services within the Carlsborg non-municipal UGA.

B. Standard of Review under Growth Management.

The Washington Administrative Procedures Act ("APA") governs judicial review of challenges to Growth Board actions.[17] Under the APA, the "burden of demonstrating the invalidity of agency action is wholly upon the party asserting invalidity."[18] The statute sets forth nine grounds for relief from an agency decision, of which County asserts five:

> (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;
>
> (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;
>
> (d) The agency has erroneously interpreted or applied the law;
>
> (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; [or] ...
>
> (i) The order is arbitrary or capricious.[19]

Appellantss bear the burden of establishing these grounds as the bases for remand, as identified and explained below:

First, agency jurisdiction is limited. "An agency may only do that which it is authorized to do by the Legislature."[20] Any agency attempt to

[17] *Quadrant v. Central Puget Sound Growth Management Growth Board*, 154 Wn.2d 224, 233, 110 P.3d 1132 (2005).
[18] RCW 34.05.570(1)(a).
[19] RCW 34.05.570(3).
[20] *Rettkowski v. Dep't of Ecology*, 122 Wn.2d 219, 226, 858 P.2d 232 (1993).

exercise authority outside its statutory grant is *ultra vires* and void.[21]

Second, the Growth Board's Rules of Practice and Procedure are set forth at Ch 242-02 WAC. The Growth Board's Rules include specific provisions that mirror language of the statute. Violations of those statutory provisions by the Growth Board also constitute 'reversible' violations of Growth Board Rules.

Third, this Court reviews errors of law under RCW 34.05.570(3)(d) *de novo*.[22] In doing so in APA appeals that originate from Growth Board decisions, this Court must accord deference to County planning decisions, rather than to Growth Board's decisions, as long as those local decisions are consistent with the goals and requirements of the GMA.[23] "[T]he GMA acts exclusively through local governments and is to be construed with the requisite flexibility to allow local governments to accommodate local needs."[24] The Growth Board has defined consistency to mean that "provisions are compatible with each other – that they fit together properly. In other words, one provision may not thwart another."[25] In the context of the deference due to the County, this Court must defer to County decisions as long as those decisions do not thwart the GMA. This deference "supersedes deference granted by the APA and courts to

[21] *McGuire v. State*, 58 Wn. App. 195, 199, 791 P.2d 929 (1990), *cert. denied*, 499 U.S. 906 (1991).
[22] *Quadrant*, 154 Wn.2d at 233.
[23] *Quadrant*, 154 Wn.2d at 237.
[24] *Viking Properties v. Holm*, 155 Wn.2d 112, 118 P.3d 322 (2005).
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OF THE STATE OF WASHINGTON
DIVISION II

NO. 39601-7-II

CLALLAM COUNTY,

Respondent,

vs.

WESTERN WASHINGTON GROWTH MANAGEMENT

HEARINGS BOARD, ET AL.,

Appellants.

Clallam County Superior Court Cause No. 08-2-00646-1

CLALLAM COUNTY'S AMENDED RESPONSE BRIEF

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   Issue: Does RCW 36.70A.130 allow Growth Board review of unamended portions of a Comprehensive Plan and non-mandatory portions of a Capital Facilities Plan within an unamended Urban Growth Area?

2. The Superior Court was correct that the Growth Board erred in finding that the County's current choice of 2/1 du. acre in the Carlborg non-municipal UGA, during implementation of the sewer service element of the CFP, was non-compliant and invalid.

   Issue: Do RCW 36.70A.070(3) and 36.70A.110 allow the Growth Board to prohibit septic system service for UGA designations and require full implementation of sewer service as an element in all UGA CFP's?

3. The Superior Court was correct that the Growth Board erred in declaring County's Rural Lands Report did not fully supports County's choice of R2 and RW2 densities as consistent with the County's rural character.

   Issue: Do RCW 36.70A.020 and 36.70A.110 allow the Growth Board to substitute its analyses and interpretations for County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County?

4. The Superior Court was correct in rejecting Futurewise's belated 'internal consistency' challenge of the County's comprehensive plan and development regulations for rural lands, where County's creation of R2/RW2 densities as consistent with its rural planning.

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I. COUNTER ASSIGNMENTS OF ERROR

1. The Superior Court was correct that the Growth Board lacked jurisdiction to rule that the Carlsborg CFP fails to comply with GMA, because the CFP was adopted in 2000, no appeal was timely filed, and GMA update requirements (e.g., UGAs) do not apply to County's prior enactments unless the controlling sections of the GMA have been amended in the interim.

   Issue: Does RCW 36.70A.130 allow Growth Board review of unamended portions of a Comprehensive Plan on non-mandatory updates of the Capital Facilities Plan within an unamended Urban Growth Area?

2. The Superior Court was correct that the Growth Board erred in finding that the County's current choice of 2/1 du. acre in the Carlborg non-municipal UGA, pending implementation of the sewer service element of the CFP, was non-compliant and invalid. [Futurewise's Assignment of Error No. 1]

   Issue: Do RCW 36.70A.070(3) and 36.70A.110 allow the Growth Board to prohibit septic system service for UGA designations and require full implementation of sewer service as an element in all UGA CFP's?

3. The Superior Court was correct that the Growth Board erred in declaring County's Rural Lands Report did not fully supports County's choice of R2 and RW2 densities as consistent with the County's rural character. [Futurewise's Assignment of Error No. 2]

   Issue: Do RCW 36.70A.020 and 36.70A.110 allow the Growth Board to substitute its analyses and interpretations for County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County?

4. The Superior Court was correct in rejecting Futurewise's belated 'internal consistency' challenge of the County's comprehensive plan and development regulations for rural lands, where County's creation of R2/RW2 densities as consistent with its rural planning. [Futurewise's Assignment of Error Nos. 4 & 5)

   Issue: Can Futurewise for the first time on appeal raise new argument and challenges to County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County?

II. COUNTER STATEMENT OF THE CASE

This case comes before the this Court pursuant to Clallam County's ("County's") successful Superior Court appeal of the Western Washington Growth Management Growth Board's ("Growth Board's") *Final Decision and Order ("FDO")* entered on April 23, 2008, and its *Order on ... Reconsideration ("Reconsideration")* entered on June 9, 2008.[1] Pursuant to those agency orders, County was found both 'invalid' and non-compliant with the Growth Management Act. On partial-appeal to the Superior Court, the Court overturned the Growth Board's decisions as to the Carlsborg non-municipal UGA and as to County rural lands zoning. [2]

The Growth Management Act (GMA) requires counties to review their designated urban growth areas ("UGAs") every ten years. RCW 36.70A.130(3). Clallam County conducted its update review in response to the foregoing GMA requirements from 2004 through 2007.[3] The County's review included: public hearings, analysis by the Clallam County

[1] CP 482, IR 35, Final Decision & Order ("FDO"). *Order on...Reconsideration* addressed primarily LAMIRD issues of a non-participating party to this appeal.

[2] CP 123, *Memorandum Opinion*. Clallam County Superior Court (06/26/09), attached hereto as Appendix "A".

[3] CP 482, IR 35 *FDO*,pp. 3-5 (Procedural History); *County's Opening Brief*, CP 236

Department of Community Development ("DCD"), and other measures which led to the issuance of recommendations by the Clallam County Planning Commission; performance of an urban growth area review resulting in the publication of the report entitled Clallam County's Urban Growth Area Analysis and 10 Year Review, DCD (May 2007) ("UGA Report"); [4] and preparation of a detailed analysis of the County's rural land element and zoning and proposals for designating limited areas of more intensive rural development, published in the reports entitled Clallam County Rural Lands Report, DCD (2006 and Suppl. 2007) ("*Rural Lands Report*"),[5] and Clallam County LAMIRDs Report (Dec. 2006; Suppl. 2007) ("LAMIRD Report")[6].

The appellant herein, Seattle-based special interest group Futurewise, in its Petition for Review before the Growth Board had challenged the County's determination that its update review complied with the GMA. Futurewise argued that Clallam County zoning densities greater than one dwelling unit per five acres ("1/5 du./ac.") were not rural and this zoning generally had to be prohibited within rural areas.[7] Futurewise also challenged the sewerage and police planning policies of a non-municipal (unincorporated) UGA of Carlsborg, a commercial, retail and population center located on and about U.S. Hwy. 101, between the cities of Sequim

[4] CP 228, Appx. "A".
[5] CP 228, Appx. "B".
[6] LAMIRDs are not part of this appeal.
[7] CP 482, IR 35 *FDO*, pp. 9-10, 53-54

and Port Angeles.[8]

County's briefing and hearing presentation before the Growth Board and Superior Court, introduced extensive evidence supporting its conclusion that its rural densities were consistent with Clallam County's rural character and the GMA. The County submitted a *Rural Lands Report*, noted above, which explained how the County's unique rural character, as expressed within its Comprehensive Plan polices (CPs) and Development Regulations (DRs) harmonized the GMA planning goals and requirements.[9] Nevertheless, by improperly framing its role as factual arbiter of "what is the appropriate density within the rural areas of Clallam County," the Growth Board concluded that the rural character in all areas of Clallam County should be no more than 1/5 du., and any rural zoning with a maximum density of less than 1 du per 5 acres was noncompliant with the GMA.[10] The Growth Board's decision gave no consideration and no deference to County's choice of facts, calculations or criteria in setting a variety of rural densities. Instead, the Growth Board obsessed over average, countywide farm sizes, existing countywide acreage numbers for a given zoning density, and other non-deferential and erroneous factors.[11]

In its briefing and hearing presentation on the Carlsborg non-municipal UGA before the Growth Board and Superior Court, County introduced extensive evidence regarding the history and planning of the community of

[8] CP 482, IR 35 *FDO*, pp. 9-10, 71, 73.
[9] CP 228, Appdx "B"; CP 482, IR 23, Ex. 78, Appnx. "B".
[10] CP 482, IR 35 *FDO*, p. 97, No. 30.
[11] CP 482, IR 35 *FDO*,pp. 59-61

Carlsborg—designated and zoned as a non-municipal UGA ten (10) years ago.[12] The Carlsborg Capital Facilities Plan ("CFP") for this UGA documented the planning for municipal sewer service, addressed engineering and financing strategies for providing sewer service to Carlsborg in the near term, and provided upgraded septic system requirements and density-limiting environmental regulations to 'bridge' the time span until the municipal sewer service became fully operational.[13] Specifically, the County adopted development regulations limiting density in the area to two dwelling units per acre ("2/1 du"), or a density that per se can be safely service individual septic systems while a municipal sewer plan is being implemented.[14] The Health Officer and Board of Health also upgraded septic system standards applicable to this area consistent with CFP policies.[15]

Importantly, since this case has gone before the courts, County chose to rescind RW2/R2 zoning of less than one dwelling unit per 2.4 acres outside of LAMIRDs, but subsequently adopted "innovative zoning" techniques to establish 2.4 acre zoning within specific rural areas of the County. Over the objections of Futurewise, these latest rezonings of rural lands were deemed in compliance with GMA by the Growth Board.[16]

[12] CP 482, IR 22, Carlsborg CFP Sewer Study cited in CP 228 & CP 164
[13] CP 228, Appx. "C".
[14] *Id.*
[15] *Id.*, as cited in CP 228 & CP 164
[16] *Dry Creek Coalition and Futurewise v.Clallam County*, WWGMHB No. 07-2-0018c (*Compliance Order-LAMIRDs & Rural Lands*, November 3, 2009) attached hereto as Appendix "B".

RW2/R2 zoning remains a potential rural zoning pending the outcome of these appeals.

III. STANDARD OF REVIEW

A. Growth Management Act.

County begins with an overview of the Growth Management Act ("GMA") with a particular emphasis on the provisions of that statute pertaining to local deference. In 1990, the Washington State Legislature passed the Growth Management Act, Ch. 36.70A RCW. The Legislature found that "uncoordinated and unplanned growth" posed a threat to the "environment, sustainable economic development, and the health, safety and high quality of life enjoyed by residents of this state." RCW 36.70A.010. To address the negative consequences of "uncoordinated and unplanned growth," the Legislature required counties of certain populations to undertake land use planning. RCW 36.70A.040.

The GMA is implemented by local governments through the adoption of comprehensive plans and implementing regulations. The GMA planning process follows a 'bottom up' approach. WAC 365-195-060(2). Instead of creating a statewide zoning authority or planning board, as other states have done, the GMA left the implementation to local government. That process mandates public participation in the development of comprehensive plans and development regulations implementing those plans. RCW 36.70A.140. To guide local governments in the preparation of comprehensive plans and development regulations the Legislature

identified 13 planning goals, but expressly refrained from imposing any order or priority of goals upon the local jurisdictions. RCW 36.70A.020.

The Legislature recognized that local governments needed the flexibility to enact comprehensive plans and development regulations that both complied with the goals of the GMA and took into account the unique characteristics of a particular locality. This legislative intent is expressly set forth in the provisions of the GMA establishing Growth Boards. The growth boards were established to hear and determine petitions from appropriate persons alleging that a county's comprehensive plan or development regulations were not in compliance with requirements of the GMA. RCW 36.70A.250-.2301. Comprehensive plans, development regulations, and amendments thereto, are presumed valid upon adoption. RCW 36.70A.320. It is the challenger of County regulations who bears the burden of establishing non-compliance with the GMA—and not the County proving compliance. RCW 36.70A.320(2).

The Legislature originally provided for a standard of Growth Board review based on the preponderance of evidence standard. In 1997, however, it amended the GMA to provide that the "board shall find compliance unless it determines that the action by the state agency, county or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter." RCW 36.70A.320(3). The Legislature expressly provided a statement of intent and finding for imposing upon the growth boards the "clearly erroneous" standard on review of local governmental actions under GMA.

> In amending RCW 36.70A.320(3) . . . *the legislature intends that the boards apply a more deferential standard of review* to actions of counties and cities than the preponderance of evidence standard provided for under existing law.

RCW 36.70A.3201 (emphasis added).

The Legislature went on to state the reasons why local governments planning for the growth of their communities are entitled to such deference.

> In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth consistent with the requirements and goals of this chapter. *Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances.* The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future, rests with that community.

Id. (emphasis added).

County submits that it has complied with the goals of the GMA in full consideration of the local circumstances in Clallam County. The Growth Board erroneously interpreted and applied the GMA and disregarded the Legislature's command to grant deference to County decisions in implementing GMA goals. Rather, the Growth Board has imposed its own view of the GMA upon County as to rural lands densities, and the densities and planning for urban services within the Carlsborg non-municipal UGA.

B. Standard of Review under Growth Management.

The Washington Administrative Procedures Act ("APA") governs judicial review of challenges to Growth Board actions.[17] Under the APA, the "burden of demonstrating the invalidity of agency action is wholly upon the party asserting invalidity."[18] The statute sets forth nine grounds for relief from an agency decision, of which County asserts five:

> (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;
>
> (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;
>
> (d) The agency has erroneously interpreted or applied the law;
>
> (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; [or] ...
>
> (i) The order is arbitrary or capricious.[19]

Appellantss bear the burden of establishing these grounds as the bases for remand, as identified and explained below:

First, agency jurisdiction is limited. "An agency may only do that which it is authorized to do by the Legislature."[20] Any agency attempt to

[17] *Quadrant v. Central Puget Sound Growth Management Growth Board*, 154 Wn.2d 224, 233, 110 P.3d 1132 (2005).
[18] RCW 34.05.570(1)(a).
[19] RCW 34.05.570(3).
[20] *Rettkowski v. Dep't of Ecology*, 122 Wn.2d 219, 226, 858 P.2d 232 (1993).

exercise authority outside its statutory grant is *ultra vires* and void.[21]

Second, the Growth Board's Rules of Practice and Procedure are set forth at Ch 242-02 WAC. The Growth Board's Rules include specific provisions that mirror language of the statute. Violations of those statutory provisions by the Growth Board also constitute 'reversible' violations of Growth Board Rules.

Third, this Court reviews errors of law under RCW 34.05.570(3)(d) *de novo*.[22] In doing so in APA appeals that originate from Growth Board decisions, this Court must accord deference to County planning decisions, rather than to Growth Board's decisions, as long as those local decisions are consistent with the goals and requirements of the GMA.[23] "[T]he GMA acts exclusively through local governments and is to be construed with the requisite flexibility to allow local governments to accommodate local needs."[24] The Growth Board has defined consistency to mean that "provisions are compatible with each other – that they fit together properly. In other words, one provision may not thwart another."[25] In the context of the deference due to the County, this Court must defer to County decisions as long as those decisions do not thwart the GMA. This deference "supersedes deference granted by the APA and courts to

[21] *McGuire v. State*, 58 Wn. App. 195, 199, 791 P.2d 929 (1990), *cert. denied*, 499 U.S. 906 (1991).
[22] *Quadrant*, 154 Wn.2d at 233.
[23] *Quadrant*, 154 Wn.2d at 237.
[24] *Viking Properties v. Holm*, 155 Wn.2d 112, 118 P.3d 322 (2005).
[25] *Chevron U.S.A. v. CPSGMHB*, 123 Wn. App. 161, 167, 93 P.3d 880 (2004).

administrative bodies in general."[26] Growth Boards and parties disfavoring *Quadrant v. Central Puget Sound GMHB,* 154 Wn.2d 224, 110 P.3d 1132 (2005), for its local-deference *dicta* attempt to extract from *Lewis County v. WWGMHB*, 157 Wn.2d 488, 498, 139 P.3d 1100 (2006) the single phrase that "...the [Growth] Board itself is entitled to deference...".[27] Having participated in briefing and presentation of *Lewis County*, undersigned counsel would respectfully disagree 'this' was the intended 'message' to the Growth Boards.[28] Rather, what those parties and the Boards have heard, but continue to fail to heed, is the message recently sent to the Eastern Growth Board by Division III, Court of Appeals, that:

> ...[Growth Boards] **must find compliance unless they determine a county action is "clearly erroneous in view of the entire record before the board** and in light of the goals and requirements of [the GMA]." RCW 36.70A.320(3). An action is "clearly erroneous" if the board has a "'firm and definite conviction that a mistake has been committed.'" *Lewis County v. W. Wash. Growth Mgmt. Hearings Bd.,* 157 Wn.2d 488, 497, 139 P.3d 1096 (2006) (quoting *Dep't of Ecology v. Pub. Util. Dist. No. 1 of Jefferson County*, 121 Wn.2d 179, 201, 849 P.2d 646 (1993))....
>
> The parties disagree over the amount of deference owed to the County's decision...In *Quadrant Corp. v. Central Puget Sound Growth Management Hearings Board*, the Washington Supreme Court granted deference to the agency's interpretation of the law in cases where the agency had a specialized expertise in the subject area, but also determined that the courts were not bound by the agency's interpretation of a statute. 154 Wn.2d 224, 233, 110 P.3d 1132 (2005) (quoting *City of Redmond*, 136 Wn.2d at 46).
>
> Specifically, in *Quadrant,* the Supreme Court held that "**deference to county planning actions, that are consistent with the goals and requirements of the GMA, supersedes deference granted by the APA and courts to administrative bodies in general.**" *Id.* at 238. The court also held that **while "this deference ends when it is shown that a county's actions are in fact a 'clearly erroneous' application of the GMA, we should give effect to the legislature's explicitly stated intent to grant deference to county planning decisions.**" Id. [Emphasis added]

[26] *Quadrant*, 154 Wn.2d at 238.

[27] *Futurewise's Response Brief*, at p. 5

[28] *Lewis County* is of far more significance as being one of a series of Supreme Court cases reigning-in arbitrary Growth Board 'edicts' on GMA regulations, which in the case of *Lewis County* involved overturning nearly six (6) years of WWGMHB decisions demanding that rural counties must "catalog" and set aside all 'prime soils' lands as agricultural lands of long term significance, regardless of market factors or development pressures (the "possibility of more intense uses") as determining whether it had enduring commercial qualities for farming. 157 Wn.2d at 501

Yakima County vs. Eastern Wash. GMHB, 146 Wn. App. 679, 685-87, 192 P.3d 12 (2008). And as our Supreme Court most recently commented about the Growth Boards and GMA:

> The GMA provides a "framework" of goals and requirements to guide local governments who have "the ultimate burden and responsibility for planning." RCW 36.70A.3201. Great deference is accorded to a local government's decisions that are "consistent with the requirements and goals" of the GMA....
> ...[and] that from the beginning the GMA was " 'riddled with politically necessary omissions, internal inconsistencies, and vague language.'" *Quadrant Corp.*, 154 Wn.2d at 232 (quoting Richard L. Settle, Revisiting the Growth Management Act: Washington's Growth Management Revolution Goes to Court, 23 Seattle U. L. Rev. 5, 8 (1999)). The "'GMA was spawned by controversy, not consensus'" and, as a result, it is not to be liberally construed. *Woods v. Kittitas County*, 162 Wn.2d 597, 612 n.8, 174 P.3d 25 (2007) (quoting Settle, supra, at 34).

Thurston County v. WWGMHB., 164 Wn.2d 329, 336, 341-2, 190 P.3d 38 (2008). See also, *Spokane County v. City of Spokane*, 148 Wn. App. 120, 125, 197 P.3d 1228 (2009):

> "... we strictly construe the GMA because it was controversial legislation. [*Thurston County*]. It consequently includes some

> language that is deliberately vague. Id. It also includes some intentional omissions and inconsistencies. *Id.*"

Fourth, substantial evidence under RCW 34.05.570(3)(e) is "a sufficient quantity of evidence to persuade a fair-minded person of the truth or correctness of the order."[29] Growth Board disagreements with County choices in local planning being based on 'this' evidence and not 'that' evidence, and even disagreements as to how County weighed the evidence, are not grounds for finding error with County's approach.[30]

And **fifth**, as used in the APA, "arbitrary or capricious" means "willful and unreasoning action, taken without regard to or consideration of the facts and circumstances surrounding the action. Where there is room for two opinions, an action taken after due consideration is not arbitrary or capricious even though a reviewing court may believe it to be erroneous."[31] The Court shall not defer to a Growth Board's interpretation of the GMA where that Board has misinterpreted the statute or exceeded its authority:

> Although a court will defer to an agency's interpretation when that it will help the court achieve a proper understanding of the statute, "it is ultimately for the court to determine the purpose and meaning of statutes, even when the court's interpretation is contrary to that of the agency charged with carrying out the law."

[29] *City of Redmond v. Central Puget Sound Growth Management Growth Board*, 116 Wn. App. 48, 54, 65 P.3d 337 (2003) (quoting *City of Redmond v. Central Puget Sound Growth Management Growth Board*, 136 Wn.2d 38, 46, 959 P.2d 1091 (1998)).

[30] See, e.g., *City of Arlington v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 164 Wn.2d 768, 782, 193 P.3d 1077 (2008)("There is evidence in the record supporting the County's determination...and the [Hearings] Board wrongly dismissed this evidence. Because this evidence supports the County's finding...the Board erred in not deferring to the County's decision...The Board erroneously used City of Redmond [and the contrary claims of now, *Futurewise*]...to dismiss of an important piece of evidence that supported the County's position.")

[31] *Id.*

Clark Cy. Nat'l Res. Council v. Clark Cy. Citizens United, Inc., 94 Wn. App. 670, 677, 972 P.2d 941, *rev den.*, 139 Wn.2d 1002 (1999) (FN and citations omitted). The Growth Board made erroneous interpretations, discussed below, in finding noncompliance and invalidity.

Futurewise miscites *Whidbey Envtl. Action Network ("WEAN") v. Island County*, 122 Wn.App. 156, 168, 93 P.2d 885 (2004) as holding a reviewing Court may alchemize a valid Growth Board decision from an otherwise clearly erroneous ruling. Such a review standard would undermine both the deference afforded to the Growth Board in interpreting general GMA standards and the deference and discretion afforded local governments in weighing and applying the factual record to the general policies and standards of the Boards (as discussed above). Rather, *WEAN* holds that one invalid basis for Board rulings on rural lands densities can be overcome with other, valid Board findings. As discussed below, there are no multiple bases for this Board's ruling on County rural lands densities—only the Board's substitute 'interpretion' of County's Rural Lands Study data which ignores local discretion and decision making.

Ironically, *WEAN* at page 168 is more readily known for the rural lands 'standard' espoused by the County, and ignored by the Growth Board:

> "The Act does not require a particular methodology for providing for a **variety of densities**." [*Citation omitted; emphasis added*] And RCW 36.70A.050 allows for **consideration of local conditions** and the use of unspecified "innovative techniques" to achieve rural densities and uses.

III. ARGUMENT

1. **The Superior Court was correct that the Growth Board lacked jurisdiction to rule that the Carlsborg CFP fails to comply with GMA, because the CFP was adopted in 2000, no appeal was timely filed, and GMA update requirements (e.g., UGAs) do not apply to County's prior enactments unless the controlling sections of the GMA have been amended in the interim.**

   Issue Response: RCW 36.70A.130 does not allow Growth Board review of unamended portions of a Comprehensive Plan on non-mandatory updates to the Capital Facilities Plan within an unamended Urban Growth Area.

The Superior Court was correct in ruling that the Growth Board lacked jurisdiction to rule that the Carlsborg CFP fails to comply with GMA, because the CFP was adopted in 2000, and no appeal was timely filed. Under *Thurston County vs. WWGMHB*, 164 Wn.2d 329, 344, 190 P.3d 38 (2008), this update requirement does not apply to a jurisdiction's prior enactments unless the controlling sections of the GMA have been amended in the interim, to wit:

> We hold a party may challenge a county's failure to revise a comprehensive plan only with respect to those provisions that are directly affected by new or recently amended GMA provisions, meaning those provisions related to mandatory elements of a comprehensive plan that have been adopted or substantively amended since the previous comprehensive plan was adopted or updated, following a seven year update.

In applying this test to the Carlsborg CFP, it appears that none of the cited and controlling sections of the GMA have been amended since this CFP was first adopted by Clallam County Ordinance in 2000 [32], to wit:

[32] Clallam County Ordinance No. 702 (2000), CP 484, IR 23, Appx. C.

Board Cited GMA Section	Section Amendments since 2000	Session Law Subject Matter	Applicable to Cited Subsection
36.70A.070(3)	ESSB 6196, 2005 ch. 360 §2	An Act relating to increasing the physical activity of Washington citizens	Does not amend .070(3)
36.70A.070(3)	ESHB 2905, 2004 ch. 196 §1	An Act relating to modifying provisions for limited areas of more intensive rural development	Not amending .070(3)
36.70A.070(3)	SSB 5788, 2003 ch 152 §1	An Act relating to rural development	Does not amend .070(3)
36.70A.070(3)	SHB 1395, 2002 ch. 212 §2	An Act relating to job retention in rural counties	Does not amend .070(3)
36.70A.110(3)	SSB 6367, 2004 ch. 206 §1	An Act relating to protecting the integrity of national historical reserves in the urban growth area planning process	Does not amend .110(3)
36.70A.110(3)	SHB 1755, 2003 ch. 299 §5	An Act relating to creating alternative means for annexation of unincorporated island of territory	Does not amend .110(3)
36.70A.020 (1), (2) and (12)	SSHB 2697, 2002 ch. 154 §§1 and 2	An Act relating to incorporating effective economic development planning into growth management planning	Does not amend goals (1), (2), or (12); added park and rec facility language to CFP provision; n/a to Board's ruling which relates to density and servers

[Illustrative table from County's Superior Court *Corrected Opening Brief*, CP 218.]

The Growth Board's finding that the Carlsborg non-municipal UGA failed to comply with GMA is necessarily based upon a finding of non-compliance as to the Carlsborg Capital Facilities Plan or "CFP". The Board's ruling reads:

> Therefore, CCC section 33.20 which permits urban uses before the advent of sewers in the Carlsborg UGA, is non-compliant with RCW 36.70A.070(3), RCW 36.70A.110(3), and substantially interferes with 36.70A.020(1), (2), and (12). [33]

and

> Clallam County is at the beginning stages of planning for a Carlsborg UGA sewer system and still has no sewer capital facilities plan that meets the requirements of RCW 36.70A.070(3).[34]

[33] CP 482, IR 35, Final Decision & Order ("FDO") at pp.79-80

[34] *Id.*, FDO, Finding 49, p. 99.

and

> By failing to provide for sewer service to the Carlsborg UGA, the County has not adopted a capital facilities plan that is compliant with the GMA".[35]

The Carlsborg UGA sewer provisions were not amended during the County's seven year update, so they cannot be appealed under RCW 36.70A.130(1)(d). Further, Clallam County Code ("CCC") Chapter 33.20 was adopted by Ordinance No. 701, (2000).[36] It implemented the recommendations of the concurrently adopted Carlsborg CFP. Ordinance No. 702 (2000) [37]. Neither Ch. 33.20 CCC nor the Carlsborg CFP were amended during the County's 2007 update.

Further, because RCW 36.70A.130(9) controlled as to whether or not the County was mandated to update/ or create a "Parks Plan", as relied upon by Futurewise, the Growth Board correctly noted that the existing, "dated" Carlsborg parks plan, incorporating and based on a "dated" 1994 county-wide CFP section, nevertheless fulfilled the requirements of RCW 36.70A.070(3).[38] Under *Thurston County*, 164 Wn.2d at 344-45, local enactments that are not amended in the local jurisdiction's GMA update under RCW 36.70A.130 do not trigger for Growth Board appeal:

> Finally, limiting failure to revise challenges to those aspects of a comprehensive plan directly affected by new or substantively amended GMA provisions serves the public policy of preserving the finality of land use decisions. Finality is important because "[i]f there were not finality, no owner of land would ever be safe in proceeding with development of his property." *Deschenes v. King County*, 83 Wn.2d 714, 717, 521 P.2d 1181 (1974), overruled in part by *Clark County Pub. Util. Dist. No. 1 v. Wilkinson*, 139 Wn.2d 840, 991 P.2d 1161 (2000). The legislature recognized the importance of finality in limiting the time period for challenging a comprehensive plan to 60 days. RCW 36.70A.290(2). If we were to allow a party to challenge every aspect of a comprehensive plan for GMA compliance every seven years, the floodgates of litigation initially closed by the 60-day appeal period would be reopened. Aspects of plans previously upheld on appeal could be subjected to a new barrage of challenges because a party could argue it is challenging a county's failure to update a provision, rather than reasserting its claim against the original plan. See, e.g., [*Thurston County v. WWGMHB*, 137 Wn. App. 781, 154 P.3d 959 (2007)] (allowing Futurewise's challenge to the County's UGA designations despite an earlier board decision upholding part of the County's UGA because the new challenge is based on the 2004 update). Because the legislature has not condoned such a result, we choose to limit challenges for failures to update comprehensive plans to those provisions that are directly affected by new or recently amended GMA provisions.

[35] *Id.*, FDO, Summary, p. 3.

[36] See, CP 482, IR 23, Appx. D: Ch. 33.20, codifiers SOURCE reference, in Title 33 CCC,

[37] CP 484, IR 23, Appx. C; Clallam County Ordinance No. 702 (2000).

[38] CP 482, IR 35, *FDO*, at pp.80-81.

Contrary to Futurewise's application of this case, *Thurston County* severely limits a challenger's ability to appeal a 'non-revision' of a comprehensive plan during its update, and then to only those provisions that are directly affected by new or recently amended GMA provisions.[39] More specifically, GMA revisions that would enable an "update" challenge to 'non-revised' CP provisions or DRs were defined to mean those GMA provisions related to mandatory elements of a comprehensive plan that have been adopted or amended by the Legislature since the challenged CP or DR was adopted or updated.[40]

[39] "...we choose to limit challenges for failures to update comprehensive plans to those provisions that are directly affected by new or recently amended GMA provisions." 164 Wn.2d 345.

[40] *Id.*

Here, the Growth Board found non-compliance for Ch. 33.20 CCC and the CFP, for failing to comply with specific GMA provisions, even though the Growth Board lacked jurisdiction over the 'non-revised', and 'unamended' Carlsborg portions of the CP and the Carlsborg CFP. Futurewise argues for expansion of *Thurston County* as triggering a more generalized 'reach back' review—where the merest potential for review with the County's comprehensive plan sections (even if theoretical, as with its argued OFM population, or parks and recreation discussions) unlocks *Pandora's Box*. Our state Supreme Court recently had the opportunity to expand the 'reach-back' rule beyond what was applied by this County's Superior Court, and it chose not to do so. *Gold Star Resorts v. Futurewise*, ___ Wn.2d. ___, ___ P.3d. ___ (Dec. 17, 2009).

As shown in the above Table of GMA amendments, there has been only one legislative amendment, to wit: RCW 36.70A.070(3) and that was solely to add park and recreation facilities to capital facilities planning, but which required State funding to become mandatory. Because no relevant GMA amendments support the Board's ruling regarding the Carlsborg Plan, the Board lacked jurisdiction over the Carlsborg CFP challenge.

2. The Superior Court was correct that the Growth Board erred in finding that the County's current choice of 2/1 du. acre in the Carlborg non-municipal UGA, during implementation of the sewer service element of the CFP, was non-compliant and invalid.

Issue Response: RCW 36.70A.070(3) and 36.70A.110 provide no authority for the Growth Board to prohibit septic system service for UGA designations and require full implementation of sewer service as an element in all UGA CFP's.

Futurewise also challenged the County's "failure to plan for sewer service to the Carlsborg urban growth area and appropriate urban densities" as violating RCW 36.70A.020(1-2, 12), -.040, -.070, -.110, & -.130.[41] The Growth Board agreed, even though GMA neither mandates full sewer service within a given time frame nor at any particular urban density. As previously argued by County, GMA merely requires CFP adoption by County to: 1) inventory existing public capital facilities; 2) forecast the "future needs" for such capital facilities; 3) identify the proposed locations and capacities of expanded or new capital facilities; 4) establish a 6-year financing plan that clearly identifies sources of public funds for such purposes; and 5) requires a reassessment of the land use element if probable funding falls short of meeting existing needs to ensure that the land use element, capital facilities plan element, and financing plan be coordinated and consistent. RCW 36.70A.070(3). That the County has done and is doing all of the above has not been disputed. Nevertheless, the Growth Board overrode County's decisions on the timing of capital facilities improvements within the Carlsborg UGA, and

[41] CP 482, IR 35, *FDO* at p.73 ("*Legal Issues No. 13 (Futurewise Issue 6)*")

mandated that County must both show that it has contemporaneously fully planned and funded the Carlsborg sewer system by the time the Board reviewed this existing non-municipal UGA at its periodic update—or that UGA is per se noncompliant and invalid under GMA.

The GMA language relied upon by the Growth Board merely states a requirement that County develop a CFP that is consistent with the UGA land use element. As previously argued by County before the Growth Board and Superior Court, continued use of on-site systems will adequately serve as a 'bridge', allowing for some land development and the protection of private property rights, until sewer planning, funding and build-out is complete under the Carlsborg UGA land use element.

In support of this sewer-mandate, the Growth Board and Futurewise misstate that increases in nitrate concentrations from on-site systems in Carlsborg groundwater demand an immediate 'sewer-only' response. This is incorrect. The Carlsborg CFP Sewer Study [42], County clearly establishes that as part of active planning for sewer, the County has imposed severe nitrate treatment requirements on new and repaired on-site systems.

In fact, County well monitoring shows levels of nitrate intrusion peaking about the time of the original CFP in 2000, and then falling and plateauing well below Federal drinking water limits.[43] It is not

[42] *County's [Superior Court] Reply Brief*, CP 164; CP 484, IR 23, *County's [Growth Board] Response Brief*, CP 484, IR 23 at 003013-003176, *Appendices*

[43] Portions of Carlsborg CFP Sewer Study reproduced below were presented in *County's [Growth Board] Response Brief*, CP 484, IR 23, 003034-36, pp. 21-23:

Federal drinking water standards require potable water to have less than 10mg/L of

scientifically possible to link nitrate levels to septic discharges in the Carlsborg area.[44] What these 'layperson' errors demonstrate is why drinking water and septage-public health issues in Carlsborg fall under Ch. 70.05 RCW (not Ch. 36.70A RCW), and the training and local knowledge of County health officers, and local and State Departments of Health.

To add to all of this, Futurewise champions yet another unproven mandate under GMA, that a lack of storm sewers within the Carlsborg non-municipal UGA remove this area from 'urban' consideration. In reality, many municipalities lack storm sewer and sewage system

nitrates...Most public and private well in the area have recorded nitrate levels that are significant, thoug low single digit and well below the 10 mb/" [Federal] standard. This includes the PUD well.... This sampling record is summarized in Table 2:

Table 2

Nitrate Sampling Results for PUD Carlsborg Well

Sample Date	Nitrate mg/L	
18 May 90	1.3	
28 Sep 94	1.6	
25 Jan 95	1.6	
7 Aug 96	1.5	
18 May 98	2.6	total nitrate/nitrite
7 Jun 99	2.5	
8 May 00	2.5	
9 May 01	1.9	
9 Apr 02	1.9	
3 Apr 03	1.9	
4 May 04	2.0	
3 May 05	2.1	
16 May 06	1.9	

The Table 2 records have shown an upward trend in nitrates levels over the years so that recent tests results are about a third higher than tests from 15 years ago, though lower than were recorded a few years ago. These sampling results are shown graphically in Graph 1.

[44] *Id.*, Study at 003035. p. 2:

3.4 Groundwater and Aquifer Concerns

...it is not possible to establish with certainty how much of the increasing nitrate level is due to septic drainfield effluent; versus how much is from other human activities like lawns, pets, landscaping, or stormwater; and how much is from agricultural fertilizer, livestock wastes, wildlife, or other sources.

improvements within significant portions their municipal boundaries—in addition to their UGAs. [45]

In support of overriding County discretion, the Growth Board referenced its own, prior decisions, without addressing the specific facts, in San Juan County, Mason County and Jefferson County [46] for what is clearly a 'brightline' standard for requiring immediate sewer planning and development for rural counties of this State within their non-municipal UGAs. Notably, Carlsborg UGA lies within a critical aquifer recharge area (CARA), a marine recovery area and shellfish protection zone[47], and may never 'densify' to the 'brightline' urban density touted by Futurewise[48] and restated by the Growth Board for the Carlsborg UGA.

It is this local public health decision making, which takes into account

[45] Ironically, counsel's 'city' residences in both Centralia and Sequim, Washington lack storm sewer or runoff facilities; significant developed portions of both cities also lack sewer systems.

[46] The WWGMHB's penchant for citing its prior cases as definitive, legal authority for rejecting local discretion and decision making is reminiscent of the author of a municipal law treatises and a Washington law professor who respectively footnote their prior works as authority.

[47] CP 482, IR 23, 003013-003176, 'passim' discussions of critical area environment of UGA in Carlsborg CFP Sewer Study.

[48] Futurewise has consistently relied upon unsuccessful, non-appealed matters to rebut County's arguments. What the Growth Board 'actually' stated was:

> In *Campbell v. San Juan County*, [*Stephen Ludwig v. San Juan County*, WWGMHB Case No. 05-2-0019c (FDO, 6/20/06)], this Board concluded that when considering whether an area was "characterized by urban growth" for the purpose of determining the location of a UGA in accordance with RCW 36.70A.110(3), densities of 1 du/acre could be considered "characterized by urban growth". Nevertheless, the Board went on to say this about appropriate urban densities in UGAs:
>
> > ...we said that circumstances such as the need to protect critical areas or to protect public health and safety make densities of less than four units an acre in UGAs a compliant way in which to harmonize the sprawl reduction goal with other GMA goals or requirements.

local conditions, which the Growth Board has overridden in its latest foray into GMA planning matters which require local deference.

3. The Superior Court was correct that the Growth Board erred in declaring County's Rural Lands Report did not fully supports County's choice of R2 and RW2 densities as consistent with the County's rural character.

Issue: Neither RCW 36.70A.020 and 36.70A.110 allow the Growth Board to substitute its analyses and interpretations for County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County.

The Growth Board framed the compliance challenges before it as whether County's rural densities between 2.4 acres and 4.8 acres were rural.[49] The question the Growth Board should have answered was whether the County committed clear error when, in reviewing the evidence before it, that Clallam County determined that R2 and RW2 zoning, in one or more of its four (4) planning regions, and in certain areas of those planning regions, were a recognized part of County's rural environment. See, *City of Arlington v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 164 Wn.2d 768, 782, 193 P.3d 1077 (2008). Where there was evidence in the record supporting the County's conclusion, the Growth Board should have deferred (but did not) to the County's zoning decisions. [50]

By so doing, the Growth Board undermined the County's authority to weigh a variety of different factors and facts in determining appropriate rural densities in any given area. The Growth Board did not, for example,

[49] CP 482, IR 35, *FDO* at p.57 & 65.

[50] *Id.*

acknowledge the County's power to address economic factors. [51] In fact, the FDO devotes only three, succinct sentences on the GMA goals applied by the County.[52] The Growth Board ignored the County's efforts to customize its rural zoning to the needs of each of County's planning regions discussed in it *Rural Lands Report*.[53] As noted by the Superior Court, the *Rural Lands Report* data ignored by the Growth Board included evidence of rural character within each study area (region) local circumstances, and the percentage of *lots* (rather than percentage of acres) with densities between 2.4 and 4.8 acres.[54] Simply stated, Growth Board's decision is not supported by evidence that is substantial. In fact, the Growth Board, purposefully or not, arbitrarily imposes a 'bright line' of 1/5 dwelling unit per acre (du./ac). See, discussion in *Thurston County*, 164 Wn.2d at 358-59:

> Since 1995, GMHBs have utilized bright-line standards to distinguish between urban and rural densities. [Fn.21] [Thurston County v.WWGMHB, 137 Wn. App. 781, 806, 154 P.3d 959, (2007)]("[t]he Board considers a density of not more than one dwelling unit per five acres to be rural"). [Fn. 22] The GMHB, as a quasi-judicial agency, lacks the power to make bright-line rules regarding maximum rural densities. Viking Props., 155 Wn.2d at 129-30. We hold a GMHB may not use a bright-line rule to delineate between urban and rural densities, nor may it subject certain densities to increased scrutiny.
>
> [Fn. 21: *See* Bremerton, 1995 GMHB LEXIS 384, at *102 (adopting a bright-line urban density of a minimum of four dwelling units per acre); Vashon-Maury v. King County, No. 95-3-0008, 1995 GMHB LEXIS 428, at *149, 1995 WL 903209 (Cent. Puget Sound Growth Mgmt. Hr'gs Bd. Final Dec. and Order Oct. 23, 1995) (holding densities of one dwelling unit per 10 acres or less is rural and greater densities are subject to increased scrutiny); Yanisch v. Lewis County, No. 02-2-0007c, 2002 GMHB LEXIS 66, at *9, 2002 WL 31863235 (W. Wash. Growth Mgmt. Hr'gs Bd. Final Dec. and Order Dec. 11, 2002) (densities greater than one dwelling unit per five acres are not rural). But see Citizens for Good Governance v. Walla Walla County, No. 05-1-0013, 2006 GMHB LEXIS 69, at *28, 2006 WL 2415825 (E. Wash. Growth Mgmt. Hr'gs Bd. Final Dec. and Order June 15, 2006) (noting bright-line factors may not be employed by a GMHB after Viking Properties.]
>
> [Fn. 22: The Court of Appeals stated, "[t]he Supreme Court has referred to a density of one dwelling unit per five acres as 'a decidedly rural density.'" Thurston County, 137 Wn. App. at 806, n.15 (quoting [Skagit Surveyors & Eng'rs, LLC v. Friends of Skagit County, 135 Wn.2d 542, 571, 9, 958 P.2d 962 (1998)). This is incorrect. The cited provision is found in the dissenting opinion in Skagit Surveyors & Engineers, 135 Wn.2d at 571 (Talmadge, J., dissenting). To the contrary, we have rejected any bright-line rule delineating between urban and rural densities. Viking Props., 155 Wn.2d at 129-30.]

The Superior Court correctly rejected the Growth Board's undue emphasis on farming and 'farm size' (outside of County's agricultural resource lands) to establish the character of all 'rural areas'. The Growth Board, without citation or reliance on the record, had stated that County intended the *Rural Lands Report* to focus on farming in sustaining traditional rural lifestyles and rural based economies. [55] The Board's *FDO* found that the average size of operating farms throughout Clallam County should

[51] *Id., FDO* at p. 58 (citing RCW 36.70A.011 & RCW 36.70A.030(15) as defining Clallam County discretion.

[52] *Id, FDO* at p. 55-56.

[53] CP 123, *Memorandum Opinion* at pp. 23-30; CP 482, IR 23, Ex. 78, Appx. "B".

[54] CP 482, IR 35, *FDO*, pp. 29-30; Findings, p. 97

[55] *Id., FDO*, pp. 60 & 63 (referencing County's "farm-based economy") This imposition of 'arbitrary' benchmarks and standards for rural areas by the Growth Board, without statutory support, is particularly troublesome, where the "meatloaf" status (or 'unspecified' and 'undefined') statutory nature of rural lands has been acknowledged by the Western Board, to wit: *Port Townsend v. Jefferson County*, WWGMHB No. 94-2-0006, p. 26 (FDO, 08/--/94): "Rural lands are the leftover meatloaf in the GMA refrigerator." [Attributed to William Nielsen, former Wstrn Wa. Growth Board Member.]

determine the character of the County's rural area in any given area to a 1/5 du./ac. uniform, minimum rural density. However, as evidenced by the *Rural Lands Report*, farming is but one of many uses of rural lands activities within the County.

In addition to this unsupported methodology, the Growth Board overemphasized the total number of acres with a given density, ignoring the number of parcels with a given density within a given planning region—which ignored where the *Rural Lands Report* indentified parcels as being located.[56] In other words, the Board shrouded the County in a one-size-fits-all approach to rural lands in all of the 'subareas' of the County.

And while the Growth Board paid lip service its obligation to define County's rural land based upon County's studies of existing "land use patterns"[57] in defining "rural" densities, it then found County's density-designations of those land use patterns within distinct planning regions as non-compliant.[58] As discussed above (and by the Superior Court), the Growth Board's broad, homogonous brush stroke on County rural densities for these western, central and eastern subareas has failed "...to maintain the traditional rural lifestyles of the residents of Clallam County

[56] *Id., FDO*, pp. 60-61; Finding 43 at pp. 98-99 (imposing a minimum, countywide rural density, and ignoring the percentage and location of parcels of greater densities than 1 du/4.8 acres)

[57] *Id., FDO*, p 61: "The GMA specifically references land use patterns as a defining feature with rural lands".

[58] *Id., FDO*, p 61; Conclusion 'O', p. 62-63,102.

as required by RCW 36.70A.070 and 36.70A.011." [59]

Futurewise's arguments before the Growth Board and Superior Court were also based upon a Futurewise-created "Table 1" as 'proof' that within County's R2 and RW2 zones "...most parcels are in the 4.81 acres or larger category".[60] Futurewise has misinterpreted and misapplied County's *Report* to create its "Table 1", which provides analysis of the "[p]ercent [a]cres of [l]and [z]oned R2 and RW2 by [p]arcel [s]ize" rather than the 'number of total parcels in these same size ranges' as contained in County's *Rural Lands Report* data. Futurewise's assertion that "within these zones *more parcels* [emphasis added] are in the 4.81 acres or larger category than any other lot size category" is a clear misstatement of fact.[61] The number of total parcels that are '2.4 acres and less' vs. the total number of parcels that are 'between 2.4 and 4.8 acres', is a wholly distinct and different statistical measure—and this 'integration' of statistical analyses by Futurewise does not bolster the Growth Board's decision.

In its briefing before this Court, Futurewise misstates and mischaracterizes the County's *Rural Lands Report*[62] as supporting the Growth Board 'bright line' on the five-acre minimum rural density. By example, in the Sequim Region, the *Rural Lands Report* [63] establishes that 70.5% of the 5,846 parcels within the R2 are 2.4 acres or less, with an

[59] *Id.*

[60] CP 176, *Futurewise's Response Brief*, at pp. 18-19, and "Table 1"

[61] CP 176, *Futurewise's Response Brief*, at p.19, lns. 2-3

[62] CP 228, Appdx "B"; CP 482, IR 23, Ex. 78, Appnx. "B".

[63] CP 482, IR 23 *County's [Growth Board] Response Brief*, Appnx B, 001800, *Appendices*. Table SDPR-2

average parcel size of 2.2 acres.[64] By comparison, the *Report* shows that only approximately 14.2% of the 5,843 parcels within the Sequim Region have the potential to re-divide, and with 7.6% of these parcels already contain a fully developed, single-family residential use (and as such, these parcels *de facto* will never re-divide). This is part of County's analyses and decision making on rural lands overridden by the Growth Board. In fact, the average parcel size in R2-zoned land 'countywide' is 2.4 acres [65]. These and other statistical measures reported within the *Rural Lands Report* also 'characterize' rural land use patterns within the R2 zoning areas, within a given regional planning area, in County's opinion clearly demonstrated that R2 and RW2 were appropriate in those rural areas significantly fragmented by smaller parcels.

The Growth Board focused on "% acres of land by parcel size" for 'rural character' and erroneously discard all other aspects of rural development properly considered by County, including: land use patterns, rural character, and 'regional' differences within the County demonstrated by the *Rural Lands Report*—thus failing to accord County due deference in local planning decisions. By further example, the County in reliance on the *Rural Lands Report* considered factors such as geographic isolation, limited rural land availability (such as proximity to existing road infrastructure and services, economic conditions, etc...within a sparsely

[64] *Id.* Table SDPR-3

[65] CP 482, IR 23 *County's [Growth Board] Response Brief*, Appnx B, *Appendices*. Table CC-2

populated and mostly unimproved areas) as considerations for the RW2 zoned portions within the Western (Forks) Planning Region.

Futurewise provided no evidence in the record before the County (or thereafter before the Growth Board) that *per se* refuted County's decisions on rural development, rural land use patterns, and/or rural character, as reported in County's *Rural Lands Report*. The Growth Board, in turn, cited neither authority nor factual justification, based upon this same record, for rejecting County's approach to rural development, rural land use patterns, and/or rural character, as set forth in the *Rural Lands Report*. It is precisely this scenario, where local discretion, interpretation and choices on evidence are erroneously and arbitrarily rejected by Growth Boards which triggered a judicial rebuke in *City of Arlington v. Cent. Puget Snd. GMHB.*, 164 Wn.2d 768, 782, 193 P.3d 1077 (2008):

> In sum, we hold the Board erred in finding the County committed clear error in concluding that the land at Island Crossing had no long term commercial significance to agricultural production. **The Board erred because it dismissed a key piece of evidence that supported the County's conclusion on this point. Because there is evidence in the record to support the County's conclusions, the Board should have deferred to the County.**
>
> Furthermore, we hold the Board erred in finding the County committed clear error in including the land at Island Crossing within the newly expanded Arlington UGA. **There are facts in the record to support the conclusions that the land in question is characterized by urban growth and/or adjacent to territory already characterized by urban growth.** [Emphasis added]

When evaluated as a whole, this Court must agree with the Superior Court

to uphold County's discretion to apply the *Rural Lands Report* for its 'rural character', and reject the mandated five acre and larger parcel-minimums imposed throughout the County by the Growth Board.

4. The Superior Court was correct in rejecting Futurewise's belated 'internal consistency' challenge of the County's comprehensive plan and development regulations for rural lands, where County's creation of R2/RW2 densities as consistent with its rural planning.

Issue Response: Futurewise cannot for the first time on appeal raise new argument and challenges to County's rural density analyses and decisions under County's Rural Lands Study and supporting documentation from public hearings before the County.

Futurewise's original Assignments of Error Nos. 4 and 5 are, in fact, redundant and duplicative, both alleging similar, 'substantial' factual bases for the Growth Board declaring 1 du./5 ac. minimum, rural zoning and rejecting County's own findings and decisions on a variety of rural densities, and that the Board decision is collaterally supported by an 'internal inconsistency' argument. In addition, Futurewise's original Assignments of Error Nos. 4 and 5 are, in large part, interrelated and duplicative of its arguments under Assignment of Error No. 3. For the first time and belatedly before the Superior Court, Futurewise argued that County's rural character requirement in CCC 31.02.050(31)(a) calling for "open fields and woodlots interspersed with homesteads" is clearly not consistent with "a pattern of new 2.4 acre lots" in the *Rural Lands Report*.[66] Futurewise cannot explain what data or photos in the *Report*

[66] CP 176, *Futurewise's Response Brief*, at p.19, lns. 12-14.

clearly prove inconsistency with this element of rural character—even given the 'farming' focus of the Growth Board and Futurewise. Clearly, maps in each of the four planning regions from the *Report* contradict the 1/5 du./ac. as an overall rural character.[67] Specifically, photo-maps from the Sequim Region for R2 wood lots (SDPR-1), R2 open space lots (SDPR-2), commercial lavender patches needing as little as 1.6 acres (SPDR-3), and rural residential lands (SPDR-4), as well as the Straits Region images with organic farming needing as little as 2.6 acres (SPR-2) and R2 commercial woodlots (SPR-3).[68]

As noted supra, Futurewise has mistates *Whidbey Envtl. Action Network ("WEAN") v. Island County*, 122 Wn.App. 156, 168, 93 P.2d 885 (2004) to argue that it be allowed to 'shake-and-bake' the Growth Board record to repair what would otherwise be erroneous Growth Board bases for its ruling. Such a review standard would undermine both the deference afforded to the Growth Board in interpreting general GMA standards and the deference and discretion afforded local governments in weighing and applying the factual record to the general policies and standards of the Boards (as discussed above).

At best, *WEAN* holds that one invalid basis for Board rulings on rural lands densities can be overcome with other, valid Board findings. As discussed above, there are no multiple bases for this Board's ruling on County rural lands densities—only the Board's substitute 'interpretation'

[67] CP 482, IR 23, *Clallam County's Response Brief*, , Appnx B, 001800, Appendices
[68] *Id.*

which ignores local discretion and decision making. Cognizant of this shortcoming, Futurewise belatedly (and impermissibly) argues for the first time on appeal that County's rural lands decisions are inconsistent (i.e., internal inconsistency) with its Comprehensive Plan.

In addition to Futurewise's selective references to elements of County rural lands definition under CCC 31.02.050(31), the County's "rural character' is primarily defined as "the existing and preferred patterns of land use and development established for lands designated as rural areas or lands under this comprehensive plan." [69] Under this definition, rural characteristics may include, "but are not limited to"... "open fields and woodlots"—but also include "life styles and economies common to the areas designated as rural areas and lands" under the County's planning.[70]

Futurewise re-asserts that this language from County's own comprehensive plan and studies establishes that 2.4 acre densities are not consistent with the county's rural character. However, Futurewise then avoids the following definition in County's CP, "Rural Development" at CCC 31.02.050(32) which reads as follows:

> "Rural development" means development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development **can consist of a variety of uses and residential densities**, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. **Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.**

(Emphasis added).

[69] *Brief of Appellant Futurewise* at p. 27.
[70] *Id.*

Treating the County rural areas as homogonous (as did the Growth Board) or selectively excerpting statistics for one or more of the four regional comprehensive plans does not overcome the County's decision making or sole discretion to designate R2/RW2 in certain rural areas of the County.

As before the Growth Board and Superior Court, Futurewise lapses into a series of generalized, 'learned treatise' arguments, which the Growth Board, itself, summarily dismissed and criticized Futurewise as rotely arguing "...academic studies without providing a comparative analysis to the facts and circumstances that are reflected within Clallam County ...".[71]

Futurewise next attempts to reargue its failed 'fish and wildlife habitat' and 'impervious surfaces' challenges, rejected by both the Growth Board and Superior Court as a secondary bases for upholding the Growth Board non-compliance and invalidity rulings.[72] Similarly Futurewise reargues its failed 'traffic' issues of high rural densities increasing traffic "because more people drive alone and must drive longer distances to work and to meet the needs of their families" as *per se* sustaining the noncompliance finding since County's the definition of rural character includes a reference to low traffic volumes. Again, this argument was rejected by the Growth Board, which Futurewise does not disclose to this Court. Specifically, the Board noted Futurewise's challenge involved little more than a series of

[71] CP 482, IR 35, *FDO* at pp. 88 & 89
[72] *Id.*, at p. 62, lns. 1-21

conclusory references and statements without analysis of their applicability to or significance in Clallam County rural lands. [73] In fact, Futurewise did not provide *any* analyses of County driving distances to work or for families in R2/RW2 lands. It is, however, significant that most R2 lands are within close proximity to at least one of municipal UGA or LAMIRD.

Futurewise's remaining arguments are devoted to disclaiming the current existence of any 'bright line' rule of one dwelling unit per five acres standard coming from the Growth Boards—which 'bright line' existed with the Growth Boards until they were confronted by our Supreme Court in *Thurston County* for ignoring local discretion and arbitrarily imposing minimum parcel sizing on rural zoning. In addition, Futurewise cites the Growth Board discussion of County's "existing land use pattern" as support for the Board's 'un'-bright line, five acre minimum rural parcel size for County. However, the Board discussion was based upon Futurewise's flawed analyses of County's *Rural Lands Report*, discussed *supra*.[74]

Futurewise skews the purpose of this Court's review, claiming that because there is substantial evidence in the record to support both Futurewise's and Growth Board's choices of evidence and a 'given' application of those facts in determining County's 'rural character' (regardless of the Board's actual findings), that County's choices must

[73] *Id.*, at p. 62-63, lns. 25-29, 1-2
[74] CP 482, IR 35, *FDO* at p. 63

fail.[75] However, this is precisely the flawed perspective on Growth Board authority was criticized by our Supreme Court in *City of Arlington*, discussed *supra*, where 'Board' authority on factual matters (as opposed to legal interpretations of GMA goals) must yield to local discretion and choices in selecting and weighing facts and factors in local planning. As noted by in *Thurston County*,164 Wn.2d at 359-60:

> The legislature did not specifically define what constitutes a rural density. Instead, it provided local governments with general guidelines for designating rural densities. A rural density is "not characterized by urban growth" and is "consistent with rural character." . . .**Whether a particular density is rural in nature is a question of fact based on the specific circumstances of each case.**
>
> Finally, the GMA does not dictate a specific manner of achieving a variety of rural densities. [*Whidbey Envtl. Action Network v. Island Cy.*, 122 Wn. App. 156, 167, 93 P.3d 885 (2004)]. **Local conditions may be considered and innovative zoning techniques employed to achieve a variety of rural densities.**

And finally, *Thurston County* reinforces the proposition that 'rural character' considerations of counties may include, but are not limited to, the factors listed in former RCW 36.70A.030(14). Under the rulings in *Thurston County* (issued after the Growth Board decision), Futurewise's (and Growth Board's) reliance on a 1997 discussion of rural character in Eastern Washington from *Tugwell v. Kittitas County*,[76] and a ten year old 'cubicle commentary' of a CTED[77] planner, renders all the more arbitrary,

[75] *Futurewise's Response Brief*, at p. 27.
[76] *Tugwell v. Kittitas Count*, 90 Wn.App 1, 951 P.2d 272 (1997)
[77] Notably, the June 1999, position paper on 'rural lands' touted as authority by Futurewise originates from its portfolio of minimal-value, "academic studies" dismissed by the Growth Board, and comes courtesy of the Washington State Department of

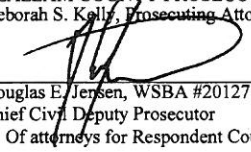
rather than more convincing, the Growth Board's compliance order.

V. CONCLUSION

For the foregoing reasons Clallam County respectfully requests that the Court uphold the decision of Superior Court overturning the decision of the Western Washington Growth Management Hearings Board and remanding this matter for further proceedings .

DATED this 8th day of February, 2010.

CLALLAM COUNTY PROSECUTING ATTY
Deborah S. Kelly, Prosecuting Attorney



Douglas E. Jensen, WSBA #20127
Chief Civil Deputy Prosecutor
Of attorneys for Respondent County

Community, Trade and Economic Development (now "Commerce")—for which the Legislature granted no 'statutory' powers, and merely an 'advisory' function.

APPENDIX A

SCANNED-34

FILED
CLALLAM COUNTY
JUN 26 2009
2:15 p.m.
BARBARA CHRISTENSEN, Clerk

SUPERIOR COURT OF WASHINGTON
COUNTY OF CLALLAM

In re: CLALLAM COUNTY, Plaintiff, v. WESTERN WASHINGTON GROWTH MANAGEMENT BOARD, Defendants.	)	NO. 08-2-00646-1 MEMORANDUM OPINION

I. ISSUES:

Clallam County appeals from a Western Washington Growth Management Board determination that the Clallam County Comprehensive Plan and the Carlsborg Urban Growth Areas and its Capital Facilities Plan are noncompliant with the Growth Management Act of the State of Washington.

II. GENERAL FRAMEWORK:

At one time the axiom was that "a man's home is his castle." People who owned real property could do with it what they pleased. In the earlier part of the 20th century concerns began to arise that one's free exercise of property rights often unfairly impacted the neighbors. Gradually the concept of land use planning and zoning spread across the country. The State of Washington has been through various planning

enabling acts which ultimately led to land use rules and regulations which varied greatly from city to city and county to county.

The Washington Legislature enacted the Growth Management Act (GMA) in 1990 stating it was intended to combat "uncoordinated and unplanned growth" and was to promote cooperation among local governments and citizens in Comprehensive land use planning. RCW 36.70A.101. The GMA was enacted largely "in response to public concerns about rapid population growth and increasing development pressures in the state, especially in the Puget Sound region." King County v. CPSGMHB, 142 W. 2d 543, 546, 14 P.3d 133 (2000).

The Growth Management Act provides a "framework" of goals and requirements to guide local governments, who have "the ultimate burden and responsibility for planning." RCW 36.70A.3201. The Growth Management Act requires counties to develop a comprehensive plan "which is to set out the generalized coordinated land use policy statement" of the county's governing body. RCW 36.70A.030(4). Among other things the Comprehensive Plan must designate Urban Growth Areas (UGA's) "within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature." RCW 36.70A.110(1). The Comprehensive Plan also must include a rural element that provides for a variety of rural densities. RCW 36.70A.070(5)(b)(2004). The GMA recognizes regional differences and allows counties to consider local circumstances when designating rural

densities so long as the local government creates a written record explaining how the rural element harmonizes the GMA requirements and goals (see former RCW 36.70A.070(5)(a)).

Great deference is to be accorded the local government's decisions that are "consistent with the requirements and goals" of the GMA (RCW 36.70A.320(1)). The GMA's goals include encouraging development in urban areas and reducing rural sprawl. RCW 36.70A.020(1), (2).

The Legislature identified 13 planning goals in the GMA, but expressly refrained from imposing upon local jurisdictions any order or priority amongst these goals. RCW 36.70A.020 and Viking Properties v. Holm, 155 Wn. 2d 112 (2005) at page 127. Pursuant to the Growth Management Act the State has created Growth Management Hearing Boards to determine whether or not county comprehensive plans or development regulations are in compliance with the requirements of the act itself. The GMA provides that a Hearings Board "shall find compliance unless it determines the action by the state agency, county or city is clearly erroneous in view of the entire record before the Board and in light of the goals and requirements of this chapter." RCW 36.70A.320(3). The Legislature sets a standard in RCW 36.70A.320(1) for granting local entities the deference intended:

> "In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the Legislature intends for the boards to grant deference to counties and cities in how

> they plan for growth consistent with the requirements and goals of this chapter. Local Comprehensive Plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The Legislature finds that while this chapter requires local planning to take place within a framework of State goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future, rests with that community."

"To find an action 'clearly erroneous,' the Board must have a 'firm and definite conviction that a mistake has been committed.'" Thurston County v. W. Wash. Growth Mgmt. Hearings Bd., 164 Wn. 2d at 340-41 (quoting Lewis County v. W. Wash. Growth Mgmt. Hearings Bd., 157 Wn. 2d 488, 497, 139 P.3d 1096 (206)).

III. STANDARD OF REVIEW:

The Washington Administrative Procedures Act governs judicial review of challenges to Growth Board actions. Quadrant v. Central Puget Sound Management Growth Board, 154 Wn. 2d 224 (2005) at 233. Under the APA the burden of demonstrating the invalidity of agency action is upon the party who assets invalidity. RCW 34.05.570(1)(a).

The statute sets forth nine grounds for relief from an agency decision. In the County's "Corrected Opening Brief" the County asserts five grounds as its basis of appeal. They are as follows:

> (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;
> (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;
> (d) The agency has erroneously interpreted or applied the law;
> (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; [or] . . .
> (i) The order is arbitrary or capricious. (RCW 34.05.570(3)).

Court's have noted that he GMA is to be strictly construed because it was controversial legislation. See Thurston County v. WWGMHB, 164 Wn. 2d 329 (2008) and Spokane County v. City of Spokane, 148 Wn. App. 120 (2009).

A reviewing court reviews errors of law de novo under the APA pursuant to RCW 34.05.570(3)(d).

"Substantial evidence" is defined as "a sufficient quantity of evidence to persuade a fair-minded person of the truth or correctness of the order." RCW

34.05.570(3)(e). See City of Redmond v. Central Puget Sound Growth Management Board, 116 Wn. App. 48 (2003).

IV. PROCEDURAL HISTORY:

The Growth Management Act requires counties to review their designated Urban Growth Areas every ten years. It also requires that the County Comprehensive Plan be reviewed every seven years. Clallam County conducted its update reviews from 2004 through 2007. On August 28, 2007, the Board of Clallam County Commissioners enacted Resolution No. 77 entitled "Affirming that Clallam County has reviewed and updated its Countywide Comprehensive Plan, Regional Plans, and Development Regulations to ensure continued compliance with Growth Management Act Standards and Policies." Some portions of the countywide Comprehensive Plan were amended from the prior plan. On the same day the Board of Clallam County Commissioners enacted Ordinance 826 to add a section to the Comprehensive Plan dealing with "limited areas of more intensive rural development" (LAMIRDS) a new designation permitted under the Growth Management Act.

Futurewise, and others, filed a Petition for Review to the Western Washington Growth Management Hearings Board (WWGMHB) asserting that the County's enactments left numerous areas of the County's Comprehensive Plan and development regulations noncompliant with the Growth Management Act.

On April 23, 2008, the Growth Management Hearings Board issued its Final Decision and Order finding that in certain respects the rural densities adopted by Clallam County were noncompliant with the Growth Management Act and that in certain respects the Carlsborg UGA was also noncompliant with the GMA. There were other issues raised to the Board, but before this Court are only those two general issues.

Regarding Carlsborg, the Board noted that Carlsborg was an unincorporated UGA in a rural county. Futurewise had charged that the most egregious violation as regards the Carlsborg UGA was the lack of sewers and any plan for building sewers in the future. The Board found that the Carslborg UGA and particularly Clallam County Code Section 33.20 which permitted urban uses within the Carlsborg UGA prior to the advent of sewers was noncompliant with RCW 36.70A.070(3) and RCW 36.70A.110(3) and substantially interfered with RCW 36.70A.020(1),(2), and (12). Final Decision and Order pages 79 and 80.

The provisions of the County Code relating to Carlsborg, and the Capital Facilities Plan relating to Carlsborg had been adopted by the County prior to the current review and no appeal had been taken from the initial adoption of those plans. The County chose not to amend the Carlsborg Urban Growth Area nor its Carlsborg Capital Facilities Plan as a part of the update and review which took place from 2004 to 2007. The County alleges that the Board had no jurisdiction to require the County to make changes at this time as the applicable appeal period ran years previously.

Futurewise argued that Clallam County's rural zoning districts which allowed densities of up to one residence (1/du) per 2.4 acres violated the Growth Management Act mandate because the density was not rural in nature. The Board, at page 63 of its opinion, noted as a basis for its decision: "The existing rural landscape supports a finding that the rural character of Clallam County is a rural density of 1du/5 acre." The Board then found that "by authorizing densities that do not reflect the existing landscape or economy of the area, the County has failed to maintain the traditional rural lifestyles of the residents of Clallam County as required by the GMA." Final Decision and Order, *supra*, at page 63.

V. CARLSBORG JURISDICTIONAL ISSUES:

Paragraph 15 of Resolution No. 77 noted: "In connection with this update, Clallam County has performed a ten year review of its six Urban Growth Areas (UGAs) and has updated its UGA capacity analysis to include the most recent (2002) OFM county population projections for growth and in consideration of it's updated linear projections; . . ."

Under paragraph 20A, relating to Comprehensive Plan elements, the County noted:

> "As part of this update process, Clallam County has performed its ten year review of its six designated Urban Growth Areas (UGA's); Sequim UGA, Carlsborg UGA, Port Angeles UGA, Joyce UGA, Clallam Bay/Sekiu UGA, and Forks UGA. As part of the review, the County considered whether the UGA's have sufficient land and densities to permit the urban growth that is projected to

occur in the county for the succeeding 20 year period (2005-2025) in accordance with RCW 36.70A.110(2) and 36.70A.130(3)." The County then determined that county has experienced population growth which has been accommodated by its comprehensive plan without requiring major amendment and that "the County's UGA's include adequate capacity to urban growth for the next 20 years . . ."

The resolution cites to a report entitled *Clallam County's Urban Growth Area Analysis and Ten Year Review* of May 2007.

Paragraph 20C of the resolution states in part:

"In 2000, the County adopted Ordinance 702, enacting a specific Capital Facilities Plan for the Carlsborg Urban Growth Area, which had been designated to resolve a GMA petition filed by the City of Sequim with the WWGMHB. The CFP is a 20-year plan with a 6-year financing element for construction and maintenance of the County's Capital Facilities.

In paragraph 21 relating to Urban Growth Areas the County noted in part:

"In 1995 and in subsequent years the County designated UGA's that were intended to accommodate 20-year population projections. The County has performed its UGA update analysis as summarized in findings 20A and 20B of this resolution. In 2004, the Planning Commission recommended completion of the 10-year UGA review for the County's six UGA's to ensure GMA compliance. Based upon its review, the County determined that no revisions to existing UGA's are required to accommodate the projected 20-year growth and that it's UGA's comply with the GMA. Permitted densities allowed within each of the County's UGA's are evaluated in the UGA report."

The resolution goes on to specifically indicate urban density issues which have been raised in this proceeding.

The first issue which the Court must decide is whether or not the Western Washington Growth Management Hearings Board had jurisdiction to hear an appeal to the County's determination in Resolution No. 77 to neither enlarge nor reduce the Carlsborg Urban Growth Area, and the County's decision not to modify the Capital Facilities Plan which applies to that Urban Growth Area, and to not revisit allowable densities within the Carlsborg UGA.

At page 85 of the final decision and order the Board noted:

"Thus the question is: May the Board review the County's UGA's, reviewed pursuant to RCW 36.70A.130(3), even though the County determined not to amend those UGA's?"

RCW 36.70A.130(3) states in part, at sub paragraph (1)(a):

"Each Comprehensive Land Use Plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if need, revise it's Comprehensive Land Use Plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time period specified in subsection (4) of this section . . ."

Subsection 4 requires Clallam County to act on or before December 1, 2004, and every seven years thereafter.

Clallam County alleges that the Growth Board lacks jurisdiction to rule that the Carlsborg Capital Facilities Plan fails to comply with the Growth Management Act (GMA). Clallam County states the CFP was adopted in 2000 and no appeal was timely filed. Therefore existing plans and regulations have been deemed compliant with the

GMA. Clallam County cites the Supreme Court's ruling in Thurston County v. WWGMHB, 164 Wn. 2d 329, 190 P. 3d 38 (2008) as authority. That case was decided after the Board's decision in this matter.

In Thurston County the Court said:

> "We hold that a party may challenge a county's failure to revise aspects of a Comprehensive Plan that are directly affected by new or recently amended GMA provisions if a petition is filed within 60 days after publication of the County's 7-year update. A party may challenge a county's revisions or failures to revise its UGA designations when there is a change in the population projection, if a petition is filed within 60 days after publication of the county's 10-year update." Thurston County, *supra*, at page 336.

Later in the opinion the Court rephrased the question as follows:

"When a Comprehensive Plan is updated either every seven years in accordance with former RCW 36.70A.130(1)(a) or when UGA's are reviewed every ten years in accordance with former RCW 36.70A.130(3), does a GMHB have jurisdiction to review the entire Comprehensive Plan?" Thurston County, *supra*, at page 342.

The Court in answering that question held: at page 343:

> "A party may challenge a county's failure to revise aspects of a Comprehensive Plan which are directly affected by new or recently amended GMA provisions following a seven year update."

Futurewise, who was the appellant in the Thurston County case argued that it should have been able to challenge all aspects of a Comprehensive Plan following a seven year update regardless of whether a Comprehensive Plan was revised. The Supreme Court disagreed noting that the statute did not explicitly define which aspects of a Comprehensive Plan must be updated nor delineate the scope of challenges that might be brought against a Comprehensive Plan. The Court noted:

> "The GMA clearly does not require a county to reenact a new Comprehensive Plan every seven years. It simply mandates a county review and, if needed, revise its Comprehensive Land Use Plan and development regulations."

The Court stated "we refuse to imply such an onerous requirement in the absence of an explicit GMA provision to the contrary." Thurston County, *supra*, at page 344. The Court then went on to state:

> "We hold a party may challenge a county's failure to revise a Comprehensive Plan only with respect to those provisions that are directly affected by new or recently amended GMA provisions, meaning those provisions related to mandatory elements of a comprehensive plan that have been adopted or substantively amended since the previous Comprehensive Plan was adopted or updated, following a seven year update. This rule provides a means to ensure a Comprehensive Plan complies with recent GMA amendments, recognizes the original plan was legally deemed compliant with the GMA, and preserves some degree of finality." Thurston County, *supra*, at page 344. (emphasis added)

Clallam County argues that the only pertinent GMA amendment that would enable an update challenge was "solely to add park and recreation facilities to the Capital Facilities Plan requirement."

The Board found that the Capital Facilities Plan as it related to park and recreational facilities was compliant with the GMA. Futurewise also notes that the newer statute added the requirement for park and recreation facilities consideration and required that be included in the Capital Facilities Plan element. Futurewise notes and argues in its opening brief at page 9: "In fact, one of Futurewise's specific challenges at the Board was the CFP provision for parks and recreation facilities. Thus the

amendment to the CFP, pursuant to Thurston County, gave Futurewise standing to challenge (and the Board jurisdiction to hear a challenge, to) the CFP, *in toto*."

The language in Thurston County cannot be read that broad. It specifically limits the challenge to those "provisions related to mandatory elements of a Comprehensive Plan that had been adopted or substantively amended since the previous Comprehensive Plan was adopted or updated . . ." Neither the language of the Thurston County opinion nor logical inferences from that language, would allow a challenge to a Comprehensive Plan "in toto" as argued by Futurewise. In fact, the Thurston County Court went on to note that their ruling created "no 'open season' for challenges previously decided or time barred." Thurston County, *supra*, at page 344.

Accordingly, this court finds that the challenges beyond the scope of new GMA legislation mandating changes to the Carlsborg Capital Facilities Plan are not justified related to a county's failure to revise a Comprehensive Plan on a periodic review.

The Thurston County case, however, also notes a second basis upon which a challenge may be made following a county's periodic update. At page 347 the Thurston County Court noted:

"A party may challenge a county's failure to revise its UGA designations during a ten year update only if the OFM population projection for the county changed." The Court noted: "if the Urban Growth Projection changes, a county must revise its Comprehensive Plan." Former RCW 36.70A.130(3). "If the county fails to revise its plan, a party may challenge whether the UGA accommodates the most recent OFM population projection."

The language seems somewhat inconsistent at first blush with the court's earlier ruling relating to the Comprehensive Plan update. Here, however, it is the UGA designation which is required to be reviewed rather than the comprehensive plan in full.

The Court noted that a Comprehensive Plan must designate a UGA "within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature." RCW 36.70A.110(1).

In Futurewise's responsive brief it argues at page 9: "The County completely fails to address (or even mention) the other key holding in Thurston County, which is that 'a party may challenge a county's revisions or failures to revise its UGA designations when there is a change in the population projection, if a petition is filed within 60 days after publication of the county's ten-year update'." Thurston County, *supra*, at page 336.

Futurewise then states:

> "Thus as a jurisdictional question, the Board had the power to hear a challenge to the County's revisions to or failure to revise its UGA. As a consequence of the County having undertaking a UGA revision, the County was also obliged to update its Capital Facilities and Transportations Plans. As a result, the Board properly reviewed the County's changes to the Carlsborg UGA and properly addressed the noncompliant portions of the related CFP both because the CFP provisions of the GMA had been amended and because the CFP was a necessary component of the UGA update. Each of these circumstances independently created jurisdiction for the Board. " Futurewise responsive brief, pages 9 and 10.

The Thurston County case, however, indicates that what is to be reviewed are the designations of UGA's. The issue is whether or not the UGA accommodates the most recent OFM population projection. The County resolution states that its UGA's are sufficient to meet the OFM changing population projections for the next 20 years as is required. That is what an Urban Growth Area designation does. That decision could be challenged. The specifics of the application of specific Facilities Plan elements or Comprehensive Plan elements previously approved is not within the scope of a review

of the appropriate designation of land as an UGA. To hold otherwise would simply negate the holding of the Supreme Court in Thurston County as it relates to challenges to Comprehensive Plan and development regulations issues. Clearly the Supreme Court did not intend that result nor would logic or the rational given for the Court's decision as to Comprehensive Plan Reviews warrant such an inconsistent finding as to UGA designations.

Here, the record discloses as to the Carlsborg UGA, that the County did not change the designation of the UGA, nor did the County change its Comprehensive Plan or Capital Facilities Plan in any manner which would have impacted the existing Carlsborg UGA plans as to the issues raised on appeal. Accordingly the only basis upon which an appeal could be granted would be either that the County should have modified the size of the Carlsborg UGA, or, that in light of the GMA requirements to add recreation and park facilities and other such newly legislated considerations, the County was incorrect in the manner in which it either did or did not handle that new requirement. The parks and similar new GMA issues were raised and decided and have not been appealed. Accordingly this Court and the WWGMHB are without authority to hear other challenges to the previously adopted Carlsborg UGA and Capital Facilities Plan. The Growth Management Hearings Board determination that it had authority to do so, and their subsequent finding that the plan was not in compliance with the GMA are reversed.

VI. RURAL DENSITIES ISSUES:

The argument may be appropriately framed as follows: The Growth Management Hearings Board and Futurewise argue that densities allowing a dwelling

unit on parcels less than 5 acres are not rural densities and therefore do not conform to the Growth Management Act's policies and principles and are therefore noncompliant.

Since the statute requires the County's determination that such uses are rural in character to be deemed correct unless clearly erroneous, the standard of review for this court is to determine whether or not the Growth Management Hearings Board committed an error at law, or whether there is substantial evidence to support its finding that the County was clearly erroneous in finding that 2.4 acre parcels could constitute rural character density within Clallam County.

This particular issue is analyzed and discussed in the Final Decision and Order beginning at page 53 of the opinion. The issue is phrased as:

> "Whether the County's failure to prohibit maximum rural densities of less than one dwelling unit per 5 acres outside of limited areas of more intensive rural development (Lamirds) in Section 20 (E), and failure to review and revise the Comprehensive Plan and development regulation to eliminate rural densities of less than one dwelling unit per 5 acres outside of limited areas of more intensive rural development (Lamirds) violates RCW 36.90A.020 . . ."

The Court notes that densities of 5 acres and two and a half acres constitute geometric divisions of land of these sizes only by virtue of land having initially been surveyed and platted in sections generations ago. The determination of a section and therefore the divisions of a section are mathematical calculations unrelated to

topography, utility of the land to any particular use, environmental concerns, or population density by any measure based on scientific, socioeconomic, cultural or other grounds. They are arbitrary numbers generated arbitrarily from an arbitrary standard created hundreds of years previously. They are, however, the densities at issue. In part, this is because those designations of parcel sizes are what have been used for the division and subdivision and sale of land well before planning and zoning laws came into being and which division standards continue to exist to the present time. the decision of the Western Washington Growth Management Hearing Board limits the question of rural density designations to those geometric considerations. No one is arguing, for example, that the best available science would result in a rural density being 3.872 acres in size as opposed to 5 or 2.5 which are the generally used acreages for the divisions and sale of sections of land.

The record reflects that the County, prior to the Growth Management Act, had adopted a Comprehensive Plan and zoning which created patterns of land use and division within the County. These have been downsized since 1995 and otherwise retained under the GMA according to the County. (See the 2006 Draft Rural Lands Report at page 1, number 6.) At page 63 of the Final Decision and Order the Board analyzed the rural density issue and found as follows:

> "The Board finds that Futurewise has adequately demonstrated that the rural character of Clallam County, specifically its visual landscape and farm-based economy, is dominated by lots of greater than 5 acres in size. With

> such a large percentage of the County's existing land use pattern at a parcel size of 4.81 acres and farms within the County averaging 25 acres, the existing rural landscape supports a finding that the rural character of Clallam County is a rural density of 1 du/5 acre."
>
> "The Board recognizes the GMA mandate for Clallam County to provide for a variety of rural densities and permits it discretion in making planning decisions. However, the densities the County selects must be rural in nature. The importance of rural lands and their character is specific, looking to land use patterns for establishing rural character and seeking to foster traditional rural lifestyles and economies that a County has historically provided. By authorizing densities that do not reflect the existing landscape or economy of the area, the County has failed to maintain the rural lifestyles of the residents of Clallam County as required by the GMA."

RCW 36.70A.020 sets forth the "planning goals" of the Growth Management Act. In listing the goals the statute states:

"The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations." The 13 goals listed may be summarized as:

1. To encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. To reduce sprawl.
3. Transportation considerations.
4. To encourage the availability of affordable housing and to promote a variety of residential densities and housing types and to preserve existing housing stock.

5. Encourage development which specifically is to promote economic opportunity for all citizens and encourage growth in areas experiencing insufficient economic grown within the capacity of the state's natural resources, public services and public facilities.
6. Property rights preservation.
7. Permits issues.
8. Natural resources industries are to be encouraged.
9. Open space and recreation is to be retained and enhanced.
10. The environment is to be protected.
11. Citizen participation and coordination is encouraged.
12. Public facilities and services ensure that services necessary to support development shall be adequate at the time the development is available for occupancy without decreasing service levels below locally established minimum standards.
13. Historic preservation is encouraged.

The GMA discusses rural lands extensively. In RCW 36.70A.011 the Legislature noted that the Act was intended to recognize the importance of rural lands and rural character to Washington's economy, it's people, and its environment, while respecting regional differences. The final paragraph of that section of the Act reads:

> "Finally, the Legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small scale, rural based employment and self-employment;

> permit the operation of rural based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life."

RCW 36.70A.070(5) states: "Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources." Thereafter the Legislature sets forth provisions which shall apply to the rural element. Part of the provisions of RCW 70A.070 in subsection (d)(iv) require that a county adopt measures to minimize and contain the existing areas of more intensive rural development. In many respects the position of the parties is predicated upon the Growth Management Act requiring the County to plan in accordance with its existing land uses and character on the date upon which the County adopted a Comprehensive Plan under the Growth Management Act.

In its existing Comprehensive Plan Clallam County has adopted a definition of "rural character", which incorporates the standards set forth in the Growth Management Act and includes some additional detail. Futurewise argues that it's the County's own Comprehensive Plan, previously approved and found to be compliant with the GMA, that precludes the County from adopting a 2.4 acre density as rural. The Clallam County Comprehensive Plan provides:

> "Rural character" means the existing and preferred patterns of land use and development established for lands designated as rural areas or lands under this comprehensive plan. Rural characteristics include, but are not limited to: (a) Open fields and woodlots interspersed with homesteads and service by small rural commercial clusters; and (b) low residential densities, small-scale agriculture, woodlot forestry, wildlife habitat, clean water, clean air, outdoor recreation, and low traffic volumes; and (c) Areas in which open space, the natural landscape, and vegetation predominate over the built environment; and (d) Lifestyles and economies common to areas designated as rural areas and lands under this Plan; and (e) Visual landscapes that are traditionally found in areas designated rural areas and lands under this Plan; and (f) Areas that are compatible with the use of the land by wildlife and for fish and wildlife habitat; and (g) Areas that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and (h) Areas that generally do not require the extension of urban governmental services; and (i) Areas that are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas. (See CCC 31.02.050(31).)

Futurewise argues that under the County Plan, to be of rural character, property must meet all nine of the listed characteristics and that lots of 2.4 acres per dwelling unit cannot meet all nine rural characteristics listed in the County's own Comprehensive Plan and therefore are not rural.

Essentially, the argument as to density is as follows: Futurewise and the Growth Management Hearings Board argue that unless lots are 5 acres or greater, they cannot meet the rural character test to be rural densities. The County argues that having some

lots planned for 2.4 acres within the County's rural areas, still meets the Growth Management intent to preserve the rural character in Clallam County and the GMA directive to have varying densities within rural lands.

The debate as to the minimum lot size for rural lands is not unique to Clallam County. In the Thurston County case the Court ultimately remanded the matter so that the regional Growth Management Hearings Board could determine whether it was clearly erroneous for Thurston County to include densities greater than one dwelling unit per 5 acres in its rural element and whether County adequately provided for a variety of rural densities by the use of innovative zoning techniques.

The Thurston County Court noted that "since 1995, GMHBs have utilized bright line standards to distinguish between urban and rural densities." The Board had considered densities of not more than one dwelling unit per 5 acres to be rural. The Thurston County Court, at page 358 went on to note "the GMHB, as a quasi judicial agency, lacks the power to make bright line rules regarding maximum rural densities." Citing Viking Properties, *supra*, at page 129-30. The Thurston County Court thereafter at page 359 stated: "We hold a GMHB may not use a bright line rule to delineate between urban and rural densities, nor may it subject certain densities to increased scrutiny."

The Court noted:

> "The Legislature did not specifically define what constitutes a rural density. Instead, it provided local

> governments with general guidelines for designating rural densities. A rural density is "not characterized by urban growth" and is "consistent with rural character." Former RCW 36.70A.070(5)(b). "Whether a particular density is rural in nature is a question of fact based upon the specific circumstances of each case." The Court then went on to say at page 360: "The Board should not have rejected these densities based on a bright line rule for maximum rural densities, but must, on remand, consider local circumstances and whether these densities are not characterized by urban growth and preserve rural character." Thurston County, *supra*, at page 360.

The Court also noted that the GMA also did not dictate a specific manner of achieving a variety of rural densities as required under the statute.

The Thurston County case was decided on August 14, 2008. The decision of the Growth Management Hearings Board in this case was issued on the 23rd of April 2008, well before the Thurston County opinion was issued.

The Clallam County 2006 Draft Rural Lands Report is the basis of both the County's argument that dwelling unit densities of 2.4 acres should be permitted in rural areas, and the Board's decision that dwelling units of 2.4 acres would constitute urban rather than rural character. The Board bases it's decision largely on an analysis of land use within the County overall, noting that the existing patterns of land use within the county have approximately 54% of lots within the challenged R2 and RW2 zoning districts being 4.81 acres or larger.

The Board noted that the County had eight rural zoning districts outside of LAMIRDS, with approximately 52% of all parcels within those zones being greater than 4.81 acres. The Board then noted that "more than half of the County's rural land is comprised of parcels greater than 4.81 acres each." Final Decision and Order page 61. At page 63 the Board then noted that:

> "The rural character of Clallam County, specifically its visual landscape and farm-based economy, is dominated by lots of greater than 5 acres in size. With such a large percentage of the County's existing land use pattern at a parcel size of 4.81 acres and farms within the county averaging 25 acres, the existing rural landscape supports a finding that the rural character of Clallam County is a rural density of 1 du/5 acre."

The Board went on to state "by authorizing densities that do not reflect the existing landscape or economy of the area, the County has failed to maintain the traditional rural lifestyle of the residents of Clallam County as required by the GMA." The GMA doesn't anywhere state that its purpose is to "maintain traditional rural lifestyles", rather, it addresses uses of land and defines rural land use characteristics.

If approximately 54% of the County's rural lands are parcels of 5 acres or larger, that necessarily means that 46% of the County's rural areas are parcels of less than 5 acres. At page 10 of the Rural Lands Report the County noted the following:

> "Only 9.2% of the County's lands are held in rural designations, with 1.1% of those to be designated as lamirds, leaving 8.1% (sic) the County's lands in true rural densities, ranging from 1 dwelling per 2.4 acres to 1

> dwelling per 20 acres. Areas of the County where parcelization at densities of 1 dwelling per 2.4 acres had already occurred by 1994 under prior rural designations, were designated for in-fill development at that density (2% of the County). In areas of the County where such parcelization was not yet prevalent by 1995, but where prior rural designations created legitimate property expectations among landowners, were (sic) designated to allow clustered development at densities of 1 dwelling per 2.4 acres, with a base density of 1 dwelling per 5 acres or 1 dwelling per 10 acres, depending upon the existing surrounding circumstances. The total area of the County providing for these cluster density incentives involves 1.4% of the County. The remaining rural lands were designed at densities ranging from 1 dwelling per 4.8 acres to 1 dwelling per 20 acres."

The County also chose to divide itself into four planning regions based upon unique characteristics. These include a Sequim area designation, a Port Angeles area designation, a Forks area designation, and a designation of the property lying between Port Angeles and Forks (the Strait Planning Region). In each of these designations reasons for allowing 2.4 acres dwelling units in a rural zone were individually discussed. As noted in the report, in the Sequim planning area 84% of the rural area under the County's enacted Comprehensive Plan is zoned at densities of one dwelling per 4.8% acres or less. In the Port Angeles planning region the report notes: "In addition, excluding LAMIRDS, the PAPR's rural designations are consistent with maintaining an average rural density of 1 unit per 5 acres, but in a manner that accommodates a variety of lot sizes on the ground." In the area between Port Angeles

and Forks, more than 80% of the rural area is zoned at 1 dwelling per 4.8 acres or less. Finally in the western planning region of Forks, the rural lands report notes that over 95% of the rural area is zoned at densities of 1 dwelling unit per 4.8 acres or less.

The County notes at page 15 "all rural zone designations prescribe allowed, conditional, and prohibited land uses as well as density, lot sizes, width to depth ratios, setbacks, and development restrictions which are consistent with the stated purposes of the respective zoning designations." Beginning at page 22 the County outlines in its rural lands report its analysis of each of the rural characteristics and how it applies to the County's proposed Comprehensive Plan rural designations. The Rural Lands Report's review of the GMA rural characteristics and its discussion of their application to each of the four planning regions adopted by the County is neither simplistic nor formulaic. The question therefore is whether or not, in allowing for rural zoning designations of one dwelling unit per 2.4 acres or greater in some rural zones, when viewed from a totality of circumstances standpoint as required by the GMA, the County clearly got it wrong. (i.e. was "clearly erroneous".)

The Western Washington Growth Management Hearings Board says the County got it wrong because, with 54% of the County's rural lands presently being 5 acres or larger, provisions to allow rural designations of less than that would not "preserve" the rural character of the county. In the Futurewise responsive brief, page 19, it notes that within Clallam County in areas zoned R2 and RW2 25.3% of the rural land is presently

zoned in parcels 2.4 acres or smaller. In the Sequim Planning Region that rises to 31.4%, in Port Angeles 23.4%. In the Straits Planning Region 10.1% and in the Western Planning Region 4.5%. The same chart also lists parcels which are between 2.41 acres to 4.8 acres in size. Coupled together, that would indicate that more than half of the properties zoned R2 or RW2 in the Sequim and Port Angeles planning regions are 4.8 acres or less in size. Futurewise argues that the designations of the R2 and RW2 zoning areas are inconsistent with rural character because they are not consistent with the existing patterns of land use. But certainly in the Sequim Dungeness planning region and the Port Angeles planning regions rural use is "dominated" by parcels of less than 4.81 acres in size. If one applies the standard used here by the Growth Management Hearings Board, that would be sufficient analysis to declare that those areas of the county are "predominated" by lots smaller than 5 acres. (All be it only 52% of such lots.)

This Court believes that the Growth Management Act mandates a much more sophisticated analysis of planning than that contemplated by counting lots and declaring a winner. The tables in the rural lands report indicate that of all of the area within the Sequim/Dungeness Planning Region only 8.9% will be within the R2 zone. Similarly in the Port Angeles Planning Region only 6.1% will be in the R2 zone. In the Straits Planning Region 2.7% of the land would be in R2 area or RLM area designations and in the Western Planning Region only 1% of the area would be in RW2 area designations.

The largest percentage of the land in each of the locations is in commercial forest and similar open space designations.

Under the GMA lands which are not natural resource lands, agricultural lands, forest lands, mineral resource lands of long-term significance, or Lamirds or Urban Growth Areas, are defined as "rural areas".

The Thurston County case and the GMA note that natural resource lands and agricultural land are not part of the County's rural element and are not to be considered in meeting the requirement of having a variety of rural densities within the meaning of the Growth Management Act. Clallam County, however, indicates that the fact of the extensive resource and open space areas within the county adjacent to rural lands allows such adjacent areas to be considered a factor in determining appropriate rural density in light of the high percentage of the county which cannot be developed. Clallam County argues it is unique among counties in the sense of having massive forest resource and other open land within its boundaries.

The County's analysis and argument in support of its allowance of some rural densities of 1du/2.4 acres, includes reciting the goals which are listed among the 13 goals of the GMA. It is important to note again that these goals are not prioritized and one is not necessarily more important than another. Clallam County has concluded that it can meet the goals of the Growth Management Act, and comply with the definitions

of rural character by having a portion of its rural lands with a density of one dwelling unit per 2.4 acres.

The Growth Management Act was intended to reduce rural sprawl and to promote urban growth in areas where efficient provision of public services to a larger population could be made. However, had the Legislature merely intended that all rural tracts would be five acres or larger they could have said so. They chose not to say that.

RCW 36.70.110(1), as previously noted, requires that in areas outside of urban growth areas (UGA's) "growth can occur only if it is not urban in nature."

> RCW 36.70A.030(18) defines "urban growth" as "growth that makes intensive use of land for the location of buildings, structures and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural produces, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d) is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth."

RCW 36.70A.070(5)(d) referred to in the definition of urban growth, relates to LAMIRDS.

RCW 36.70A.070(5) discusses considerations for the rural element of comprehensive plans. It states that counties are to include a rural element which

includes lands that are not designated for urban growth, agriculture, forest, or mineral resources. Subsection (A) states in part; "because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter."

Subsection (B) states in part:

> "The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character."

In Subsection (C) the rural element is required to include measures that will contain or otherwise control rural development; assure visual compatibility of rural development with the surrounding rural area; reduce inappropriate conversion of undeveloped land into sprawling, low density development in the rural area; protect critical areas and surface and groundwater resources; and protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under the GMA.

In Quadrant Corporation v. State Growth Management Hearings Board, 154 Wn. 2d 224, 110 P. 4d 132 (2005), the Court stated at page 240: "Considering the discretion afforded counties to plan, 'in full consideration of local circumstances,' RCW 36.70A.3201, King County's decision to consider vested application and development rights to determine that the Bear Creek area 'already [was] characterized by urban growth' was not a clearly erroneous application of the GMA."

In Diehl vs. Mason County, 94 Wn. App. 645, 972 P.2d 543 (1999) the Court noted that the broad discretion allowed to local governments under the GMA to draft comprehensive plans and development regulations tailored to local circumstances was nonetheless limited by the requirement that the final plans and regulations be consistent with the mandates and goals of the act. In Diehl the Court was concerned that the rational for the Mason County's determinations was not evident in the record and that the County had not pointed to a place in the record where its justifications for its Comprehensive Plan and regulations were made. Here, Clallam County prepared the "December 2006 draft Clallam County Rural Lands Report" which is specifically designed to convey the rational behind its determinations.

The Court has reviewed the rural lands report prepared by Clallam County in support of its Comprehensive Plan and land use designations. As noted, it is neither simplistic nor formulaic. The County, using the Growth Management Act as its guide, and factual and historical data particular to Clallam County, has adopted a

comprehensive scheme and explained the rationale behind the plan. As it relates to rural densities of one dwelling unit per 2.4 acres the plan is justified on a number of bases.

The County has divided itself into four sub regions for planning purposes and discusses the factual reasons for the regionalization and the different land use planning issues raised for each region based on number of factors as diverse as average population age, economic downturns, and vested rights. It strikes this Court that that is exactly the type of planning the GMA envisioned.

To the contrary the WWGMHB's literally "one size fits all" approach to rural density seems contrary to the act and would even seem to give rise to constitutional taking and due process concerns if that were what the GMA actually stood for.

Under RCW 36.70A.320(3), the review is to be upon the entire record before the County. The decision of the Board relates only to densities and discusses in little or no detail the other goals of the GMA as they might apply to the County's rural density designations.

In the Viking Properties case, *supra*, the Court noted the 13 nonprioritized goals of the GMA. At page 127 that Court noted that to elevate the goal of density to the detriment of other important GMA goals would violate the Legislature's express statement that the goals are non-prioritized.

The Growth Management Hearings Boards have been criticized for attempting legislate a five acre minimum parcel size in rural areas of the state. (See Viking Properties, *supra,* at page 129) Clearly that is contrary to the concept of the GMA which strives to allow local jurisdictions to make locally appropriate land use plans. Clallam County notes that the ultimate impact of its plans would be to place rural land within the county in designations which result in an average parcel size of approximately five acres. Some parcels would be allowed only larger than that and some smaller, but none smaller than 2.4 acres, except in innovative zoning areas such as cluster zones and the like. The Court also notes that in connection with the Carlsborg issue, the Board found that allowing lots larger than 4 dwelling units per acre could not be considered urban. A 2.4 acre lot is ten times less dense than what the Growth Management Hearing Board in this case found to constitute the minimum density for urban use. The act states that growth is to be discouraged outside of GMA's and is to occur "only if it is not urban in nature" RCW 36.78.001 (1). A permitted density ten times less dense than the lowest "urban" density seems to meet such a standard.

Therefore, the last issue is whether or not such lot sizes can never conform to the "rural characteristics" requirements.

In Webster's New Collegiate Dictionary, 1981, by G & C Merriam Co, has many definitions of "character". The one that appears to fit the best is "one of the attributes or features that make up and distinguish the individual."

No doubt each of the rural lands characteristics are important in assessing whether the land is rural or not. In the Rural Lands Report, the County discusses each of the characteristics listed and concludes that parcel designations of 2.4 acres, coupled together with other innovating zoning restrictions and considerations, and together with the totality of the unique circumstances found in and throughout Clallam County, meet each of the characteristics listed.

One suspects that the WWGMHB, while attempting not to say so, still believes and accordingly ruled that a bright line 5 acre minimum density in rural areas is required under the GMA. Nothing in the act directly supports such a conclusion. Here, to the contrary, a great deal of analysis of circumstances and other factors has led Clallam County to conclude that a rural area in Clallam County may include some parcels of less than five acres and still be considered rural. This court finds that there is not substantial evidence in the record by which a court could find that the County's decision was clearly erroneous in that regard. Accordingly, the order of the Growth Management Hearing Board finding the County's Comprehensive Plan to be noncompliant as it relates to the R2 and RW2 zones is reversed.

DATED this 26th day of June, 2009.

Respectfully submitted,

KEN WILLIAMS
JUDGE

APPENDIX B

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CLALLAM COUNTY
PROSECUTING ATTORNEY

BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

DRY CREEK COALITION and FUTUREWISE, Petitioners, v. CLALLAM COUNTY, Respondent.	CASE NO. 07-2-0018c **COMPLIANCE ORDER (LAMIRDs and RURAL LANDS)**

This matter came before the Board on September 17, 2009 for a Compliance Hearing following the submittal of two Clallam County Compliance Reports, one for Limited Areas of More Intensive Rural Development (LAMIRDs) and the other dealing with rural lands.[1] These Compliance Reports describe the actions Clallam County (the "County") has taken in response to the Board's April 23, 2008 Final Decision and Order (FDO)[2] as modified by the January 30, 2009 Compliance Order[3] and subsequent Orders on Reconsideration.[4]

The Board conducted a telephonic compliance hearing. Dry Creek Coalition (DCC) was represented by Gerald Steel. Futurewise was represented by Robert Beattey. Clallam County was represented by Doug Jensen. With Mr. Jensen were John Miller, Director of Community Development for Clallam County and Steve Gray, County Planning Director. Board Members Nina Carter, William Roehl and James McNamara were present, with Mr. McNamara presiding.

1. LAMIRDS

[1] LAMIRDs: Compliance Report for Partial Compliance, filed August 6, 2009 and Rural Lands: Compliance Report for Partial Compliance and Request for Partial Rescission of Invalidity, filed July 24, 2009.
[2] April 23, 2008 Final Decision and Order.
[3] January 30, 2009 Compliance Order.
[4] June 9, 2008 Order on Motion for Reconsideration ;February 20, 2009 Order on Motion for Reconsideration.

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In April 2008, this Board found twenty of the County's LAMIRDs failed to comply with the GMA.[5] In response, the County removed four LAMIRDs and adjusted the logical outer boundaries (LOBs) on the remaining sixteen. Despite this, in the Board's January 30, 2009 Order Finding Noncompliance, the Board found that the County remained noncompliant with GMA requirements relating to four remaining LAMIRDs.[6] The Board also found the County noncompliant in its use of the phrase "prior to" July 1, 1990 in its development regulations as the relevant timeframe for the purposes of evaluating existing areas and uses under RCW 36.70A.070(5)(d)(v).[7]

In order to the address the remaining LAMIRD compliance orders, the County, on June 23, 2009, adopted Ordinance No. 850 and Resolution No. 62, 2009.

Based on the original holdings of the Board set forth in the April 2008 FDO and the January 2009 Compliance Order, the compliance issues currently before the Board are:

1. The phrase "the uses that existed in the areas *prior to* or as of July 1, 1990 . . . " was clearly erroneous. [Conclusions of Law E-G];
2. Inclusion of the southeastern portion of the Dryke-West LAMIRD [aka Dryke-Sherbourne] was clearly erroneous. [Conclusion of Law L];
3. Inclusion of the 10 acre Northwestern portion of the Merrill & Ring site and the Peninsula Timber Company property [within the Laird's Corner-East LAMIRD], were clearly erroneous. [Conclusion of Law P and Q];
4. Inclusion of the Port Angeles Gun Club property in the Deer Park LAMIRD was clearly erroneous. [Conclusion of Law T]; and
5. The Lake Farm LAMIRD remained non-compliant. [Conclusion of Law U].

[5] April 2008 FDO, Conclusion of Law M, at 101.
[6] January 30, 2009 Compliance Order, at 40-41 (Finding the Lake Farm LAMIRD, Laird's Corner East LAMIRD, Dryke-Sherbourne LAMIRD, and Deer Park LAMIRD still failed to comply with the GMA).
[7] January 30, 2009 Compliance Order, at 40.

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In response, the County took the following actions:

1. With regard to the County's use of the phrase "the uses that existed in the areas *prior to* or as of July 1, 1990 . . . ". and which the Board held was not consistent with RCW 36.70A.070(d)(v), the County changed its Code language to reference "an existing area or existing use that was in existence: (A) On July 1, 1990 . . . " All "prior to" language and the phrase "prior to or" were deleted throughout the relevant County's code sections to be consistent with the GMA statutory language.[8]
2. The Dryke/West LAMIRD (the western section) was amended to exclude the remainder of the eastern highway frontage parcel and the Comprehensive Plan Land Use and Zoning Map for this location updated from Rural Commercial (RC) to Rural Low (R5).[9]
3. The County notes that the 1990 aerial photograph of the Laird's Corner-East LAMIRD showed built environment existing on Peninsula Timber Short Plat Parcel "A" consisting of buildings used for commercial activities justifying its inclusion in the Lairds' Corner LAMIRD. Peninsula Timber Short Plat Parcel "B" was used for wood products wholesaling from 1970 to 1993. The County amended the Laird's Corner East LAMIRD to exclude the Peninsula Timber Short Plat Parcel "B" and Crown Pacific Survey Parcel "A" and rezone these portions from Rural Limited Commercial (RLC) to RCC3. The Peninsula Timber Short Plat Parcel "A" was retained as part of the LAMIRD.[10]
4. The Deer Park LAMIRD was amended to exclude the Port Angeles Gun Club property and the Comprehensive Plan Land Use and Zoning Map for this location was updated from Rural Commercial (RC) to Rural Low (R5).[11]

[8] LAMIRDs Compliance report at 10-11.
[9] Id. at 5.
[10] Id. at 7.
[11] Id. at 6.

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5. The County initially considered redaction of the entire Lake Farm LAMIRD but received additional information from landowners and the Public Utility District (PUD) regarding the installation of public infrastructure as of July 1, 1990. Based on this new information, the County redrew the LAMIRD boundaries to reflect the extent to which the PUD water mains were installed and existed to service individual lots as of July 1, 1990.[12]

Both Petitioners Dry Creek Coalition and Futurewise have filed responses to the County's LAMIRD compliance report in which they state that they do not object to a finding of compliance with respect to the LAMIRD issues.[13] However, Futurewise raised objections to the new Solmar and Marine Drive LAMIRDs as too broadly drawn.[14]

As to the Marine Drive LAMIRD, the County pointed out that those parcels included within this LAMIRD to which Futurewise objected were redacted from the LAMIRD.[15] The Board finds no clear error in the Marine Drive LAMIRD.

With regard to the Solmar LAMIRD, Futurewise objected to "larger parcels along Highway 101 that were not developed in 1990 and are not developed now."[16] These four "larger parcels" range in size from 1.7 to 2.5 acres[17] and, as they cannot be further divided given the underlying zoning, are consistent with the proposed maximum density of 1du/2.4 acre for this area. The County has chosen to use Highway 101 as the southern border of the Logical Outer Boundary (LOB) for this LAMIRD. This is consistent with RCW

[12] Id. at 8-9.
[13] Futurewise's Responses to LAMIRDs Compliance Report at 5; DCC Objections Regarding LAMIRDs at 2.
[14] Futurewise's Objection in Part to a Finding of Compliance at 13.
[15] County Response at 16. See, Resolution No. 67, 2009, Finding 11 a. describing areas removed from the LAMIRD LOB.
[16] Futurewise Objection at 13.
[17] County Response at 16. The Board notes that the May 12, 2009 County Memorandum to the Planning Commission describes the largest of the parcels as 3.8 acres. Exhibit 155 at 928.

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36.70A.070(5)(d)(iv) which provides that physical boundaries such as highways can be used to establish the LOB and the LOB may contain undeveloped lands if properly limited.[18]

In addition, while Futurewise alleges that two properties to the east of Rubens Road were not developed in 1990, this claim is contested by the County. The 1990 aerial photograph clearly shows this property to have been cleared. While the mere clearing of land may not be sufficient for its inclusion in a LAMIRD, this is a newly created LAMIRD and the burden is on Futurewise to demonstrate that these properties were included in error. Futurewise has not carried its burden in this regard.

The Board does not find that the County was clearly erroneous in establishing the LOB for the Solmar LAMIRD.

Conclusion: Based on the Board's review of the County's compliance efforts with regard to LAMIRDs, the Board concludes that the County has achieved compliance with the GMA as to those portions of the County's adoption found noncompliant in the January 2009 Compliance Order, Conclusions of Law E-G, L, Q, T and U. These revisions remove the basis for a finding of noncompliance from these LAMIRDs and the code sections in question. In addition the Board finds that Petitioner has not shown the County's actions in establishing the Marine Drive or Solmar LAMIRDs to be clearly erroneous.

2. <u>Rural Lands</u>

In the Board's April 23, 2008 FDO, the Board found that with such a large portion of the County's existing land use pattern characterized by a parcel size of 4.81 acres, zoning that

[18] *See e.g.* RCW 36.70A.070(5)(d)(i) Rural development consisting of *infill*; *Dry Creek Coalition, et al v. Clallam County*, Case No. 07-2-0018c, FDO at 46-49 (Distinguishing between impermissible "outfill" as opposed to vacant lands establishing a LOB tied to a natural or manmade feature, such as Highway 101); *Friends of Skagit County v. Skagit County*, Case No. 07-2-0025c, FDO at 35 (May 12, 2008); *1000 Friends v. Thurston County*, Case No. 05-2-0002, Compliance Order at 18 (Nov. 30, 2007); *Panesko v. Lewis County*, Case No. 00-2-0031c, FDO (March 5, 2001).

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authorized lower densities failed to maintain the County's traditional rural lifestyles. The Board wrote that:

> ... [T]he rural character of Clallam County, specifically its visual landscape and farm-based economy, is dominated by lots of greater than five acres in size. With such a large percentage of the County's existing land use pattern at a parcel size of 4.81 acres and farms within the County averaging 25 acres, the existing rural landscape supports a finding that the rural character of Clallam County is a rural density of 1 du/5 acre.
>
> The Board recognizes the GMA mandate for Clallam County to provide for a variety of rural densities and permits it discretion in making planning decisions. However, the densities the County selects must be *rural* in nature. The importance of rural lands and their character is specific, looking to land use patterns for establishing rural character and seeking to foster traditional rural lifestyles and economies that a County has historically provided. By authorizing densities that do not reflect the existing landscape or economy of the area, the County has failed to maintain the traditional rural lifestyles of the residents of Clallam County as required by the GMA.
>
> ... the Board finds that the following rural zoning district within Clallam County violates RCW 36.70A.110, 36.70A.020(1) and, 36.70A.020(2) because these zoning districts permit urban, not rural, densities outside of an urban growth area:
>
> CCC 33.10.030 R2 zone: Permits 1 du/2.4 acres
> CCC 33.10.035 RW2 zone: Permits 1 du/2.4 acres [19]
>
> ...

Thus, the Board found that the R2 and RW2 zones effectively permitted urban, not rural, densities outside of an urban growth area.[20]

In order to achieve compliance, the County first enacted interim Rural Low (R5) zoning in place of the invalid R2 and RW2 zones. Then, with the adoption of Resolution No. 67, 2009

[19] FDO at 63-64. This portion of the Board's FDO also found the County's R1 and RW1 zones non-compliant. However, these areas were addressed by the Board in its January 2009 Compliance Order which noted that Clallam County had provided clarification that R1/RW1 lands were confined to LAMIRD zones within the various planning regions identified by Futurewise and the R1/RW1 lands removed or excluded from the noncompliant LAMIRDs were rezoned under compliant rural zoning. Compliance Order, at 30-31.
[20] Id. at 63-64.

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and Ordinance No. 852 on July 21, 2009, the County replaced the R5 zoning on lands outside of LAMIRDs which were previously zoned R2 and RW2 with the following designations:[21]

> 1) Neighborhood conservation zoning and techniques were applied in and about developed lands;
> 2) Four new LAMIRDs were designated for some lands developed prior to July 1, 1990;
> 3) Federal, State and County park lands were re-designated as Public (P) zones;
> 4) State forest lands were re-designated as Commercial Forest (CF) zones;
> 5) 220 acres near the Forks UGA were re-designated with Western Region Rural Low (RW5) zoning; and
> 6) The Battelle site east of the Sequim UGA was re-designated with Rural Low (R5) zoning.

Since the County's action essentially established a rural density of five acres, at issue in this compliance proceeding is the County's newly adopted Rural Neighborhood Conservation (NC) zoning, with a base density of one dwelling unit per five acres, along with the associated Rural Neighborhood Conservation Overlay (NCO) and Rural Neighborhood Conservation Cluster (NCC) residential development alternatives. These amendments are contained under amended comprehensive plan sections and a newly created Clallam County Code (CCC) section 33.10.015.[22]

The newly adopted NCO provision addresses neighborhoods which are already substantially developed and characterized by densities greater than the underlying maximum NC zone density of 1 dwelling unit per 5 acres. As described in the County's Rural Land Policy 4,[23] infill is allowed "at a density consistent with the substantial residential development already existing" and that "will be consistent with the visual compatibility of rural development with the surrounding rural area". In order to qualify for a NCO

[21] Compliance Report at 2.
[22] Id. at 4.
[23] CCC 31.04.230(2)(d)

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development, the surrounding neighborhood character must demonstrate that at least 70% of parcels within 500 of the property boundary are developed with an average lot size of less than 5 acres.[24] Developed lots located within LAMIRDs and urban growth areas are not included in calculating the average lot density.[25]

The County has also adopted a provision to allow clustering in the NC zone under the provisions of the Neighborhood Conservation Cluster (NCC). The stated intent of the NCC provision is "to encourage creative site designs of subdivisions to encourage keeping larger, contiguous rural lots and open space tracts, retain features of rural character associated with the land to be divided, and reduce the area of rural lands used for roads, utilities, driveways, and other pervious surfaces." [26]

As described by the County, while the NCO review looks at the surrounding neighborhood to ensure that future divisions of a subject parcel will be consistent and compatible with an existing, rural neighborhood, an NCC review examines the specified rural parcel to ensure that any division of that parcel maximizes the retention of a larger lot acreage and the preservation of open space.[27] Landowners who preserve open space by clustering receive density bonuses and reduced infrastructure costs. CCC 33.10.015 (10) provides for a maximum residential density of 1 dwelling unit per 2.4 acres and requires that a minimum of 70% of the gross acreage of the NCC development be retained as a large rural lot, set aside under a permanent open-space easement, or set aside as permanent open space owned and maintained by a homeowners' association.

While Futurewise acknowledges that "[W]hether a particular density is rural in nature is a question of fact based on the specific circumstances of each case."[28] it nevertheless

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[24] CCC 33.10.015(9)(b).
[25] Id.
[26] CCC 33.18.015(10).
[27] Compliance Report at 7.
[28] Thurston County v. Western Washington Growth Management Hearings Board, 164 Wn.2d 329, 358 (2008).

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maintains that a density of 1 dwelling unit per 2.4 acres is "characterized by urban growth"[29] and inconsistent with the density otherwise allowed in the rural zones. However, if it is agreed that the determination of rural density is based on the specific circumstances of each case, it is not appropriate to dismiss a 1du/2.4 acre density out-of-hand, but instead to apply the density, if at all, where it is consistent with existing rural development. In fact, there are areas in Clallam County where a density of 1du/2.4 acre can be consistent with a rural environment, when appropriately limited in a manner such as the County now provides.

In fact, this is the approach the County has taken. In the case of the NCO, densities of 1du/2.4 acre may be applied only where this density is "consistent with the developed neighborhood character and uses"[30]. Under the NCC provisions, the stated intent is to "encourage keeping larger, contiguous rural lots and open space tracts, retain features of rural character associated with the land to be divided, and reduce the area of rural lands used for roads, utilities, driveways, and other impervious surfaces."[31] In both cases, consistency with the existing rural development is the goal. Both techniques, therefore, address the flaw the Board previously found in the R2 and RW2 zones – that they authorized densities that did not reflect the *existing landscape of the area.*

Dry Creek Coalition ("DCC") notes that it does not object to the rezoning of some of the R2 lands to R5 (Battelle) and RW5 (Western Central 2 Neighborhood)[32] but it does object to the creation of the NCO overlay and the NCC options in the NC zone.[33] DCC argues that these allow urban growth outside urban areas and, therefore, discourage urban development in urban areas. DCC acknowledges that RCW 36.70A.070(5)(b) encourages clustering, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural densities, but maintains that these

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[29] Futurewise Objections at 8.
[30] CCC 33.10.015 (9)
[31] CCC 33.10.015(10)
[32] DCC Objections at 3.
[33] Id.

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techniques "cannot be used to increase density to a level that is inconsistent with the maximum density of 1 du/5 acres".[34]

To be clear, while this Board found that the rural character of Clallam County is a rural density of 1 du/5 acre,[35] the Board has not held that no variation from that density is allowed under any circumstances. In fact, the clear language of the GMA, which requires "a variety of rural densities,"[36] would not permit such a holding. Instead, the Board found that the visual landscape and farm-based economy of the County was dominated by lots of greater than five acres in size and that, by authorizing densities "that do not reflect the existing landscape or economy of the area, the County has failed to maintain the traditional rural lifestyles of the residents of Clallam County."[37] With either the NCC or the NCO technique, the base density in the NC zone is maintained at not greater than 1du/5 acres.

RCW 36.70A.070(5) provides that the rural element of a plan shall provide for a variety of rural densities through techniques that "are consistent with rural character." The County's NCO provision recognizes that, in Clallam County, there are areas where the pattern of rural development has occurred at densities below the average of 4.8 acres and limits the application of this overlay to areas so as to allow "infill at a density consistent with the substantial residential development already existing"[38]. In those areas where, as required by the County, 70% of the parcels within a neighborhood boundary of 500 feet are already developed at higher densities and contain mature infrastructure and services, it cannot be said that densities of 1 dwelling unit/ 2.4 acres are inconsistent with rural character of that area. In addition, because infill allowed by the NC overlay is limited to neighborhoods that have already been substantially developed, this will not lead to the "inappropriate

[34] Id. at 4.
[35] FDO at 63.
[36] RCW 36.70A.070(5)(b).
[37] FDO at 63.
[38] CCC 31.04.230(2)(d).

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conversion of undeveloped lands into sprawling, low-density development"[39] as DCC suggests. In addition, as the County noted, the NCO and NCC address the rural character of existing NC neighborhoods and some NC parcels within a limited number of previously unchallenged and formerly GMA compliant R2 and RW2 areas, which were built out between the mid-1990's and the entry of the FDO.[40] NC parcels and parcels in other rural areas characterized by larger lot sizes would not qualify for NCO, and must meet the County's size limitations, site development criteria and open space requirements.

The County also points out that the former R2/RW2 zones comprise less than 25% of the County's total rural acres. The proposed NC zone lands account for only 2% of the County's total acreage.[41] Thus, the risk of "inappropriate conversion of undeveloped lands into sprawling, low-density development" is more imagined than real.

As to the hypothetical posed by DCC in which the NCO overlay would be applied to a cluster of 18 half acre developed residential lots within 500 feet of an undeveloped ten acre parcel, and 13 five acre developed residential lots, resulting in densities of 1du/2.4 acre, even though only 9 of the surrounding acres have higher density development, the Board need not rely on such hypotheticals but can instead defer to the County's assertion that clusters of one-half acre lots in this amount are presently contained in LAMIRDs or UGAs, which are specifically excluded from the calculations of the average lot size for determining an NC overlay density. The County points out that there are no such clusters within 500 feet of any proposed NC zone.

Conclusion: By eliminating the use of the R2 and RW2 zones the County has removed the basis for finding that these zones substantially interfere with Goals 1 and 2 of the GMA. The NCO and NCC provisions of the County Comprehensive Plan and development regulations

[39] See, RCW 35.70A.070.020(2).
[40] County Response at 7.
[41] Id. at 10 fn. 14.

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contain adequate provisions to protect the existing rural landscape in those areas where they will be permitted.

ORDER

Based on the foregoing, the Board finds that the County has achieved compliance with the GMA as to those portions of the County's adoption found noncompliant in Conclusions of Law E-G, L, Q, T and U of the FDO. These revisions remove the basis for a finding of noncompliance from these LAMIRDs and invalidity from the code sections in question. In addition the Board finds that Petitioner has not shown the County's actions in establishing the Marine Drive or Solmar LAMIRDs to be clearly erroneous.

The Board rescinds its finding of invalidity as to lands formerly zoned R2 and RW2 and finds that the Petitioners have not demonstrated that the provisions of the Clallam County Comprehensive Plan and development regulations authorizing the NCC and NCO zones are clearly erroneous.

SO ORDERED this 3rd day of November, 2009.

James McNamara, Board Member

William Roehl, Board Member

Nina Carter, Board Member

Pursuant to RCW 36.70A.300 this is a final order of the Board.

Reconsideration. Pursuant to WAC 242-02-832, you have ten (10) days from the date of mailing of this Order to file a petition for reconsideration. The original and three

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copies of a motion for reconsideration, together with any argument in support thereof, should be filed with the Board by mailing, faxing, or otherwise delivering the original and three copies of the motion for reconsideration directly to the Board, with a copy to all other parties of record. Filing means actual receipt of the document at the Board office. RCW 34.05.010(6), WAC 242-02-240, and WAC 242-02-330. The filing of a motion for reconsideration is not a prerequisite for filing a petition for judicial review.

Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior court as provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. Service on the Board may be accomplished in person or by mail, but service on the Board means actual receipt of the document at the Board office within thirty days after service of the final order. A petition for judicial review may not be served on the Board by fax or by electronic mail.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

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WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Case No.: 07-2-0018c

Dry Creek Coalition & Futurewise v. Clallam County

DECLARATION OF SERVICE

I, PAULETTE YORKE, under penalty of perjury under the laws of the State of Washington, declare as follows:

I am the Executive Assistant for the Western Washington Growth Management Hearings Board. On the date indicated below a copy of a COMPLIANCE ORDER (LAMIRDS and RURAL LANDS) in the above-entitled case was sent to the following through the United States postal mail service:

Tim Trohimovich
Futurewise
814 Second Ave Ste 500
Seattle, WA 98104

Dry Creek Coalition
c/o Harley Oien
215 Rife Rd.
Port Angeles, WA 98363

Mark Nichols
Deputy Prosecuting Attorney
Clallam County
223 East Fourth St.
Port Angeles, WA 98362

Alexander Mackie
Perkins Coie LLP
1201 Third Avenue Suite 4800
Seattle, WA 98101-3099

Gerald Steel
Attorney-At-Law
7303 Young Rd NW
Olympia, WA 98502

Clallam County Auditor
223 East Fourth St., Ste. 1
Port Angeles, WA 98362

Ann M. Gygi
Hillis Clark Martin & Peterson, PS
500 Galland Bldg
1221 Second Ave
Seattle, WA 98101

DATED this 3rd day of November, 2009.

Paulette Yorke, Executive Assistant

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DIVISION II
10 FEB -9 PM 12:58
STATE OF WASHINGTON
BY _____ DEPUTY

IN THE COURT OF APPEALS OF
THE STATE OF WASHINGTON - DIVISION II

CLALLAM COUNTY, Respondent, vs. WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BD., ET AL., Appellants.	NO. 39601-7-II AFFIDAVIT OF SERVICE BY MAIL

STATE OF WASHINGTON)
: ss.
County of Clallam)

The undersigned, being first duly sworn, on oath deposes and says:

That the affiant is a citizen of the United States and over the age of eighteen years; that on the 8th day of February, 2010, affiant deposited in the mail of the United States of America a properly stamped and addressed envelope containing a copy of the Response Brief of Respondent Clallam County, addressed as follows:

Mr. David C. Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

Jerald R. Anderson, AAG
Office of the Attorney General
P O Box 40110
Olympia, WA 98504-0110

Gerald B. Steel
Attorney at Law
7303 Young Rd NW
Olympia, WA 98502-9663

Tim Trohimovich
Robert A. Beatty
Futurewise
814 2nd Ave Ste 500
Seattle, WA 98104-1543

Jackie Cooper

SUBSCRIBED AND SWORN TO before me this 8th day of February, 2010.

Ann Marie Monger
(PRINTED NAME:) Ann Marie Monger
NOTARY PUBLIC in and for the State of Washington
Residing at Port Angeles, Washington
My commission expires: 10/21/2012

O'Donnell, Mary Beth

708460

CP16#0335

From: McCall, Marilee
Sent: Monday, October 13, 2014 4:04 PM
To: 'Wait, Judith Ann'
Cc: Orjiako, Oliver; Euler, Gordon; O'Donnell, Mary Beth; Kamp, Jacqueline
Subject: RE: CLARK COUNTY COMPREHENSIVE PLAN UPDATE - Planning Commission Worksession and Open Houses scheduled for October

For questions 1-3:
The Open Houses on October 29 and 30 will have full size boards of all of the alternatives, as well as some copies zoomed in.
Those materials are still being worked on for the Open Houses and will not be presented at the Planning Commission work session.
They will also be uploaded to the web site after they are complete, and I will be sending out another bulletin so that you are aware when they have been posted.

For questions 4-5, I have forwarded your request to Planning staff and they will work on information to answer those questions.

Thank you!

Marilee McCall | Administrative Assistant
'ark County Community Planning
50-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660
P.O. Box 9810 | Vancouver, WA 98666
www.clark.wa.gov/planning

From: Wait, Judith Ann [mailto:judith.wait@email.wsu.edu]
Sent: Monday, October 13, 2014 3:59 PM
To: McCall, Marilee
Cc: Orjiako, Oliver; Euler, Gordon; O'Donnell, Mary Beth
Subject: Re: CLARK COUNTY COMPREHENSIVE PLAN UPDATE - Planning Commission Worksession and Open Houses scheduled for October

Thanks for the update and invitation, Marilee.

I have a few questions after looking at the presentation that will be used for the Worksession with the Planning Commission:

1. I'm wondering how we could get copies of the maps at a legible scale, printed out. I like the side-by-side, but one 8x11 page is not big enough for two maps (especially with the similar color schemes for different classifications).
2. Perhaps a simplified map for comparison of the main differences. This would be really good for Rural and Agriculture and Forest parcels.

3. It would also be good to access the maps digitally (for zooming in). It might be good for you to zoom in on a particular area where the differences are most dramatic, so the actual impact can be viewed.
4. Is there a table listing the acreage differences by type (zoning and comp plan mapping) so the two can be compared numerically as well.
5. Can we also get a labeled map and/or reference to the parcel numbers for the City UGA expansion proposals, please.

respectful thanks,

Jude Wait

From: McCall, Marilee <Marilee.McCall@clark.wa.gov>
Sent: Friday, October 10, 2014 5:08 PM
To: McCall, Marilee
Cc: Orjiako, Oliver; Euler, Gordon; O'Donnell, Mary Beth
Subject: CLARK COUNTY COMPREHENSIVE PLAN UPDATE - Planning Commission Worksession and Open Houses scheduled for October

The Clark County Planning Commission will have a work session on the Comprehensive Plan 2016 update:

Thursday, October 16 at 5:30 p.m.
Clark County Public Service Center, 1300 Franklin, Vancouver, WA
6th Floor

The work session topic is a preview and discussion of the three mapping alternatives for the Comprehensive Plan that will be presented to the public at **Open Houses on October 29 and 30**.

All of the information that will be presented to the Planning Commission is available for review at: http://www.clark.wa.gov/planning/PCmeetings.html

Updates on meetings and materials that will be presented for review on the Comprehensive Plan public events will continue to be posted at: http://www.clark.wa.gov/planning/2016update/index.html

If you are receiving this notification, you will receive all updates, news releases, and public notices regarding the plan. If you wish to be removed from this listing, please reply with "Unsubscribe" in the subject line of your email.

Thank you for your interest in Clark County!

Marilee McCall | Administrative Assistant for
Oliver Orjiako | Director
Community Planning | "Planning for Clark County's promising future"
tel: 360.397.2280 **ext. 4112** | fax: 360.759.6762
P.O. Box 9810 | Vancouver WA 98666
www.clark.wa.gov/planning

This e-mail and related attachments and any response may be subject to public disclosure under state law.

O'Donnell, Mary Beth

CP16#0337

From: Orjiako, Oliver
Sent: Thursday, October 16, 2014 8:38 AM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: contact info for comp plan

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Thursday, October 16, 2014 8:04 AM
To: McCauley, Mark; Orjiako, Oliver
Subject: FW: contact info for comp plan

FYI. Please see below email.

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

---

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Wednesday, October 15, 2014 6:40 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: contact info for comp plan

Dear Commissioners,

When I attempt to write a comment to the on line locations for comments to the planning department regarding the comp plan proposals, I find that one is not available and the other is not secure. Don't you think landowners have a right to easily and secureing send their comments via an e-mail to the planning department.....I do.

Best Regards, Carol
CCCU, Inc.

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Thursday, October 16, 2014 9:47 AM
To: Barnes, Ed
Cc: Cook, Christine; Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Subject: FW: Link to comment form

Hello Commissioner:

Just FYI. Mark tested it and it worked on his iPad. Thanks.

From: McCauley, Mark
Sent: Thursday, October 16, 2014 9:18 AM
To: Orjiako, Oliver
Subject: Re: Link to comment form

worked for me

Sent from my iPad

On Oct 16, 2014, at 9:00 AM, "Orjiako, Oliver" <Oliver.Orjiako@clark.wa.gov> wrote:

> Good morning Mark:
>
> Here's the link. Thanks.
>
> Oliver
>
> ---
>
> **From:** McCall, Marilee
> **Sent:** Thursday, October 16, 2014 8:52 AM
> **To:** Orjiako, Oliver
> **Subject:** Link to comment form
>
> http://www.clark.wa.gov/planning/2016update/comments.html
>
> ***Marilee McCall | Administrative Assistant***
> ***Clark County Community Planning***
> **360-397-2280 ext. 4558**
> 1300 Franklin Street | Vancouver, WA 98660
> P.O. Box 9810 | Vancouver, WA 98666
> www.clark.wa.gov/planning

MILLER NASH LLP
ATTORNEYS AT LAW

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SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
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708464
CP14-0338

LeAnne M. Bremer, P.C.
leanne.bremer@millernash.com
(360) 619-7002 direct line

October 15, 2014

Mr. Oliver Orjiako
Clark County Community
Planning Department
1300 Franklin Street
Post Office Box 9810
Vancouver, Washington 98666-9810

Subject: 2016 Comprehensive Plan Update 179113-000
Property at 21605 N.E. 10th Avenue Ridgefield 98602

Dear Oliver:

I represent Pac-West, LLC, also known as Sanders Trucking, which owns property at 21605 N.E. 10th Avenue. Dale Sanders previously asked the County to consider adding this property to the Vancouver UGA, and I am reaffirming that request. It is currently in Urban Reserve, with CR-1 zoning, and an industrial zone overlay. According to County policy, property that is in the Urban Reserve is slated for eventual inclusion in the UGA. The County has also signaled that this property is appropriate for the light industrial zone, which my client supports.

Alternatively, my client would be amenable to a text amendment that would allow light industrial uses in the CR-1 zone since these uses are what is currently occurring, and this is what is planned for the area. Second, my client would like to connect to sewer. Sewer is already allowed in rural centers if the sewer lines exist, UDC 40.370.010(C), so it should not be a major policy change to allow connection to sewer for properties within rural centers if sewer is nearby. We understand that there is a major sewer project planned in the area that my client would like to connect to once installed.

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

Please docket these requests and add me to the mailing list for any updates. Thank you.

Very truly yours,

LeAnne M. Bremer, P.C.

cc: Dale Sanders
Gordon Euler

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
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LeAnne M. Bremer, P.C.
leanne.bremer@millernash.com
(360) 619-7002 direct line

October 15, 2014

Mr. Oliver Orjiako
Clark County Community
Planning Department
1300 Franklin Street
Post Office Box 9810
Vancouver, Washington 98666-9810

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MILLER NASH LLP
ATTORNEYS AT LAW

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VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

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Very truly yours,

LeAnne M. Bremer, P.C.

cc: Dale Sanders
Gordon Euler

O'Donnell, Mary Beth

708462

CP16#0337

From: Orjiako, Oliver
Sent: Thursday, October 16, 2014 8:38 AM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: contact info for comp plan

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Thursday, October 16, 2014 8:04 AM
To: McCauley, Mark; Orjiako, Oliver
Subject: FW: contact info for comp plan

FYI. Please see below email.

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

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From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Wednesday, October 15, 2014 6:40 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: contact info for comp plan

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Best Regards, Carol
CCCU, Inc.

O'Donnell, Mary Beth

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Sent: Thursday, October 16, 2014 9:47 AM
To: Barnes, Ed
Cc: Cook, Christine; Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Subject: FW: Link to comment form

Hello Commissioner:

Just FYI. Mark tested it and it worked on his iPad. Thanks.

From: McCauley, Mark
Sent: Thursday, October 16, 2014 9:18 AM
To: Orjiako, Oliver
Subject: Re: Link to comment form

worked for me

Sent from my iPad

On Oct 16, 2014, at 9:00 AM, "Orjiako, Oliver" <Oliver.Orjiako@clark.wa.gov> wrote:

> Good morning Mark:
>
> Here's the link. Thanks.
>
> Oliver
>
> ---
>
> **From:** McCall, Marilee
> **Sent:** Thursday, October 16, 2014 8:52 AM
> **To:** Orjiako, Oliver
> **Subject:** Link to comment form
>
> http://www.clark.wa.gov/planning/2016update/comments.html
>
> ***Marilee McCall | Administrative Assistant***
> ***Clark County Community Planning***
> **360-397-2280 ext. 4558**
> 1300 Franklin Street | Vancouver, WA 98660
> P.O. Box 9810 | Vancouver, WA 98666
> www.clark.wa.gov/planning

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

RECEIVED OCT 16 2014

500 BROADWAY STREET
SUITE 400
VANCOUVER, WASHINGTON 98660

OFFICE 360.699.4771
FAX 360.694.6413

708464

CP16-0338

LeAnne M. Bremer, P.C.
leanne.bremer@millernash.com
(360) 619-7002 direct line

October 15, 2014

Mr. Oliver Orjiako
Clark County Community
Planning Department
1300 Franklin Street
Post Office Box 9810
Vancouver, Washington 98666-9810

Subject: 2016 Comprehensive Plan Update 179113-000
Property at 21605 N.E. 10th Avenue Ridgefield 98602

Dear Oliver:

I represent Pac-West, LLC, also known as Sanders Trucking, which owns property at 21605 N.E. 10th Avenue. Dale Sanders previously asked the County to consider adding this property to the Vancouver UGA, and I am reaffirming that request. It is currently in Urban Reserve, with CR-1 zoning, and an industrial zone overlay. According to County policy, property that is in the Urban Reserve is slated for eventual inclusion in the UGA. The County has also signaled that this property is appropriate for the light industrial zone, which my client supports.

Alternatively, my client would be amenable to a text amendment that would allow light industrial uses in the CR-1 zone since these uses are what is currently occurring, and this is what is planned for the area. Second, my client would like to connect to sewer. Sewer is already allowed in rural centers if the sewer lines exist, UDC 40.370.010(C), so it should not be a major policy change to allow connection to sewer for properties within rural centers if sewer is nearby. We understand that there is a major sewer project planned in the area that my client would like to connect to once installed.

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

Please docket these requests and add me to the mailing list for any updates. Thank you.

Very truly yours,

LeAnne M. Bremer, P.C.

cc: Dale Sanders
Gordon Euler

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
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October 15, 2014

Mr. Oliver Orjiako
Clark County Community
Planning Department
1300 Franklin Street
Post Office Box 9810
Vancouver, Washington 98666-9810

Subject: 2016 Comprehensive Plan Update
Property at 21605 N.E. 10th Avenue

Dear Oliver:

I represent Pac-West, LLC, also known as Sanders Trucking, which owns property at 21605 N.E. 10th Avenue. Dale Sanders previously asked the County to consider adding this property to the Vancouver UGA, and I am reaffirming that request. It is currently in Urban Reserve, with CR-1 zoning, and an industrial zone overlay. According to County policy, property that is in the Urban Reserve is slated for eventual inclusion in the UGA. The County has also signaled that this property is appropriate for the light industrial zone, which my client supports.

Alternatively, my client would be amenable to a text amendment that would allow light industrial uses in the CR-1 zone since these uses are what is currently occurring, and this is what is planned for the area. Second, my client would like to connect to sewer. Sewer is already allowed in rural centers if the sewer lines exist, UDC 40.370.010(C), so it should not be a major policy change to allow connection to sewer for properties within rural centers if sewer is nearby. We understand that there is a major sewer project planned in the area that my client would like to connect to once installed.

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

Please docket these requests and add me to the mailing list for any updates. Thank you.

Very truly yours,

LeAnne M. Bremer, P.C.

cc: Dale Sanders
Gordon Euler

O'Donnell, Mary Beth

708465

CP16#0339

From:	Tilton, Rebecca
Sent:	Friday, October 17, 2014 10:52 AM
To:	Barnes, Ed; Madore, David; Mielke, Tom; Sillima[illegible], [illegible], [illegible], Oliver; O'Donnell, Mary Beth
Cc:	LaRocque, Linnea
Subject:	Written Testimony re: Comp Plan Update
Attachments:	Carol Levanen comments_101414.pdf

Hello,

Attached please find written comments submitted by Carol Levanen during the Board's Hearing of October 14, 2014 (public comment time).

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Board
Board of Clark County Commissioners
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE: 360-397-2232, ext. 4305 | E-MAIL: Rebecca.Tilton@clark.wa.gov

Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

Re: Washington State Department of Agriculture - Future of Farming Strategic Plan 2020 and Beyond - 2008 Executive Summary (For the public record)

The following information and excerpts were taken from the Future of Farming report, sponsored by the Washington State Department of Agriculture. This report gives good insight to the limited agriculture that exists in Clark County and why. The Growth Management Act, in essence, directs counties to designate and preserve lands that have prime soil and the growing capacity to support long term commercially viable resource lands, considering proximity to markets, already developed land and the consideration of a more valuable use for the land. In Clark County, there is very little, if any, land that meets that test, other than as small lot hobby farming.

The Future of Farming Project Steering Committee members were appointed by the Directors of Agriculture as authoritative industry representatives. Members were from Mt. Vernon, Okanagan, Seattle, Carnation, Coulee City, Yakima, Ephrata, Enumclaw, Mosses Lake, Oakville, Rockford, Elma, Pullman, Shelton and Pasco. There were no representatives from Southwest Washington, including Clark, Cowlitz and Skamania.

1. The report states that Future of Farming participants reported regulations as their biggest obstacle.....smaller operations face special disadvantages due to regulatory complexities and many farmers explained the regulatory burdens discourage their children from taking over the farm, discourage investment in value-added opportunities and discourage new entrants from establishing farms.

2. The fifth noteworthy resource to protect is long term capital for investment in perennial plantings, facilities and equipment and short term credit for operations.

3. Many processors are now part of multinational organizations with many alternative raw product sources. and will continue to locate in Washington only as long as it makes business sense to do so.

4. Increasingly, the agriculture system of all counties and regions of the world are becoming integrated into one global "food system".

5. Farmers and agribusinesses certainly believe that regulation has become a major hindrance to their profitability and survival. They disagree with the "business friendly" ratings that Washington has received,

6. Fifty percent (50%) of Washington total land is owned by the federal, state and county governments. Most housing and other development is on former agriculture land.

7. A number of programs already exist at the federal, state, and local level, either to sustain farmers in farming or to maintain land in farms. (A recent public record comment by CCCU states that the federal government would only consider loans for farming on six (6) acres of land in Clark County, according to a specific federal formula)

8. The Report stresses the loss of *Prime* farmland to non agriculture uses.

9. Water is a critical ingredient of agriculture production. According to the 2002 census, over seventy-five (75%) of Washington harvest by value was from the 11.9% of Washington farmland that was irrigated.

10. Like all other businesses, agriculture needs long-term capital for land, buildings, and durable equipment. It also needs long term capital for investments in crops. It needs short term operating capital to cover recurring expenses such as labor, utilities, and feed.

11. The grower may not receive final payment for orchard crops until two or more years after the first variable costs of the crop

12. Farmers and agribusinesses have one major asset that they can use as collateral for long term loans: *their land.*

13. In 2002, 32.3% of real estate debt was supplied by the Farm Credit system. The debt to asset ratio can be expected to rise.

14. Agriculture is not recognized as a career opportunity. Agriculture class size has been dropping, which further encourages educational institutions to reduce or eliminate their investment in agriculture education and instructors.

15. Industry representatives consistently voiced a concern about the increasing average age of farmers, due in part to the lack of young people entering the industry.

16. Most economic activities will only take place if the value created by moving a product from point A to point B exceeds the cost of transportation.

17. One ton of freight can be carried 202 miles by rail, per gallon of fuel, 514 miles by inland barge, but only 59 miles by truck.

18. Respondents agreed that agriculture needs to close the perception gap between agriculture realities and the publics' understanding of the agriculture situation.

The perception gap needs to be closed in Clark County, also. When the Farm Home Administration moves from Vancouver, to Brush Prairie and finally to Chehalis, in Lewis County, it's a sure sign they are no longer needed in this county to provide agriculture. funding. Small parcel hobby farms is the only way that agriculture exists in Clark County.

Sincerely, Carol Levanen

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

708546

CP16#0342

From: susan rasmussen <sprazz@outlook.com>
Sent: Tuesday, October 21, 2014 4:05 PM
To: Cnty 2016 Comp Plan
Subject: comments in scoping report are incomplete

We are aware that many of CCCU's comments going back to Jan. 2014 are not included in the scoping report. We want all of our comments concerning the updates to the 2016 county comp. plan be included in the report. These written and verbal comments were placed in the public record during BOCC, planning commission public hearings, and the four open houses. These many comments cannot be ignored in the scoping, seis, and the updated 2016 comprehensive plan.

Sincerely,
Susan Rasmussen for Clark County Citizens United, Inc.

O'Donnell, Mary Beth

708555
CP16#0344

From: Orjiako, Oliver
Sent: Wednesday, October 22, 2014 9:02 AM
To: O'Donnell, Mary Beth
Subject: FW: Vancouvers UGB

Please, for index. Thanks.

Oliver

-----Original Message-----
From: Cnty 2016 Comp Plan
Sent: Tuesday, October 21, 2014 3:52 PM
To: Orjiako, Oliver
Subject: FW: Vancouvers UGB

Forwarding questions received at the general Comp Plan email box.
Thank you very much~

Marilee McCall | Administrative Assistant Clark County Community Planning
360-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660 P.O. Box 9810 | Vancouver, WA 98666
ww.clark.wa.gov/planning

-----Original Message-----
From: Juno [mailto:deerfeeder@juno.com]
Sent: Sunday, October 19, 2014 11:45 PM
To: Cnty 2016 Comp Plan
Cc: Euler, Gordon
Subject: Vancouvers UGB

Can the County lever the city to increase the boundaries to create some jobs? We are sitting on 20 A. That has been in limbo for 8years, in and out of the growth plans! Our 20 A. Is on 132 ave. & 119 st. One side is the UBG line, the other side is Laglers property. We are on the record and we are telling you we want to come in and support jobs in Clark County. At the same time we could use our retirement investment before were gone! See you at the next meeting, I may speak if there is a opportunity Thank you!

Jerry & Michelle Winters
5420 Idaho St.
Van. Wash. 98661

ent from my iPad

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Wednesday, October 22, 2014 9:04 AM
To: McCall, Marilee
Cc: O'Donnell, Mary Beth
Subject: FW: Write your Commissioner

Just FYI on emails relating to the request from Jerry and Michelle Winters. Thanks.

Oliver

-----Original Message-----
From: Swanson, Jeff
Sent: Tuesday, October 21, 2014 8:15 AM
To: McCauley, Mark; Madore, David
Cc: Orjiako, Oliver; Euler, Gordon
Subject: RE: Write your Commissioner

The Winters property is outside the Vancouver UGA adjacent to the Lagler property, subject of the rural industrial land bank application. If I'm not mistaken, they have consulted with Mr. Horenstein regarding being included in the application although I believe they have ultimately declined to participate in that process. If they wish to have their property added to the Vancouver UGA then they need to contact Chad Eiken at the City of Vancouver.

-----Original Message-----
From: McCauley, Mark
Sent: Tuesday, October 21, 2014 8:03 AM
To: Madore, David
Cc: Swanson, Jeff; Orjiako, Oliver
Subject: RE: Write your Commissioner

These folks need to contact the city. Chad Aiken is their planner, if I am not mistaken. Oliver, can you please confirm? Thanks. Mark

-----Original Message-----
From: Madore, David
Sent: Tuesday, October 21, 2014 12:25 AM
To: Deerfeeder@juno.com; McCauley, Mark; Swanson, Jeff
Subject: Re: Write your Commissioner

Jerry and Michelle,

Thank you for your letter. I will consult with staff on this and we will get back with you.

Yes, we need land for jobs.

Thank you,

David Madore

> On Oct 20, 2014, at 11:46 PM, "Deerfeeder@juno.com" <Deerfeeder@juno.com> wrote:
>
> Internet Form Results:
>
> FORM: emailform.asp
> FORM submitted at 10/20/2014 11:46:49 PM
>
> First Name: Jerry
> Last Name: Winters
> Phone: 694-8696
> Email: Deerfeeder@juno.com
> Address: 5420 Idaho st.
> City: Van
> State: Wa
> Subject: UGB
> Message:
> How can I ask Vancouver to enlarge their UGB?
> I want to request bringing in 20A. On 132 ave. and 119 th. St. Between the existing UGB and Lagliers property. I thought Clark County had more control over the maps and creating jobs?
> Thank You
>
> Jerry & Michelle Winters
> 5420 Idaho St.
> Van. Wa.
> 694-8696
> Deerfeeder@juno.com
>
> Clark County Form Mailer, 2014

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Thursday, October 30, 2014 1:54 PM
To: Snodgrass, Bryan
Cc: O'Donnell, Mary Beth
Subject: FW: Vancouvers UGB

Bryan:

In deleting some older e-mails I came across this one. I don't know if you saw this particular message, but thought you should have it for the record.

Gordy

-----Original Message-----
From: Juno [mailto:deerfeeder@juno.com]
Sent: Sunday, October 19, 2014 11:45 PM
To: Cnty 2016 Comp Plan
Cc: Euler, Gordon
Subject: Vancouvers UGB

Can the County lever the city to increase the boundaries to create some jobs? We are sitting on 20 A. That has been in limbo for 8years, in and out of the growth plans! Our 20 A. Is on 132 ave. & 119 st. One side is the UBG line, the other side is Laglers property. We are on the record and we are telling you we want to come in and support jobs in Clark County. At the same time we could use our retirement investment before were gone! See you at the next meeting, I may speak if there is a opportunity Thank you!

Jerry & Michelle Winters
5420 Idaho St.
Van. Wash. 98661

Sent from my iPad

O'Donnell, Mary Beth

708564

CP16#0345

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Wednesday, October 22, 2014 11:03 AM
To: O'Donnell, Mary Beth; Silliman, Peter; Tilton, Rebecca
Subject: FW: maps

FYI

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

---

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Tuesday, October 21, 2014 9:09 PM
To: dsmee@clarkcd.org; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.; Madore, David; Mielke, Tom; Barnes, Ed
Subject: maps

Hello Denise, (Dist. Mgr.) Clark Conservation District

Thanks for forwarding the soil information to Susan.....she forwarded it to me, also. In all the research we have done regarding the current soils maps, we can find no where that the county actiually used the soil manual for their data. They might have skimmed over it, but they didn't even have the ability to apply it via computer data base information, when it was created in 1990-1994. If indeed it was used then, the massive amount of Prime ag land that Vancouver put into the urban growth boundary in 2007 would have been noted as such on the maps. It was not. All of our research indicates the existing maps were created from staff and aerial photos. The Hearings Board, head planners, county attorney, and other past county documents confirm that was the case. We believe the GMA intended that only true prime, rich, productive ag land should be preserved, which makes sense. There would not be any real purpose to call other rural lands, resource land, except to lock it up, and a past report to the commissioners by planning staff, says just that. The intent was to block the land up. We did note that when looking up prime ag land under the state wedsite, it refers us to the county soils maps. It appears that the state doesn't really have "prime" soils of their own, but rather allows the counties to determine that. The 1994 erroneous planning process is the zoning we see today and those were the maps that were supposedly used. One would have to overlay the zones over the supposed soil to see if even that was actually done, which we will also research. The process for the original Comp plan was horrendous and our county continues to suffer under it. We all need to hep the commissioners do the right thing for all of the rural landowners of our county, as the unincorporated areas should be the commissioners main focus and concern.. But, we are all in this thing together. Thanks Again for the information!

Best Regards, Carol Levanen, Ex. Secretary, CCCU, Inc.

O'Donnell, Mary Beth

7113 20
CP16#0346

From: Orjiako, Oliver
Sent: Tuesday, November 04, 2014 4:09 PM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: Board of Commissioner Work Session - 10-22-2014 (For the Record)

Just FYI

From: Madore, David
Sent: Tuesday, November 04, 2014 4:07 PM
To: Orjiako, Oliver
Subject: FW: Board of Commissioner Work Session - 10-22-2014 (For the Record)

Fyi

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Wednesday, October 22, 2014 11:39 PM
To: Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: Board of Commissioner Work Session - 10-22-2014 (For the Record)

Dear Commissioners,

CCCU would like to clarify the record regarding prervious zoning maps that planner, Oliver Orijaka presented to the Board of Commissioners at the recent work session on October 22, 2014. He showed the commissioners the resource zoning maps that he said had been in place prior to 1994. He was stressing to the commissioners how much resource land there was. But, he failed to mention that the maps had been in constant flux and what the parcel sizes were in those zones at that time. They were 2.5, 5, 10, and 20 acre zones, not the 5, 10, 20, 40 and 80 acres that are currently in place. CCCU has a very large two inch binder of various land use maps of Clark County dating from 1987 to 2014. One particular Clark County, Washington 1993 map, of a township of the Rock Creek, Fargher Lake, View, Cedar Creek areas, shows the existing parcelization in those areas at the time, along with the names of the owners of the parcels. It's very telling. These were lands that had been divided long before the GMA. There are many historical family names on that map, in addition to Long View Fibre Company, School Land, State Forest Board, Washington State Game Department, and others. This map shows the people and the rural parcelization that helps define and is part of the rural character in that area of Clark County. It shows the pattern of small parcelization of 2.5 and 5 acres throughout the area. Another old map (with no date) called *Clark County Broad Land Use and Traffic Circulation,* shows the broad expanse of state, federal, and large private timber lands in eastern Clark County. A *Draft 20 year Plan Map (Rural and Natural Resource Lands*) map shows the massive areas of the old Agri-Forest 40 acre zoning, which was ruled as illegal in the court. The notebook has numerous Agri-Forest maps of different areas showing the parcelization that was in place at the time. There is a Portland metro agriculture map that includes Clark County. This book also has aerial photos of the Agri-Forest lands that have white tape strips surrounding parcels of rural land. There is a map called, *Prime Farmland - Clark County Washington, General Highway maps - Thematic detail compiled by state staff. US Department of Agriculture Soil Connservation Service M7-0-24076.* It is very different than the 1994 GMA SEIS map of Prime and Unique Agriculture Soil. the Forest Soil map, and the existing Comprehensive Plan map of 1994 and today. CCCU's notebook also contains a *Growth Management - Issue 9 - June 1994 Perspectives* map of *Alternative A, B and C.* Alternative A has Ag Tier I - 20 acres, Ag Tier 2 - 10 acres, Forest Tier 1 - 40 acres, Forest Tier 2 - 20 acres, Rural Farm - 10 acres, Rural Estate - 5 acres and Rural Residential 2.5 acres. There are maps of the old Resource Line that divided the rural lands. There are also 1996 *Orthophotogrphy - Clark County, Washington* aerial maps.

If a picture tells a thousands words, these maps certainly do. It was erroneous for Clark County to ignore the parcelization of the rural areas and over designate resource lands in 1994, even though they had maps and other documents to determine the area differently. For this Board of Commissioners to continue to accept that faulty data is also erroneous. The court in 1997 has said, "*The Board's (WWGMHB) interpretation was* ***erroneous,*** *and the County's decision to follow the Board's lead was unfortunate. The result is a plan that* ***gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA***. Clark County must come into compliance with this court decision and it's plain meaning. The rural development (parcelization) in the rural lands must be recognized in a meaningful way by the county and in the 2016 Comprehensive Plan.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, inc.
P.O Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

7113 23
CP16#0347

From: Orjiako, Oliver
Sent: Wednesday, October 22, 2014 2:43 PM
To: O'Donnell, Mary Beth
Subject: FW: public comment

Just Fyi.

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Wednesday, October 22, 2014 11:00 AM
To: Orjiako, Oliver
Cc: McCauley, Mark
Subject: FW: public comment

FYI

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

---

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Tuesday, October 21, 2014 8:33 PM
To: Mielke, Tom; Barnes, Ed; Madore, David
Subject: public comment

Dear Commissioners,

I just tried to send a comment on the county web page regarding the comp plan update, using the link that was provided. When I tried to send it, it was not able to be sent and did not go through. How many times has this happened to other landowners? Or, is just me. In the past faxes and mailings took almost two weeks to reach the commissioners and on-line doesn't seem to be much better. Please make it easier for landowners to provide comments over the 2016 comp plan process, instead of having to work through the maze that is now available. Thanks!
Best Regards, Carol Levanen, Ex. Secretary
Clark County Ctizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

McCall, Marilee

7113 30

CP16#0348

From: Cnty 2016 Comp Plan
To: enricaac@juno.com
Subject: RE: Growth Plan Update

http://www.clark.wa.gov/planning/2016update/Definitionsofcurrentandproposeddesignations.html

If the information you're looking for isn't included at the link above, please feel free to call our office for further explanation.
Thank you,

Marilee McCall | Administrative Assistant
Clark County Community Planning
360-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660
P.O. Box 9810 | Vancouver, WA 98666
www.clark.wa.gov/planning

From: enricaac@juno.com [mailto:enricaac@juno.com]
Sent: Wednesday, October 22, 2014 3:07 PM
To: Cnty 2016 Comp Plan
Subject: Growth Plan Update

We have just received a notice in the mail regarding open houses scheduled regarding Clark County's proposed revisions to its Comprehensive Growth Management Plan.
The notice says that the current zoning for our parcel will be changed from "FR-40" to "FR-20".
Would you please tell us what those two zoning codes actually mean?

It also says the our Current Comprehensive Plan designation will change from "FR-2" to "FR".
Would you please tell us what those two plan designations mean?

We attempted to look up on-line the details for zoning codes and plan designations but could find nothing on the website listed on the notice.
thank you,
Steve and Anne Tendler

O'Donnell, Mary Beth

7113 31

CP 16#0349

From: Alvarez, Jose
Sent: Tuesday, October 28, 2014 4:46 PM
To: 'Gamble0453@comcast.net'
Cc: O'Donnell, Mary Beth
Subject: RE: 2016 Comp Plan comments submitted

Mr. Gamble,

The smallest parcel size in the rural area is 5 acres unless you are in one of the 7 rural centers (Amboy, Brush Prairie, Chelatchie Prairie, Dollars Corner, Fargher Lake, Hockinson, Meadowglade) where 1 and 2.5 acre zones are allowed.

Thanks for your comment,

Jose Alvarez
Planner III
Clark County
Department of Community Planning
360.397.2280 x4898

-----Original Message-----
From: Cnty 2016 Comp Plan
Sent: Tuesday, October 28, 2014 4:03 PM
To: Alvarez, Jose
Subject: FW: 2016 Comp Plan comments submitted

-----Original Message-----
From: NoReply@Clark.Wa.Gov [mailto:NoReply@Clark.Wa.Gov]
Sent: Wednesday, October 22, 2014 6:48 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 195997000

Subject: R-5

Comments:

Why R5 when a large percentage of the properties are less than 5 acres? Would it not make more sense to zone R1. This would permit growth. R5 most would remain the same?

Submitted by:
Ted Gamble

Email: Gamble0453@comcast.net

Address:
6810 NE 159th street
Vancouver, wa

McCall, Marilee

From: NoReply@Clark.Wa.Gov
Sent: Wednesday, October 22, 2014 12:02 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

7113333
CP16#0350

Following comments were submitted online:

Parcel No: 264138000

Subject: change of comp plan

Comments:
I have no problem with the change suggested to change current zoning from AG-20 to AG10

Submitted by:
Julie McAdams

Email: brickyardfarmwa@aol.com

Address:
38310 NE 119th Ave
Amboy, Washington

McCall, Marilee

711339
CP16#0351

From: James Winkler <jhw@winklercompanies.com>
Sent: Wednesday, October 22, 2014 3:43 PM
To: Cnty 2016 Comp Plan
Cc: James Winkler; 'Victor Winkler'
Subject: FW: Prop ID# 215139002

From: James Winkler
Sent: Wednesday, October 22, 2014 3:42 PM
To: 'commp.plan@clark.wa.gov'
Cc: James Winkler; 'Victor Winkler'
Subject: Prop ID# 215139002

I am a co-owner of the property identified above and located at 613 NW 259th St, Ridgefield 98642. We received a notice that the property would be rezoned from AG-20 to AG-10. Although the rezoning may be an improvement, it is far short of what we believe appropriate for the property. When we acquired the property the county removed it from the farm tax deferral because it was devoid of agricultural value and used as a horse boarding and training facility. The soils are capable of supporting only grass/hay production and poorly suited for growing a crop. By continuing an agricultural zone, we are denied the ability to put the property to a more productive and appropriate use. I submit the property is best suited for rezoning for a residential or industrial use. Given that our property envelops several large homes, I recommend consideration be given to rezoning the property for single family home use.

Thank you for considering our request.

Jim

--

James H. Winkler
Winkler Development Corporation
210 SW Morrison Street, Suite 600
Portland, OR 97204
jhw@winklercompanies.com
tel: 503.225.0701
fax: 503.273.8591
www.winklerdevcorp.com

O'Donnell, Mary Beth

71349
CP16#0353

From: NoReply@Clark.Wa.Gov
Sent: Thursday, October 23, 2014 9:52 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: Comp. Land Plan

Comments:
I am infull agreement with the redesignation of AG-20 to AG-10. The present size is very unpracticle for AG in clark county. The large farms have all moved or in the process of doing so. Twenty acres for small labor intensive agriculture is too much for most to handle. Those that desire to just live on twenty acres have no idea how much equiptment and time is required to do this and many of these properties go into disrepair for the lack of this preperation.

Submitted by:
Kommer Langendoen

Email: kommer@juno.com

Address:
25578 NE 38th St.
Camas, Wa 98607

O'Donnell, Mary Beth

711349
CP16#0353

From: NoReply@Clark.Wa.Gov
Sent: Thursday, October 23, 2014 9:52 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: Comp. Land Plan

Comments:
I am infull agreement with the redesignation of AG-20 to AG-10. The present size is very unpracticle for AG in clark county. The large farms have all moved or in the process of doing so. Twenty acres for small labor intensive agriculture is too much for most to handle. Those that desire to just live on twenty acres have no idea how much equiptment and time is required to do this and many of these properties go into disrepair for the lack of this preperation.

Submitted by:
Kommer Langendoen

Email: kommer@juno.com

Address:
25578 NE 38th St.
Camas, Wa 98607

CC'd - BOCC; Orjiako; O'Donnell

10/21/2014

Comments, questions by Val Alexander, Board Member of Friends of Clark County

711358
CP16#0354

On the rural industrial land bank:

This issue was just settled in March, 2014, with the county having to take back the de-designation of the Lagler property after it was changed in 2007. Are there some figures that tell us how much it cost the county in legal fees for defending itself in this suit? Can it afford to risk another lawsuit on this matter?

If the county goes ahead with its plans, who will pay for the crossing of 503 to reach the railroad?

On the county comp plan alternatives:

I understand there is quite a push to add more lots in rural areas. Who will be responsible for the water supply when the present day rural lots lose their wells?

Can the county afford to build new roads....it is not maintaining the present roads very well at all. Many are too narrow for legal striping.

I think it is unreasonable to allow Battleground to expand their urban growth boundary for industrial development when they allowed houses to be built on their property that was designated for creating jobs.

Val Alexander
2404 NW Coyote Ridge Rd.
La Center, WA 98629

O'Donnell, Mary Beth

From: Tilton, Rebecca
Sent: Thursday, October 23, 2014 10:28 AM
To: Mielke, Tom; Madore, David; Barnes, Ed; Orjiako, Oliver; O'Donnell, Mary Beth; Silliman, Peter
Subject: Written Comments re: Comp Plan
Attachments: Val Alexander_10-21-14.pdf; Bianca Benson_10-21-14.pdf; Sydney Reisbeck_10-21-14.pdf; Carol Levanen_10-21-14.pdf; Carol Levanen_second letter_10-21-14.pdf

Hello,

Please find attached written testimony received during the public comment portion of the Board's October 21 hearing (Val Alexander; Bianca Benson; Sydney Reisbick; and Carol Levanen).

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Board
Board of Clark County Commissioners
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE: 360-397-2232, ext. 4305 | E-MAIL: Rebecca.Tilton@clark.wa.gov

CC'd- Bocc; Orjiako; O'Donnell

7113 66

CP16#0355

10/21/14 Testimony

Bianca Benson

Friends of Clark County

What a busy time for you all. Elections are in full swing and you must be very busy with the absurd advisory vote and defeating the much needed home rule charter. But I'll move beyond all that to what will certainly be a very busy 2015. The county is spending a lot of money on the Comprehensive Growth Plan Update. Staff is working plenty of hours, billable to citizens, to come up with the best way to anticipate the growth of our county and assume the needs of our community. Certainly it seems reasonable to some that we have plenty of space in Clark County to expand industrious enterprises as well as make room for everyone to have a view from their spacious living. Where could ~~their~~ there possibly be a problem?

Well for starters, the staff has had to entertain the ideas of certain special interest groups that goes above and beyond putting Clark County in the line of fire of appeals and law suits for years after the Comp Plan is implemented. There is an idea floating around that if we can reduce the size of rural parcels that we somehow gain. What we in-fact would lose is hundreds of billable hours, from consultants, from staff and from legal.

One thing that time and time again we see overlooked is water availability for our current rural land owners. These people may be farmers, ranchers, Christmas tree growers, vintners, or just folks with a couple acres with no intention of ever growing food for themselves or neighbors. What all these people have in common is a need for water. But if you take a 20 acre agricultural parcel and try to develop 4 – 5 acre parcels you quadruple the water usage on land that is suitable for food production. We pave over 4 times the amount of ground where water can infiltrate and replenish our aquifers. Now, 4 families have a view of rolling hills, well, for now, but nobody can water their gardens which provide fresh food for several months a year and canned goods for the rest. Their chickens don't get fed and they sure as shovels can't produce food for anyone else in the county. We create a community where food safety is in jeopardy. Where we must rely solely, ~~on food transported over a failing 1-5 bridge and our emergency food supply is reduced~~ to what's available for 3 days at the grocery stores. in an emergency.

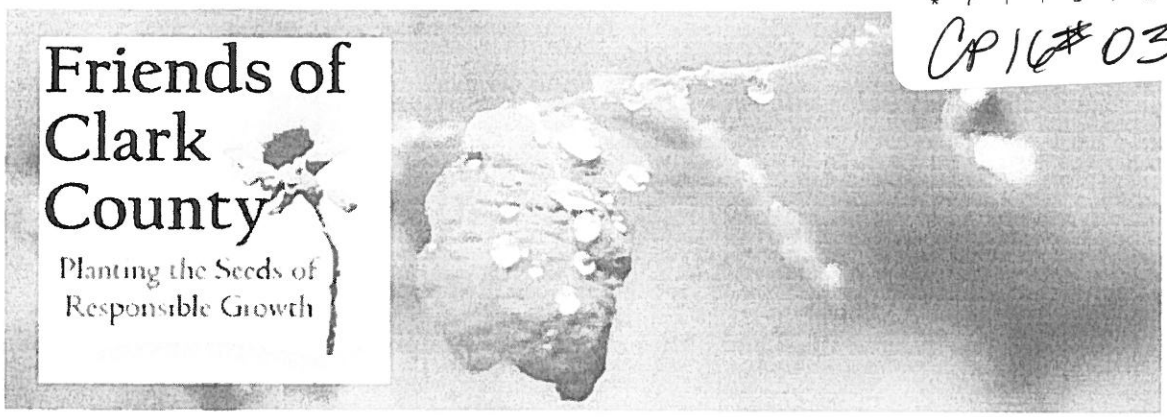
Speaking of transportation, all this new buildable land has to have improved infrastructure. Sure that creates road jobs but does the county have the money to build new roads let alone maintain old ones? What about the expansion of the schools? Do we have a history of passing levies to increase schools while reducing class size?

Why on earth would we want to sprawl out our community all over the countryside, overdeveloping prime farmland, reducing our availability of water and putting ourselves at risk for years of appeals to the growth management board and lawsuits? No matter what contrived maps certain groups show you and no matter how many countless hours they consume of staffs time, what they are suggesting is illegal and will result in wasted tax dollars.

If you look back at the SEPA scoping comments that were submitted in September, 42% of comments were in support of preserving farmland. You're going to see petitions and more public comment in the coming two months. Don't think everyone wants to pave over Clark County, because, after all once you pave over farm land it's gone forever.

10-21 = Rec'd from Sydney Reisbeck
CC'd – BOCC; Orjiako; O'Donnell

711372
CP16#0356



Some concerns about current Clark County processes and projects.

For the BOCC Hearing, 10/21/14

To: The Board of Clark County Commissioners.

Friends of Clark County is about to become creatively repetitive about certain current processes, alternatives and projects which will affect Clark County for years to come.

Over time, we will circle back to these from many directions as we stay within our 3 minutes.

One over-riding concern is the multiple-pronged effort to decrease lot sizes and change zones, some with minimum process. These may endanger us as a County. We cannot afford multiple lawsuits. Waging a multi-pronged simultaneous attack on aspects of our Growth Management Plan can look like a challenge to the GMA and the cumulative effects of the proposals will be considered at the Washington State level.

What are the proposals that decrease lot sizes and change zones?

1) Commissioners propose to decrease minimum lot size for agricultural zones from 20 acres to 10 acres and forestry lots from 40 to 20 acres.
2) Commissioners propose to combine Rural lot sizes (of 20, 10, and 5 acres) into one category that will have a single, "easier, more

simple, process "to change from one to another". What is this "simplification"? Is this an massive zone change with no process?

3) A second zone change is the proposal to de-designate agricultural land for an Industrial Land Bank when there is already land available near the railroad and there is no protection of other, equally suited agricultural land. This will also be appealed to the Growth Management Board.

Is this s a 3 – pronged challenge to the Growth Management Act that may be considered by its cumulative effects and increase fines for each action?

Sydney Reisbick, President
For Friends of Clark County
PO Box 513
Vancouver, WA 98666
www.friendsofclarkcounty.org
friendsofclarkcounty@tds.com

10/21 Rec'd - Carol Levanen (Public Comment)

CC'd - BOCC
Orjiakor
O'Donnell
Peter Silliman

Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

7113766
CP16#0357

October 21, 2014

Re: Draft Environmental Impact Statement for the Comprehensive Growth Management Plan of Clark County, Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, and Yacolt - August 25, 2006

On page 60 in the Draft EIS, it discusses SETTINGS, IMPACTS AND MITIGATION. In item I Earth - A. Soils - 1 Setting, it discusses agriculture and forest soils. It reads, "*The GMA requires local jurisdictions to identify and protect agriculture and timber lands of long term commercial significance. The Washington State Department of Community and Economic Development (CTED) recommends using the soil classification system developed by the Natural Resource Conservation Service (NRCS) and establishing larger minimum lot sizes to ensure the commercial viability of resource industries. The most recent comprehensive soil survey of Clark County was completed by the MRCS in 1972. Since soil does not change rapidly, information from the 1972 survey can still be considered reliable.*"

The NRCS has classified the soils of Clark County into eight major soil associations:
Sauvie, Puyallup, found in the bottomlands and flood plains;
Hillsboro, Gee, Odne, Hillsboro Dollar, Cove, and Lauren, Sifton, Wind River, found in terraces;
Hesson, Olequa and Hesson Olympic, found in uplands; and
Cinebar Yacolt and Olympic, Kinney, found in the foothills.

...The GMA requires protection of Agricultural land, which is defined to some extent by soil suitability. It is not acceptable under the GMA to propose unnecessary conversion of agriculturally viable land to urban uses."

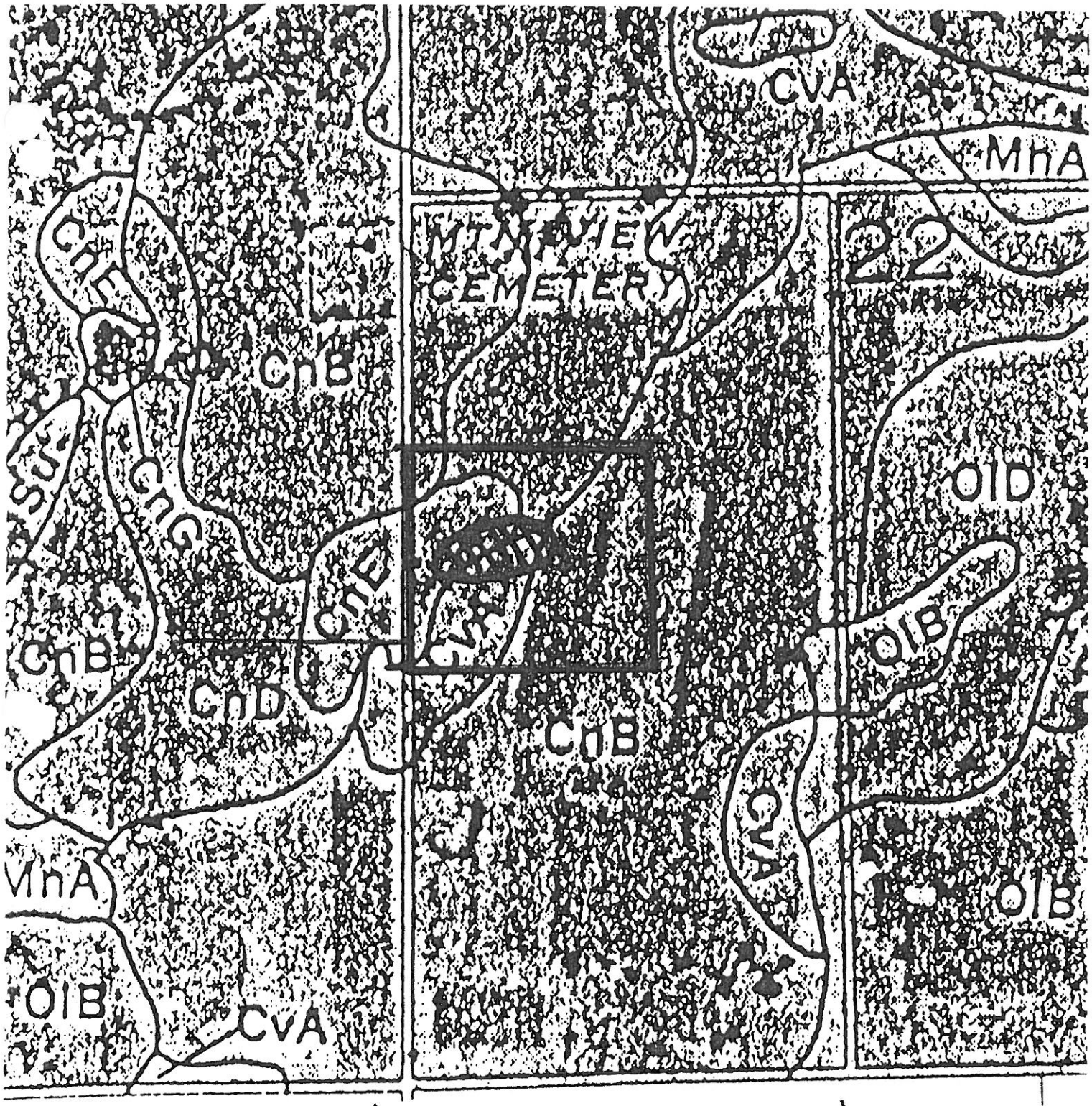
The soils mentioned in the Draft EIS are actually substandard soils of Class III to Cl V, with a few in the Class II range.

When a man was in the process of purchasing a 10 acre parcel of land to build a home on, massive buffers and setbacks around a man made pond were required. The county agent claimed it was a large wetland that had just been made into a pond. On November 22, 2006, a letter was sent to Keith Simonson regarding wetlands. It was signed by commissioners Boldt, Stuart and Morris. It states "*The question of the pond, whether natural or manmade, does not change the existence of the wetland. Soils maps and aerial photographs dating back to 1955 show the historic spring and stream channel. United State Department of Agriculture soils maps indicate that the area determined to be wetland contains Cove Silty Clay Loam, a slowly drained type.*

The county can't have it both ways. The resource soils maps are erroneous and need to be changed, and Cove needs to be removed from the list of prime agriculture soils.

Sincerely, Carol Levanen

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188, Battle Ground, Washington 98604



(Joins sheet 17)

BOARD OF CLARK COUNTY COMMISSIONERS
Betty Sue Morris • Marc Boldt • Steve Stuart

proud past, promising future

CLARK COUNTY
WASHINGTON

November 22, 2006

Carol Levanen
PO Box 2188
Battle Ground, WA 98604

Dear Ms. Levanen:

Thank you for making us aware of the recent issues encountered by Keith Simonson regarding wetlands. We certainly agree that wetland ordinances must be applied in a flexible, balanced, and reasonable manner.

We have consulted our staff and have some additional details that you will likely appreciate.

- No Wetland or Habitat permit is required for the construction of the house in the area that he has chosen.
- The question of the pond, whether natural or manmade, does not change the existence of the wetland. Soils maps and aerial photographs dating back to 1955 show the historic spring and stream channel. United States Department of Agriculture soils maps indicate that the area determined to be wetland contains Cove Silty Clay Loam, a slowly drained type.
- His proposal to groom and enhance the pond also meets the exemption allowing removal of non-native weeds and blackberries. Native replanting and enhancements in wetland and buffers are also exempt.
- These pre-determinations are an overview in order to assist citizens in evaluating property. It is meant to be a service to the citizen by providing a quick decision. He has the right to a second opinion from a hired, private sector biologist.
- If he decides to purchase the property and build a house, there is no additional charge for another Habitat permit.

We hope that this information with be of help to you and Mr. Simonson and clears up any uncertainty about permit requirements. If you have any additional questions, you may call Marian Anderson, Community Development Ombudsman, for assistance at 360.397-2375 ext.4487.

Sincerely,

Marc Boldt
Chair

Steve Stuart
Commissioner

Betty Sue Morris
Commissioner

Lr 06-253
C: Community Development

1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2232 • fax: [360] 397-6058 • www.clark.wa.gov

3. The land has long-term commercial significance. To determine this factor, counties should consider the following

    - Classification of prime and unique farmland soils mapped by NRCS
    - Availability of public facilities and services, including roads used for transporting agricultural products
    - Tax status under Chapter 84.34 RCW
    - Relationship or proximity to urban growth areas
    - Predominant parcel size
    - Land use patterns and their compatibility with agricultural practices
    - Intensity of nearby land uses
    - History of land development permits
    - Land values under alternative uses
    - Proximity to markets

Counties may consider other factors, including:

- Food security issues, such as providing food supplies for food banks, schools and institutions, vocational training opportunities in agriculture and heritage or artisanal foods
- Agricultural lands of local importance, as determined through public consultation

OVERVIEW OF AGRICULTURAL LANDS IN GRAYS HARBOR COUNTY

Prime Farmland Soils

Prime farmland soils cover approximately 171,800 acres within Grays Harbor County, which accounts for approximately 14.0% of the county's land area. **Exhibit A-1** is a map showing the general location of prime agricultural soils in Grays Harbor County.

There are 35 soil types classified as prime farmland soils in Grays Harbor County. Prime farmland soils have an adequate and dependable supply of moisture from precipitation or irrigation. Temperature and growing season are favorable, and the level of acidity or alkalinity is acceptable. The soils have few, if any, rocks and are permeable to water and air. They are not excessively erodible or saturated with water for long periods and are not flooded during growing season. The slope ranges mainly from 0 to 8 percent.

Appendix A: Counties and Cities that Qualify for the Ten Year Update

This list is current through April 1, 2007 when the next set of population estimates will be produced by the Washington State Office of Financial Management. Because these criteria are based on population and growth rates, CTED should be consulted after that date to determine if a county or city is eligible for an extension to the RCW 36.70A.130(4) update deadlines.

Growth Management Act – Timelines Bill – ESSB 6427

An act relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties; reenacting and amending RCW 36.70A.130; and creating a new section. The law defines small and slow-growing counties as those with a population of less than 50,000 and a growth rate of 17 percent or less over the ten-year period prior to their update deadline. Small and slow-growing cities are those with a population of 5,000 or less and a growth rate of 17 percent or less over the same ten-year period.

Qualifying counties	**Qualifying cities within**
Adams	Ritzville; Washtucna
Asotin	Asotin
Columbia	Dayton; Starbuck
Douglas	Bridgeport; Mansfield; Waterville
Ferry	Republic
Garfield	Pomeroy
Klickitat	Bingen; Goldendale; White Salmon
Lincoln	Almira; Creston; Davenport; Harrington; Odessa; Sprague; Wilbur
Okanogan	Brewster; Coulee Dam; Elmer City; Nespelem; Okanogan; Omak; Oroville; Pateros; Tonasket; Twisp; Winthrop
Pacific	Ilwaco; Long Beach; Raymond; South Bend
Pend Oreille	Cusick; Ione; Metaline; Metaline Falls; Newport
Skamania	Stevenson
Stevens	Chewelah; Colville; Kettle Falls; Northport; Springdale
Wahkiakum	Cathlamet
Whitman	Albion; Colfax; Colton; Endicott; Garfield; La Crosse; Malden; Lamont; Oakesdale; Palouse; Rosalia; St. John; Tekoa; Uniontown,
Non-qualifying counties	**Qualifying cities located in non-qualifying counties**
Benton	Benton City
Chelan	Cashmere; Chelan; Leavenworth
Cowlitz (CARL)	Castle Rock (CARL)
Franklin	Kahlotus
Grant	Coulee City; Electric City; George; Grand Coulee; Hartline; Krupp, Soap Lake; Wilson Creek
Grays Harbor (CARL)	Cosmopolis; Elma; McCleary; Montesano; Oakville; Westport
Island	Coupeville; Langley
Kittitas	Cle Elum; Kittitas; Roslyn
Lewis	Mossyrock; Morton; Pe Ell; Toledo; Winlock
Mason	No cities qualify
San Juan	No cities qualify
Skagit	Concrete; La Conner
Spokane	Deer Park; Fairfield; Latah; Medical Lake; Millwood; Rockford; Sprangle; Waverly
Walla Walla	Prescott; Waitsburg
Yakima	Naches; Wapato

Source: Washington State Department of Community, Trade, and Economic Development, *"Growth Management Act Timelines" Q&A* p. 3 accessed on January 16, 2006 at http://www.cted.wa.gov/_CTED/documents/ID_3294_Publications.pdf

10/21 - Rec'd fr. Carol Levanan
CC'd - BOCC; Orjiako; O'Donnell; Silli CP16#0358

Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

October 17, 2014

Re: Clark County Rural Lands, the Law and the 2016 Comprehensive Plan Review
(This information to be places into public record)

In response to an appeal filed against Clark County by Clark County Citizens United, Inc. in Case **# 96-2-00080-2**, the Honorable Edwin J. Poyfair ruled on April 4, 1997, in the FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER. Included in the Order, he found that Clark County failed to comply with many legal mandates of the Washington State Growth Management Act. In support of that decision, the Court of Appeals of the State of Washington Division II, upheld portions of the Poyfair decision in 1999. When these items were remanded to the county by the Western Washington Growth Management Hearings Boards, the county went through the motions of appearing to be complying with the court rulings, when in fact many of the items were brushed over and under the table, without completing the task. Later, after the WWGMHB continued to rule Clark County's Comprehensive Plan as invalid, the Honorable John F. Nichols placed a stay on the actions in 1997, until Clark County could become compliant.

Since that time, Clark County Citizens United, Inc. has been waiting for the corrections and completion of the court mandates. Every year since the court decisions, the standing board of commissioners have put off completing the task. When CCCU questioned the county as to when the work would be completed, the commissioners claimed that the work was in progress and they would have something soon. Then CCCU was told in 2004 that only urban areas were being considered in the review of the Comprehensive Plan. But, in fact, a moratorium was shockingly placed on the rural lands in the interim. CCCU heartily protested against that action. Commissioners again, asked CCCU to just be patient. In 2007, CCCU was told not to participate in the review of the Comp Plan because, again, the urban lands were the only thing on the table, and the county would get to the rural lands, soon. Even so, CCCU submitted testimony regarding the EIS. A rural lands task force was set up supposedly to aid the process, but failed to accomplish any of the court mandated directives. This task force report is now the excuse to retain large lot rural and resource zoning, instead of forming policy to comply with the court and the law.

Specifically, Item 6. Comprehensive Plan EIS and Item 7. Rural Land Densities, of the court rulings have never been completed. What has been left, is a plan that continues to reflect the illegal activity that occurred in 1994 in the rural and resource lands.

Item 6. Comprehensive Plan EIS. *"The County failed to comply with SEPA's requirement for additional environmental review when a proposal changes substantially from the one addressed in the initial EIS. The Board's decision to uphold the adequacy of the EIS absent additional environmental analysis regarding the.....changes to the pattern of rural development was clearly erroneous."*

7. Rural Land Densities. *"The County's rural and resource development regulations are inconsistent with the GMA. The GMA requires counties to determine that planning goals are utilized and are a part of the consideration supporting its decisions. One of the planning goals requires a variety of residential densities and housing types, which the Clark County Community Framework Plan met by identifying pre-existing small development patterns in rural areas..."*

"It is evident that rural land use density regulations were driven in part by earlier Growth Management Hearings Board decisions requiring urban population plus rural populations to equal Office of Financial Management population forecasts.....This formulaic view of the GMA requirement is fatally flawed. 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. This Board decision, however, compelled the county to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements."

"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. By trying to comply with the Board's errant decision the County violated a GMA planning goal.....*

The Board's ***interpretation was erroneous*** *and the County's decision to follow the Board's lead was unfortunate.* ***The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA."***

ORDER

"Based on the foregoing Findings of Fact and Conclusions of Law IT IS HEREBY; ORDERED, ADJUDGED AND DECREED that the Clark County Comprehensive Plan and Development Regulations adopted in Ordinance 1994-12-47 on December, 20, 1994 are remanded.....with direction to enter a decision in accord with this Order mandating County action to correct the violations of the GMA identified herein:..."

Clark County Citizens United, Inc., representing approximately 6,000 members, expects Clark County to comply with the court rulings in these three areas:

1. Resource land zoning and regulations must be designated and applied to reflect the existing parcelization and development There must be compliance with the GMA and the WAC criteria regarding maps, soils and use.

2. Rural lands zoning and regulations must be designated and applied to reflect the existing parcelization and development. There must be compliance with the GMA and the WAC criteria regarding maps and use.

3. The 2016 SEIS must adequately reflect these changes to the Rural lands and the Resource lands in the 2016 Clark County Comprehensive Land Use Plan.

The county has ignored these court mandates for all these years, while continuing to apply an unauthorized formula. With the 20 year 2016 review, the county must finally come into compliance with the law. These court decisions won't go away any time soon, and neither will the rural landowners. Clark County Citizens United, Inc. asks the Clark County Board of Commissioners to be rural land and resource land advocates, to assure that the economic viability of those lands will prosper and grow, well into the future.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Thursday, October 30, 2014 10:25 AM
To: O'Donnell, Mary Beth; Alvarez, Jose
Cc: Orjiako, Oliver
Subject: FW: Comprehensive Plan Update Process

Mary Beth: For the index.

Jose: FYI.

Gordy

From: Orjiako, Oliver
Sent: Thursday, October 23, 2014 11:43 AM
To: 'Steven B Madsen'
Cc: Eric Golemo; Mark Ghiglieri; Scott Taylor; Euler, Gordon; Alvarez, Jose
Subject: RE: Comprehensive Plan Update Process

Hello Steve:

Thank you for your email and inquiry. In response, property owners can submit their requests anytime during the comprehensive plan update process. The county's 2016 growth plan update is slated for completion before or on June 30, 2016.

As you are probably aware, there are no guarantees on site-specific requests. All requests made are docketed and put into the index of record. Staff look forward to receiving your request. I hope this is helpful. Please, let me know if you have questions. Thank you for your interest in Clark County Planning process.

Kind Regards,

Oliver

From: Steven B Madsen [mailto:sb.madsen@hotmail.com]
Sent: Thursday, October 23, 2014 11:26 AM
To: Orjiako, Oliver
Cc: Eric Golemo; Mark Ghiglieri; Scott Taylor
Subject: Comprehensive Plan Update Process

Hello Oliver,

I represent Crystal Peak Holdings which owns about 750 acres comprising about 24 parcels northeast of Battle Ground and including Bell Mountain. Zoning for the parcels ranges from R-10 to FR-80. Based on my client's development plans, we were intending to apply for an R-5 rezone for several parcels totaling about 200 acres and currently zoned R-10 & R-20. This is based on the fact that there are a very large number of 5-acre parcels surrounding our property and the rezone would be consistent with historic and anticipated future development patterns for the area as well as the availability of public services, specifically public water.

I am working with Eric Golemo and SGA Engineering on this project. Eric has informed me that, based on recent presentations by county staff regarding the rural lands update to the 2016 Comprehensive Plan, it may be a better

strategy to request Comp Plan designation changes for the parcels through the update process. I have not followed that process as closely this time as I did when I was with the BIA. Could you please let me know when your deadline is for submission for requests by property owners for specific Comp Plan changes. I can have the request prepared by next week.

Thank you,

Steve Madsen

The Law Office of Steven B. Madsen
PO Box 269
Cougar, WA 98616
(360) 957-4578
sb.madsen@hotmail.com

McCall, Marilee

711406

CP16#0361

From: elizabeth verbeck <lizverbeck@hotmail.com>
Sent: Thursday, October 23, 2014 8:10 PM
To: Cnty 2016 Comp Plan
Subject: Comprehensive planning

I grew up in this area and picked berries and beans as a youth. I recently moved back here from Southern Oregon where small farms are numerous and was dismayed to see the loss of farm land. I eagerly went to the farmers' market in Vancouver and was amazed that most of the produce came from eastern Oregon. Now I see a proposal to reduce from land by 600 acres to increase industrial land for jobs. Jobs are of no use if you can;t buy food. Farm land also increases jobs. Once farm land is lost it cannot be reclaimed. Please think of the future and save farm land.

Dr. E Verbeck

McCall, Marilee

* 7 1 1 9 2 3 *

CP 16#0362

From: Ken Callantine <anoldjetjockey@aol.com>
Sent: Thursday, October 23, 2014 9:49 AM
To: Cnty 2016 Comp Plan
Subject: Stop The Proposed Change

To whom it may concern:

In no uncertain terms, I DO NOT support changing and/or accepting the proposed change to my property from AG20 to AG10. Changing the AG20 status to the AG10 status will have devastating consequences to my property personally and to this beautiful area. All of my neighbors and as well as myself purchased property in this area for one major reason and that was to get out of the population centers and away from all the problems found in small parceled areas. We moved to this area because of it's rural setting and the low density population. We purchased these properties precisely because we have a 20 acre minimum and thus the very structure of the area would limit congestion, bottlenecks, traffic jams, all forms of environmental pollution, and the general overcrowdedness of an area closer to population centers. Stop the proposed change!

Sincerely,
Ken Callantine
property owner
33502 NE 60th Ave.
La Center, WA 98629

McCall, Marilee

7119 27
CP16#0363

From: NoReply@Clark.Wa.Gov
Sent: Friday, October 24, 2014 9:33 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 216259000

Subject: proposed zone changes

Comments:
I will be out of town and can not make the meetings. I have wanted to see the zone change on our property for some time. However I would propose a 5 acre zoning as opposed to 10. Several reasons: surrounding properties for the most part are 5 acres or less. our property could not possibly utilized as ag land, mostly ravines and steep terrain. it would be better served as 5 acre parcels. please consider this in your upcoming decision. thank you

Submitted by:
James Riedl

Email: tradewinds55@msn.com

Address:
22510 nw cornell dr
ridgefield, wa

McCall, Marilee

71192 9

CP16#0364

From: NoReply@Clark.Wa.Gov
Sent: Friday, October 24, 2014 9:45 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: Comp plan upodate

Comments:
None of the proposed options for updating parcel sizes go far enough. The most restrictive zoning should be a 6 acre minimum parcel size. This would allow more families to have the freedom to own some acreage. The 6 acre size would allow for a 1 acre home site area and the balance of the acreage could be used for farm or forestry.
If there are only three options available, then we would support option # 2 Thanks

Submitted by:
Clinton Kysar

Email: kysarc@gmail.com

Address:
PO Box 344
Amboy, WA

McCall, Marilee

7119 33

CP16#0366

From: NoReply@Clark.Wa.Gov
Sent: Friday, October 24, 2014 2:47 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 170419000

Subject: Keep Alternative #1

Comments:
Alternative #1 keeps us save from overuse of the Livingston Pit.

Submitted by:
Dan Rock

Email: danrock57@q.com

Address:
26815 N.E. Highland Meadows Drive
,

O'Donnell, Mary Beth

7119477

CP16*0369

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, October 27, 2014 12:21 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Community and the Heritage Farm

please forgive me if this is a duplicate.

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Friday, October 24, 2014 2:05 AM
To: Madore, David; Mielke, Tom; Barnes, Ed
Subject: Community and the Heritage Farm

Dear Commissioners,

Susan has always shared her time and expertise with the Clark County Fair Princesses, the ice cream booth, helping with the Nutcracker Ballet and many other things. I have tried to help the dental hygiene association on the state level, local level and in volunteer dental clinics. But, now both of us have been given another calling that we feel compelled to do. Some day, we hope all will be well with the rural people and we can go back to our expertise.

I would love to see the heritage farm become a top-notch regional park. It is so ideal for it. The location is perfect, there's history, there's space, there's already a park, there's a purpose and there's access. I think the Farmers Market should be there, and the produce from the farm sold to offset costs. There should be multi-use trails, and rest stops along the way. There should be public presentations about the farming history in the area and a little museum or walking museum to go with it. There should be horse drawn wagon rides. There should be food gardens and playgrounds. There should be educational classes on agriculture for the children and adults. Those on food assistance should be planting, cultivating, harvesting, selling and using their crops. The soil is ideal. Working with your hands in the earth always makes a person feel special. There should be orchards with pruning and compost classes. There should be flower gardens, too. There should be gardening classes on how those living on home lots can be self sufficient. Many of the old buildings with shelter, are perfect to set up a farmers market with all types of vendors. There is space for parking of cars, trucks and horse trailers. I believe it is a jewel just waiting to be carved. If I wasn't so busy with land use, I would be interested with helping with such a project, but the land use work is of utmost importance at this time. Please seriously think about my suggestions,, as that land is surely well suited for such a park and I would love to see it happen.

Best regards, Carol

O'Donnell, Mary Beth

7119 48
CP16#0370

From: Orjiako, Oliver
Sent: Monday, October 27, 2014 1:19 PM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: Pacific fisheries management council

FYI

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Monday, October 27, 2014 12:18 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca
Subject: FW: Pacific fisheries management council

Oliver, fyi

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Saturday, October 25, 2014 10:29 AM
To: Madore, David; Mielke, Tom; Barnes, Ed; Silliman, Peter
Subject: Pacific fisheries management council

A CCCU board member's father is on the Board of Pacific Fisheries Management Council. He has asked to visit with us regarding comp plans and land use. We will be setting up time to talk with him.

O'Donnell, Mary Beth

71198 1
CP16#0376

From: Euler, Gordon
Sent: Tuesday, October 28, 2014 8:24 AM
To: 'cole.mary.ann@gmail.com'
Cc: O'Donnell, Mary Beth
Subject: FW: 2016 Comp Plan comments submitted

Mary:

Thanks for your e-mail. Your comment is in the record as supporting the proposal for a smaller minimum parcel size for parcels zoned for agricultural. It could be that the smaller parcel size will only be implementable with a cluster provision.

Gordy Euler
Clark County Community Planning

-----Original Message-----
From: NoReply@Clark.Wa.Gov [mailto:NoReply@Clark.Wa.Gov]
Sent: Saturday, October 25, 2014 7:50 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 197189000

Subject: ag-10

Comments:
We have close neighbors on 2 sides with small acreages and we used to be 5 acre minimum, but because we did not divide before we have been punished by being put in ag zone. We like the idea of at least smaller lot sizes but would you consider clustering which still leaves open space but gives more people the chance to enjoy rural life?

Submitted by:
mary cole

Email: cole.mary.ann@gmail.com

Address:

,

O'Donnell, Mary Beth

7119 82
CP16#0377

From: Alvarez, Jose
Sent: Tuesday, October 28, 2014 4:26 PM
To: 'martybennett@hotmail.com'
Cc: O'Donnell, Mary Beth
Subject: RE: Alternative 1 (No Change) is my preference

Mr. Bennett,

If there are environmental restrictions in place those generally have a specific building envelope where development can occur. In order to divide the property the development review process will identify any environmental constraints and will have to comply with the latest environmental regulations. Tax assessment questions can be directed to the county assessor. http://www.clark.wa.gov/assessor/index.html

Thank you for your comments,

Jose Alvarez
Planner III
Clark County
Department of Community Planning
360.397.2280 x4898

From: Cnty 2016 Comp Plan
Sent: Tuesday, October 28, 2014 4:03 PM
To: Alvarez, Jose
Subject: FW: Alternative 1 (No Change) is my preference

From: Marty Bennett [mailto:martybennett@hotmail.com]
Sent: Wednesday, October 22, 2014 4:06 PM
To: Cnty 2016 Comp Plan
Subject: Alternative 1 (No Change) is my preference

For what it's worth, my 2 cents on the re-zoning options is "Alternative 1" . I suspect that the people driving for the re-zoning change are doing so with dollar signs in their eyes. They are not taking in to account the qualitative aspects of re-zoning and increased growth (you just have to look towards the greater tri-county Portland Oregon metro area to see the reduction in quality of life with increased growth). So, no changes to the existing zoning please.

Additionally, since I am currently on Ag-20, a change to Ag-10 would increase my already high (in my opinion) property taxes (despite Mr. Mielke's previous erroneous beliefs to the contrary). Yes, presumably, my property would then be more valuable - but only if I sell and move, an option that I would not like to have forced on me.

Finally, if you do re-zone my particular property to Ag-10, how will you account for all the current property environmental restrictions in place? Would they just be removed so that growth could occur? Or would the restrictions remain? If the restrictions on building remain, would that be taken in to account when the property is assessed for tax purposes?

Anyway, just my 2 cents here (and a little venting at what I see as the end of the quality of life here in Clark County if the zoning change "Alternative 2" occurs).

Thank you for your time in reading this and best wishes with wrestling with the implications of whichever course the commission chooses to pursue in this matter.

Marty Bennett
28416 NE 122nd Ave
Battle Ground, WA
360-666-9822

O'Donnell, Mary Beth

CP16# 0379

From: Orjiako, Oliver
Sent: Thursday, October 30, 2014 8:50 AM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: Written Comments re: Comp Plan Update
Attachments: Carol Levanen comments_102814.pdf; Susan Rassmussen comments_102814.pdf

Just FYI

From: Tilton, Rebecca
Sent: Wednesday, October 29, 2014 4:32 PM
To: Mielke, Tom; Madore, David; Barnes, Ed; Orjiako, Oliver; O'Donnell, Mary Beth; Silliman, Peter
Subject: Written Comments re: Comp Plan Update

Hello,

Please find attached written testimony received during the public comment portion of the Board's October 28, 2014 hearing from Carol Levanen and Susan Rasmussen.

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Board
Board of Clark County Commissioners
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE: 360-397-2232, ext. 4305 | E-MAIL: Rebecca.Tilton@clark.wa.gov

Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

October 28, 2014

Re: **Rural Representation and the 2016 Comprehensive Plan (For the public record)**

In RCW 36.70A.035 Public participation, the GMA directs counties (1)*The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to* ***property owners*** *and other affected and interested individuals.....* In **RCW 36.70A.140 Comprehensive plans - Ensure public participation**, it states, *Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services and consideration of and response to public comments.*

Ridgefield, with 4,763 people, La Center, with 2,800 people, and Yacolt, with 1,566 people, (2010 US Census), have been able to give early and continuous participation in the Comprehensive Plan update. A representative from each city sits at the table with commissioners to discuss their wants and needs. Clark County Citizens United, Inc. representatives, speaking for approximately 6,000 rural landowners, equal to Ridgefield's and La Center's population combined, come forward in the process and are told to speak to Futurewise, a Seattle environmental group, to discuss what to do with rural lands. Are rural people invisible in Clark County? Do those living in three fourths of the county land mass, not count? The GMA, often discusses the importance of property owners participation, yet staff and the commissioners discussions have centered on the cities.

The proposals brought by staff ,for three alternatives presented in the SEIS, were created long before rural people could consider possible changes to the 2016 Comprehensive Plan. Staff hangs their hat on the Rural Task Force and a survey that went to a select rural population, who all said smaller lot sizes. But, staff defined that to mean only changes to resource lands with parcel sizes of 10 and 20 acres, ignoring the rural areas. Their excuse is that they don't want an appeal.

After 20 years, the county commissioners can no longer ignore the needs and wants of rural people and the rural economy. They can no longer ignore that almost 100% of the rural land parcels are much smaller than allowed in their zones and the changing face of agriculture and forestry in the county and nation. The commissioners must balance the rural land needs with the cities in the 2016 Comprehensive Plan. Cities are not required to have people come forward, en mass, to support their position, nor should rural representatives. This in not the intent of the GMA.

Clark County Citizens United, has presented often, for the wants and needs of rural people. We ask the Board of Commissioners to reconsider the staff proposal, to better meet those concerns.

Sincerely,
Carol Levanen

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P. O. Box 2188, Battle Ground, Washington, 98604

for public record in the SEIS, Susan Rasmussen

CP16#0380

Clark County Board of Commissioners

October 24, 2014

Dear Commissioners,

The United States is one of the most obese societies in the world. Kaiser Permanente recommends that children only watch television for one hour and the rest of the time they need to get out and play. It's time for America to raise healthy and educated children, who will eventually become the U.S. work force. Housing is very important and should be healthy, safe and affordable. Children don't do well in confined spaces. Apartment living is not the best choice for our families. Children should be able to access the natural environment, swing sets, backyard swimming pools, pets, gardens, trees, and sand boxes, in the security of their back yard, under adult supervision.

Housing needs to be manageable for the owner, both physically and financially. In the real estate market, buyers are looking for a home with space around it. The ideal is a home on one acre and the market bears that out with premium prices. Adults owning homes have pride in ownership and stay healthier maintaining their homes. The community also benefits with increased tax revenue, and neighborhood involvement. Even the small attached homes on small parcels can be a good starting point for responsible home ownership, particularly for first time buyers. These homes are affordable and the money they spend goes toward equity. As a realtor, I see that small lots are limiting and do not fit with families, as the children play in the street, creating a safety hazard. But, they are better than apartments. All too often, we see apartment complexes in disrepair because the owner is only trying to make income from the property and has no interest in adding expenses to keep a good maintenance schedule. If apartments are on the high end and well maintained, they are also expensive to rent. This limits the market for that type of housing. To meet the multi- housing quota, I believe people living in the small attached homes is preferable.

The ideal lot sizes, and what the market is looking for is one to five acres. Any thing larger than that is not financially doable for the majority of home buyers. Employment numbers will increase with good paying jobs, if there are more desirable lots and builders are able to meet the demand. The increase in additional property tax will benefit the county, too. People want to have their own space and the real estate market reflects that. Homeownership is also good for the mental and physical well being of the whole family. Apartment dwellers are often transient and low income who are, for whatever reason, struggling financially. When they can finally buy a little home somewhere to call their own, it elevates their social status and self confidence and that of their family as they now have their own space. Multi-housing is a stepping stone to home ownership. The real estate industry would like to see more home options available in Clark County that provide for a multitude of housing types in all areas of the county to reflect the many types of people wanting to live here. The people of Clark County want and need to buy for their life style, whether that be attached homes, small homes on small lots or a medium size home on a large lot. Since I'm in the market every day, I see so many buyers who ask why there are not half and 1-5 acres available? If this is coming up so often, why haven't things changed? I believe our county needs to be working for the good of the people of Clark County.

Sincerely,

Leah

Leah Higgins

O'Donnell, Mary Beth

om: Orjiako, Oliver
Sent: Thursday, October 30, 2014 8:50 AM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: Written Comments re: Comp Plan Update
Attachments: Carol Levanen comments_102814.pdf; Susan Rassmussen comments_102814.pdf

Just FYI

From: Tilton, Rebecca
Sent: Wednesday, October 29, 2014 4:32 PM
To: Mielke, Tom; Madore, David; Barnes, Ed; Orjiako, Oliver; O'Donnell, Mary Beth; Silliman, Peter
Subject: Written Comments re: Comp Plan Update

Hello,

Please find attached written testimony received during the public comment portion of the Board's October 28, 2014 hearing from Carol Levanen and Susan Rasmussen.

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Board
Board of Clark County Commissioners
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE: 360-397-2232, ext. 4305 | E-MAIL: Rebecca.Tilton@clark.wa.gov

O'Donnell, Mary Beth

71196

CP16#0381

From: Cnty 2016 Comp Plan
Sent: Monday, October 27, 2014 4:39 PM
To: Alvarez, Jose
Cc: O'Donnell, Mary Beth
Subject: FW: CGMP

Please respond to the below question(s) submitted to the Comp Plan "inbox" folder and cc: Mary Beth for the index.
Thank you!

Marilee McCall | Administrative Assistant
Clark County Community Planning
360-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660
P.O. Box 9810 | Vancouver, WA 98666
www.clark.wa.gov/planning

From: charles wagon [mailto:odesteb@gmail.com]
Sent: Thursday, October 23, 2014 11:50 AM
To: Cnty 2016 Comp Plan
Subject: CGMP

Hello , I received a notice that my zoning was going to change on my home at 21807 NE 279th St. , Battle Ground , prop. ID # 233908000 . My question is : is there a process that would allow me to request going from FR 20 zoning to 5 or 10 ac. lots . I'm bordered on 2 sides by state lands and on the other by residential property . (5 Ac.) ,
The old gentleman who owned it at the time it was zoned was retired and on a fixed income and was unable to afford the taxes so he put it in timberland classification so as to be able to keep it . When it was zoned the county came up the sec. line with 5 ac. residential lots until they got to his property corner and the jutted over into the sec.and around his 40 ,ac. and zoned it f 40 . It's obvious if you look at a map what happened , almost like being penalized for being old , retired and poor .
I own 30 ac. plus 3 ac. that I bought from the DNR on a trespass issue so changing it from 40 to 20 doesn't help the property at all . It's almost solid rock so it can't be farmed and doesn't grow trees effectively so it seems using it for homes would be putting it to the best use .
If you could let me know what avenues I have to get it lowered I'd surely appreciate it .
Thank you , Orville Esteb

O'Donnell, Mary Beth

From: Alvarez, Jose
Sent: Tuesday, October 28, 2014 12:12 PM
To: 'odesteb@gmail.com'
Cc: O'Donnell, Mary Beth
Subject: 2016 Comp Plan request

Mr. Esteb,

In response to your email submittal dated October 23, 2014 regarding zoning and comprehensive plan amendment for a property with parcel identification number of 233908000. The 32 acre parcel currently has a Forest Tier 2 comprehensive plan designation and an FR-40 zoning designation. As you are aware the current proposal is to amend the minimum parcel size from 40 acres to 20 acres. In order to change the zoning to an R-5 or R-10 zone would require de-designating the property from the Forest resource designation. The Washington Administrative Code (WAC) has specific criteria that need to be met in order to de-designate resource land. That is provided below. If you would like to submit a letter that addresses the standards below we may consider it as part of the Comprehensive Plan update process.

WAC 365-190-060

Forest resource lands.

(1) In classifying and designating forest resource lands, counties must approach the effort as a county-wide or regional process. Cities are encouraged to coordinate their forest resource lands designations with their county and any adjacent jurisdictions. Counties and cities should not review forest resource lands designations solely on a parcel-by-parcel basis.

(2) Lands should be designated as forest resource lands of long-term commercial significance based on three factors:

(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC 365-196-310.

(b) The land is used or capable of being used for forestry production. To evaluate this factor, counties and cities should determine whether lands are well suited for forestry use based primarily on their physical and geographic characteristics.

Lands that are currently used for forestry production and lands that are capable of such use must be evaluated for designation. The landowner's intent to either use land for forestry or to cease such use is not the controlling factor in determining if land is used or capable of being used for forestry production.

(c) The land has long-term commercial significance. When determining whether lands are used or capable of being used for forestry production, counties and cities should determine which land grade constitutes forest land of long-term commercial significance, based on local physical, biological, economic, and land use

considerations. Counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation as forest land.

(3) Counties and cities may also consider secondary benefits from retaining commercial forestry operations. Benefits from retaining commercial forestry may include protecting air and water quality, maintaining adequate aquifer recharge areas, reducing forest fire risks, supporting tourism and access to recreational opportunities, providing carbon sequestration benefits, and improving wildlife habitat and connectivity for upland species. These are only potential secondary benefits from retaining commercial forestry operations, and should not be used alone as a basis for designating or dedesignating forest resource lands.

(4) Counties and cities must also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by the following criteria as applicable:

(a) The availability of public services and facilities conducive to the conversion of forest land;

(b) 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;

(c) The size of the parcels: Forest lands consist of predominantly large parcels;

(d) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance;

(e) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW;

(f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and

(g) History of land development permits issued nearby.

(5) When applying the criteria in subsection (4) of this section, counties or cities should designate at least the minimum amount of forest resource lands needed to maintain economic viability for the forestry industry and to retain supporting forestry businesses, such as loggers, mills, forest product processors, equipment suppliers, and equipment maintenance and repair facilities. Economic viability in this context is that amount of designated forestry resource land needed to maintain economic viability of the forestry industry in the region over the long term.

Jose Alvarez
Planner III
Clark County
Department of Community Planning
360.397.2280 x4898

O'Donnell, Mary Beth

CP16#0383

From: Orjiako, Oliver
Sent: Tuesday, October 28, 2014 8:54 AM
To: 'Lynn Carman'
Cc: McCall, Marilee; O'Donnell, Mary Beth; Cnty Board of Commissioners General Delivery
Subject: RE: 2016 Plan Update/BOCC worksession of 10/22/2014

Follow Up Flag: Follow up
Flag Status: Completed

Hello Lynn:

I thank you very much for your email and comment. Your email will be included in our 2016 comp plan update index of record. Again, thank you for your interest in Clark County planning process.

Kind Regards,

Oliver

From: Lynn Carman [mailto:lynn.carman@comcast.net]
Sent: Tuesday, October 28, 2014 8:48 AM
To: Orjiako, Oliver
Cc: McCall, Marilee; O'Donnell, Mary Beth; Cnty Board of Commissioners General Delivery
Subject: RE: 2016 Plan Update/BOCC worksession of 10/22/2014

I have gone over the three options and don't find that any of these three will solve the 60 years of neglect that has been allowed to happen. They still make for bad planning on the part of the county. We also know that one can't mix and match any of the three plans as that them makes for one to have to start over in the process.

Option 1, Status quo isn't an option, it just makes it worse.
Option 2, makes for more density in the rural area which isn't supported by infrastructure and could end up like what highway 99 is if the county allows this to happen. Sorry but it should have density if there isn't funds to support it.
Option3, more land for business in just a couple areas isn't going to work. Cut the number of acres in half and see if this is what it is really going to work to get business out there. But again it's doesn't address the neglect, you are in hopes it will bring business here. Clark County will only be a bedroom community to Portland.

Growth can be controlled but I don't see it being done with any of the options with this go around of GMA. We can't support what has been allowed to happen with the last three go around of GMA. When is the county going to take a proactive stance not a reactive stance and then try to fix it problems that has happened with bandaids?

Sincerely,
Lynn Carman

From: Orjiako, Oliver [mailto:Oliver.Orjiako@clark.wa.gov]
Sent: Tuesday, October 21, 2014 2:45 PM
To: 'lynn.carman@comcast.net'

Cc: McCall, Marilee; O'Donnell, Mary Beth
Subject: 2016 Plan Update/BOCC worksession of 10/22/2014

Hello Lynn:

Thank you for email and inquiry. In response to your questions, yes you can still send in comments relating to the proposed alternatives to be studied in the Draft Supplemental Environmental Impact Statement (DSEIS). Comments are welcomed throughout the planning process until the Board makes the final decision on the comp plan update slated for completion on or before June 30, 2016.

The current GMA is the same as the one in 1994 with the updates in 2004, 2007, and associated annual review and docket map changes. I believe that Marilee provided you with a link http://www.clark.wa.gov/planning/2016update/index.html for more information on the 2016 plan update.

We will be delighted to meet with you in person to review all our maps if the version on the website is too small to read. I thank you for your continued interest in Clark County planning process. Please, let me know if you have further questions. Thanks.

Best Regards,

Oliver

This e-mail and related attachments and any response may be subject to public disclosure under state law.

O'Donnell, Mary Beth

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Wednesday, October 29, 2014 9:05 AM
To: O'Donnell, Mary Beth
Subject: RE: E-mail forwards of HB and court actions to Peter Silliman

neither of the two I sent this morning had any attachments.

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

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From: O'Donnell, Mary Beth
Sent: Wednesday, October 29, 2014 8:54 AM
To: Barnes, Ed; Orjiako, Oliver
Cc: Tilton, Rebecca
Subject: RE: E-mail forwards of HB and court actions to Peter Silliman

'm sorry, I don't see any attachments?

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Wednesday, October 29, 2014 8:09 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: E-mail forwards of HB and court actions to Peter Silliman

for your files

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

---

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Tuesday, October 28, 2014 11:36 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick edinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: Fw: E-mail forwards of HB and court actions to Peter Silliman

----- Forwarded Message -----
From: Carol Levanen <cccuinc@yahoo.com>
To: "peter.silliman@clark.wa.gov" <peter.silliman@clark.wa.gov>; CNL Contract Dental Hygiene Service <cnldental@yahoo.com>
Sent: Tuesday, October 28, 2014 11:23 PM
Subject: E-mail forwards of HB and court actions to Peter Silliman

Hello Peter,

Thanks for meeting with us in place of Commissioner Madore. We regret that he was unable to meet with us today, but we would like to meet with him at a later date, and wish to reschedule the meeting, hopefully soon. Please let us know what will work out with him. I have forwarded you a handfull of court cases supporting our recommendations of small lot sizes in rural and resource zones. In doing so, I see that I have already forwarded some of these to you in the past. Please scroll through them until you get to the topic that addresses our issues. Thanks!

Best Regards, Carol Levanen, Ex. Secretary, Clark County Citizens United, Inc.

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604
E-Mail cccuinc@yahoo.com

futurewise
Building communities
Protecting the land

RECEIVED NOV 18 2014

November 13, 2014

Community Planning Comprehensive Plan Alternatives
PO Box 9810
Vancouver, Washington 98666-9810

Dear Sirs and Madams:

Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives.

Sent via U.S. Mail with enclosures and via email to: comp.plan@clark.wa.gov

Thank you for the opportunity to comment on the alternatives for the 2016 Comprehensive Growth Management Plan update. Based on the currently available information, we support Alternative 1. We recommend Clark County not reduce the Agriculture (AG-20) minimum lot size and density from 20 acres to 10 acres. We also recommend Clark County not change the Forest-40 (FR-40) zone minimum parcel size and density from 40 acres to 20 acres. We also recommend the county not change some of the minimum lot sizes for the Rural-20 (R-20) zone.[1] The reasons for these recommendations are explained below, but first we brief discuss why urban growth areas and the protection of agricultural land are required by Washington's Growth Management Act (GMA).

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including Clark County.

Why Urban Growth Areas (UGAs) are required

To save taxpayers and ratepayers money

The Growth Management Act (GMA) requires urban growth areas and limits their size for many reasons. One of the most important is that compact urban growth areas (UGAs) save taxpayers and ratepayers money. In a study published in a peer reviewed

[1] *Clark County Comprehensive Growth Management Plan Update 2015-2035 Proposed Alternatives Information Sheet* p. *1 accessed on Nov. 12, 2014 at: http://www.clark.wa.gov/planning/2016update/documents/Fact_Sheet-FINAL3.pdf

journal, John Carruthers and Gudmaundur Ulfarsson analyzed urban areas throughout the United States including Clark County.[2] They found that the per capita costs of most public services declined with density and increased where urban areas were large.[3] Compact urban growth areas save taxpayers and ratepayers money. This study was published in a peer reviewed journal.[4]

Compact urban growth areas also help conserve water long-term

Clark County contains significant limitations on available water.[5] Large lots and low densities increase water demand, increase leakage from water systems, and increase costs to water system customers.[6] So accommodating the same population in the existing or a smaller UGA can reduce future water demands and costs.[7]

Urban growth areas encourage housing growth in cities and protect rural and resource lands

To examine the effect of King County, Washington's urban growth areas on the timing of land development, Cunningham looked at real property data, property sales data, and geographic information systems (GIS) data. These records include 500,000 home sales and 163,000 parcels that had the potential to be developed from 1984 through 2001.[8] Cunningham concluded that "[t]his paper presents compelling evidence that the enactment of a growth boundary reduced development in designated rural areas and increased construction in urban areas, which suggests that the Growth Management Act is achieving its intended effect of concentrating housing growth."[9] He also concluded that by removing uncertainty as to the highest and best use of the land that

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[2] John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 511 (2003). Enclosed with the paper original of this letter.

[3] *Id.* at 518.

[4] ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN is a peer reviewed or refereed journal, see the ENVIRONMENT AND PLANNING B "Guidelines for authors: EPB" webpage accessed on Nov. 12, 2014 at: http://www.envplan.com/bauthors.html and enclosed with the paper original of this letter.

[5] Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012) accessed on Nov. 12, 2014 at: https://fortress.wa.gov/ecy/publications/summarypages/1111031.html and enclosed with the paper original of this letter; Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Salmon-Washougal Watershed, WRIA 28* p. 1 (Publication Number: 11-11-032 August 2012) accessed on Nov. 12, 2014 at: https://fortress.wa.gov/ecy/publications/summarypages/1111032.html and enclosed with the paper original of this letter.

[6] United States Environmental Protection Agency, *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies* pp. 3 – 5 (EPA 230-R-06-001: January 2006). Accessed on Nov. 12, 2014 at: http://www.epa.gov/smartgrowth/pdf/growing_water_use_efficiency.pdf and enclosed with the paper original of this letter.

[7] *Id.* at p. 8.

[8] Christopher R. Cunningham, *Growth Controls, Real Options, and Land Development*, 89 THE REVIEW OF ECONOMICS AND STATISTICS 343, 343 (2007). Enclosed with the paper original of this letter.

[9] *Id.* at 356.

it accelerated housing development in King County.[10] This study was published in a peer reviewed journal.[11]

Reducing development in rural areas and natural resource lands can also have significant environmental benefits, such as protecting water quality and working farms and forests. For example, Lin Robinson, Joshua P. Newell, and John M. Marzluff compared geo-referenced aerial photos and building permit data to determine land use changes on the fringe of the King County urban growth along I-90 east of Seattle. This area includes suburban cities, rural areas, and natural resource lands.[12] They concluded that King County's urban growth areas were accommodating growth and the designated agricultural lands and forest lands of long-term commercial significance were being maintained as farm and forest land.[13]

One of the most controversial issues related to urban growth areas is whether the restricted land supply causes increases in housing costs. Carruthers, in another peer reviewed study, examined the evidence for the Portland urban growth area and concluded that it was not increasing housing costs because the city's high density zoning allowed the construction of an abundant housing supply.[14]

Urban growth areas help keep our existing cities and towns vibrant and economically desirable

In a peer reviewed study, Dawkins and Nelson found that the city of Yakima's share of the metropolitan housing market increased after adoption of the GMA.[15] This and other measures showed that center cities in states with growth management laws

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[10] *Id.* at 356 – 57.

[11] Thomson Reuters, *Top Peer Reviewed Journals – Economics & Business* p. *3 enclosed with the paper original of this letter.

[12] Lin Robinson, Joshua P. Newell, & John M. Marzluff, *Twenty-five years of sprawl in the Seattle Region: growth management responses and implications for conservation*, 71 LANDSCAPE AND URBAN PLANNING 51, 54 (2005) enclosed with the paper original of this letter. LANDSCAPE AND URBAN PLANNING is a peer reviewed journal. See the LANDSCAPE AND URBAN PLANNING Guide for Authors webpage accessed on Dec. 30, 2013 at: http://www.elsevier.com/journals/landscape-and-urban-planning/0169-2046/guide-for-authors and enclosed with the paper original of this letter.

[13] Lin Robinson, Joshua P. Newell, & John M. Marzluff, *Twenty-five years of sprawl in the Seattle Region: growth management responses and implications for conservation*, 71 LANDSCAPE AND URBAN PLANNING 51, 67 – 69 (2005).

[14] John I. Carruthers, *The Impacts of State Growth Management Programmes: A Comparative Analysis* 39 URBAN STUDIES 1959, 1976 (2002). Carruthers included Washington's GMA in his analysis, but concluded that it was too early to tell if it was successful since it had only been in place for seven years in the data he analyzed, but he believed the GMA had promise if "consistently enforced." *Id.* at 1977. Urban Studies is a peer reviewed journal. Manuscript Submission Process p. *2 enclosed with the paper original of this letter and accessed on Nov. 13, 2014 at: http://www.uk.sagepub.com/repository/binaries/pdf/usj-msgprocess.pdf.

[15] Casey J. Dawkins & Arthur C. Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 381, 386 (2003) enclosed with the paper original of this letter. The Journal of American Planning Association is peer reviewed. Journal of American Planning Association Instructions for authors p. 1 of 3 enclosed with the paper original of this letter.

attract greater shares of the metropolitan area's housing market than center cities in states without growth management aiding center city revitalization.[16] This reduces the tendency to move out of existing center cities.

Urban growth areas promote healthy lifestyles

Aytur, Rodriguez, Evenson, and Catellier conducted a statistical analysis of leisure and transportation-related physical activity in 63 large metropolitan statistical areas, including Seattle, Tacoma, and Spokane from 1990 to 2002.[17] Their peer reviewed study found a positive association between residents' leisure time physical activity and walking and bicycling to work and "strong" urban containment policies such as those in Washington State.[18] This article was published in a peer reviewed scientific journal.[19]

Why the GMA protects agricultural lands of long-term commercial significance

Farming and ranching is a $50.8 million industry in Clark County.[20] The average market value of agricultural products sold for each farm in Clark County increased by five percent between 2007 and 2012.[21] Clark County ranked 23rd among Washington Counties in terms of the market value of products sold.[22] Clark County ranked third in the state in 2012 in sales of cut Christmas trees, ninth in the state in 2012 for sales of hay and other crops, and ninth in state in 2012 for sales of sheep, goats, wool, mohair, and milk and also sales of Horses, ponies, mules, burros, and donkeys.[23]

Unfortunately, "[o]ne of the key obstacles [to agriculture] in Clark County is the limited access to high quality agricultural land at an affordable cost."[24] This is one of the reasons why the Washington State Department of Agriculture's *Washington*

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[16] Casey J. Dawkins & Arthur C. Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 381, 392 – 93 (2003).
[17] Semra A. Aytur, Daniel A. Rodriguez, Kelly R. Evenson, & Diane J. Catellier, *Urban Containment Policies and Physical Activity: A Time-Series Analysis of Metropolitan Areas, 1990-2002* 34 AMERICAN JOURNAL OF PREVENTIVE MEDICINE 320, 325 (2008).
[18] *Id.* at 330.
[19] American Journal of Preventive Medicine American Journal of Preventive Medicine p. 1 accessed on Nov. 12, 2014 at: http://cdn.elsevier.com/promis_misc/AMEPRE_reviewer_info_oct2014.pdf and enclosed with the paper original of this letter.
[20] US Department of Agriculture National Agricultural Statistics Service, 2012 Census of Agriculture *County Profile Clark County, Washington* p. *1 accessed on Nov. 13, 2014 at: http://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Washington/cp53011.pdf and enclosed with the paper original of this letter.
[21] *Id.*
[22] *Id.*
[23] *Id.* at p. *2.
[24] Globalwise, Inc., *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington* Preliminary Report p. 48 (Prepared for Clark County, Washington: April 16, 2007) accessed on Nov. 13, 2014 at: http://www.co.clark.wa.us/planning/comp_plan/documents/final_ag_analysis_prelim_report.pdf and enclosed with the paper original of this letter.

Agriculture Strategic Plan 2020 and Beyond documents the need to conserve agricultural lands to maintain the agricultural industry and the jobs and incomes the industry provides.[25] As the strategic plan concludes "[t]he future of farming in Washington is heavily dependent on agriculture's ability to maintain the land resource that is currently available to it."[26]

Allowing the conversion of Clark County's farmland is also a bad idea for the Clark County budget. As the *Washington Agriculture Strategic Plan 2020 and Beyond* documents:

> For each $1 paid in taxes by farm and forest lands in [Skagit] county, those lands received back about 51 cents in services, contributing a 49 cent subsidy for the rest of the taxpayers in the county. For every $1 paid in taxes by residential properties, those properties received $1.25 in public services.[27]

So protecting farmland helps protect the Clark County economy and budget.

We recommend adoption of Alternative 1 because the currently available information shows it meets community needs

The *Population and Jobs Projections – Issue Paper 2* shows that Alternative 1 meets the community's needs for land for housing and jobs.[28] Because it will result in the most compact urban growth areas, it will also help bring Clark County, its cities, its taxpayers, and its residents the benefits of compact urban growth areas documented above.

We recommend that Clark County not reduce the Agriculture (AG-20) minimum lot size and density from 20 acres to 10 acres

We recommend that Clark County not reduced the Agriculture (AG-20) minimum lot size and density from 20 acres to 10 acres because it will not protect the County's agricultural industry and working farms and the county does not have the water to provide for the increased development.

In the *Soccer Fields* decision, the Washington State Supreme Court has held that [t]he County was required *to assure the conservation of agricultural lands and to assure that*

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[25] Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* pp. 50 – 52 (2009) accessed on Nov. 13, 2014 at: http://agr.wa.gov/fof/ and cited excerpts enclosed with the paper original of this letter.
[26] *Id.* at p. 50.
[27] *Id.* at p. 53.
[28] Clark County Comprehensive Plan 2016 Update Planning for Growth 2015 – 2035 *Population and Jobs Projections – Issue Paper 2* p. 5 (1/16/2014). Accessed on Nov. 12, 2014 at: http://www.clark.wa.gov/planning/documents/02-Issue_Paper_2_Pop-Job_Projections_PC01-16-2014.pdf and enclosed with the paper original of this letter.

the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.[29] A ten acre minimum lot size and density will not meet this standard. Professor Arthur C. Nelson analyzed agricultural land preservation techniques and concluded that "[m]inimum lot sizing at up to forty-acre densities merely causes rural sprawl-a more insidious form of urban sprawl."[30] Further, Clark County's average farm size has increased from 37 acres in 2007 to 39 acres in 2012, an increase of 5.4 percent.[31] During the same time period, Washington's average farm size increase by 4 percent.[32] The increase in average farm size does not support a reduction in the minimum lot size and density.

Rather than reducing the minimum lot size, which will not protect agricultural land from incompatible development as Professor Nelson's analysis shows, the county should maintain or increase the minimum lot size and adopt exclusive farm use zoning.[33] This is the path that Skagit County is taking to protect its farmland.[34]

A second reason to not reduce the minimum lot size is that Clark County does not have the water available to serve a doubling of the number of lots allowed in the county's AG-20 zone.[35] So the first to subdivide will get water, and other property owners that may need farm worker housing or a house for a son or daughter will not. Further, new houses on agricultural land may drill deeper wells, sucking their neighbors wells dry, requiring them to either dig deeper wells or go without water. Finally, residential development can often outbid farmers for irrigation water, converting it to domestic uses and leaving the county's farmers without the water they

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[29] *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

[30] Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 471 (1992) copy enclosed with this letter and the paper original of this letter. As was documented above, the Journal of the American Planning Association is a peer reviewed journal.

[31] United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1* • Geographic Area Series • Part 47 AC-12-A-47 Chapter 2: County Level Data, Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2012 and 2007 p. 271 (May 2014) accessed on Nov. 13, 2014 at: http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/Washington/wav1.pdf and a copy of *2012 Census of Agriculture Washington State and County Data Volume 1* is enclosed with the paper original of this letter.

[32] *Id.*

[33] Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 471 – 72 (1992).

[34] Skagit County Department of Planning and Development Services, *Administrative Official Interpretation pertaining to implementation procedures for Skagit County Code (SCC) 14.16.400(6) Siting Criteria in the Agricultural-NRL zoning district* pp. 2 – 4 (May 14, 2010). Accessed on Oct. 13, 2014 at: http://www.skagitcounty.net/PlanningAndPermit/Documents/Siting%20of%20Non-Ag%20Buildings%20in%20Ag-NRL%20zone.pdf and enclosed with the paper original of this letter.

[35] Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012); Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Salmon-Washougal Watershed, WRIA 28* p. 1 (Publication Number: 11-11-032 August 2012).

need.[36] It is fairer to adopt minimum lot sizes and densities that will allow all property owners some water, rather than giving the very limited remaining water to a few that subdivided first.

We recommend that Clark County not reduce the Forest-40 (FR-40) zone minimum parcel size and density from 40 acres to 20 acres

Like agricultural lands, Clark County must also assure the conservation of forest lands and to assure that the use of adjacent lands does not interfere with their continued use for the production forest products.[37] A twenty acre forest zone will not meet these requirements.

Parcels smaller than 40 acres have much lower timber harvest rates and are more likely to be converted to residential land uses.[38] Parcels smaller than 50 acres have higher than average costs for preparing timber sales, harvesting trees, and reforesting the site.[39] So reducing the minimum lot size and density below 40 or 50 acres will not protect forest land as the Growth Management Act requires. Rather the minimum lot size should be retained. Further, we recommend that Clark County follow Whatcom County's example and prohibit residential uses in its zone that applies to forest land of long-term commercial significance except for living quarters for those who are engaged in forest management activities on the property, such as fire crews and logging crews, and watchpersons. These uses are reviewed as conditional uses.[40]

Another reason to not reduce the minimum lot size is that Clark County does not have the water available to serve a doubling of the number of lots allowed in the county's FR-40 zone along with its existing rural zoning.[41] So the first to subdivide will get water, and other property owners that may need a house for a son or daughter will

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[36] Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* p. 56 (2009).
[37] RCW 36.70A.060(1)(a).
[38] Eric J. Gustafson & Craig Loehle, *Effects of Parcelization and Land Divestiture on Forest Sustainability in Simulated Forest Landscapes* 236 FOREST ECOLOGY and MANAGEMENT 305, 313 (2006). Accessed on Nov. 13, 2014 from: http://nrs.fs.fed.us/pubs/jrnl/2006/nrs_2006_gustafson_001.pdf and enclosed with the paper original of this letter. Forest Ecology and Management is a refereed scientific journal, see the Forest Ecology and Management webpage enclosed with the paper original of this letter and available at:
http://www.elsevier.com/wps/find/journaldescription.cws_home/503310/description#description
[39] R. Neil Sampson, *Implication for Forest Production in Responses to "America's Family Forest Owners"* 102 JOURNAL OF FORESTRY 4, 12 (October/November 2004). Enclosed with the paper original of this letter. The Journal of Forestry is a peer reviewed scientific journal. See the Journal of Forestry Guide for Authors webpage available at: http://www.safnet.org/periodicals/jof/guideforauthors.cfm and enclosed with the paper original of this letter.
[40] Whatcom County Code (WCC) § 20.43.158; 159. Accessed on Oct. 13, 2014 at:
http://www.codepublishing.com/wa/whatcomcounty/ and enclosed with the paper original of this letter.
[41] Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012); Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Salmon-Washougal Watershed, WRIA 28* p. 1 (Publication Number: 11-11-032 August 2012).

not. It is fairer to adopt minimum lot sizes and densities that will allow all property owners some water, rather than giving the very limited remaining water to a few that subdivided first.

We recommend that Clark County not change some of the minimum lot sizes for the Rural-20 (R-20) zone and instead adopt GMA compliant rural designations

As we have documented above, Clark County does not have the water available to serve increased rural and resource land densities.[42] It is fairer to adopt minimum lot sizes and densities that will allow all property owners some water, rather than giving the very limited remaining water to a few that subdivided first.

Further, the Washington State Supreme Court's *Kittitas County v. Eastern Washington Growth Management Hearings Board* decision addressed the mandate that "[t]he GMA includes requirements that counties consider and address water resource issues in land use planning."[43] The court determined that "[i]n fact, several relevant statutes indicate that the County *must* regulate to some extent to assure that land use is not inconsistent with available water resources."[44] The Supreme Court concluded that "the County is not precluded and, in fact, is required to plan for the protection of water resources in its land use planning."[45] Increasing rural densities and the densities of resource lands without adequate water resources violate the Washington State Supreme Court's *Kittitas County* holdings.

Also in the *Kittitas County v. Eastern Washington Growth Management Hearings Board decision*, the Washington State Supreme Court concluded that the Kittitas County Comprehensive Plan failed to provide for a variety of rural densities.[46] Like the Kittitas County rural comprehensive plan designation that was found to violate the GMA, Clark County only has one rural comprehensive plan designations. We recommend the county adopt three designations to match its rural zones.

Thank you for considering our comments. If you require additional information please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

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[42] Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012); Washington State Department of Ecology Water Resources Program, Focus on Water Availability *Salmon-Washougal Watershed, WRIA 28* p. 1 (Publication Number: 11-11-032 August 2012).

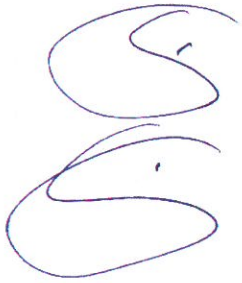
[43] *Kittitas County v. Eastern Washington Growth Management Hearings Bd.*, 172 Wn. 2d 144, 175, 256 P.3d 1193 (2011) ("*See, e.g.*, RCW 36.70A.020(10) (GMA goal to protect the environment, including "water quality [ ] and the availability of water"), .070(1) (requiring that land use elements "shall provide for protection of the quality and quantity of groundwater used for public water supplies"), (5)(c)(iv) (requiring that rural elements include measures "[p]rotecting ... surface water and groundwater resources")).

[44] *Kittitas County*, 172 Wn.2d at 178 (emphasis in original).

[45] *Id.* at 179 underling added.

[46] *Kittitas*, 172 Wn. 2d at 167 – 70, 256 P.3d at 1204 – 05.

Sincerely,



Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

Citations are included in the index.

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Wednesday, July 02, 2014 9:11 AM
To: Till, Leisha
Cc: Orjiako, Oliver; O'Donnell, Mary Beth; McCall, Marilee; Anderson, Colete
Subject: RE: Request For Proposal 675

Leisha:

Thanks!

Gordy

7179 81
CP16#0388

From: Till, Leisha
Sent: Tuesday, July 01, 2014 5:04 PM
To: 'michele.percussi@aecom.com'; 'menglish@ahbl.com'; 'csteen@anamarinc.com'; 'eberschinski@anchorqea.com'; 'mhavighorst@ashcreekassociates.com'; 'atsi@fidalgo.net'; 'jo@ainw.com'; 'mgreen@aesgeo.com'; 'beckwith@beckwithconsult.com'; 'janine.lamaie@abam.com'; 'rjboese@bbaenv.com'; 'admin@berkconsulting.com'; 'maridee.hopkins@bhcconsultants.com'; 'hflickinger@brwncald.com'; 'bstassoc@seanet.com'; 'office@budingerinc.com'; 'ksanford@budingerinc.com'; 'kathy.morring@us.bureauveritas.com'; 'prequalifications@camsys.com'; 'don.clabaugh@cardno.com'; 'shelly.christensen@cardno.com'; 'setheny.how@cardnotec.com'; 'Gene.Peterson@ch2m.com'; 'chaddurand@clearwayenv.com'; 'tad.deshler@cohoenvironmental.com'; 'lance@columbiawestengineering.com'; 'kathy.sitchin@confenv.com'; 'chrisa@ctagroup.com'; 'psr_marketing@deainc.com'; 'alogue@edhovee.com'; 'EASeattle@eaest.com'; 'rachel@eco-land.com'; 'vrichards@ene.com'; 'marnie.tyler@ecolution.us.com'; 'rfp@econw.com'; 'falcon@eesconsulting.com'; 'jennifer@eldredassoc.com'; 'ppittman@elementsolutions.org'; 'gkemp@encoec.com'; 'corpcomm@enviroissues.com'; 'Valerie.lee@eiltd.net'; 'info@e-purwater.com'; 'creese@esassoc.com'; 'jmix@excelsior-design.com'; 'sfredericksen@xltech.com'; 'd.grayuski@fehrandpeers.com'; 'jfisherbj@comcast.net'; 'stephen.bentsen@floydsnider.com'; 'david@fortresscorporation.com'; 'rmathews@efulcrum.net'; 'mchartier@geiconsultants.com'; 'geimarketing@geoengineers.com'; 'dparkinson@geosyntec.com'; 'julie@geotest-inc.com'; 'midge.graybeal@ghd.com'; 'debbiej@pnecorp.com'; 'caanderson@golder.com'; 'joshua.proudfoot@goodcompany.com'; 'clake@goodsteinlaw.com'; 'jcarroll@gsiws.com'; 'Erin@HamerEnvironmental.com'; 'susan.kemp@hartcrowser.com'; 'wamktg@hdrinc.com'; 'jhecker@heckerarchitects.com'; 'ccassidy@herrerainc.com'; 'jpatterson@herrerainc.com'; 'mbuttin@herrerainc.com'; 'agarner@hwageo.com'; 'EPCRM@icfi.com'; 'julia@inovapcd.com'; 'billh@insightgeologic.com'; 'epilcher@integral-corp.com'; 'hrthompson@interfluve.com'; 'jared.moore@jacobs.com'; 'rbrooks@jbrenv.com'; 'abass@kane-environmental.com'; 'jwalker@kellerassociates.com'; 'key@keyenvironmentalsolutions.com'; 'scottk@kindredhydro.com'; 'djc@landauinc.com'; 'gmiddleton@rrlarson.com'; 'hschlehuber@hwlochner.com'; 'agesner@grpmack.com'; 'marine.surveys.inc@gmail.com'; 'nalongi@maulfoster.com'; 'scott.larsen@meadhunt.com'; 'mminor@drnoise.com'; 'curt@miller-solomon.net'; 'bwhite@m-m.net'; 'bcaouette@normandeau.com'; 'jgrenzsund@obec.com'; 'tshell@obec.com'; 'nmiles@oriones.net'; 'courtney.mcfadden@otak.com'; 'chris@pgwg.com'; 'info@psesurvey.com'; 'marketingtoolbox@parametrix.com'; 'seattlemarketing@pbworld.com'; 'lcastro@perteet.com'; 'chisholm@placeandpolicy.com'; 'TomArnold@PrismEnvBusiness.com'; 'info@prothman.com'; 'jlynch@prrbiz.com'; 'janelle.moses@psiusa.com'; 'rwlundquist@raedeke.com'; 'brian@richaven.com'; 'carrie@ridolfi.com'; 'bbessinger@sspa.com'; 'cathym@scjalliance.com'; 'ghelland@scsengineers.com'; 'clw@shanwil.com'; 'jrasmussen@shockeyplanning.com'; 'louisr@sseconsultants.com'; 'Jbrennan@skillings.com'; 'mstaton@slrconsulting.com'; 'tomsmayda@aol.com'; 'pnilsen@soundearthinc.com'; 'jeremy@soundviewconsultants.com'; 'jomalley@spectrum-inc.net'; 'renee.giroux@stantec.com'; 'bgrimes@studiocascade.com'; 'cbreeds@subterra.us'; 'marketingadmin@svrdesign.com'; 'jmeier@swca.com'; 'office@tca-inc.com'; 'tami.tedrow@tetratech.com'; 'info@greenbusch.com'; 'nway@watershedco.com'; 'purchasing@tierra-row.com'; 'timkrause@seanet.com'; 'mikeread@tenw.com'; 'haynie@tenw.com'; 'jillb@tsinw.com'; 'scrosby@triangleassociates.com'; 'linda.stroud@urs.com'; 'cott@usastrategics.com'; 'ccalvert@via-architecture.com'; 'rbellinger@via-architecture.com'; 'jkelly@via-architecture.com'; 'erin.kingsley@walliseng.net'; 'tom@walsh-cg.com'; 'rwalton@westconsultants.com'; 'SEAMKTGSubscriptions@whpacific.com'; 'ckanenwischer@wagarch.com'; 'wa.info@worleyparsons.com'

Cc: Westerman, Mike; Balogh, Beth; Euler, Gordon
Subject: Request For Proposal 675
Importance: High

Hello Plan Holders,

The attached document is an RFP being released from Clark County, Washington, on Wednesday July 2, 2014; titled Request for Proposal 675 Supplemental Environmental Impact Statement (SEIS) for the 2016 Clark County Comprehensive Growth Management Plan Update.

All related documents, including the RFP, Plan Holders list and any additional information is available on our website http://www.clark.wa.gov/general-services/purchasing/rfp.html . The Questions & Answers section will be updated when available.

NOTE: *E-Verify participation is required by **ALL** applicants.*

We hope you will find this project of interest. Thank you for your time and attention.

Leisha Till
Clark County Purchasing
Office Assistant III
360-397-2323

Have a*´¨)
¸.·´ ¸.·*´¨) ¸.·*¨)
(¸.·´ (¸.·´ * Great Day!*

O'Donnell, Mary Beth

7179 82

CP16#0389

From: Kamp, Jacqueline
Sent: Thursday, October 23, 2014 3:55 PM
To: Orjiako, Oliver; Euler, Gordon; McCall, Marilee
Cc: O'Donnell, Mary Beth
Subject: FW: Growth Plan Update

Just an FYI:

I responded back to one of the emails in the comp plan email folder. It had to do with the definitions. I just posted the page of definitions so I went ahead and let them know that it was available to view. See my email below.

Thanks!
Jacqui

From: Kamp, Jacqueline
Sent: Thursday, October 23, 2014 3:54 PM
To: 'enricaac@juno.com'
Subject: RE: Growth Plan Update

Hello Steve & Anne,

Today we have added a definitions page for the 2016 Comprehensive Growth Management Plan update project. Here is link to the definitions. There are also links to the zoning code within each designation.
http://www.clark.wa.gov/planning/2016update/Definitionsofcurrentandproposeddesignations.html

If you have any more questions about your property and the proposed changes, please feel free to email or call. I'm out of the office on Fridays, but if you call and press "0" another staff person can assist you. Otherwise I'm happy to talk with you on Monday.

Thank you!

Jacqui

Jacqui Kamp, AICP
Planner II
Clark County Community Planning
360-397-2280 ext.4913
www.clark.wa.gov/planning

Please note that I am out of the office on Fridays.

From: enricaac@juno.com [mailto:enricaac@juno.com]
Sent: Wednesday, October 22, 2014 3:07 PM
To: Cnty 2016 Comp Plan
Subject: Growth Plan Update

We have just received a notice in the mail regarding open houses scheduled regarding Clark County's proposed revisions to its Comprehensive Growth Management Plan.
The notice says that the current zoning for our parcel will be changed from "FR-40" to "FR-20".
Would you please tell us what those two zoning codes actually mean?

It also says the our Current Comprehensive Plan designation will change from "FR-2" to "FR".
Would you please tell us what those two plan designations mean?

We attempted to look up on-line the details for zoning codes and plan designations but could find nothing on the website listed on the notice.
thank you,
Steve and Anne Tendler

O'Donnell, Mary Beth

7179 84
CP16#0390

From: Euler, Gordon
Sent: Thursday, October 30, 2014 10:55 AM
To: 'rsfern@copper.net'
Cc: O'Donnell, Mary Beth
Subject: RE: question

Sandra:

Thanks for the email.

Every property in the county has a comprehensive plan designation and zoning that implements it. We have two forest designations, Forest Tier I and Forest Tier II, which are implemented by FR-80 and FR-40 zoning, respectively. FR stands for Forest Resource.

There are two things being proposed for the 2016 comprehensive plan update with regard to forest lands:
1) A proposal to have a single comprehensive plan designation, (F), implemented by the same two zones (FR-80 and FR-40).
2) A proposal to reduce the minimum parcel size for lands zoned FR-40 from 40 acres to 20 acres; there would be a new FR-20 zone created that would be applied to all lands that are now zoned FR-40. If this proposal goes forward, we may require folks who are eligible to subdivide to create cluster lots. There would be no requirement to subdivide, but the option would be there for some property owners with larger parcels. The downside to this is that property taxes would increase; land economics are such that two 10-acre parcels are worth more than a 20-acre parcel, for example.

I hope that helps. Let me know if you have other questions.

Gordy Euler
Clark County Community Planning

From: Cnty 2016 Comp Plan
Sent: Thursday, October 30, 2014 9:43 AM
To: Euler, Gordon
Cc: O'Donnell, Mary Beth
Subject: FW: question

Gordy:
Can you please respond to these questions and CC: Mary Beth for the index?

Thank you,
Marilee

From: rsfern@copper.net [mailto:rsfern@copper.net]
Sent: Wednesday, October 29, 2014 10:18 AM
To: Cnty 2016 Comp Plan
Subject: question

I am not real clear on what FR-2, my current designation, and FR the proposed designation is. In what way would it change? What does FR stand for? Thanks for your help in making me understand what your proposal is.
Sandra

O'Donnell, Mary Beth

7179 85
CP16#0391

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Thursday, October 30, 2014 12:54 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: Comprehensive Open House Comments - 10-29-2014 (For the public record)

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Wednesday, October 29, 2014 8:29 PM
To: Silliman, Peter; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.; Madore, David; Mielke, Tom; Barnes, Ed
Subject: Comprehensive Open House Comments - 10-29-2014 (For the public record)

Dear Commissioners,

I was very disappointed at the format and the process used for the open house. The presentation took quite some time, and there was no invitation for public comments from the audience. In addition, there was no announcement to the audience to be sure to submit their comments in the box on the table, for anything they might want to say. The maps around the room were not very informative to a layman and all very similar. I talked with a group of folks before the meeting, and they all had concerns they wanted to voice. But, they were not given an opportunity to do so. Many left or got up from their seats during the presentation.
But, I understand that at the LaCenter open house that is scheduled for 10--30-2014, they will be taking verbal testimony from the audience. Is it just a coincidence that in that area of the county is where many Futurewise supporters live? There was a good turnout at the first meeting, but they are not likely to attend the second meeting, so unless they dropped something in the box, their voice was not heard. On the other hand, tomorrows meeting will allow those attending to comment verbally and in writing. The GMA requires meaningful public participation by all participants, both verbal and written.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Thursday, October 30, 2014 1:20 PM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: correction to previous e-mail regarding 10-29-2014 Open House - for the record

More ...FYI

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Thursday, October 30, 2014 12:59 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: correction to previous e-mail regarding 10-29-2014 Open House - for the record

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From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Thursday, October 30, 2014 10:04 AM
To: Silliman, Peter; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.; Madore, David; Mielke, Tom; Barnes, Ed
Subject: correction to previous e-mail regarding 10-29-2014 Open House - for the record

Dear Peter,
My previous email regarding the 2016 update of the Comprehensive Plan Open Houses indicated the second open house on 10-30-2014 will be located in La Center, when the actual location is in a Ridgefield fire station. The proximity of the location to La Center communities is confusing as to where the actual formal lines meet. This change does not affect the other information in the e-mail. Please attach this e-mail to the previous e-mail with this correction. Thank you.

Sincerely,

Carol Levanen, Ex. Secretary, Clark County Citizens United, Inc.

O'Donnell, Mary Beth

CP16#0392

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Thursday, October 30, 2014 1:14 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Missed opportunities, discussions (For the Record)

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Thursday, October 30, 2014 10:00 AM
To: Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed; cnldental@yahoo.com; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: Missed opportunities, discussions (For the Record)

Dear Commissioners,

Last night, the planners presented another open house. This was well attended. However, there were no opportunities made available to the public to have open discussions, questions answered, and concerns voiced. It is my understanding that these open houses provide the appropriate forums in which the citizens may openly collaborate. These presentations are falling way short of their goals.

It was very evident at your last work session with Oliver that nobody is at the table to represent the interests and futures of the rural communities and their citizens.
According to the Rural Development Council, this methodology is obsolete. The rural communities and their citizens need representation for their interests and future designs. This community requires equal standing among the local jurisdictions. This ensures that the rural communities get their fare share of good family-wage jobs. These jobs help to create the solid foundation that supports a diverse, and robust rural economy. In turn, a hearty rural economy sustains the all important rural character (per GMA). According to the Dept. of Commerce, (Terry Lawhead), the responsibility of representation for rural interests falls to the County by default.

The rural communities and their citizens are continually ignored. This is not only immoral, it is unlawful. Last night, Gordy Euler told me the three alternative plans came directly from the Commissioners. Gordy said, "Talk to them if you don't like the plans." I am appealing to the Commissioners to assume the controls of this plan...your are the bosses. Navigate towards a future with hearty growth in mind... for jobs, housing, rural lifestyles, hobby farms, very small to small farms, and small family-forestry farms.

All of this is supported in written details in the Situation Assessment, Berk Report, 2012. This report clearly shows the changing face of agriculture in Clark County and how it has evolved over the past 20 years. Farming in Clark County is no longer agriculture in the traditional sense of large farms. Present and future trends need to be acknowledged and the proper changes to the comprehensive plan need to reflect this.

Oliver has said, "We don't promise change. We promise analysis!" Oliver stated two weeks ago before the Planning Commission; "We want to clean up the maps." Let's see a demonstration of this analysis put into action. Let's see a cleaning up of the maps for the resource and rural lands where a mere 17% of the parcels conform to their actual zoning. The Clark County 1994 Comp. Plan was obsolete before it was signed into law. Judge Poyfair's Superior Court Order is compelling; "The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA." This was written April, 1997!

Our three Clark County Commissioners are the bosses in charge here. Demand better work from our county planners. Demand that they recognize the studies in the reports. Demand proper analysis, and design appropriate alternatives accordingly. During discussions with the Wa. State Dept. of Commerce, they have said; "Clark County planners aren't planning. They're practicing lethargy, or a self-serving agenda."

We need two more alternatives that properly reflect present and future trends, the uniqueness of our county, the desires of the rural citizens, and growth for all communities. This will support a robust regional economy for all.

My best to all of you,
Susan Rasmussen
Sent from Windows Ma

To: Silliman Peter, david.madore@clark.wa.gov, tom.mielke@clark.wa.gov, ed.barnes@clark.wa.gov, cnldental@yahoo.com, susan rasmussen, Leah Higgins, Rick TDunning, Rita Dietrich, Jerry Olson, Fred Pickering, Jim Malinowski, Frank White, Benjamin Moss, Lonnie Moss, Melinda Zamora, Nick Redinger, Curt Massie, Marcus Becker, Zachary McIsaac, Clark County Citizens United Inc.

Dear Commissioners,

CCCU would like to clarify the record regarding prervious zoning maps that planner, Oliver Orijaka presented to the Board of Commissioners at the recent work session on October 22, 2014. He showed the commissioners the resource zoning maps that he said had been in place prior to 1994. He was stressing to the commissioners how much resource land there was. But, he failed to mention that the maps had been in constant flux and what the parcel sizes were in those zones at that time. They were 2.5, 5, 10, and 20 acre zones, not the 5, 10, 20, 40 and 80 acres that are currently in place. CCCU has a very large two inch binder of various land use maps of Clark County dating from 1987 to 2014. One particular Clark County, Washington 1993 map, of a township of the Rock Creek, Fargher Lake, View, Cedar Creek areas, shows the existing parcelization in those areas at the time, along with the names of the owners of the parcels. It's very telling. These were lands that had been divided long before the GMA. There are many historical family names on that map, in addition to Long View Fibre Company, School Land, State Forest Board, Washington State Game Department, and others. This map shows the people and the rural parcelization that helps define and is part of the rural character in that area of Clark County. It shows the pattern of small parcelization of 2.5 and 5 acres throughout the area. Another old map (with no date) called *Clark County Broad Land Use and Traffic Circulation,* shows the broad expanse of state, federal, and large private timber lands in eastern Clark County. A *Draft 20 year Plan Map (Rural and Natural Resource Lands)* map shows the massive areas of the old Agri-Forest 40 acre zoning, which was ruled as illegal in the court. The notebook has numerous Agri-Forest maps of different areas showing the parcelization that was in place at the time. There is a Portland metro agriculture map that includes Clark County. This book also has aerial photos of the Agri-Forest lands that have white tape strips surrounding parcels of rural land. There is a map called, *Prime Farmland - Clark County Washington, General Highway maps - Thematic detail compiled by state staff. US Department of Agriculture Soil Connservation Service M7-0-24076.* It is very different than the 1994 GMA SEIS map of Prime and Unique Agriculture Soil. the Forest Soil map, and the existing Comprehensive Plan map of 1994 and today. CCCU's notebook also contains a *Growth Management - Issue 9 - June 1994 Perspectives* map of *Alternative A, B and C.* Alternative A has Ag Tier I - 20 acres, Ag Tier 2 - 10 acres, Forest Tier 1 - 40 acres, Forest Tier 2 - 20 acres, Rural Farm - 10 acres, Rural Estate - 5 acres and Rural Residential 2.5 acres. There are maps of the old Resource Line that divided the rural lands. There are also 1996 *Orthophotogrphy - Clark County, Washington* aerial maps.

If a picture tells a thousands words, these maps certainly do. It was erroneous for Clark County to ignore the parcelization of the rural areas and over designate resource lands in 1994, even though they had maps and other documents to determine the area differently. For this Board of Commissioners to continue to accept that faulty data is also erroneous. The court in 1997 has said, "*The Board's (WWGMHB) interpretation was* ***erroneous,*** *and the County's decision to follow the Board's lead was unfortunate. The result is a plan that* ***gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA***. Clark County must come into compliance with this court decision and it's plain meaning. The rural development (parcelization) in the rural lands must be recognized in a meaningful way by the county and in the 2016 Comprehensive Plan.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, inc.
.O Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

CP16#0394

From: Alvarez, Jose
Sent: Thursday, October 30, 2014 3:39 PM
To: 'tomsharie@tds.net'
Cc: O'Donnell, Mary Beth
Subject: RE: more development in wetlands

Mr. York,

With regards to the potential division of a forty acre lot into four ten acre lots. Any future development would have to comply with current stormwater regulations and that would be addressed through the development review process and notice will be sent to neighbors within 500 ft. of the site. Please let me know if you have any other questions.

Jose Alvarez
Planner III
Clark County
Department of Community Planning
360.397.2280 x4898

From: Cnty 2016 Comp Plan
Sent: Tuesday, October 28, 2014 4:05 PM
To: Alvarez, Jose
Subject: FW: more develpment in wetlands

From: tomsharie tds.net [mailto:tomsharie@tds.net]
Sent: Thursday, October 23, 2014 8:46 AM
To: Cnty 2016 Comp Plan
Subject: more develpment in wetlands

Hi. This is Tom York again at 28901 ne 66th ave Battleground, Wa 98604. I am really concerned about this rezoning of large pieces of property. Primarily, my concerns are with wetlands. Our farm property is already being artificially flooded every winter by a development of houses put in to the north of our property. These houses should never been allowed to be built. Why? They are built on wetlands. None of these parcels perk. None of these properties was built with bioswells. So, the developers/county allowed them to be on a shared drainfield put on the lot just to the north of our property. To make it more interesting, each of these parcels has put an illegal non permited water drainage into our property and into their very own undocumented shared drainfield. There has never been any drainage easements bought for any of this. So, the effect is our property gets all their unwanted storm water mixed with their sewer water. I personally had three different county inspectors out to inspect this. One was Cory Armstrong. Nothing was even looked into. There is a 40 acre piece of property to our east which is documented as mostly wetlands. If it is divided into 10 acre pieces, where is all that water gonna go? Probably to our property legally or not. That is my concern with this subdividing of property. Tom York (360)907-1243

McCall, Marilee

From: tomsharie tds.net <tomsharie@tds.net>
Sent: Monday, October 27, 2014 8:01 AM
To: Cnty 2016 Comp Plan
Subject: Re: Automatic reply: zoning changes

Hi. This is Tom York at 28901 ne 66th ave Battleground, Wa 98604. More concerns for splitting up properties into smaller parcels that should be addressed first: abandoned McMansions on ten acres (look up my driveway), county roads without any lines painted on them, (look at all of these unfinished infrustructures in the county first), community septic drainfields on non perkable land that don't work, if developers want to rape country land, make them bring in sewer systems first, "traffic problems from adding more people to country roads." "Jobs' make these jobs "You" talk about before splitting up and dividing and adding who knows how many more people to a nice area. Do things for a good reason, not a "made up" reason. Hold the county commissioners accountable for the decisions they make.

On Thu, Oct 23, 2014 at 8:25 AM, Cnty 2016 Comp Plan <comp.plan@clark.wa.gov> wrote:

This is an auto reply message. Please do not reply to this message.

Thank you for your interest in the County's Comprehensive Plan review process.

Your comment will be entered into the record to be forwarded to the Planning Commission and Board of County Commissioners to consider during their deliberations on this process.

Please don't hesitate to contact us with any additional questions or comments about the Comprehensive Plan review.

Clark County Community Planning

Main telephone number: (360) 397-2280

Street address: 1300 Franklin Street, Vancouver, Washington, 98660

Mailing address: P.O. Box 9810, Vancouver, Washington, 98666-9810

Director: Oliver Orjiako

This e-mail and related attachments and any response may be subject to public disclosure under state law.

McCall, Marilee

From: tomsharie tds.net <tomsharie@tds.net>
Sent: Thursday, October 23, 2014 8:26 AM
To: Cnty 2016 Comp Plan
Subject: zoning changes

Hi. My name is Tom York and live at 28901 ne 66th ave battleground, 98604. The county has already sent me a questionaire asking if my wife and I would like to subdivide our property. I filled out the questionaire and said "No" I don't want to subdivide our property. My answer was and still is "No" we do not want to subdivide our twenty acre piece of property. We use our property as a farm. Subdividing it would only make us pay more taxes. I personally cannot understand why the county would want to subdivide more property anyway. Clark county is in a depression. The only recent jobs have been very temporary construction jobs, not full time permenant jobs. Have you driven in Battleground lately? It's a traffic jam. I believe "We" in Clark county have enough people already. Also, if more development is allowed, the "commissioners" should bring in the jobs to accomodate everybody who's out of work first, then accomodate all the people who they bring in from new devopment first, before new devopment is allowed. The way I see it, our commissioners are just doing the same stupid thing Clark county has done forevor, allowing rampant development for no logical reason. Who knows, may David Madore and Tom Mielke are "secret developers themselves? I wouldn't be surprised. Tom York (360)-907-1243

O'Donnell, Mary Beth

718023

CP16#0396

From: Lebowsky, Laurie
Sent: Wednesday, October 29, 2014 12:18 PM
To: 'Daniel Magnusson'
Cc: O'Donnell, Mary Beth
Subject: RE: Growth Management Plan Questions

Hello Daniel,

Construction of a single family residence, or additions on legal lots do not trigger frontage improvements.

I hope this answers your question. If you have further questions or need further clarifications, please email me or call me at (360) 397-2280 ext.4544.

Laurie Lebowsky

From: Daniel Magnusson [mailto:dmagnuss@gmail.com]
Sent: Tuesday, October 28, 2014 11:57 PM
To: Lebowsky, Laurie
Subject: Re: Growth Management Plan Questions

Hello Marilee,

Thank you for your response. So, for a few years we have been thinking about adding on to our house. When you say, "Again, this road would be constructed through re-development of properties", will the plan for the road have any impact on our ability to remodel? I know that sometimes when there is new construction, there is a requirement that the developer put in the road and everything. I would assume that we wouldn't have to do that as homeowners, but I just wanted to double check if there is any impact to our ability to the add-on that my wife and I have been thinking about for a few years. The house and the add-on are plenty far enough from the road, so set-backs shouldn't be a problem and we'd go through the proper permitting process when the time comes. I just want to make sure we wouldn't be on the hook to pay for these new road updates if we're simply adding on to an existing structure.

Thanks.

-Dan

On Tue, Oct 28, 2014 at 9:13 AM, Lebowsky, Laurie <Laurie.Lebowsky@clark.wa.gov> wrote:

Mr. & Ms. Magnusson:

Part of our comprehensive plan update includes a circulation plan for the Pleasant Highlands area. The Pleasant Highland planning is bordered on the south by 119th Street, 50th Avenue borders the west, 72nd borders on the east, and 139th Street on the north side.

O'Donnell, Mary Beth

From: Lebowsky, Laurie
Sent: Tuesday, October 28, 2014 9:13 AM
To: 'dmagnuss@gmail.com'
Cc: O'Donnell, Mary Beth; Albrecht, Gary; Hermen, Matt
Subject: RE: Growth Management Plan Questions

Mr. & Ms. Magnusson:

Part of our comprehensive plan update includes a circulation plan for the Pleasant Highlands area. The Pleasant Highland planning is bordered on the south by 119th Street, 50th Avenue borders the west, 72nd borders on the east, and 139th Street on the north side.

This circulation plan includes re-designation of NE 129th Street as a neighborhood circulator. The plan also includes extending NE 129th Street from NE 72nd Avenue to NE 50th Avenue.

No construction is part of this plan. The proposal only involves identifying a connection on the arterial atlas. The road would be built as properties re-develop.

The road cross-section design for a neighborhood circulator is 54' of right-of-way and 36' curb-to-curb paved width.
Again, this road would be constructed through re-development of properties.

Feel free to email me or call me if you have further questions. My number is (360) 397-2280 ext.4544.
I hope this information helps.

Laurie Lebowsky

From: Cnty 2016 Comp Plan
Sent: Monday, October 27, 2014 4:34 PM
To: Lebowsky, Laurie
Cc: O'Donnell, Mary Beth
Subject: FW: Growth Management Plan Questions

Received in the Comp Plan "Inbox".
Please respond to questions and cc: Mary Beth for the Index.
Thank you,

Marilee McCall | Administrative Assistant
Clark County Community Planning
360-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660
P.O. Box 9810 | Vancouver, WA 98666
www.clark.wa.gov/planning

From: Daniel Magnusson [mailto:dmagnuss@gmail.com]
Sent: Saturday, October 25, 2014 5:37 PM

O'Donnell, Mary Beth

From: Cnty 2016 Comp Plan
Sent: Monday, October 27, 2014 4:34 PM
To: Lebowsky, Laurie
Cc: O'Donnell, Mary Beth
Subject: FW: Growth Management Plan Questions

Received in the Comp Plan "Inbox".
Please respond to questions and cc: Mary Beth for the Index.
Thank you,

Marilee McCall | Administrative Assistant
Clark County Community Planning
360-397-2280 ext. 4558
1300 Franklin Street | Vancouver, WA 98660
P.O. Box 9810 | Vancouver, WA 98666
www.clark.wa.gov/planning

From: Daniel Magnusson [mailto:dmagnuss@gmail.com]
Sent: Saturday, October 25, 2014 5:37 PM
To: Cnty 2016 Comp Plan
Subject: Growth Management Plan Questions

Hello,

I just received a post card in the mail indicating that there are changes being proposed to the 20 year growth management plan. I would like to understand how these changes affect our property:

Daniel and Darlene Magnusson
7103 NE 129th Street
Vancouver, WA 98686

I looked at "maps online" and it appears that part of the plan is regarding "punching through" NE 129th street from 72nd Ave. through to 50th Ave. I would like to know what size road they are considering for this. It looks like our zoning is still R-30, correct? No changes to that?

Thank you for your help in understanding what is being proposed.

Best Regards,

Dan

McCall, Marilee

7 1 8 0 2 6
CP16#0397

From: NoReply@Clark.Wa.Gov
Sent: Wednesday, October 29, 2014 11:14 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 205384000

Subject: We need to be 5R not 20R.

Comments:
As you can see this parcel is part of our Ahola Grandparents Homestead received in approx. 1895. It is still almost totally owned by their Ahola descendants. The 49 acres owned by us 3 sisters needs to be broken up now so we don't have to own it together and leave a legal mess for our children. this land is always only select logged and will remain so. We need 5 acre pieces not 20 acre as you propose. Thank you, Alina McElveny

Submitted by:
Alina McElveny

Email: macbun@q.com

Address:
22501 NE 159th St
Brush Prairie, WA

McCall, Marilee

718038

CP16#0398

From: Juno <deerfeeder@juno.com>
Sent: Wednesday, October 29, 2014 11:08 PM
To: Cnty 2016 Comp Plan
Subject: 20 acres

We have 20 A. That has been, in and out of the UGB. Last I remember we were Industrial Reserve.
Where are we now?
Our 20.A is on 132 ave. second parcel north of 119 th. St. Laglers borders one side,Gogglens .,pig,goat,and.sheep farm border one side and a Russian Church is in the back.

For the record were in favor of coming in to the 2016 plan. We think Light Industrial, Industrial ,Commercial or residential. We support land for jobs. When 132 ave. becomes the new 137 ave, the lands with frontage to 132 nd. Could create jobs for Clark County.

Thank You:

Jerry and Michelle Winters

Sent from my iPad

CP 16#0400

cc: PMS GMA

Ashbaugh Beal

4400 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
206/ 386 5900

ZACHARY Q. MCISAAC, PARTNER
ZMCISAAC@ASHBAUGHBEAL.COM

RECEIVED BY
ALL COMMISSIONERS

RECEIVED
OCT 29 20
Board of Commissioners

October 28, 2014

VIA EMAIL

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, WA 98604

RE: Comprehensive Growth Management Act Review

Dear Carol:

I understand you are meeting with Commissioner David Madore tomorrow. Per our discussion earlier today, this letter conveys a legal perspective on upcoming action by the Clark County Commissioners. Please feel free to share this with Commissioner Madore.

This upcoming review of the Comprehensive Growth Management Plan (GMP) is of great importance to Clark County and has obvious legal significance. The State Environmental Protection Act (SEPA) imposes certain requirements on this process. While the ultimate decision regarding the appropriate course resides with the Commissioners, it is incumbent upon the Clark County administrative staff to provide to the Commissioners with an appropriate Environmental Impact Statement (EIS). It is my belief that the staff has failed to meet this obligation to date, thus impairing the ability of the Commissioners to make an informed decision on all available options.

Under the terms of SEPA, the staff is to present a "reasonable number and range" of alternatives to the Commissioners for consideration. WAC 197-11-440. Currently, County administrative staff preparing decision documents for the Commissioners have offered a total of ***one*** rural rezoning alternative to the status quo,[1] in addition to one alternative that affects only the cities of La Center and Battle Ground. This effectively hamstrings the Commissioners in terms of their authority and decision options, is contrary to a good public process, and violates Washington law. The EIS process (by the terms of the Washington Administrative Code and the Revised Code of Washington) is supposed to provide both the Commissioners and the public with "sufficient information for a reasoned choice among alternatives." *Solid Waste Alternative Proponents v. Okanogan County*, 66 Wn. App. 439, 442 (1992); *see also* WAC 197-11-440(5). One choice hardly accomplishes this legislative and judicial intent.

[1] http://www.clark.wa.gov/planning/2016update/alternatives.html

FB

I believe the most legally defensible position is for the Commissioners to task the County staff with preparing an analysis of a reasonable range of at least four significant alternatives to the status quo, for a total of five alternatives upon which to judge future growth options for Clark County. Absent such a reasonable range of alternatives, I believe the CCCU has a strong position to litigate further process by Clark County as contrary to the spirit and intent of SEPA and Washington case law under SEPA.

I understand CCCU is prepared to offer, at a minimum, two alternative approaches to add to the upcoming GMP review so as to provide a responsible range of options that reflects genuine urban growth expectations over the course of the next 20 years. Not only are these alternatives appropriate under the terms of SEPA and the spirit of the EIS process, they are simply helpful to the Commissioners and allow them to exercise their inherent and legally granted power to rule on issues of public importance such as this.

I believe CCCU should ask that the Commissioners insist that the new alternatives to be proposed by CCCU be thoroughly analyzed by the County administrative staff in a neutral manner alongside the existing alternative, and be presented to the Commissioners as part of their decision regarding amendment of the GMP.

Should you have any questions about the legal basis of this perspective, please do not hesitate to call on me at any time.

Sincerely,

Zachary O. McIsaac

ZOM:tm

O'Donnell, Mary Beth

7180 52
CP16#0402

From: Alvarez, Jose
Sent: Tuesday, October 28, 2014 4:26 PM
To: 'martybennett@hotmail.com'
Cc: O'Donnell, Mary Beth
Subject: RE: Alternative 1 (No Change) is my preference

Mr. Bennett,

If there are environmental restrictions in place those generally have a specific building envelope where development can occur. In order to divide the property the development review process will identify any environmental constraints and will have to comply with the latest environmental regulations. Tax assessment questions can be directed to the county assessor. http://www.clark.wa.gov/assessor/index.html

Thank you for your comments,

Jose Alvarez
Planner III
Clark County
Department of Community Planning
360.397.2280 x4898

From: Cnty 2016 Comp Plan
Sent: Tuesday, October 28, 2014 4:03 PM
To: Alvarez, Jose
Subject: FW: Alternative 1 (No Change) is my preference

From: Marty Bennett [mailto:martybennett@hotmail.com]
Sent: Wednesday, October 22, 2014 4:06 PM
To: Cnty 2016 Comp Plan
Subject: Alternative 1 (No Change) is my preference

For what it's worth, my 2 cents on the re-zoning options is "Alternative 1" . I suspect that the people driving for the re-zoning change are doing so with dollar signs in their eyes. They are not taking in to account the qualitative aspects of re-zoning and increased growth (you just have to look towards the greater tri-county Portland Oregon metro area to see the reduction in quality of life with increased growth). So, no changes to the existing zoning please.

Additionally, since I am currently on Ag-20, a change to Ag-10 would increase my already high (in my opinion) property taxes (despite Mr. Mielke's previous erroneous beliefs to the contrary). Yes, presumably, my property would then be more valuable - but only if I sell and move, an option that I would not like to have forced on me.

Finally, if you do re-zone my particular property to Ag-10, how will you account for all the current property environmental restrictions in place? Would they just be removed so that growth could occur? Or would the restrictions remain? If the restrictions on building remain, would that be taken in to account when the property is assessed for tax purposes?

Anyway, just my 2 cents here (and a little venting at what I see as the end of the quality of life here in Clark County if the zoning change "Alternative 2" occurs).

Thank you for your time in reading this and best wishes with wrestling with the implications of whichever course the commission chooses to pursue in this matter.

Marty Bennett
28416 NE 122nd Ave
Battle Ground, WA
360-666-9822

O'Donnell, Mary Beth

CP16# 0411

From: Orjiako, Oliver
Sent: Tuesday, October 28, 2014 2:52 PM
To: Cnty 2016 Comp Plan
Cc: O'Donnell, Mary Beth
Subject: RE: Land Use allowance - questions on postcards

I spoke with Mallory Lewis advising her that the open houses will focus on the three proposed options for consideration in the SEIS process for the plan review and update. Thanks.

Oliver

From: Cnty 2016 Comp Plan
Sent: Tuesday, October 28, 2014 2:46 PM
To: Orjiako, Oliver
Cc: O'Donnell, Mary Beth
Subject: FW: Land Use allowance - questions on postcards

Forwarding email received in the Comp Plan email box.
Please cc: Mary Beth so there is a copy of response for the index.
Marilee

From: Engineer Assistant [mailto:ea@deltamanagementco.com]
Sent: Tuesday, October 28, 2014 9:24 AM
To: Cnty 2016 Comp Plan
Cc: Kia Keyvani
Subject: Land Use allowance

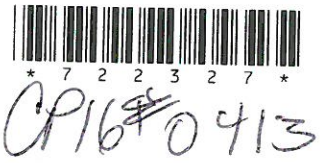
Good Morning,

This email is in regard to a public notice received for proposed changes to one of our properties. Tax ID 182153000, Ridgefield. I am trying to determine if the property owner (or representative) needs to be present. Will there be opportunity for discussion relating directly to this parcel? We have requested an exemption in use to allow for an RV Park on this property, can you tell me if that allowance will be discussed directly or is this just general information. Any advice would be greatly appreciated. Thank you for your time.

Respectfully,

Mallory Lewis
Delta Management Co
203 E. Reserve Street
Vancouver WA, 98661
t. 360-696-4448 EXT 1020
f. 360-695-1970

O'Donnell, Mary Beth



From: Orjiako, Oliver
Sent: Thursday, October 30, 2014 1:18 PM
To: Barnes, Ed
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: RE: Comprehensive Open House Comments - 10-29-2014 (For the public record)

Hello Commissioner:

We had at least close to 200 in attendance. In my presentation I announce how folks can share their comments. First, they want more alternatives studied for urban growth and lament lack of public participation and now the presentation took long.

Best - Oliver

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Thursday, October 30, 2014 12:54 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: Comprehensive Open House Comments - 10-29-2014 (For the public record)

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Wednesday, October 29, 2014 8:29 PM
To: Silliman, Peter; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.; Madore, David; Mielke, Tom; Barnes, Ed
Subject: Comprehensive Open House Comments - 10-29-2014 (For the public record)

Dear Commissioners,

I was very disappointed at the format and the process used for the open house. The presentation took quite some time, and there was no invitation for public comments from the audience. In addition, there was no announcement to the audience to be sure to submit their comments in the box on the table, for anything they might want to say. The maps around the room were not very informative to a layman and all very similar. I talked with a group of folks before the meeting, and they all had concerns they wanted to voice. But, they were not given an opportunity to do so. Many left or got up from their seats during the presentation.
But, I understand that at the LaCenter open house that is scheduled for 10--30-2014, they will be taking verbal testimony from the audience. Is it just a coincidence that in that area of the county is where many Futurewise supporters live? There was a good turnout at the first meeting, but they are not likely to attend the second meeting, so unless they dropped something in the box, their voice was not heard. On the other hand, tomorrows meeting will allow those attending to comment verbally and in writing. The GMA requires meaningful public participation by all participants, both verbal and written.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Thursday, October 30, 2014 1:20 PM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: correction to previous e-mail regarding 10-29-2014 Open House - for the record

Follow Up Flag: Follow up
Flag Status: Flagged

More ...FYI

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Thursday, October 30, 2014 12:59 PM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: correction to previous e-mail regarding 10-29-2014 Open House - for the record

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From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Thursday, October 30, 2014 10:04 AM
To: Silliman, Peter; Carol Levanen; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; arcus Becker; Zachary McIsaac; Clark County Citizens United Inc.; Madore, David; Mielke, Tom; Barnes, Ed
Subject: correction to previous e-mail regarding 10-29-2014 Open House - for the record

Dear Peter,
My previous email regarding the 2016 update of the Comprehensive Plan Open Houses indicated the second open house on 10-30-2014 will be located in La Center, when the actual location is in a Ridgefield fire station. The proximity of the location to La Center communities is confusing as to where the actual formal lines meet. This change does not affect the other information in the e-mail. Please attach this e-mail to the previous e-mail with this correction. Thank you.

Sincerely,

Carol Levanen, Ex. Secretary, Clark County Citizens United, Inc.

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Konnie Steele	13416 NE 72nd Ave	98686		☐ YES ☐ NO
Ena Hanna	7208 NE 15th Ave	98661		☐ YES ☐ NO
(Dede) Denice Wisniewski	38209 N.E. 41st Ave	98629	dede.wisniewski@gmail.com	☒ YES ☐ NO ✓
Jerry Winters	5420 Idaho St	98661	Deerfeeder@Juno.com	☐ YES ☐ NO ✓
Pam Roberts	6306 NE 144th St	98686	~~pammary~~ pammaryrobert@aol.com	☒ YES ☐ NO ✓
Jerrol & Clyde Enge	9610 NW 14th Av	98665		☐ YES ☐ NO
Frank Wilson	315 NW 194th St	98642	wilsonf4387@Yahoo.com	☐ YES ☐ NO ✓
Scott Cramer	6217 NE Salmon Crk St.	98686	Cramers11@msn.com	☒ YES ☐ NO ✓
Gino Ceravolo	1721 NE 209th Street	98642		☐ YES ☐ NO
Krista Reaves	38315 NE 41st La Center Ave Wa	98629	Ka Reaves@tds.net	☐ YES ☐ NO ✓
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
RUSSELL CARTER	15500 NE 72ND AVE	98686	rec1130@comcast.net	☑ YES ☐ NO
KEN HARRINGTON	PO BOX 114 TOKELAND WA	98590		☐ YES ☐ NO
PAT KADOW	2905 S ST	98663		☐ YES ☐ NO
RON DOUBLE	2210 N.E 179th ST	98642		☐ YES ☐ NO
Patti Rittenhouse	4421 Edward Rd. Missoula, MT	59804		☐ YES ☐ NO
TOM MEEROZLER	32802 NE BEAVERDAM RD YACOLT, WA.	98675		☐ YES ☐ NO
Glenn Tribe	15701 NE 57ST Vanc.	98686		☐ YES ☐ NO
Mike Tribe	17919 NE 29th Ave Ridgefield	98642		☐ YES ☐ NO
Chris Rubin	16502 NE 139th St.	98686		☐ YES ☐ NO
Robert Flapper	19012 NE 17th Ave Ridgefield WA 98642	98642		☐ YES ☐ NO
Gary Reaves	38318 NE Lacenter 4 1st Ave	98629		☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House Date: October 29, 2014

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Keith Harrington	16203 NE 61 AVE Vancouver, Wa	98686	KWharrington@gmail.com	☑ YES ☐ NO ✓
Darlene Netzer	6208 NW 196th St Ridgefield	98642	N/A	☐ YES ☐ NO
Janet Aspaas	6002 NE 73rd Circle	98661	janetaspaas@comcast.net	☒ YES ☐ NO ✓
Myma Foy	10601 NE 359th St	98629	mloy@tds.net	☒ YES ☐ NO ✓
Dean Swanson	4501 NE 290th LC.	98629		☐ YES ☐ NO
Deborah Swanson	4501 NE. 290th LC	98629		☐ YES ☐ NO
Fran Scott	15500 NE 72ND	98686		☐ YES ☐ NO
Debbi Patton	18910 NE 10 Av	98642		☐ YES ☐ NO
Gary Schubothe	~~130~~ 13208 NE 72 Ave	98686		☐ YES ☐ NO
Don Heerlein	10000 NE 114th Circle	98662	heerleindon@gmail.com	☑ YES ☐ NO ✓
David Halme	26113 NE 219th PL	98602	dave@hficonsultants.com	☐ YES ☐ NO ✓

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Victoria M. Pedersen	P.O. Box 1425 Brush Prairie, WA	98606	backroadexplorer@Live.com	☐ YES ☐ NO ✓
Leo L. Oates	5204 NE 316th ct. Camas	98607	oatesl1@hotmail.com	☐ YES ☐ NO ✓
Kathy Landers	5905 NE 74 Circle	98661	kathyndel@comcast.net	☐ YES ☐ NO ✓
Edward Haisch	7005 NE. 144th St	98686	EJCLH@comcast.net	☐ YES ☐ NO ✓
Donna Falk	PO Box 793 4010 NE 397 Cir	98629	candy@grandmacandys.com	☐ YES ☐ NO ✓
Celeste Brad Wallway	6719 NE 182 Ave Vancouver, WA	98682		☐ YES ☐ NO
Doris White	14118 N.E. 35th Ave Vancouver	98686	dorisbobw@aol.com	☐ YES ☐ NO ✓
David Kanyes	17415 NE 92 Ave P.6	98604		☐ YES ☒ NO
Ken Carlson	17906 NE 87th Circle	98682	ckcarlson50@comcast.net	☒ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Todd Moser	7318 NE 110th St. Vanc. WA. 98662	98662	slowmow90@comcast.net	☒ YES ☐ NO ✓
Rafig Hamadeh Nabil	1409 S.E. Parkcrest Av Vancouver, WA 98683	98683	R.S.Hamadeh@GMail.Com	☐ YES ☐ NO ✓
Robert McBain	13403 NE 212nd Ave BR. WA 98606	98606	Bwerleyjustus@yahoo.com	☐ YES ☒ NO ✓
Beverley Legerle Just	13403 NE 212nd Ave BP. WA 98606	98606		☐ YES ☐ NO
Steve Howell	11004 NE 102 Ave	98662	HOFFY5SP@COMAST.NET	☐ YES ☐ NO ✓
Howard + [illegible]	Brush Mauna P.O Box 269	98606	Howieck@Gmail.com	☐ YES ☐ NO ✓
DOUG MAYS	17801 NE 65th Ct. Vancouver WA	98686	michellendoug@yahoo.com	☒ YES ☐ NO ✓
BRIAN MOOERS	18012 NE 87th Cir. Vanc.	98682	bamooers@gmail.com	☒ YES ☐ NO ✓
Kenneth Carver	15419 NE 50th ave	98686	KenandKaren@Gmail.com	☒ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
George Espinosa	20801 NE 10th Ave	98642	Georealtor@aol.com	☐ YES ☐ NO ✓
Robin Ovitt	" " Ridgefield	98642		☐ YES ☐ NO
RICHARD CRUANAS	14410 NE 76th Ave VANCOUVER	98662		☐ YES ☐ NO
Carol Levanon CCCU	P.O. Box 2188 Bel. Wa.	98604	cccuinc@yahoo.com	☒ YES ☐ NO ✓
Bill NAUMANN	6722 NE 179th St. VANC.	98686	SNAUM28146@MSN.COM	☒ YES ☐ NO ✓
Cathy MARK AILANJIAN	14414 NE 63rd CT	98686	ailanjian@comcast.net	☐ YES ☒ NO ✗
Roy Hurford	19020 NE 50th Ave	98686	roy@theHurfords.us	☐ YES ☐ NO ✓
Gary Folkerts	12816 NE 87th Ave	98662	debfolkerts@gmail.com	☒ YES ☐ NO ✓
ANNETTE CHIPMAN	37205 NE JENNY CREEK	98629	annettechipman@aol.com	☐ YES ☐ NO ✓
Matt Grove	PO Box 70052	98605	mattfrompdx@gmail.com	☒ YES ☐ NO ✓
Karin NOSRATI Nosrati	20107 NE 14th St.	98607	bforback@gmail.com	☒ YES ☐ NO ✓

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Jim Youde	14201 NE 50th Ave Vanc, WA	98686	jyoude@aol.com	☒ YES ☐ NO ✓
FLOY GREENWALD	3403 NE 160th St RIDGEFIELD 98642	98642	—	☐ YES ☒ NO
Tom & Jeri Prew	17414 NE 50th ave Vanc WA ~~986~~	98686	tprewtj1@msn.com	☒ YES ☐ NO ✓
George Gadbury	3819 NE 39th Court Vanc. WA ~~98661~~	98661	bgeg3@hotmail.com	☒ YES ☐ NO ✓
Lori Neumann	9800 NW 20th Ave Vancouver, WA 98665	98665	skywardtwo@comcast.net	☐ YES ☐ NO ✓
John Harvey	4703 NE 94th Str. 98665			☐ YES ☐ NO
Cheryl Slaydon	1719 NE 209th St Ridgefield	98642	Shiprapid@comcast.net	☐ YES ☐ NO ✓
Michelle Scott	18218 NW 28th Ave. Ridgefield	98642	~~[illegible]~~ michelle.scott@hocksd.org.	☒ YES ☐ NO ✓
Mel Rodda	2401 NE 189 St	98642		☒ YES ☐ NO
Tim Krieg	31308 Brickieck Rd			☐ YES ☐ NO
Carole Krieg	12800 NE 83rd St	98682		☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Roy + Luis Hurford	19020 NE 50th Ave	Vanc		☐ YES ☐ NO
REX HAPALA	3020 SPRUCE AVE	98674	XHAPALA@AOL.COM	☒ YES ☐ NO ✓
Karen Wood	14410 NE 46th St.	98682	kwood@pacifier.com (already on →)	☒ YES ☐ NO ✓
Gerald Naumann	26100 NE 212th	98604	JERRYNAUMANN3226@GMAIL.COM	☑ YES ☐ NO ✓
Bill + Sandra Sterling	7717 NE 169th St	98682		☐ YES ☐ NO
Larry + Mary Ann D'Angelo	14703 NE 17th Ave	98686	lawmaryann1@hotmail.com	☐ YES ☐ NO ✓
Sharon Martell	Camas 5301 NE 326th Ave	98607	Fordgal57@hotmail	☑ YES ☐ NO ✓
Paul Jones	16904 NE 88th St	98682		☐ YES ☐ NO
Paul Pratt	18808 NE 234th St	98604		☐ YES ☐ NO
GARY GRAVES	12708 NE 93RD AVE	98662	GARYGRAVES495@YAHOO.COM	☐ YES ☐ NO ✓
NIKKI GRAVES	" "	"		☐ YES ☐ NO
Elizabeth Blankenship	13215 SE Mill Plain C-8 #351	98684	Lizzylenship@yahoo.com	☒ YES ☐ NO ✓

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House Date: October 29, 2014

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Les Wood	2217 NE 179th St	98642	swood54@yahoo.com	☒ YES ☐ NO ✓
Marlene Hapala	6115 NE 78th St Vanc. 98665	98665	Hapmarhapala@AOL.com	☒ YES ☐ NO ✓
Mark Watrin	13117 NE 90th Ct Van. 986	98662		☐ YES ☒ NO
Jeff Hodges	15218 NE 367th St Ridgefield	98629	hodgesjeffrey@msn.com	☒ YES ☐ NO ✓
Loran Larwick	12605 NE 132 Ave Brush Prairie	98606	loranjane@wa-net.com	☒ YES ☐ NO ✓
Joe Melo	P.O. Box 820669 Camas, WA	98682	joe@hintondevelopment.com	☒ YES ☐ NO ✓
Mary Baur	4515 Washington St	98663	mary.schwarz.baur@outlook.com	☒ YES ☐ NO ✓
Mike	2720 NE 159 ST	98642		☐ YES ☐ NO
Laura Schabithe	13208 NE 72nd Ave	98686	garylaura57@yahoo.com	☒ YES ☐ NO ✓
Candi Fowler	18313 NE 29th Ave	98642	candiandderin@gmail.com	☒ YES ☐ NO ✓
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Jude Wait				☐ YES ☐ NO
GALINA Tsymbal	18815 NE 10th AVE	98642		☐ YES ☐ NO
Randy Nosrati	20107 NE 14th St	98607		☐ YES ☐ NO
Alfred + Edna Folkerts	6315 NE 47 St Vanc	98661		☐ YES ☐ NO
Donna + Linda McFadden	2407 NE 155th way Van	98686		☐ YES ☐ NO
Adam McIsaac	31401 NE 26th AV PO BOX 788 Lacenter WA.	98629		☐ YES ☐ NO
DOUG & KERI LIGHTFOOT	23700 NE 178th BRUSH PRAIRIE	98606		☐ YES ☐ NO
Jim Sullivan	2211 NW 179th ST Ridgefield, WA 98	98642		☐ YES ☐ NO
Olga Fabyanche				☐ YES ☐ NO
Vern Veysey	4816 NE 259th St Ridgefield	98642	VeyseyVV@MSN.com	☑ YES ☐ NO
Ray & Betty Shildon	13915 NE 29th Vanc. ave	98686	rbshldn@pacifier.com	☑ YES ☐ NO

send fact sheet

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Lisa Schmidt	1815 NE 72nd Circle	98665	GetMarketingMatters@gmail.com	☒ YES ☐ NO ✓
Don McIsaac	2591 5NE 146th Wy	98606	donaldmcisaac@msn.com	☒ YES ☐ NO ✓
STEPHANIE SAINSBURY	4 N 9th Cir	98642	~~stepha~~	☐ YES ☒ NO
Carolyn Pugh	15809 NE 29th Ave	98686		☐ YES ☒ NO
GEORGE VARTANIAN	120 W 24th ST - VANC.	98660	GVART@COMCAST.NET	☒ YES ☐ NO ✓
Susan Rasmussen		98642	Sprazz@outlook.com	☒ YES ☐ NO ✓
Garry Jobe	25031 NE Bell Rd BG	98604	Campgracy@gmail.com	☒ YES ☐ NO ✓
Gretchen Starke		98684	gstarke@pacifier.com	☐ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Vancouver (Gaiser) Open House **Date: October 29, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Sharon Ireton	24717 NE Alvas Rd. Battle Ground	98604	sharon.ireton@aol.com	☑ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Richard G Bingle	21235 NE 87 Ave Battleground	98604		☐ YES ☐ NO
Hank Couch	19312 NE 42 ct Ridgefield, WA	98642	HANKD42@q.com	☐ YES ☐ NO ✓
Frank White	Yacolt, WA			☐ YES ☐ NO
Lloyd Handlos	Brush Prairie	98606	WRAM11@q.com	☐ YES ☐ NO ✓
Dan Morse	P.O. Box 1720 Woodland, WA 98674	98674	danjmorse@icloud.com	☑ YES ☐ NO ✓
Chuck Farrell	16801 SE Fisher Dr. Vancouver, WA 98683	98683	cfarrell@fjarch.com	☐ YES ☐ NO ✓
Sandy Laycock	34204 NE 79th Ave. LaCenter, WA 98629	98629		☐ YES ☐ NO
Ginger Burr	819 NW 379 St, LaCenter	98629	gburr2000@yahoo.com	☐ YES ☐ NO ✓
Ike Nwankwo	Dept. of Ecology WA State	98502		☐ YES ☐ NO
Steve Pope	16513 NE 38th Ct.	98642		☐ YES ☐ NO
Ken S Guild	2217 NE 179th St Unit 69 Ridgefield WA	98642	swwkenny6@yahoo.com	☑ YES ☐ NO ✓

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Marshall Himes	mhimes43@gmail.com	98606		☒ YES ☐ NO ✓
Karl Ylonen		98629	KTMKarl@TDS.net	☒ YES ☐ NO ✓
[illegible]	PO Box 937	98607		☐ YES ☐ NO
David J Hoffman Linda L Hoffman	34225 31st Way	98642	Linda & Dave Hoffman	☐ YES ☐ NO
Charles L. Gutierrez	P O Box 85432 Portland OR 97238	97238		☐ YES ☒ NO
Bob Kenck	6600 NE 251st Way Battle Ground	98604		☐ YES ☐ NO
Fred. Marran Bakker	PO Box 886 LaCenter	98629	fmlbakker@tds.net	☒ YES ☐ NO ✓
Vicki Schwarz	2528 NW 179th St.	98642	jonandvicki@saw.net	☑ YES ☐ NO ✓
Brady & Marcia Fellman	14615 NE 379th St LaCenter	98629	marciafellman@yahoo.com	☒ YES ☐ NO ✓
Fritz Properties LLC Barb & Gary Wills	18615 NE. 88th St. Vanc.		garybarbwills@aol.com.	☐ YES ☐ NO ✓
Terry Wellner	#23 Westridge Dr. Lake Oswego	97034	twellner@aim.com	☐ YES ☐ NO ✓

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Vonnie & Roger Sheadel	1101 NE 219st	98642	vsheadel@gmail.com	☒ YES ☐ NO ✓
Carol Lenoir	CCCV Inc. Bg. P.O. 2188 -	98604		☒ YES ☐ NO
Lee & Pam Herrman	18019 N.E. 25th ave	98642		☐ YES ☒ NO
Carmen Atteberg	35407 N.E. 31st Ave.	98629		☐ YES ☐ NO
Bob & Cherrie Moline	2009 NW Carty Rd. Ridgefield	98642	bmoline@q.com	☒ YES ☐ NO ✓
Tom & Sharie York	28901 NE 66th Ave Battleground, Wa 98604	98604		☐ YES ☐ NO
G & M fincher	P.O. Box 1376 Ridgefield	98642		☐ YES ☐ NO
Steve Stham	ON FILE	98629	Pye3.14@live.com	☒ YES ☐ NO
Andy Pye	on file			☐ YES ☐ NO
Dan Walsh	28118 NE 122 Ave.	98604	~~[illegible]~~ on list	☒ YES ☐ NO
Ron & Denise Gardner	PO Box 578 La Center	98629		☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Robert A White	6916 NE 159	98686		☐ YES ☐ NO
Gwyn Espinosa	20801 NE 1015	98642	GWRealTor@aol.com	☑ YES ☐ NO ?
Connie Cusia	PO Box 65012 Van	98665	cusiccj@hotmail.com	☑ YES ☐ NO ✓
HAROLD KAMMERZELL	16530 NE 92	98604		☐ YES ☒ NO
Lloyd W Nelson	4177 NW 229th St	98642	—	☐ YES ☒ NO
Jon Schwarz	2614 NW 179th St	98642	JON AND vicki@SAW.NET	☐ YES ☐ NO ✓
Ken/Jan Ayers	39403 NW 9th Ave	98674		☐ YES ☐ NO
Allen & Michele Owen	1703 NE 249th St	98642	micheleowen@live.com	☑ YES ☐ NO ✓
MARIL BRISLAWN	14405 NE SALMON CR AVE.	98686	MARIL@BRIZBOMB.COM	☑ YES ☐ NO ✓
LINDA RASMUSSEN	6208 NE 139 ST	98686	lrasmussen68@Gmail.com	☐ YES ☐ NO ✓
~~Sharie Yor~~				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Rick Bielby	28002 NE 2nd Ave	98642	bielby563@msn.com	☑ YES ☐ NO
Don Stose	2085 S. 26th AVE	98642	don.stose@ci.ridgefield.wa.us Toyota_tundra@comcast.net	☐ YES ☐ NO
Ed Brannfors	3616 NE Taylor Valley Rd Lt Center	98629	edbrannfors@tds.net	☒ YES ☐ NO
Lee C Welk	1288 S. 45th Ave Ridge ~~Rd~~	98642		☐ YES ☐ NO
Suzanne Knowles	1208 NE 166th St. Ridgefield	98642	Knowles9498@comcast.net	☑ YES ☐ NO
Teresa Maul-Duling	32907 NW 41st Ave	98642	tbduling@gmail.com	☐ YES ☐ NO
Grace Anderson	7601 NE 179th St	98604		☐ YES ☐ NO
Ken Ayers	39403 NW 9th Ave	98674		☐ YES ☐ NO
CARRIE GREENE	28401 NE 2ND AVE RIDGEFIELD	98642		☐ YES ☐ NO
Tim Binder	6615 NE 129th St Vancouver	98686	N54092@gmail.com	☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
DENNIS FORTNER	22702 NE 251ST AVE	98604	DFTNER.DW@GMAIL.COM	☐ YES ☐ NO ✓
Bryon Bestul	7607 NE 299th B.G.	98604	BJBESTUL@JUNO.COM	☐ YES ☐ NO ✓
JOANNA RAYNOR	16520 NE 12TH AVE RIDGEFIELD ~~98604~~	98642	KARVIKE@COMCAST.NET	☐ YES ☐ NO ✓
CLIFF WRYGANDT	7004 NE 182ND AVE. VANC. WA. 98682	98682	CLIFF.WRYGANDT@HILTON.COM	☐ YES ☐ NO ✓
Phil and Millie Thomas	20708 NE 72nd Ave. Battle Ground, Wa ~~98604~~	98604	Phil.Millie@COMCAST.COM	☒ YES ☐ NO ✓
Judy + Brooks Owen	21118 NE 24th Ave	98642	Judyandmick@Comcast.net	☒ YES ☐ NO ✓
VICTORIA & TED WOODS	1915 NE 289TH ST. RIDGEFIELD, WA	98642	TJLWOODS11437@hotmail.com	☐ YES ☐ NO ✓
Gary Lawhead	21414 NW 6th Ave Ridgefield	98642	CGLawhead@MSN.com	☐ YES ☐ NO ✓
VAL Alexander	2404 NW Coyote Ridge Rd	98629	Coyoteridge@YDS.NET	☐ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly**** **Clark County Community Planning**

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
CARL ANDERSON	2100 N.E. 179 st	98642	CARLDATANDERSON@JUNO.COM	☑ YES ☐ NO
Susan Rasmussen		98642		☑ YES ☐ NO
Pete Bartel	3131 S 31st Way Ridge	98647		☐ YES ☑ NO
David Hernandez	5916 NE 159th ST	98686	davidi hernandez@live.com	☑ YES ☐ NO
Sydney Reisbick	PO Box 339 Ridgefield	98642	reisbicks@comcast.com	☑ YES ☐ NO
Jerrene Murray	20716 NE 10th Ave Ridgefield	98684	newmedtc@hotmail.com	☑ YES ☐ NO
Steve Yochim	"	"	"	☐ YES ☐ NO
Dorothy Krahn	POB 482 Camas	98607	dagrazul@gmail.com	☑ YES ☐ NO
Terry McLean	P.O. BOX 1694 Battle Ground	98604		☐ YES ☐ NO
Ed Thomas	6235 SW Burlingame Ave #106 Portland 97239	97239	edwardrthomas@gmail.com	☑ YES ☐ NO
Kay Dalke	40011 NE 135th Ave Amboy WA	98601	bdalke@scatterecreek.com	☑ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House Date: October 30, 2014

Please PRINT Clearly

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Sheryl Manley	6515 NE 249th Way Battle Ground, WA 98604	98604	Sherylmanley@live.com	☒ YES ☐ NO ✓
LARRY SANFORD	19600 NW 67th Ave Ridgefield, WA 98642	98642	~~Lsanford~~ bsanford56@gmail.com	☒ YES ☐ NO ✓
J Kemp	40900 N.E. Belmont Rd Amboy WASH 98601			☐ YES ☐ NO
Tom Sharie York	28901 NE 66th Ave Battleground, Wa 98604	98604	tomsharie@tds.net	☐ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

ATTENDANCE SIGN IN for: 2016 Comp Plan Alternatives-Ridgefield (CCFR) Open House **Date: October 30, 2014**

****Please PRINT Clearly****

Clark County Community Planning

PRINT NAME	MAILING ADDRESS	ZIP CODE	PRINT - E-MAIL	e-mail list?
Ron & Celeste King	2218 NE Rainbow Ridgefield	98642	ibemrsKing@yahoo.com	☒ YES ☐ NO ✓
ROBERT PYE	PO. BOX 247 LACENTER	98629	PYEman can 2 HOTMAIL.COM	☒ YES ☐ NO ✓
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Carl Lucanen

Address: 17614 NE. 299 St - Yacut, Wash. 98675

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☒ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

This facility is too small for the large number of rural landowners wanting to be heard. Many cars came and went because there was no parking. Seating was limited and the room was full of people having to stand. There is only one alternative available for the public to consider. There needs to be many more options available for the public to consider. We need zoning in the rural lands the reflects what the lots are and what the lot sizes are. Please have another open house for those who had to leave.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	*Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

Comments are due November 18, 2014.

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Gary Lawhead

Address: 21414 NW 67th Ave Ridgefield, WA 98642

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☒ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

Support move of AG-20 to AG-10 – Cities have been given some expansion in 2007. Time to throw rural land owners a bone. –

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

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www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
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October 30th, 2014

RECEIVED OCT 30 2014
RIDGEFIELD OPEN HOUSE

Dear,

Board of Clark County Commissioners

My name is Mike Roth, I run a large dairy farm in Idaho, a dairy farm that operated from 1920 to 1996 in Clark County wa. We moved the farm to Idaho because this area changed from large scale farming into smaller micro type farms and the supporting industry for large farming had moved on to more realistic large scale farming areas.

In 1991 we were able to complete a cluster subdivision(Monet's Garden) on a portion of our land in the AG zoning. I think the code allowed for 8 one acre home sites per 20 acres of AG land. Versus today's code allowing 1 home site per 20 acres of land. With the adoption of the comp plan in 1994 the ability to cluster in resource lands went away.

We have waited 20 years for a comp plan amendment allowing a better use of our remaining Ag land only to find the 3 alternatives presented by Clark County to be of no relief at all!

I am under the impression that Clark County was to have a meaning full public process to determine the rural zoning and it appears Clark County has already decided that no changes to the rural zoning or only expanding city UGB is acceptable?

I would like to see some new alternatives allowing smaller lot sizes and clusters in the resource zones.

My suggestions are:

5 acre Ag zoning

Bring back the cluster subdivision for resource zones, these make for some of the nicest neighborhoods in Clark County!

Thank you

Sincerely

Mike Roth

Mike Roth

17400 NE 88th Street

Vancouver Wa 98682

October 30th, 2014

RECEIVED OCT 30 2014
RIDGEFIELD OPEN HOUSE

Attention: Clark County Board of Commissioners

RE: Rural Comp plan changes

My name is Nick Redinger, 15706 NE 129th Street, Brush Prairie wa 98606.

This is my public testimony to be placed in the record.

I have been a licensed Broker in Clark County since 1993, specializing in the sale of vacant land.

I talk with local and out of town Buyers often regarding the availability of 1-5 acre home sites, there is a large demand for this type of home site and a diminishing number of available ready to build sites. I see a lack of new submittals for subdivision or cluster type developments, I would attribute this to an overly expensive regulatory process and the lack of readily zoned residential land.

Prior to the adoption of the 1994 comp plan, Clark County had a large supply of residential zoned land, after the adoption Clark County went from 2.5, 5, 10 and 20 acre zoning to 5,10,20,40 and 80 acre zoning.

I am disappointed with the 3 alternatives Clark County has proposed. I thought we were planning for growth for the rural area? As proposed very little to no changes will occur in the rural area. Changing the UGB around a city does very little to providing a rural lifestyle. All you are doing is creating density out in the rural area. The comp plan does not prevent Clark County from allowing citizens to move to the rural area, in fact it encourages opportunity for rural residential type zoning.

After 20 years of no changes to the comp plan I would expect Clark County to come up with a realistic plan versus what is being proposed. If you want a thriving rural community, changes to the existing zoning needs to occur. A few simple changes like changing zoning to R1,2.5 and 5 acre home sites, allow for cluster subdivisions to be done in the resource lands with a greater density allocated for creating remainder parcels, allow flexibility in the code for the remainder parcel design, to encourage the remainder to be farmed or trees grown or other farming activities. Create a 5 acre Ag zoning, most farming in Clark County today is a home on smaller acreage.

On the regulatory side, abolish the large lot subdivision ordinance, replace with state allowed five acre segregations. The finished product will be much better than what we are currently getting using the large lot ordinance. There was a need for this ordinance when no environmental laws were in place but times have changed and we have enough laws in place to protect the environment.

Make the short plat process simpler and more cost effective.

Bring back the cluster subdivision in resource zones. I have so many examples over the years where a large land owner just wanted to create some smaller lots for their family or to sell and continue farming the remainder of their property but are unable to do so under our current code.

As proposed the 3 alternatives do very little to improve the quality of life for rural citizens, please revise or create additional alternative models for the future of our rural county.

Sincerely

Nick Redinger

15706 NE 129th Street

Brush Prairie wa 98606

susan rasmussen
to jeff.swanson@clark.wa.gov

Fri, Oct 24 4:02 PM

RECEIVED OCT 30 2014
RIDGEFIELD OPEN HOUSE

Fw: Hello Axel,

To be entered for the public record for the SEIS.

Sent from Windows Mail

From: susan rasmussen
Sent: Friday, October 24, 2014 3:54 PM
To: cnldental@yahoo.com

Sent from Windows Mail

From: susan rasmussen
Sent: Friday, October 24, 2014 3:52 PM
To: axel.swanson@clark.wa.gov

The Superior Court Orders that Carol and I refer to are written by Judge Poyfair, April 4, 1997; No. 96-2-00080-2, Findings of Fact, Conclusions of Law and Order. Our attorney was Glenn Amster of Lane Powell Spears Lubersky. On pg. 6, Poyfair writes;

> "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. By trying to comply with the Board's errant decision, the County violated a GMA planning goal.
>
> Through no fault of the County's, the Board had an end in sight and disregarded the GMA's mandate in applying an unauthorized formula to the review of the Clark County Comprehensive Plan's land use densities. The Board's interpretation was erroneous and the County's decision to follow the Board's lead was unfortunate. The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA."

The BERK Study (6/2012), recommends the following tools be developed;

> "Smaller parcel size for resource use only. This would allow a smaller parcel

RASMUSSEN 1/2

to be created but only for resource uses. This would recognize the trend for smaller agricultural and forestry operations and allow for flexability in ownership options."

The Situation Assessment written in the BERK Study says farming in Clark County is moving away from the traditional notions of agricultural production. Small parcels sizes don't seem to be a relevant constraint to farming. The constraint for new farmers is access to land per se, not land of a particular size. This may be due to the mis-match of parcel sizes with the ag-20 zone where only 17% of properties meet that parcel size. Their farm assessment shows primary growth of very small farms, and small farms (less than 5 acres).

Carol and I have purchased maps from GIS that show the parcelizations. We have counted the many nonconforming lots that have been in existence prior to 1994. In many sections throughout the county, we have 100% nonconformance of parcel size to their zoning in both forestry and agriculture.

We attended Oliver's work session with the planning commission. He stated on several occasions that he wishes to, "Clean up the maps." He was talking about looking at what is actually on the ground regarding urban mixed use. Poyfair's court orders were written in 1997. The rural and resource lands deserve the same attention.

Best regards,
Susan Rasmussen

Sent from Windows Mail

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Holli Jarvis

Address: 2006 NW 379th St. LaCenter

Open house location:
- ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver
- ☑ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

my 20 acres is surrounded by 5 acre places & I would like to go to 5 acre parcels also. I'll take 10 if I cant go to 5.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: ~~X~~ use paper mail please

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
E-mail your comment to us:	*P.O. Box 9810*
comp.plan@clark.wa.gov	*Vancouver, WA 98666*

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: KAY DALKE

Address: 40011 NE 135th Avenue Amboy WA 98601

Open house location:
- ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver
- ☑ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

Did you take into consideration those parcels that were ~~AL~~ in existance as 5A & under ~~in~~ that were re-zoned 40 acres timber in 2007 — Reduce those timber parcels designation Clark County is no longer a timber industry center. In 1992 I asked for relief for unemployed timber workers in Clark County and was informed that the State funds were not available in Clark County because it was not considered a "timber" county

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: bdalke@scattercreek.com

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
E-mail your comment to us:	*P.O. Box 9810*
comp.plan@clark.wa.gov	*Vancouver, WA 98666*

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Response, please

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Ginger Burr

Address: 819 NW 379 Street, La Center

Open house location:
- ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver
- ☑ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

Has the County made a mistake?
I bought my 20 acre property in 1994 and have always used it for Agriculture. I recently found out I am zoned FR40. I should be Ag20. Every dept has me as Ag. Every 5 years I am audited to verify ~~by~~ my AG involvement. Please, please review satellite images, Assessor Dept; any dept to verify my Ag Status. Thank you. My Land Use has always been Ag!
Ginger Burr

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: GBurr2000@yahoo.com

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
E-mail your comment to us:	*P.O. Box 9810*
comp.plan@clark.wa.gov	*Vancouver, WA 98666*

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Dear Clark County Board of Commissioners,

RECEIVED OCT 30 2014
RIDGEFIELD OPEN HOUSE

I am submitting this letter for the public record.

My name is Seth McCauley, I am a local Realtor in Clark County. I have gathered this information from the market. In regards to the zoning of the rural parts of Clark County, I have consistently seen a strong desire for one, two and a half, and five acre parcels from potential land buyers. It would benefit current land owners as well as the market for people who want to live in the rural areas but don't want, or more commonly cannot afford 20 acres.

The alternatives currently presented do not address these changes that would benefit land owners, potential buyers, as well as Clark County as a whole. I would like to see new alternatives proposed addressing smaller zoning in the rural section of Clark County.

Very Respectfully,

Seth McCauley
Real Estate Broker
Windermere Stellar
1804 NE 88th Circle,
Vancouver, WA 98665
(971) 322-4679

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Edward Thomas

Address: 6235 SW Burlingame Ave #106 Portland, OR 97239
RE: Large Property in NE La Center (no address)

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☑ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

I and my family are fully against the proposal to transition FR-40 → FR-20 zoning due the ~~[illegible]~~ tax burdens our land would receive from the New division on the tax maps. We are try to preserve old growth trees and cannot support the added tax burdens. The county alredy cut off ≈18 ac. of our land w/ a county road development (that destroyed a developed well) and ~~[illegible]~~ resulted in an increase in tax of the smaller parcel due to its different zoning

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

Submit a comment on the web: www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	***Submit a comment in writing:*** *Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Phil and Millie Thomas

Address: 20708 N.E 72nd Ave. B.G. Wn 98604

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☒ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

When the Property was made into farmed 20 acres our farm (at 7213 N.E 72nd Ave. Van, Wn) was zoned 5 acres. It was then changed to 20 acres. Why can't it be put back in 5 acres? We have no intention of changing its farm status in the next 20 years but due to growth in the future it might need to be rezoned. That would save the county effort and expenses

Changing it to 10 acres is OK. as that won't change its farm designation.

Millie Thomas

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: Phil Millie @ comcast . net

Other ways to comment:

Submit a comment on the web: www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	***Submit a comment in writing:*** *Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: STEVEN & SANDRA KYLE

Address: 16115 N.E. 10TH AVE. RIDGEFIELD, WA. 98642

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

I'M REQUESTING THAT MY PROPERTY ON 10TH AVE., ACCOUNT NUMBER 181921000, BE ZONED TO I-L. IT IS CURRENTLY B.P. MY ADJOINING PARCEL # 181976000, IS ALLREADY ZONED I-L. ALL OTHER PROPERTY IN THIS AREA, EXCEPT ONE, ARE ZONED I-L. THIS ONE PARCEL BELONGS TO MY NEIGHBOR. HE IS ALSO REQUESTING HIS PARCEL BE ZONED I-L.

Steve Kyle 11-13-14

Sandra Kyle 11-13-14

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: snskyle@gmail.com

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
E-mail your comment to us:	*P.O. Box 9810*
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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: MARK BRISLAWN

Address: 14405 N.E. SALMON CREEK AVE.

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

I AM REQUESTING PARCEL #S 18192800 AND 181980000 LOCATED ON 10th AVE. ARE REZONED TO I.L. MY NEIGHBOR AND I CURRENTLY HAVE A ISLAND OF B.P. PARCELS SURROUNDED BY I.L. WE FEEL THIS IS A BAD FIT FOR FUTURE DEVELOPMENT IN THIS AREA. THANK YOU FOR YOURS CONSIDERATION.

ATTACHED IS A COPY OF MY NEIGHBORS REQUEST

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: MARK@BRIZBOMB.COM

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
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E-mail your comment to us:	*P.O. Box 9810*
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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Carol Levanen

Address: 17614 NE 295 St - Yacolt wa.

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

The rural lands have been ignored and the small existing parcels need to be included in an alternative 3 4 and the economics of the rural lands need to to be recognized in a 5th alternative to the EIS CCCU, Inc. does support the County to add additional alternatives that better suit the rural areas in their SEIS.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

Submit a comment on the web: www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	***Submit a comment in writing:*** *Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

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Ashbaugh Beal

4400 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
206/ 386 5900

ZACHARY Q. MCISAAC, PARTNER
ZMCISAAC@ASHBAUGHBEAL.COM

RECEIVED OCT. 29 2014
GAISER OPEN HOUSE

October 28, 2014

VIA EMAIL

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, WA 98604

RE: Comprehensive Growth Management Act Review

Dear Carol:

I understand you are meeting with Commissioner David Madore tomorrow. Per our discussion earlier today, this letter conveys a legal perspective on upcoming action by the Clark County Commissioners. Please feel free to share this with Commissioner Madore.

This upcoming review of the Comprehensive Growth Management Plan (GMP) is of great importance to Clark County and has obvious legal significance. The State Environmental Protection Act (SEPA) imposes certain requirements on this process. While the ultimate decision regarding the appropriate course resides with the Commissioners, it is incumbent upon the Clark County administrative staff to provide to the Commissioners with an appropriate Environmental Impact Statement (EIS). It is my belief that the staff has failed to meet this obligation to date, thus impairing the ability of the Commissioners to make an informed decision on all available options.

Under the terms of SEPA, the staff is to present a "reasonable number and range" of alternatives to the Commissioners for consideration. WAC 197-11-440. Currently, County administrative staff preparing decision documents for the Commissioners have offered a total of ***one*** rural rezoning alternative to the status quo,[1] in addition to one alternative that affects only the cities of La Center and Battle Ground. This effectively hamstrings the Commissioners in terms of their authority and decision options, is contrary to a good public process, and violates Washington law. The EIS process (by the terms of the Washington Administrative Code and the Revised Code of Washington) is supposed to provide both the Commissioners and the public with "sufficient information for a reasoned choice among alternatives." *Solid Waste Alternative Proponents v. Okanogan County*, 66 Wn. App. 439, 442 (1992); *see also* WAC 197-11-440(5). One choice hardly accomplishes this legislative and judicial intent.

[1] http://www.clark.wa.gov/planning/2016update/alternatives.html

I believe the most legally defensible position is for the Commissioners to task the County staff with preparing an analysis of a reasonable range of at least four significant alternatives to the status quo, for a total of five alternatives upon which to judge future growth options for Clark County. Absent such a reasonable range of alternatives, I believe the CCCU has a strong position to litigate further process by Clark County as contrary to the spirit and intent of SEPA and Washington case law under SEPA.

I understand CCCU is prepared to offer, at a minimum, two alternative approaches to add to the upcoming GMP review so as to provide a responsible range of options that reflects genuine urban growth expectations over the course of the next 20 years. Not only are these alternatives appropriate under the terms of SEPA and the spirit of the EIS process, they are simply helpful to the Commissioners and allow them to exercise their inherent and legally granted power to rule on issues of public importance such as this.

I believe CCCU should ask that the Commissioners insist that the new alternatives to be proposed by CCCU be thoroughly analyzed by the County administrative staff in a neutral manner alongside the existing alternative, and be presented to the Commissioners as part of their decision regarding amendment of the GMP.

Should you have any questions about the legal basis of this perspective, please do not hesitate to call on me at any time.

Sincerely,

Zachary O. McIsaac

ZOM:tm

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: _____

Address: _____

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

to bad your main speaker
wasn't speaking plain english.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: _____

Other ways to comment:

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www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
E-mail your comment to us:	*Comprehensive Plan Alternatives*
comp.plan@clark.wa.gov	*P.O. Box 9810*
	Vancouver, WA 98666

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

Please fill out this sheet in ink and drop it in the comment box. **PLEASE PRINT CLEARLY.**

Name: Edith E

Address: 14502 NE Rawson Mill Rd Mailing P.O. Box 269 Brush Prairie WA 98606

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

We are very much in favor of the change of our forest land of 20 Acreas, changed from the 40 Ac. min to the 20 Acr. min. We bought before it was changed to 40. Also would like to be able to devide it!

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

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Name: SUSAN RASMUSSEN

Address:

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

to be included in the SEIS –

Poor selections of alternative plans! Only #2 impacts the rural lands. This is insufficient! The rural & resource lands do not have enough options represented for growth in the rural & resource lands.

Need to look at the historical patterns of development on the ground in the rural & resource lands. 17% of the parcels conform to their zoning. This is not a true reflection of what is on the ground.

Susan Rasmussen

Would you like to

E-mail address:

Other ways to co

Submit a comme
www.clark.wa.gov/

E-mail your comr
comp.plan@clark.v

Comments are d

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COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

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Name: OLGA Fabyanchuk

Address: # 179393000

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

This parcel is along I-5 and has huge noise level from freeway

Can you change it to mixed use zone?

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: OLGA@EquityGroup.com

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
E-mail your comment to us:	*P.O. Box 9810*
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Name: Jerry Winters

Address: 5420 Idaho St

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

At the Open house the only Job creation land I saw was BG 80A & Ridgefield 40A? where are Jobs going to be created.

I have 20 A Zoned A 20 w/ Industrial over lay. My frountage is 132 Ave, witch will become 137 Ave 503 Bypass. it need to be reclassed to Industrial. more Jobs!

20 A is 132 AVE & 119 ST one side Van. UGB one side Lagliers. Not Farmed, Open space.

For the Record! Thanks

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: deerfeeder@juno.com

Other ways to comment:

Submit a comment on the web: www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	***Submit a comment in writing:*** *Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

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☆ Requests response ☆

COMPREHENSIVE PLAN ALTERNATIVES INPUT FORM

October 2014

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Name: Christopher Rubin

Address: 6502 NE 139th St.

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

The proposed plan "Transportation - Arterial Atlas" displays 2 new streets intersecting with 139th st. This street is currently a busy street. It is on the urban growth boundary. The proposed streets will cause 139th to become busier than it currently is. my property is designated rural. I would like to propose that no "new" streets intersect w/ 139th. they should stay in the UGA and exit on to the east (72nd) + west (50th Ave). My quality of life has already been disrupted! I do not want to have 2 new streets intersecting in a rural Area!

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

Submit a comment on the web: www.clark.wa.gov/planning/2016update/comments ***E-mail your comment to us:*** comp.plan@clark.wa.gov	***Submit a comment in writing:*** *Clark County Community Planning* *Comprehensive Plan Alternatives* *P.O. Box 9810* *Vancouver, WA 98666*

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Name: Matt Groves

Address: PO Box 70052, Vancouver, WA 98685

Open house location: ☒ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☐ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

I would like to see the option of Cluster Lots for land zoned in AG-20 +AG10 ~~50~~ if the land is developed, the majority of it can still be dedicated to ag.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address: mattfrompdx@gmail.com

Other ways to comment:

Submit a comment on the web:	***Submit a comment in writing:***
www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
E-mail your comment to us:	*Comprehensive Plan Alternatives*
comp.plan@clark.wa.gov	*P.O. Box 9810*
	Vancouver, WA 98666

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October 2014

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Name: Robert R. & JANice A Tettit

Address: 3402 N.W. 217th Way Ridgefield, Wash. 98642

Open house location: ☐ October 29, Gaiser Middle School, 3000 NE 99th Street, Vancouver

☒ October 30, Clark County Fire & Rescue, 911 N. 65th Avenue, Ridgefield

Comment:

We are the only ones on our side of 31st that have to have 20 acres. We have 5 house just down our drive way alone.

Would you like to be added to our notification list? If so, please print your E-mail address clearly below:

E-mail address:

Other ways to comment:

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www.clark.wa.gov/planning/2016update/comments	*Clark County Community Planning*
	Comprehensive Plan Alternatives
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O'Donnell, Mary Beth

7224564

CP16#0416

From: Anderson, Colete
Sent: Friday, October 31, 2014 1:36 PM
To: Alvarez, Jose
Cc: 'cfarrell@fjarch.com'; Mitch Kneipp (City of Washougal); O'Donnell, Mary Beth
Subject: Parcels 130538000 and 130544000

Follow Up Flag: Follow up
Flag Status: Flagged

Jose
(via phone)
Mr. Farrell is requesting a zoning designation of R1-6 for both parcels noted above. Parcel 130538000 appears to have two zoning designations (R1-15 and R1-6).
Parcel 13054400 is currently zoned R1-15. We discussed that both parcels would have Urban Holding 10 overlay and that he would need to apply to the City of Washougal to discuss future annexation plans.

Would you please add Mr. Farrell's request into the record?

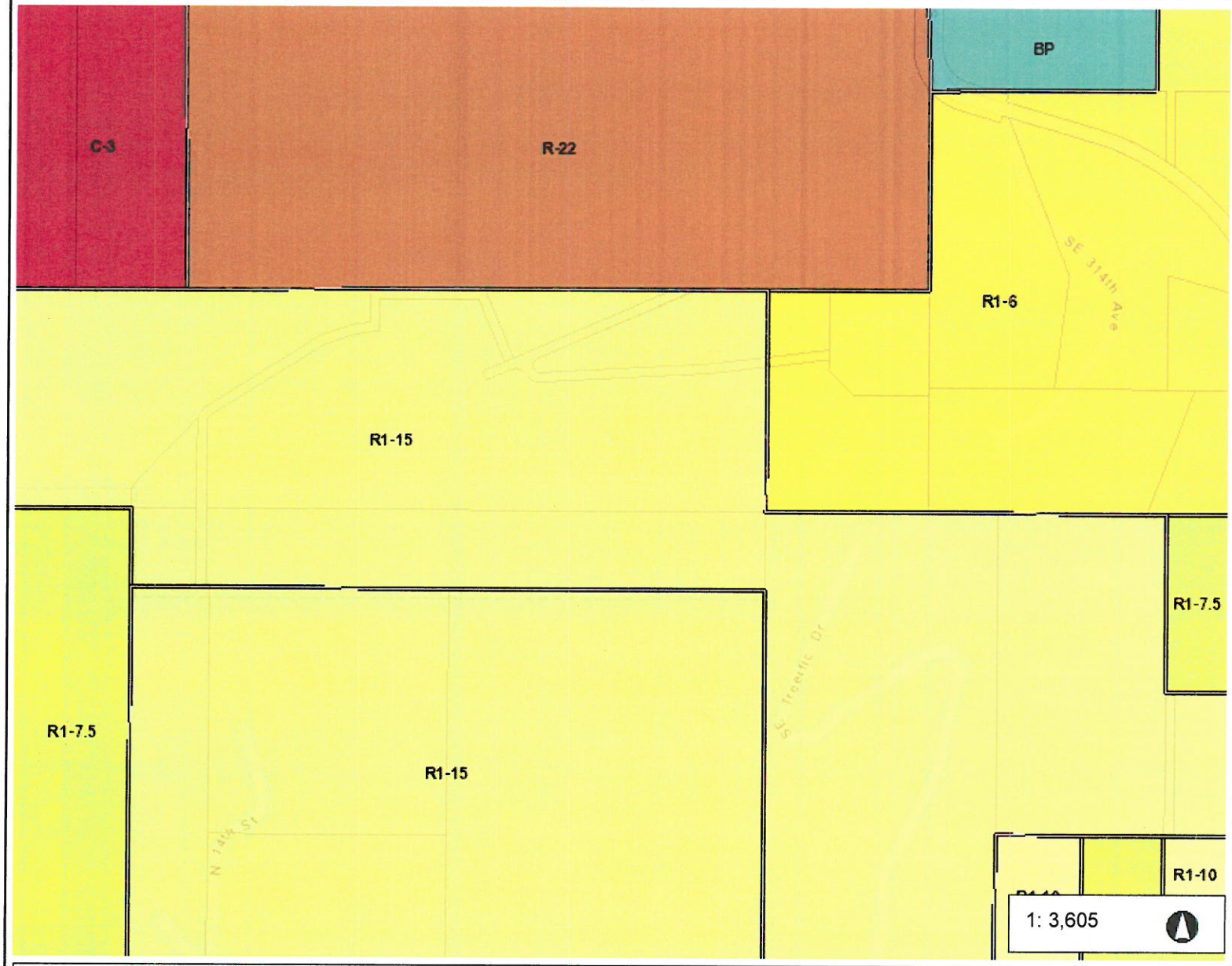
Thank you!

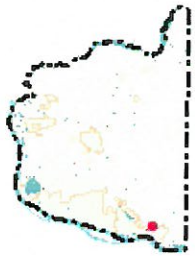
Colete Anderson
Clark County Community Planning
360-397-2280 ext.4516
www.clark.wa.gov/planning

Like the Commission on Aging on Facebook!

11 x 8.5 landscape.pdf

C Farrell





Legend

- Zoning - Outline
- Zoning
  - Single-Family residential (R1-20, R
  - Single-Family residential (R1-15, R
  - Single-Family residential - 12 (R-12
  - Single-Family residential (R1-10, R
  - Single-Family residential (R1-7.5, R
  - Single-Family residential (R1-6, R-6
  - Single-Family residential (R1-5, R-
  - Residential (R-12, R12)
  - Residential (R-18, MF-18)
  - Residential (R-22, AR-22)
  - Residential (R-30)
  - Residential (R-43)
  - Office residential-15 (OR-15)
  - Office residential-18 (OR-18)
  - Office residential-22 (OR-22)
  - Office residential-43 (OR-43)
  - Neighborhood commercial (C-2, C1
  - Community commercial (C-3, C2, C
  - General commercial (GC, CG)
  - Mixed use (MX)
  - Business park (BP, OFF)
  - Light industrial (IL, ML, LI, IND, LI/E

Notes:

130538000 - split zone

600.8 0 300.39 600.8 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - http://gis.clark.wa.gov

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this infromation.

O'Donnell, Mary Beth

From: Mitch Kneipp <Mitch.Kneipp@cityofwashougal.us>
Sent: Monday, November 10, 2014 4:22 PM
To: Anderson, Colete; Alvarez, Jose
Cc: 'cfarrell@fjarch.com'; O'Donnell, Mary Beth
Subject: RE: Parcels 130538000 and 130544000

Follow Up Flag: Follow up
Flag Status: Flagged

I'd like to point out for consistency that the City of Washougal does NOT have an R1-6 zoning designation.

Mitch Kneipp | Community Development Director | City of Washougal
City Hall | 1701 C Street | Washougal, WA 98671 | 360.835.8501 Ext.604 | FAX 360.835.8808

From: Anderson, Colete [mailto:Colete.Anderson@clark.wa.gov]
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www.clark.wa.gov/planning

Like the Commission on Aging on Facebook!

This e-mail and related attachments and any response may be subject to public disclosure under state law.

O'Donnell, Mary Beth

CP16#0418

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 03, 2014 9:05 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: No humility, No Professionalism=No Integrity

Follow Up Flag: Follow up
Flag Status: Flagged

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Friday, October 31, 2014 10:48 AM
To: Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed; cnldental@yahoo.com; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Subject: Re: No humility, No Professionalism=No Integrity

FOR THE PUBLIC RECORD; and SEIES Clark County comprehensive plan updates

Dear Commissioners;

ast night's open house in Ridgefield was outright insulting to the rural communities, and their citizens. I saw olks driving around the firehouse two and three times looking for places to park. I saw folks give up and drive away. Inside, the conditions were about as bad as they could get. Seating was provided for less that half. The majority of folks were left standing. Most of them were seniors. Oliver wasn't prepared to speak with a microphone. Didn't bother with welcoming the citizens. No introductions were made. Folks were at a loss as to who was making the presentation and the specifics for the evening's agenda. One lady finally intervened and stopped him. She politely asked who he was, what his position is with the county, what made him qualified to speak before the citizens.

Needless to say, things proceeded downhill from there. Despite Oliver saying he wasn't going to take questions, people were raising hands and demanding answers. One question from a senior lady asked about the many non-conforming lots, and the massive downzoning that had occurred 20 yrs. ago. I asked why we are only presented with three alternatives? Oliver said, "That is a very good question. Ask the commissioners. That was their decision." Many folks couldn't hear and were tired of standing. People were leaving. This was not a successful open house.

The rural citizens are skeptical of the planners, and rightfully untrusting. They don't care much for the planner's insulting attitudes directed at them, and demonstrated in the single alternative plan that even acknowledges rural lands. This attitude assumed by the planners and directed towards the rural communities couldn't be camouflaged last night. They shouldn't have been caught entirely unprepared in addressing the many concerns of the rural citizens.

There is a high degree of professionalism, humbleness and modesty that citizens rightfully expect from their county planners. By law, their work must not be biased. Remarkably, the work of the Clark County planning

staff doesn't support any of these highly valued attributes. Thus, the work is done without any regard to integrity at every level of performance.

Ike, the lead fellow from the Dept. of Commerce for the Western Washington comp. plan updates, was in attendance last night. He has oversight about how the county is proceeding on the updates to the comp. plan and compliance to GMA, SEIS regulations. He witnessed last night's events.

Best to you, and Happy Halloween to you and your families,
Susan Rasmussen
Sent from Windows Mail

From: susan rasmussen
Sent: Thursday, October 30, 2014 1:09 PM
To: Silliman Peter, david.madore@clark.wa.gov, tom.mielke@clark.wa.gov, ed.barnes@clark.wa.gov, cnldental@yahoo.com, Leah Higgins, Rick Dunning, Rita Dietrich, Jerry Olson, Fred Pickering, Jim Malinowski, Frank White, Benjamin Moss, Lonnie Moss, Melinda Zamora, Nick Redinger, Curt Massie, Marcus Becker, Zachary McIsaac, Clark County Citizens United Inc.

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Last night, the planners presented another open house. This was well attended. However, there were no opportunities made available to the public to have open discussions, questions answered, and concerns voiced. It is my understanding that these open houses provide the appropriate forums in which the citizens may openly collaborate. These presentations are falling way short of their goals.

It was very evident at your last work session with Oliver that nobody is at the table to represent the interests and futures of the rural communities and their citizens.
According to the Rural Development Council, this methodology is obsolete. The rural communities and their citizens need representation for their interests and future designs. This community requires equal standing among the local jurisdictions. This ensures that the rural communities get their fare share of good family-wage jobs. These jobs help to create the solid foundation that supports a diverse, and robust rural economy. In turn, a hearty rural economy sustains the all important rural character (per GMA). According to the Dept. of Commerce, (Terry Lawhead), the responsibility of representation for rural interests falls to the County by default.

The rural communities and their citizens are continually ignored. This is not only immoral, it is unlawful. Last night, Gordy Euler told me the three alternative plans came directly from the Commissioners. Gordy said, "Talk to them if you don't like the plans." I am appealing to the Commissioners to assume the controls of this plan...your are the bosses. Navigate towards a future with hearty growth in mind... for jobs, housing, rural lifestyles, hobby farms, very small to small farms, and small family-forestry farms.

All of this is supported in written details in the Situation Assessment, Berk Report, 2012. This report clearly shows the changing face of agriculture in Clark County and how it has evolved over the past 20 years. Farming in Clark County is no longer agriculture in the traditional sense of large farms. Present and future trends need to be acknowledged and the proper changes to the comprehensive plan need to reflect this.

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Monday, November 03, 2014 10:12 AM
To: Barnes, Ed
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: RE: No humility, No Professionalism=No Integrity

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Commissioner:

This is outright insulting and need to stop. If Susan and Carol organized the disruption at the Open House meeting in Ridgefield they did not succeed. Staff was very professional and answered questions relating to the plan update and a handful of citizen came afterwards to compliment county staff.

Best Regards,

Oliver

From: LaRocque, Linnea **On Behalf Of** Barnes, Ed
Sent: Monday, November 03, 2014 9:05 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: No humility, No Professionalism=No Integrity

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To: Silliman Peter, david.madore@clark.wa.gov, tom.mielke@clark.wa.gov, ed.barnes@clark.wa.gov, cnldental@yahoo.com, Leah Higgins, Rick Dunning, Rita Dietrich, Jerry Olson, Fred Pickering, Jim Malinowski, Frank White, Benjamin Moss, Lonnie Moss, Melinda Zamora, Nick Redinger, Curt Massie, Marcus Becker, Zachary McIsaac, Clark County Citizens United Inc.

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Last night, the planners presented another open house. This was well attended. However, there were no opportunities made available to the public to have open discussions, questions answered, and concerns voiced. It is my understanding that these open houses provide the appropriate forums in which the citizens may openly collaborate. These presentations are falling way short of their goals.

It was very evident at your last work session with Oliver that nobody is at the table to represent the interests and futures of the rural communities and their citizens.
According to the Rural Development Council, this methodology is obsolete. The rural communities and their citizens need representation for their interests and future designs. This community requires equal standing among the local jurisdictions. This ensures that the rural communities get their fare share of good family-wage jobs. These jobs help to create the solid foundation that supports a diverse, and robust rural economy. In turn, a hearty rural economy sustains the all important rural character (per GMA). According to the Dept. of

O'Donnell, Mary Beth

7224622
CP16#0422

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 03, 2014 9:04 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: landowner

Follow Up Flag: Follow up
Flag Status: Flagged

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Friday, October 31, 2014 4:24 PM
To: Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed
Subject: landowner

Hi Peter,

The lady that asked Oliver at the meeting as to what the county was going to do with all of the 5 acre lots in the rural area, was Kay Dalke. She was a Bank Executive and her husband owned and operated Bill's Saw Shop in Amboy, until they retired and sold the shop. Bill's Saw Shop was the primary, and maybe the only logging supply in Clark County, specializing in chain saws, logging equipment, chainsaw and small engine repair and sales of small equipment. She and he are very well known in the community. Susan said she was just shaking, when she left that meeting.

Best Regards, Carol

O'Donnell, Mary Beth

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 03, 2014 9:02 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Clark County Comp. Plan, resulting impacts

Follow Up Flag: Follow up
Flag Status: Flagged

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Saturday, November 01, 2014 6:06 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Rick Dunning; Jim Malinowski; Jerry Olson; Leah Higgins; Lonnie Moss; Marcus Becker; Curt Massie; Rita Dietrich; Clark County Citizens United Inc.
Subject: Fw: Clark County Comp. Plan, resulting impacts

For the Public Record in the SEIS scoping report for the 2016 Comp. plan updates

Sent from Windows Mail

From: susan rasmussen
Sent: Saturday, November 1, 2014 5:31 PM
To: susan rasmussen

Hello Ike,

Thank you for attending the open house in Ridgefield Thursday evening and for giving your attention to Carol and myself regarding the comp. plan updates for our county.

The significant turnout of rural citizens that came to the open house is very telling. This update is of great importance to the rural land owners throughout Clark County. Our properties have been frozen since 1994. Most land owners are coming forward and demanding relief in the form of options, some kind of flexibility. Most land owners experienced massive downzoning referenced by the comments early in the open house by Mrs. Kay Dalke. The 1994 comp. plan abolished our options, destroyed historical cultural practices allowing family members to reside as well as work on the family farm, and wiped out historical patterns of rural development. This is significant as it directly impacts the bottom lines all family farms, and forestry operations throughout Clark County.

The particular actions stemming from the 1994 Clark County Comp. plan regarding massive downzoning of rural and resource lands, have had direct and harsh consequential impacts to every landowner in Clark County. These impacts not only taint the rural communities and their citizens, but local and regional economies as well that largely depend on the already financially fragile resource industries. It isn't coincidental that the negative social and economic impacts directly correspond with the downward trend of large commercial farm and forestry activities. More importantly, over time the cumulative negative economic

and social impacts directly undermine and further weaken the fragile resource-related economic foundation that, in turn, supports the all-important, "rural character," (per GMA).

Any economist will agree that this isn't the kind of situation that supports a sustainable, robust economy. This recipe won't sustain any economy. By their very nature, resource industries are highly susceptible to unstable market conditions, and highly volatile market fluctuations. It is imperative that the resulting impacts of the massive downzoning be addressed. The harsh realities of the social and economic impacts, directly tied to the 1994 Clark County land use plan, have proven to undermine rather than enhance a sustainable rural economy. Therefore, the county's present land use plan does not support, "rural character," per GMA.

Many barriers were crafted and put into place as ordinances that forced landowners into locking up their land into undesired very large parcels. Most of these large parcels do no conform to historical neighboring development patterns that were already in place prior to the adoption of the 1994 plan. This has resulted in a mere 17% of the lots being in conformance to their zoning size (Berk Study, 2012).

The Berk Study goes further, and makes recommendations to the following:

> **"Smaller parcel size for resource only. This would allow a smaller parcel to be created but only for resource uses. This would recognize the trend for smaller agricultural and forestry operations and allow for flexibility in in ownership options."**

The Clark County Comp. Plan was obsolete upon adoption. By 1990, many large commercial dairy farms had already migrated out of the area. The county had app. 20 that remained operational. Their commercial viability already was questionable due to many prime issues:

1. Many supporting businesses of this industry were no longer located within the county,
2. The rising costs of transporting this highly perishable commodity out of the county to the nearest processing plant. (Portland, Centralia, Tillamook)
3. Nearly all high quality feed required for dairy cattle had to be imported into the county. (high quality alfalfa hay, and high protein grain supplements)
4. Highly restrictive environmental regulations were not only unpredictable, but very expensive to implement. Engineering, and grant funding to help offset these major expenses was in little to no supply. ($100,000. for a manure holding pond)
5. Nearly every large dairy farm had more than one seasonal stream, creek, or river that bisected the farm. This fact compounded the environmental constraints.
6. The environmental regulations from ESA required removing valuable farm, and timber lands from production in order to meet the requirements of dedicated buffering zones.
7. The Federal Clean Water regulations, NPDES permits, ESA, and the Clark County code regulations were becoming increasingly more impactful to the economic bottom lines of every commercial farm and forestry operation in Clark County.
8. The inherent volatile economics of the resource based industries (farming, timber).
9. The rapid conversion of rural and resource lands was already occurring. The cities and the rapid population expansion was already advancing into the rural lands.
10. As large farming operations were migrating out of the rural lands, families were migrating into rural Clark County seeking to live a rural lifestyle on very small to small farms. Retired people were also settling here. The average age of a Clark County farmer is 55.

11. The present and future farming trends of Clark County, documented in the Berk Study 2012, clearly demonstrates a need to accommodate, "very small to small farms." This fact is further upheld in the U. S. Farm Census Report. Small farms are 5 acres.

Lewis County was commended in the Courts for recognizing the present and future needs of the large dairy industry in their county comp. plan. They wisely acknowledged the outward migration. They wisely acknowledged how this migration would ultimately impact the county's large parcels of resource lands. They employed analysis regarding the present and future trends of this industry. The planners used this analysis and astutely made adjustments to the resource lands. These adjustments correctly recognized the unique local circumstances, and the ability to employ discretion and discernment to those valued local circumstances (per GMA). This is important. Those local circumstances provide the only true guidance tools that compose the community's needs, desires, and trends. The techniques and policies used ultimately supported justification of Lewis County's land use trend towards smaller resource parcels. Lewis County planned accordingly...not by a preconceived agenda. This resulted in a well-crafted plan that truly reflected the community's uniqueness.

My questions to you Ike...

1. Why did the Clark County 1994 comp. plan wrongly ignore the migration out of the

   many large dairy farms?
2. Why haven't updates been made to the county resource lands to reflect the social and economic impacts of the land use plan?
3. Why haven't updates been done to reflect Clark County's unique local, present and future trends that clearly demonstrate trends towards, "very small to small farms?"
4. Why haven't the Superior Court Orders written by Judge E. Poyfair, Cause No. 96-2-00080-2, April 4, 1997 been recognized by the county planners?
   "The Board's interpretation was erroneous and the County's decision to follow the Board's lead was unfortunate. The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA."

My best to you,
Susan Rasmussen,
for the Board of Directors,
Clark County Citizens United, Inc.

From: susan rasmussen
Sent: Monday, October 20, 2014 11:58 AM
To: ike.nwankwo@commerce.wa.gov

Hello Ike,
Thank you for giving me your time this morning and discussing our issues with you. The court case I referenced is No. 96-2-0080-2, Judge Poyfair, April 4,
1997, Superior Court of Washington for Clark County: Findings of Fact, Conclusions of Law and Order:

Pg. 3, lines 9-13: "However, none of the alternatives for planning addressed in the environmental review document discussed the 36,000 acres of agri-forest resource land." There has never been an EIS done on the 36,000 acres.

Pg.4, lines 23-3: "The Board erroneously interpreted and applied the GMA when it failed to require the agri-forest resource lands meet the statutorily mandated criteria for resource lands. Furthermore, there is no substantial evidence in the record to support the designation of agri-forest lands as resource lands under the GMA."

Pg. 5, #6: "The County failed to comply with SEPA's requirement for additional environmental review when a proposal changes substantially from the one addressed in the initial EIS. 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."

Pg. 6, #7: "Rural Land Densities. The county's rural and resource development regulations are inconsistent with the GMA. The GMA requires counties to determine that planning goals are utilized and are a part of the consideration supporting its decisions. One of the
planning goals requires a variety of residential densities and housing types, which the Clark County Comm. Framework Plan met by identifying pre-existing small development patterns in rural areas and creating rural activity centers with 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". ..."This Board decision , however, compelled the county to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements." (This resulted in the creation of thousands of non-conforming lots)

Pg. 6: "The Board's interpretation was erroneous, and the County's decision to follow the Board's lead was unfortunate. The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA." Clark County Citizens United, Inc. is requesting that this Superior Court Order be respected and implemented in the current updates to the county's comp. plan.

Best Regards,
Susan Rasmussen for the Board of Directors,
Clark County Citizens United, Inc.

O'Donnell, Mary Beth

722579

CP16#0427

From: Tilton, Rebecca
Sent: Wednesday, November 05, 2014 11:21 AM
To: Mielke, Tom; Madore, David; Barnes, Ed; Orjiako, Oliver; O'Donnell, Mary Beth; Silliman, Peter
Subject: Written Comments re: Comp Plan Update
Attachments: Carol Levanen comments_110414.pdf

Hello,

Please find attached written testimony received during the public comment portion of the Board's November 4, 2014 hearing from Carol Levanen.

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Board
Board of Clark County Commissioners
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE: 360-397-2232, ext. 4305 | E-MAIL: Rebecca.Tilton@clark.wa.gov

Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

October 28, 2014

Re: **Rural Representation and the 2016 Comprehensive Plan (For the public record)**

In RCW 36.70A.035 Public participation, the GMA directs counties (1)*The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to* ***property owners*** *and other affected and interested individuals.....* In **RCW 36.70A.140 Comprehensive plans - Ensure public participation**, it states, *Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services and consideration of and response to public comments.*

Ridgefield, with 4,763 people, La Center, with 2,800 people, and Yacolt, with 1,566 people, (2010 US Census), have been able to give early and continuous participation in the Comprehensive Plan update. A representative from each city sits at the table with commissioners to discuss their wants and needs. Clark County Citizens United, Inc. representatives, speaking for approximately 6,000 rural landowners, equal to Ridgefield's and La Center's population combined, come forward in the process and are told to speak to Futurewise, a Seattle environmental group, to discuss what to do with rural lands. Are rural people invisible in Clark County? Do those living in three fourths of the county land mass, not count? The GMA, often discusses the importance of property owners participation, yet staff and the commissioners discussions have centered on the cities.

The proposals brought by staff ,for three alternatives presented in the SEIS, were created long before rural people could consider possible changes to the 2016 Comprehensive Plan. Staff hangs their hat on the Rural Task Force and a survey that went to a select rural population, who all said smaller lot sizes. But, staff defined that to mean only changes to resource lands with parcel sizes of 10 and 20 acres, ignoring the rural areas. Their excuse is that they don't want an appeal.

After 20 years, the county commissioners can no longer ignore the needs and wants of rural people and the rural economy. They can no longer ignore that almost 100% of the rural land parcels are much smaller than allowed in their zones and the changing face of agriculture and forestry in the county and nation. The commissioners must balance the rural land needs with the cities in the 2016 Comprehensive Plan. Cities are not required to have people come forward, en mass, to support their position, nor should rural representatives. This in not the intent of the GMA.

Clark County Citizens United, has presented often, for the wants and needs of rural people. We ask the Board of Commissioners to reconsider the staff proposal, to better meet those concerns.

Sincerely,
Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P. O. Box 2188, Battle Ground, Washington, 98604

Sent from my Windows Phone

72258 0
CP16#0428

From: susan rasmussen
Sent: 11/7/2014 2:33 PM
To: Wilson, Jeff (COM)
Cc: cnldental@yahoo.com; Leah Higgins; donaldmcisaac@msn.com; Jerry Olson; Jim Malinowski; Nick Redinger; Lonnie Moss; Marcus Becker; david.madore@clark.wa.gov; ed.barnes@clark.wa.gov; tom.mielke@clark.wa.gov; Silliman Peter; Curt Massie; Rick Dunning; Rita Dietrich; Zachary McIsaac; Fred Pickering; Frank White; Benjamin Moss; Melinda Zamora
Subject: Clark County comp. plan

Hello Jeff,
I'm hoping that you are able to provide guidance here on several issues that we are having regarding the updates to Clark County's comprehensive plan.

Our issues of concern;

1. Are the planners required to provide only one "alternative" that addresses concerns for the rural and resource lands?
2. Are the planners required to address the issues in the Superior Court Orders, No. 96-2-00080-2? In particular, Judge Poyfair's orders as written:

"The Board's interpretation was erroneous, and the County's decision to follow the Board's lead was unfortunate. The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of of the GMA. "

Judge Poyfair was correct in his Superior Court Orders written in 1997. Only 17% of rural parcels comply with their zoning size. This has never been corrected. We have inventoried thousands of parcels in the county's rural and resource lands. We have documented 100% nonconforming lots in many sections. The first question posed to the county planner (Oliver Orjiako), at the open house Oct. 30 concerned the many nonconforming lots (Mrs. Dahlke). We have been trying to work with the county planners to bring them into compliance with the Superior Court Orders of this case. We are continually rebuffed. Clark County planner Gordy Euler indignantly says, "**What difference does it make?"**

Jeff, do you have any suggestions here to help us get the attention of the county planners and get them to respond to the needs and concerns of the rural communities, and their citizens? How can we best get them to respond to the Superior Court Orders and make the necessary corrections to the comp. plan updates that reflect the orders written by Judge Poyfair?

Any guidance you may have to offer would be greatly appreciated. Despite a long phone conversation with Ike Oct. 20, a personal conversation at the open house Oct. 30 in Ridgefield (with Carol Levanen), and several emails....I can't seem to get his attention.
He may not have an understanding of our court action since he asked at the Ridgefield open house, "Where is the appeal?" I gave him a hard copy of the Superior Court Orders Oct. 30.

Sincerely,
Susan Rasmussen, on behalf of the Board of Directors,

O'Donnell, Mary Beth

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 10, 2014 8:47 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Clark County comp. plan

Follow Up Flag: Follow up
Flag Status: Flagged

I'm not sure you need this one.

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Friday, November 07, 2014 2:46 PM
To: Jeff.Wilson@commerce.wa.gov
Cc: cnldental@yahoo.com; Leah Higgins; donaldmcisaac@msn.com; Jerry Olson; Jim Malinowski; Nick Redinger; Lonnie Moss; Marcus Becker; Madore, David; Barnes, Ed; Mielke, Tom; Silliman, Peter; Curt Massie; Rick Dunning; Rita Dietrich; Zachary McIsaac; Fred Pickering; Frank White; Benjamin Moss; Melinda Zamora
Subject: Re: Clark County comp. plan

Hello Jeff,
We appreciate your attention to our concerns.

Sincerely,
Susan Rasmussen,
Clark County Citizens United, Inc.

Sent from Windows Mail

From: Jeff.Wilson@commerce.wa.gov
Sent: Friday, November 7, 2014 2:40 PM
To: susan rasmussen
Cc: cnldental@yahoo.com, Leah Higgins, donaldmcisaac@msn.com, Jerry Olson, Jim Malinowski, Nick Redinger, Lonnie Moss, Marcus Becker, david.madore@clark.wa.gov, ed.barnes@clark.wa.gov, tom.mielke@clark.wa.gov, Silliman Peter, Curt Massie, Rick Dunning, Rita Dietrich, Zachary McIsaac, Fred Pickering, Frank White, Benjamin Moss, Melinda Zamora

Ms. Rasmussen,

Thank you for writing regarding the planning efforts in Clark County. I am trying to catch up on your emails and schedule some time with Ike to discuss your questions. We have not had an opportunity to connect in any detail due to scheduling conflicts, however I hope he and I can discuss next week. I appreciate your patience to allow Ike and I to talk. I will ensure that Ike responds to as soon as we are able to connect.

Regards,
Jeff Wilson

Clark County Citizens United, Inc.

Sent from Windows Mail

From: susan rasmussen
Sent: Friday, November 7, 2014

Sent from Windows Mail

O'Donnell, Mary Beth

7225 81

CP16#0429

From: NoReply@Clark.Wa.Gov
Sent: Monday, November 10, 2014 4:02 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Follow Up Flag: Follow up
Flag Status: Flagged

Following comments were submitted online:

Parcel No:

Subject: Rural Character IGNORED

Comments:
The GMA gives much value to rural character, and each county's unique characteristics....that is why much discretion is given to local jurisdictions in defining their area's ,"rural character." Rural Character means to acknowledge the historical existing and preferred patterns of land use and development. Clark County's comp. plan has ignored existing patterns of land use throughout the rural and resource lands. Judge Edwin Poyfair was correct in the Superior Court Orders written in 1997, No. 96-2-00080-2: "The Board's interpretation was erroneous and the County's decision to follow the Board's lead was unfortunate. The esult is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA."
When will the Superior Court Orders be respected, and the necessary corrections made to the rural and resource lands?

Submitted by:
Peter Rasmussen

Email: sprazz@outlook.com

Address:

Ridgefield, WA

O'Donnell, Mary Beth

722582

CP16#0430

From: NoReply@Clark.Wa.Gov
Sent: Monday, November 10, 2014 3:42 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Follow Up Flag: Follow up
Flag Status: Flagged

Following comments were submitted online:

Parcel No:

Subject: U-H and U-R overlays

Comments:
Many parcels zoned UR and UH have been in that condition nearly 20 years. In these situations, and there are many, the county is using the overlay designations not as a planning tool, but rather a land use zone. This is against GMA. The county needs to provide relief to those many land owners and remove the overlays. The rural parcel sizes should all be examined. The rural parcels should go down to 1-2.5, and 5 acre lots. Properties south of NE 219th shouldn't be larger than 2.5 acres. Predominant parcel sizes should be examined throughout Clark County....use this as a standard and apply this to all resource and rural lands.

Submitted by:
susan rasmussen

Email: sprazz@outlook.com

Address:

Ridgefield, WA

O'Donnell, Mary Beth

CP16#0431

From: Orjiako, Oliver
Sent: Wednesday, November 05, 2014 8:51 AM
To: Euler, Gordon; Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: Write your Commissioner/Ruud Van der Salm

Just FYI

-----Original Message-----
From: Madore, David
Sent: Tuesday, November 04, 2014 4:15 PM
To: Orjiako, Oliver
Subject: FW: Write your Commissioner/Ruud Van der Salm

-----Original Message-----
From: ruudster19@aol.com [mailto:ruudster19@aol.com]
Sent: Friday, October 24, 2014 7:59 AM
To: Cnty Board of Commissioners General Delivery; Mielke, Tom; Madore, David; Barnes, Ed
Subject: Write your Commissioner

Internet Form Results:

FORM: emailform.asp
FORM submitted at 10/24/2014 7:59:26 AM

First Name: Ruud
Last Name: van der Salm
Phone: UNANSWERED
Email: ruudster19@aol.com
Address: 3707 NE 100th Circle
City: Vancouver
State: WA
Subject: Proposed zone changes to AG 20
Message: Dear Commissioners,

Upon receiving our surveys in the fall of 2013, i wrote the following to Clark County (commplan@clark.wa.gov):

"To Whom it may concern,

/e received your survey regarding the size of AG-20. As a land owner we would like to have the option of being zoned AG-10. However, what are the end results of such a switch. Would we see a higher property valuation (even in Current Use)? The higher the taxes on AG land and the more encroachment, the more

pressure to move agriculture operations out of the county. We've been here since 1981 and we would like to stay here.

The second question is " I would prefer the flexibility of clustering new lots in a corner of my property." What does this mean exactly and what options would it give us and at what cost?"

I never received a reply and thus did not fill out our survey cards.

In January, Mr. Madore asked Mr. Van Nortwick if there was any way to avoid property tax increases with the proposed zone changes.

"(Mr Madore) asked Van Nortwick if there were any alternatives.

"No," Van Nortwick said. "Because, David, what you are doing is you're making their property more valuable. And when you make their property more valuable, the percent of the total value of the county goes up, and that's why it shifts over. You're only going to get that property tax shift if you actually increase the value of their property," Van Nortwick said.

Madore asked whether it's fair to increase taxes based on the potential for the property to be subdivided.

"Yes," Van Nortwick said. "Because the potential is what people are paying for . people buy lots because of the potential to buy a home.""

To me it looks like these proposed zone changes will benefit those who want to stop farming in Clark County and the developer/construction industry. This proposal would tax those farms wanting to continue their business in Clark County more. Am i wrong in this assessment?

Sincerely,
Ruud van der Salm

Clark County Form Mailer, 2014

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Wednesday, November 05, 2014 11:20 AM
To: 'ruudster19@aol.com'
Cc: O'Donnell, Mary Beth
Subject: Write Your Commissioner

Dear Ruud Van der Salm:

Your email correspondence was forward to me so it can be included in the 2016 comp plan index. County staff will index your comment. I will however, suggest that you also contact the County Assessor (Peter Van Nortwick) at the County Assessor's Office. The phone number is 397-2391. He or someone in his shop will be able to answer your questions relating to property tax and the potential tax implications of the proposed changes in Agriculture and Forest zones. The county is proposing to reduce the minimum parcel size in Agriculture from 20 t0 10 and in Forest Tier II from 40 to 20. I hope this is helpful. Please, let me know if you have any further questions. Thanks.

Kind Regards,

Oliver

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Thursday, November 06, 2014 10:25 AM
To: Alvarez, Jose; O'Donnell, Mary Beth
Cc: Orjiako, Oliver
Subject: FW: 2016 Comp Plan comments submitted

Jose/Mary Beth:

This is both for the SSR list and the comp plan index. Thanks.

Gordy

-----Original Message-----
From: Cnty 2016 Comp Plan
Sent: Thursday, November 06, 2014 9:40 AM
To: Orjiako, Oliver; Euler, Gordon
Subject: FW: 2016 Comp Plan comments submitted

Comp Plan Inbox comment below

-----Original Message-----
From: NoReply@Clark.Wa.Gov [mailto:NoReply@Clark.Wa.Gov]
Sent: Wednesday, November 05, 2014 2:27 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 182609000

Subject: Requested zoning changes

Comments:
The current proposal 2 has our parcel going from AG-20 to AG-10. We believe our parcel (6AC) should be zoned Rural-5, as are many surrounding parcels in the area. Please consider changing the proposed zoning in our area for parcels under 10AC to Rural-5 from AG-10. The parcel is too small to farm and Rural-5 gives us more flexibility for use. Thank you.

Submitted by:
Kurt and Peggy Olds

Email: pegolds11@gmail.com

Address:

O'Donnell, Mary Beth

CP16#0433

From: rec1130@comcast.net
Sent: Friday, November 07, 2014 12:26 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Growth Plan - Property ID 196181000

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

Property ID: 196181000
Address: 15500 NE 72ND AVE

I received notification that my property, which is currently zoned UR-10, may be rezoned to R-5. I would like to express my opinion that with all of the growth that has gone on around our property, I hope that this will pass and the property will be rezoned to R-5 (or even smaller). What do I need to do to help ensure that this change will occur?

Thanks for your time.
Russell E Carpio

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Thursday, November 13, 2014 9:54 AM
To: 'rec1130@comcast.net'
Cc: O'Donnell, Mary Beth
Subject: FW: 2016 Comp Growth Plan - Property ID 196181000

Russell:

Thanks for the inquiry. Urban reserve is technically an overlay, even though there is an urban reserve zoning section (Section 40.210.040) in the county code. The proposal for the comprehensive plan update is to make urban reserve a true overlay. This means all parcels will have a rural zoning designation with an urban reserve (UR) overlay.

The bottom line is that nothing is going to change, land use-wise, with regard to your property. Your parcel would be zoned R-5 with a UR-10 *overlay*, and for land use you would continue to be subject to the urban reserve section of the code.

Gordy Euler
Clark County Community Planning

From: Cnty 2016 Comp Plan
Sent: Wednesday, November 12, 2014 12:43 PM
To: Orjiako, Oliver; Euler, Gordon; Alvarez, Jose
Subject: FW: 2016 Comp Growth Plan - Property ID 196181000

From the comp plan inbox. For your response.

MB

From: rec1130@comcast.net [mailto:rec1130@comcast.net]
Sent: Friday, November 07, 2014 12:26 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Growth Plan - Property ID 196181000

Hi,

Property ID: 196181000
Address: 15500 NE 72ND AVE

I received notification that my property, which is currently zoned UR-10, may be rezoned to R-5. I would like to express my opinion that with all of the growth that has gone on around our property, I hope that this will pass and the property will be rezoned to R-5 (or even smaller). What do I need to do to help ensure that this change will occur?

Thanks for your time.
Russell E Carpio

O'Donnell, Mary Beth

CP16 #0435

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 10, 2014 9:29 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: Clallam County Code: 31.06 WESTERN REGIONAL COMPREHENSIVE PLAN

Follow Up Flag: Follow up
Flag Status: Flagged

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Monday, November 10, 2014 9:19 AM
To: Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Carol Levanen; Clark County Citizens United Inc.; Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed
Subject: Fw: Clallam County Code: 31.06 WESTERN REGIONAL COMPREHENSIVE PLAN

----- Forwarded Message -----
From: susan rasmussen <sprazz@outlook.com>
To: "cnldental@yahoo.com" <cnldental@yahoo.com>
Sent: Saturday, November 8, 2014 9:20 PM
Subject: Clallam County Code: 31.06 WESTERN REGIONAL COMPREHENSIVE PLAN

Clallam County Code: 31.06 WESTERN REGIONAL COMPREHENSIVE PLAN

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Chapter 31.06
WESTERN REGIONAL COMPREHENSIVE PLAN

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31.06.010 RPC vision statement.

The Western Clallam County Regional Planning Commission (RPC) is a planning commission formulated by joint agreement of Clallam County and the City of Forks. Its mandate is to create a comprehensive land use plan for an area in Western Clallam County that is defined by the borders of the Quillayute Valley School District, as detailed in the attached map. This comprehensive plan will be submitted directly to the Clallam County Commissioners and the Forks City Council. The RPC serves as the first cooperative planning venture between Clallam County and the City of Forks.

31.06.020 RPC belief statements.

The residents of the RPC planning area believe that:

(1) Independence, private property rights and freedom from government intrusion are strongly valued within the RPC planning area. Land use regulation should incorporate these values and only compromise them when: (a) highly significant objectives essential to the public health, safety or welfare cannot be attained in any other manner, or (b) the other beliefs expressed herein cannot be furthered in any other manner.

(2) Development should be encouraged and facilitated by land use regulation that is simple, user friendly, and inexpensive in application for both government and property owners.

(3) The rural character of the RPC planning areas should be encouraged.

(4) Regulations that reduce the value or use of private property shall be minimized. All land owners shall be fully compensated for any such regulation.

(5) Proper planning should promote the efficient construction and use of capital facilities.

(6) Large development projects can place a strain on municipal services to the detriment of other users. Large developments should mitigate these impacts.

(7) Segregation of land uses into generally defined and flexible Residential, Commercial and Industrial zoning classifications is a desirable means of preventing incompatible adjacent land uses and stabilizing property values.

(8) Home-based industries are an essential part of the economic vitality of the planning area and should be permitted in all zoning classifications to the extent compatible with surrounding land uses.

(9) Land use regulation should not impose burdens upon existing land uses due to the subsequent development of adjacent, incompatible land uses.

(10) The "grandfathering" of land uses is fundamental to the protection of private property rights and is of the highest importance to the people of the RPC planning area. Existing land uses shall not be rendered invalid nonconforming uses by changes in land use regulation.

(11) Public lands make up a large part of the RPC planning area. How this land is managed impacts the citizens and communities of the area significantly. Local citizens shall be entitled to full participation and representation on the uses of public lands in their region in order to help ensure a more stable economy and environment for the local communities to preserve the local culture, heritage and customs.

31.06.030 Mission statement.

The Regional Planning Commission's mission is to formulate a comprehensive land use plan that strikes a responsible balance between private property rights, economic diversity and the quality of the environment.

31.06.040 Vision.

The Regional Planning Commission Comprehensive Plan will serve as the foundation for land use regulation that will be simple, minimally intrusive and inexpensive to apply. This regulation will facilitate economic development. The Comprehensive Plan will also serve to encourage the rural character of the RPC planning area and to segregate the planning area into residential, commercial and industrial uses in a manner that is compatible with existing land uses but also stabilizes property values and promotes compatibility of adjacent land uses. The Comprehensive Plan will promote the efficient construction and use of local government capital facilities and the availability of affordable,

quality housing for all. The Comprehensive Plan shall also serve as a tool to increase local input in the federal land use decision making process.

31.06.050 Transportation – Inventory and analysis.

(1) GMA Goals.

(a) Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with County and City comprehensive plans.

(b) Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(2) Definition. The transportation system is composed of air, water, and land transportation facilities and services, including highways and streets, paths, trails and sidewalks, transit, airports, and ports.

(3) Circulation System. The transportation and circulation system should function to serve the land use patterns established by the Comprehensive Plan. For example, rural areas should be served by a transportation system designed for rural uses while urban areas should be served by a circulation system designed to serve urban uses. The transportation system should also focus on connections, either between urban centers such as from Forks to Port Angeles, or from Clallam Bay to Forks, or between different "modes" of travel, such as automobiles to public transit. Some parts of the circulation system in this area serve County-wide and State-wide interests, such as Highway 101, Burnt Mountain Road, LaPush Road, and the Quillayute Valley Airport. It is imperative that the County -wide and State-wide interests are considered when making land use or facility decisions affecting these systems.

(4) Land Use Coordination. In the past, land use planning and transportation planning were not always coordinated. Impacts from growth on transportation facilities were seldom considered. Transportation planning was little more than remedying existing conditions rather than preventing deterioration of service. Conversely, roads and highways were built in rural areas which encouraged the conversion of these areas into higher densities or commercial centers. The Clallam County Comprehensive Plan indicates that the transportation system should be consistent with the land use plan.

(5) Level of Service. Level of service standards measuring the degree of traffic congestion are used to serve as a gauge to judge the performance of the transportation system. Level of service is ranked from "A" (free flowing, uncongested) to "F" (highly congested, failing). When land use assumptions are made based on expected population growth and subsequent traffic demand, transportation engineers determine whether the transportation system can accommodate the increased demand by using level of service (LOS) standards. Level of service standards are based on average daily traffic (ADT), posted speed limits and characteristics of the area that the road serves (rural, suburban, and urban).

The minimum level of service established in the County-wide Comprehensive Plan for County roads is LOS "C." Minimum level of service for State Highways is LOS "D," as prescribed by the Peninsula

Regional Transportation Planning Organization (PRTPO)[1] These minimum standards indicate a traffic condition where flow of traffic is generally stable, but speeds are controlled by volume of traffic. This condition confines the drivers speed and freedom to maneuver and results in a poor level of comfort for the driver. Figure 2 indicates that all County roads are currently operating at or above these standards.

The forecast of future traffic on County roads in this Plan are based on two (2) methods: projected population growth[2] and build-out[3] potential based on proposed land use designations and their corresponding allowed densities. The latter is determined by first, examining the number of existing residences, businesses and other traffic generating entities within the region, and relating this to the average daily traffic counts for the road(s) serving the area. Next, using Clallam County Assessor records, the number of potential residences, business and other traffic generating entities are determined by figuring out how many "potential" parcels may exist under the allowed minimum lot sizes of the proposed land use designations. The increase from existing developments to potential developments directly correlates with the potential increase in average daily traffic. The forecast of traffic and its potential impact on adopted LOS standards is used to determine if the transportation system is capable of handling the demand. If the system is not capable of handling the demand, the Comprehensive Plan must identify how the system will be improved and financed, or the land use plan must be revised to ensure that the minimum "level of service" standards are met.

Figure 3 indicates that the current system is designed to handle the projected twenty (20) year population growth of this region for rural County roads. Even at build-out, only Highway 101 near the Forks Urban Growth Area would experience demand placing it below adequate level of service. Table 1 lists those rural County roads which will approach the minimum standard (C) by the year 2010 or if full build-out is to be realized.

Table 1
– Rural County Roads Level of Service (Marginal or Failing)

Road Name	Current LOS	LOS Year 2010	LOS Based on Build-out	Current ADT	ADT Year 2010	ADT Based on Build-out	From Mile Post	To Mile Post
Burnt Mountain Rd.	B	C	C	1,931	5,314	5,314	1.92	5.82
Hwy 101	D	D	E	9,300	19,654	19,654	189.55	191.69
Hwy 101	B	C	D	4,950	10,461	10,461	191.69	192.67
LaPush Rd.	B	C	C	1,344	3,865	3,865	0.00	13.86
Mora Rd.	B	B	C	694	925	2,914	2.17	2.22
Shadow Lane	A	C	C	0	6,763	6,763	0.00	0.45

(6) Road Standards. Level of service standards are an essential part of transportation planning, but they fail to provide a complete inventory of transportation needs and deficiencies. Design standards

relating to road and lane width are set forth in RCW 35.83.030 and RCW 43.32.020. Those standards are as follows:

Table 2
– Design Standards for County Roads

ADT	Below 150	150 – 400	401 – 750	751 – 1,000	1,001 – 2,000	2,001 – plus
Road Width	20 – 24 ft.	24 ft.	26 ft.	28 ft.	34 ft.	40 ft.
Lane Width	10 ft.	10 ft.	10 ft.	10 ft.	11 ft.	12 ft.

Table 3 lists County roads with standard width deficiencies. As demonstrated, most of the roadways with width deficiencies have acceptable or better LOS ratings. This clearly describes the discrepancy between LOS standards and road width standards. For example, although Erickson Road is currently at LOS "A" and would remain that way even at full build-out, it is clearly deficient in road width (fourteen (14) feet). LOS measures how free-flowing a roadway segment is, but fails to recognize whether the road meets minimum safety standards.

Table 3
– Deficient Road Widths with Corresponding LOS

Road Name	Pavement Width	Current ADT	Current LOS	LOS Based on Build-out	Road Width Deficiency
David Mansfield Rd.	11	15	A	A	13
Erickson Rd.	10	10	A	A	14
Heckle Rd.	10	2	A	A	14
Lucken Rd.	12	29	A	A	12
Magnolia Rd.	12	11	A	A	12
Moriarty Rd.	12	17	A	A	12
Walgren Rd.	12	159	A	A	12

(7) Private Roads. The transportation system in the West End Planning Region also includes private streets and easements, often unimproved, design to serve lots within short plats and surveys. A mechanism to upgrade these roads to land division and fire protection minimum standards should be in place to assist property owners developing property which does not directly abut a public street.

(8) Alternative Solutions. Solutions to transportation deficiencies may include incentives to change patterns of transportation behavior, such as car pooling rather than single occupancy vehicles, and enhancements to alternative modes of transportation that would be efficient and less costly to maintain, such as transit or bicycle lanes.

31.06.060 Transportation policies.

(1) Highway 101. Preserve and enhance the Highway 101 corridor for regional mobility to improve its functionality for business, area residents, tourists, nonmotorized transportation, freight and services.

(a) Encourage the Washington State Department of Transportation to retain all of their properties adjoining Highway 101 for future use as rest stops, scenic pullouts, roadside parks and future transit pullouts.

(b) Work with the Washington State Department of Transportation and other agencies to ensure that Highway 101 meets the goal that the corridor function regionally for the mobility of goods, services and passengers. Included in this goal would be review of State access policy to ensure the direct access to the highway from individual properties is minimized.

(c) Adopt regulations prohibiting access to Highway 101 when access to County/City roads is available or when shared access points are available.

(d) Highway 101 should have adequate shoulders for bicyclists. Current deficiencies should be corrected to encourage bicycle commuting. Storage facilities for bicycles should be available in conjunction with transit shelters along the corridor.

(e) Park-and-ride lots and transit shelters should be conveniently located along the Highway 101 corridor in the Forks Urban Growth Area and at intersections of County arterials and Highway 101.

(f) Passing lanes should be planned along the highway corridor in rural areas.

(g) The proliferation of stoplights on Highway 101 should be discouraged. New development should be encouraged to locate at existing intersections where stoplights are already in place.

(2) Rural Roads. The County has agreed to allow the City of Forks to plan for the Forks Urban Growth Area. This includes establishing goals and policies for the transportation system. In lieu of this, the following policies will deal with rural County roads in the West End Planning Region and those arterial roads that connect the UGA with the rural areas of the region.

(a) The County should not pursue new County roads outside of the Forks Urban Growth Area except in those circumstances where roads are built within subdivisions with private funds and then turned over to the County for maintenance.

(b) Road systems in rural and resource areas should be at rural and resource land standards which preserve the essential character of the land use.

Improvements should be made to regionally significant roads such as LaPush Road, Burnt Mountain Road, Mora and Quillayute Road, in order to accommodate alternative modes of transportation including bicycles and transit, thus encouraging the reduction of single occupancy vehicle use and enhancing recreational opportunities in the West End Planning Region.

(c) The following road improvements have been identified based on LOS standards, improved circulation, and road width safety standards.

(i) Quillayute Road (Sol Duc River Bridge painting, engineering, construction);

(ii) Quillayute Road (Quillayute Weather Station to Mina Smith Road – regrade, drain, widen existing road and pave, engineering, right-of-way, construction).

(3) Road Standards. Improvements to County roads should consider the rural character of the West End Planning Region. Needed safety improvements should be the minimum necessary to address the safety problem, particularly in rural areas where country roads enhance the character of the area, as well as being a deterrent to speeding. In rural areas, limit the number of access points to County roads in order to limit impediments to traffic and to maintain open space qualities.

(a) When County roads are rebuilt in this area, forecasts of future traffic should be based on the following principles:

(i) If the road is on the regional transportation network (see Peninsula Regional Transportation Planning Organization – PRTPO), the road should be designed to accommodate transportation growth rates within the PRTPO plan.

(ii) If the County road is not on the regional transportation network, the road should be designed based on 50 percent of the potential build-out as indicated in the land use plan.

(b) Private road standards should allow for flexibility while meeting minimum safety requirements for emergency vehicles, except in those circumstances where it is in the best public interest to develop a public road. Right-of-way standards, improved widths, and surfacing of private roads should not be required at the same standard as public roads. The use of Road Improvement Districts (RIDs) should be encouraged to equitably share the cost of upgrading private roads to land division and fire protection standards.

(4) Paths, Trails and Sidewalks.

(a) Non-motorized travel should be promoted within the West End Planning Region for multipurpose recreation, when it is determined to be cost effective. The County should continue work on the design, construction, and maintenance of the Olympic Discovery Trail (ODT) and other trail systems, including Kugel Creek Bicycle Loop, the Snyder-Jackson Trail connecting the Forest Service ranger stations via Rugged Ridge, the Pacific Northwest Trail, Elk Creek Mountain Bike Loop, Clallam Bay-Sekiu Trail, Sekiu to Owens Park, the Coastal Tsunami Evacuation Route, and other trails as identified by community members and other trail groups and work to provide connector trails between the ODT and these systems to provide companion facilities such as rustic campgrounds.

(b) The following are the designated bicycle routes. All roads on a designated bicycle route should have a minimum improved shoulder width of three to five feet, depending on the speed limit of the road. However, in all such improvements, the additional costs associated with meeting bicycle requirements should only be funded if the benefits of such improvements outweigh the costs when compared to both current and projected bicycle use.

Highway 101 Burnt Mountain

LaPush Road Sol Duc Valley, Cooper Ranch and Clark Road Loop

Mora Road Sol Duc Hotsprings Road

(5) Multimodal.

(a) First priority for transit service and facility improvements should be for designated urban growth areas, rural centers (including tourist commercial designations), and routes along the regional transportation system.

(b) Park-and-ride lots and transit shelters should be conveniently located along the Highway 101 corridor in Forks, Beaver, Sappho and Quillayute Prairie Airport, and at the intersections of County arterials or collectors and Highway 101. Design park-and-ride lots with transit shelters and bicycle storage facilities on site.

(6) Airports.

(a) Ensure that land uses adjacent to the Quillayute Prairie Airport are compatible with the continued use of the airport for air transportation needs of the region.

(b) If developed for commercial use, provide adequate roadway connections between the Quillayute Prairie Airport and the existing major arterial streets, roads and highways serving the airport. Ensure that there are public transportation connections to the Quillayute Prairie Airport.

(7) Level of Service. The minimum acceptable level of service (LOS) standard for County roads in both rural and urban areas shall be LOS "C," using standard rating methodology.[4]

(8) Financing.

(a) Place high priority on investment and expenditure of limited public funds on the transportation system in urban growth areas and limit investment and expenditure in rural areas to arterial development connecting communities and neighborhoods.

(b) The existing transportation system should be maintained before expenditure of limited public funds on expanded facilities.

(c) Traditional funding sources should continue to be the primary funding source pay for improvements to County roads in the region.

(d) The County shall require new development to rectify and/or compensate for impacts to transportation facilities not meeting minimum safety standards or for developments expected to increase demand, such as average daily traffic (ADT), by more than 50 percent over current demand.

(9) Emergency Transportation Planning. The Clallam County Emergency Officer should coordinate with State and private timber land owners to draft an emergency road use compact. The intent of such a compact would be to provide alternative routes in the case of bridge failure or other road system failures that could potentially leave West End residents stranded from road access to the rest of the County and State.

31.06.070 Public facilities and services.

(1) GMA Goals.

(a) Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(b) Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(c) Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(2) Overview. It is more cost efficient to provide some public facilities and services when the population is concentrated, such as in an urban growth area. Through the designation of urban growth areas, Clallam County and other service providers can plan more cost effective and efficient services.

Growth increases the demand for new and/or improved public facilities and services. New residential growth may impact school facilities by having more school aged children without a corresponding increase in school facilities. Development can increase traffic levels on County roads and transit systems. Connections to water and sewer systems diminish the available capacity for future growth.

The overall purpose of this growth management plan is to identify urban areas where public facilities and services keep pace with growth so that service levels are not diminished; and plan for where facilities and services will be located.

(3) Definition. The Growth Management Act defines public facilities as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreation facilities, and schools. Public services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(4) Schools. The West End regional planning area is serviced by the Quillayute Valley School District No. 402. Facilities include one elementary school with grades kindergarten through five, one middle school which includes grades six to eight, one high school with grades nine through twelve, and one alternative school. These facilities are currently located within the incorporated City of Forks. With 1,680 students currently being instructed and a projected annual growth rate of two (2) percent,[5] there may be a need for future increases in school capacity over the twenty (20) year planning period. Due to the large rural nature of the West End Planning Region, location of future facility sites may need to be considered outside of the Forks urban growth area.

(5) Water. The City of Forks provides water for the City and some outlying residents in the immediate vicinity. The City's reservoir storage capacity is 1.9 million gallons. With an estimated peak load of 800,000 gallons, the City has the capability to expand service to over twice its current customers. This exceeds the requirements of the Forks urban growth area far beyond the twenty (20) year planning period.

(6) Sewer. Only a small portion of the City of Forks is serviced by a municipal sewer system. Rural areas in the West End Region are served by both community and private septic systems.

(7) Parks and Recreation. Recreational opportunities are abundant in the West End Planning Region. The Olympic National Park forms the eastern boundary of the region and includes a strip along the Pacific Coast to the west. The Sol Duc, Calawah and Bogachiel Rivers all have boat launch facilities located throughout these river systems. Resort facilities like the ones located at Bear Creek and Three Rivers provide sports fishermen and recreationalists with ample opportunities to enjoy the outdoors in a resort type atmosphere. However, it is believed that these will be insufficient to meet the growing demand for such facilities as the tourist oriented sector of the economy continues to grow. Ball parks and other sports facilities are located at Beaver and within the incorporated City of Forks. Tillicum Park within the City of Forks provides fifteen (15) acres of ball fields, tennis courts and other recreational facilities serving the local community. There are no golf courses in the region. Resort facilities and golf courses are recognized as the only significant deficiencies over the twenty (20) year planning period.

(8) Fire Protection and Suppression. Fire protection in the West End Planning Region is provided by Clallam County Fire Protection District #1. Volunteer forces operate from stations in Forks, Beaver and Three Rivers. Response to emergency medical calls is provided by the hospital district which operates from Forks Community Hospital. The fire district has a mutual aid agreement with District #6, the Washington State Department of Natural Resources, and the U.S. Forest Service. The district also provides structure protection for Olympic National Park. Fire protection districts, like hospital and library districts, are junior taxing districts. Funding for these junior taxing districts comes from property taxes.

(9) Public Health. The Forks Community Hospital located in the City of Forks provides a broad range of basic health services in the West End planning area. However, no transitional senior care facilities exist on the West End. Additional care is provided through Clallam County's Home Health Care Program and the Quillayute Tribal Indian Health Services. These facilities are needed to care for area residents through the twenty (20) year planning period. It is foreseeable that the projected growth will require further expansion in this area of service.

(10) Other Governmental Services. Clallam County provides no other direct governmental facilities within the West End planning area. Due to remote geographic conditions, consideration has been made in the past for satellite offices for some of the County's services, such as law enforcement, health and community development. At this time, the most efficient use of these facilities is to continue basing them within Port Angeles.

One alternative to facility expansion is to pursue electronic networking technology as a means of expanding governmental resources and services to the residents of the West End and enhance interaction between those residents and the County seat in Port Angeles. As the population grows in the West End, the need for satellite facilities and increased services needs to be closely monitored.

(11) Financing. New development often pays for the cost of extending new public facilities and services. For example, if a development is proposed on a County road that is not adequate to handle additional traffic, the County is able to require the developer to pay the costs of improving the County

road (called "mitigation"). Water and sewer systems are similarly financed. If a developer proposes to extend water and sewer to a property, it is the responsibility of the developer to pay the costs for extending those services.

Another way that development pays for the cost of extending new public facilities is through development fees. For example, the City of Forks requires anyone who hooks up to the sewer or water system to pay a connection fee. This fee is put into a special account for the eventual planning and upgrade of the system. This connection fee is in addition to requiring the developer to extend the actual collection or distribution lines.

This method of payment for public facilities and service extension is based on three (3) principles: (a) setting level of service standards for public facilities and services; (b) ensuring that public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use (called "concurrency"); and (c) requiring development to pay fees for the new facilities rather than rely solely on property taxes or grants to fund development of these public facilities.

31.06.080 Public facilities and services – Policies.

(1) Schools.

(a) Expansion of existing school facilities should be encouraged within the Forks urban growth area where public facilities and services (e.g., water, sewer, transportation, fire and police) can be provided in an efficient manner.

(b) School facilities necessary to support development should be adequate to serve the development at the time the development is available for occupancy and use, or a financial commitment is in place to complete the improvements within six years without decreasing current service levels below established minimum standards.

(c) The County, City of Forks, State of Washington and the Quillayute Valley School District should work cooperatively to identify funding sources needed for improvements to school facilities caused by new development.

(2) Water.

(a) Public water systems should be provided within designated urban growth areas, rural centers, and tourist commercial areas. Public or municipal water systems (i.e., PUD and the City of Forks) should be limited in rural lands to those areas that can demonstrate water quantity limitations, water quality problems or hydraulic continuity to rivers and streams.

(b) Extension or existence of public water service in designated rural areas or resource lands shall not result in or be justification for higher density than that anticipated by a regional or subarea comprehensive plan.

(c) Level of service and facility standards should be developed by the water service provider, with standards set based on expected land use densities established by this Plan.

(d) Water systems necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use.

(3) Sewer. Please see County-wide Comprehensive Plan policies for specific reference to sanitary waste disposal within and outside of urban growth areas.

(4) Parks and Recreation.

(a) Identify and provide for increased recreational and public access opportunities to natural resource lands and water where appropriate.

(b) Encourage further development of public access to freshwater areas, particularly the Quillayute, Sol Duc, Bogachiel and Calawah Rivers.

(c) Methods of ensuring public access to public lands should be developed that do not adversely impact private land owners and commercial forestry operations.

(d) Parks and recreational facilities necessary to support development shall be adequate to serve the development as identified in the County Capital Facilities Plan, as now or hereafter amended.

(5) Fire Protection and Suppression. Fire protection and suppression facilities in urban areas should receive first priority. Fire flow (e.g., fire hydrants) in rural areas should not be required of new development or extension of public water systems except for commercial/industrial uses and public facilities.

(6) Other Governmental Services.

(a) Clallam County and other governmental service providers should continually monitor the population growth, age and other demographic characteristics of the population to determine the need for new or expanded services.

(b) Clallam County should work cooperatively with the City of Forks in pursuing a suitable location for a County courthouse annex should the need arise.

(c) Clallam County should actively pursue electronic networking technology as an alternative means of providing extension of public services and expanding the availability of governmental resources to the residents of the West End.

31.06.090 Rural land – Vision.

The mission of the Regional Planning Commission is to formulate a comprehensive land use plan that strikes a responsible balance between private property rights, economic diversity and the quality of the environment. The plan will serve as the foundation for land use regulations that will be simple, minimally intrusive, and inexpensive to apply. These regulations will facilitate economic development within the Forks urban growth area. The Comprehensive Plan will also serve to maintain the rural character of the areas outside of the urban growth area.

The characteristics of rural areas that residents currently enjoy should be maintained in the Plan. Large lot sizes and minimal nuisances like noise, lights, odor or traffic should be found in rural areas. Small, home-based businesses and industries should be supported and encouraged.

The land base for private land use in this region is limited. Table 4 below demonstrates the actual acreage and percentage of lands within the planning area (Note: commercial forest lands in these tables indicate State and private lands. The Olympic National Forest has also been designated as commercial forest lands).

Table 4

– Acreage and Percentage of General Land Use Designations

Designation	Acres	Percent
Rural Lands	15,133	5
Commercial Forest Lands	142,892	48
National Forest Lands	118,884	40
National Park Lands	15,323	5
Forks UGA	4,767	2

Table 5

– Acreage and Percentage of Rural Land Use Designations

Designation	Acres	Percent
Rural	1,052	7
Rural Neighborhood Conservation	2,591	17
Rural Low	7,543	50
Quillayute Residential	1,268	8
Tourist Commercial	59	0.4
Rural Center	1,671	11
Tribal	949	6

31.06.100 Rural land – Principles.

The following principles guide the designation of rural lands and the permitted uses within the Western regional planning area:

(1) Tourist-related businesses should be supported throughout rural areas, including such uses as bed and breakfast inns, tourist shops, recreational activities and convenience services;

(2) Home-based business and home-based industry should be supported throughout rural areas;

(3) Timber harvesting and agriculture are traditional activities and should be permitted throughout rural areas;

(4) Recognize the limited amount of private land for development and allow for greater flexibility in development regulations while still protecting adjacent landowners from impacts caused by land uses which may be objectionable;

(5) Residential structures should allow all types of housing opportunities with rural character protected by minimum lot size and maximum residential densities;

(6) Mini-day care centers or home schools should be permitted throughout rural areas;

(7) Commercial uses which are normally associated with rural areas should be permitted, such as horse arenas, commercial greenhouses, kennels and veterinarian clinics;

(8) Nuisances, e.g., noise, light, or odor, created by commercial or industrial uses in rural areas should be contained on-site through protection measures such as fencing, limited hours, reduction in traffic volumes, lighting standards, etc.;

(9) Accessory uses to the principal uses should be permitted in all zones;

(10) Planned unit developments or cluster subdivision options, where density of a parcel is transferred to a portion of a property, should be allowed in those circumstance where property is limited by natural constraints, such as wetlands, shoreline setbacks, geologic hazardous areas, and in areas designated rural low; provided, that lot sizes are not reduced below 2.4 acres;

(11) Major industrial and commercial development should be primarily focused into the Forks urban growth area, with some development as outlined allowed in rural areas;

(12) Rural centers and tourist commercial zones should be designated to allow for a mixture of commercial and residential uses in rural areas. These zones are where communities have been established historically and allowed for a variety of land uses.

31.06.110 Rural land – Classifications.

The following land use classifications outside of the Forks urban growth area and commercial forest designations are proposed:

(1) Rural Center. A land use classification intended for areas with a mixture of land uses, including commercial, residential and industrial.

(a) Standards.

Minimum Lot Size – One-half acre;

Maximum Residential Density – Based on health regulations;

Setbacks – Per existing Zoning Code;

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for Sappho, Beaver, Three Rivers, Quillayute Prairie Airport.

(2) Tourist Commercial. A land use classification intended for areas primarily devoted to providing services to the traveling public.

(a) Standards.

Minimum Lot Size – One-half acre;

Maximum Residential Density – Based on health regulations;

Setbacks – Per existing Zoning Code;

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for Bear Creek, Bogachiel River Bridge.

(3) Quillayute Residential. A land use classification intended primarily for areas with existing lots less than one acre in size outside of the Forks urban growth area.

(a) Standards:

Minimum Lot Size – One-half acre;

Maximum Residential Density – Based on health regulations;

Setbacks – Per existing Zoning Code;

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for Salmon Drive area, Whitcomb-Diimmel, Lake Pleasant and Quillayute River, and Quillayute Prairie.

(4) Rural. A land use classification in areas where residential one-acre lots in rural areas are either currently the predominant land use or are proposed.

(a) Standards.

Minimum Lot Size – One acre;

Maximum Residential Density – One dwelling unit per 2.4 acres;

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for various areas.

(5) Rural Neighborhood Conservation. A land use classification intended for those areas and persons who desire to live in a low density rural setting with limited encroachment of commercial and industrial activities.

(a) Standards.

Minimum Lot Size – One acre (one-half acre if clustered);

Maximum Residential Density – One dwelling unit per five acres subject to optional innovative zoning techniques triggered either by the size of the parcel (cluster technique) or by the varying character of the many existing neighborhoods found within this zoning district (overlay technique);

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for various areas.

(6) Rural Low. A land use classification intended to provide homesites in rural forestry areas with limited encroachment of commercial and industrial activities.

(a) Standards.

Minimum Lot Size – 2.4 acres (flexible zoning allowed);

Maximum Residential Density – One dwelling unit per 4.8 acres;

(b) Permitted Uses. See matrix in CCC 31.06.130;

(c) Location. Proposed for various areas.

31.06.120 Rural land – Definitions.

For the purpose of this chapter, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall carry the meanings as specified in Webster's New Collegiate Dictionary of 1980.

(1) "Accessory dwelling unit" means a separate dwelling unit within a single-family dwelling that complies with the standards set forth in this chapter and is accessory in nature to the main dwelling on the property. Accessory dwelling units are not computed when calculating density or minimum lot size.

(2) "Accessory improvements" means an improvement which is subordinate to or incidental to the main use of a parcel. Such improvements shall be, but are not limited to, fences, garages, storage sheds, walkways, driveways, utilities, sewage disposal systems, landscaping, off-street parking, guest houses and small buildings for workshop. Improvements which are detached from a dwelling unit located on the parcel and intended for overnight sleeping uses are an accessory improvement to a residential use.

(3) "Accessory uses" means a use which is normally subordinate to or incidental to the main use on the lot.

(4) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock.

(5) "Bed and breakfast inns" means a dwelling which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure.

(6) "Church" means a building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

(7) "Club" means an association of persons for a common object, jointly supported and meeting periodically in a given place.

(8) "Commercial use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

(9) "Conditional use" means an activity or structure which is allowed by this chapter in one or more land use classifications. Conditional uses are those uses often not compatible within the zone in which they might be located because at times they may create a nuisance which might not be capable of being mitigated. A conditional use permit requires a public hearing, notice to adjacent property owners and is either approved, approved with conditions or denied by the County Board of Adjustment (or Hearing Examiner), appealable to the Board of County Commissioners.

(10) "Day care center" means a person or agency that provides care for thirteen (13) or more children during part of the twenty-four (24) hour day.

(11) "Density" means the number of dwelling units per gross acre of land.

(12) "Duplex" means a building containing two (2) dwelling units and not otherwise defined as an accessory dwelling or guest house.

(13) "Dwelling unit" means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(14) "Greenhouse or nursery" means a structure or land devoted to the cultivation and sale of plants.

(15) "Grocery store" means a structure devoted primarily to the sale of staple foodstuffs and household commodities.

(16) "Guest house" means living quarters which are located on the same parcel with a principal single -family dwelling for the impermanent use by personal guests of the occupants of the principal single-family dwelling and which may not be rented or used as a permanent residential dwelling.

(17) "Home-based industry" means a commercial, manufacturing or processing business located on a parcel together with an existing dwelling. The industry is located in a fully enclosed building separate from the dwelling and no larger than 2,000 square feet, limited to no more than two (2) part-time or full-time employees other than the owner. An attached garage is considered as a building separate from the dwelling.

(18) "Home enterprise" means a revenue-generating enterprise which is located in a dwelling and is subordinate to and incidental to the residential use of the dwelling.

(19) "Home school" means a person or agency providing instruction during part of the twenty-four (24) hour day to twelve (12) or fewer persons in a home.

(20) "Horse arena" means an outside area or facility greater than 2,000 square feet in area for the commercial boarding, care, instruction or riding of horses.

(21) "Industrial use" means any premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials, to a degree that exceeds the definitions of home-based industries and home enterprises. This definition includes accessory facilities such as, but not limited to, storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage and sorting.

(22) "Kennels" means an establishment which is designed to accommodate the temporary boarding of six (6) or more household pets owned by persons other than the owner of the premises.

(23) "Labor camp" means facilities which are designed to provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility for the construction industry, timber management, etc.

(24) "Medical service facility" means a medical physicians clinic or outpatient care clinic where overnight accommodations are not provided.

(25) "Mineral extraction" means activities involved in the extraction of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than three (3) acres of land being disturbed or that results in pit walls more than thirty (30) feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than three (3) acres of land if the accumulative area that has not been rehabilitated according to the State's reclamation requirements outlined in Chapter 78.44 RCW is less than three (3) acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

(26) "Mini-day care center" means a person or agency providing care during part of the twenty-four (24) hour day to twelve (12) or fewer children in a facility.

(27) "Minimum lot size" means the smallest parcel size upon which a dwelling may be placed or constructed; provided, that roads and open spaces, dedicated to the public, and tidelands shall be excluded when calculating lot size.

(28) "Mobile home park" means a lot or parcel of land occupied by two (2) or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

(29) "Motel" means a structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

(30) "Multiple-family dwelling" means a building containing three (3) or more dwelling units.

(31) "Outdoor oriented recreation use" means improvements and land use activities which are intended to provide for recreation activity which is carried on outside of buildings or which involves the

use and enjoyment of features of the surrounding environment to include but not be limited to campgrounds, boat launching facilities, golf courses, and ballfields.

(32) "Permitted use" means an activity or structure which is allowed in a zone pursuant to this chapter without conditions or formal action by the County, except as required by other chapters of the Clallam County Code. A permitted use includes uses and improvements which are customarily accessory to the use.

(33) "Professional offices" means a structure accommodating the following professional offices: medical, dental, chiropractic; accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

(34) "Public building" means a building which is used or owned by a governmental agency.

(35) "Race track" means an area devoted to the racing of motor and nonmotorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, and a fixed race track.

(36) "Recreational vehicle park" means a lot occupied by two (2) or more recreation vehicles as defined by State health laws for the purpose of lease or rent for overnight occupation.

(37) "Research facility" means an improvement devoted to or supporting research activities and having minimal nuisance characteristics related to odor, noise, glare and radiation. Research is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity.

(38) "Retail use" means a land use devoted primarily to the sale of a product or service to the general public.

(39) School. For the purposes of this chapter, a "school" is a building where instruction is given to persons to enhance their knowledge or skills. Buildings where instruction is given primarily on religious matters are not deemed to be schools.

(40) "Single-family dwelling" means a dwelling unit detached from any other dwelling unit and intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

(41) "Solid or liquid waste disposal" means a facility typically owned and operated by a public entity for disposal of solid or liquid waste, including transfer stations, sewage facilities and biosolids.

(42) "Special use" means an activity, use or structure which is allowed in one or more land use classifications. Special uses are those uses normally compatible within the zone in which they are located but may at times create a nuisance which might be mitigated through issuance of the special use permit or denied if: (a) unable to be mitigated; or (b) found to be incompatible with other uses in the zone in which it is locating; or (c) is inconsistent with this chapter; or (d) is inconsistent with the comprehensive plan. A special use permit requires notice to adjacent property owners and is either

approved, approved with conditions or denied by County planning staff, appealable to the Board of County Commissioners.

(43) "Storage facility" means a building or fenced open yard used solely for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition.

(44) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer and/or wine.

(45) "Timber harvesting" means limited improvements and activities associated with the growing and harvesting of trees that will have only minimal impact on neighboring residential uses when undertaken in rural land use zones. Such activity includes timber harvesting; land preparation for tree planting; road construction; tree thinning; brush control; temporary storage of logs, materials, vehicles and equipment supporting timber growing on-site; temporary chipping and barking of timber harvested on site utilizing portable equipment; and minor extraction of gravel and rock necessary to support timber management activity on-site (and not otherwise defined as mineral extraction).

(46) "Timber management activity" means improvements and activities associated with the growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber transshipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity and all other silviculture and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974.

(47) "Tourist shop" means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, memorabilia.

(48) "Unclassified use" means an activity or land use not listed as permitted, special or conditional use, or prohibited in this Plan.

(49) "Utility" means a fixed, conveyance type improvement serving two or more ownerships. Said improvement conveys power, gas, water, sewage, surface drainage, and communication signals. This definition does not include intercounty or interstate transmission facilities.

(50) "Vehicular repair" means a structure or land use devoted to the repair of motor vehicles and not otherwise defined as a home-based industry.

(51) "Wrecking yard or junk yard" means an open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended.

31.06.130 Rural land – Use matrix.

Mini-day care center or home school	Permitted	Permitted	Permitted	Private schools with less than 50 students Conditional
Mobile home parks	Conditional	Conditional	Conditional	Prohibited
Motel	Permitted	Permitted	Conditional	Prohibited
Multiple-family dwelling	Special	Conditional	Conditional	Prohibited
Outdoor-oriented recreation use	Permitted	Special	Special	Conditional
Planned unit developments	Permitted	Conditional	Conditional	Prohibited
Power generation facilities greater than five megawatts	Conditional	Conditional	Conditional	Prohibited
Professional office	Permitted	Permitted	Special	Prohibited
Public buildings and facilities	Conditional	Conditional	Conditional	Conditional
Race track	Conditional	Conditional	Conditional	Prohibited
Research facilities	Conditional	Conditional	Conditional	Prohibited
Restaurant	Permitted	Permitted	Conditional	Prohibited
Retail store	Permitted	Permitted	Conditional	Prohibited
Rock crushing and asphalt plants	Special	Conditional	Conditional	Prohibited
RV parks	Permitted	Permitted	Conditional	Conditional
Schools	Special	Special	Conditional	Prohibited
Single-family dwellings	Permitted	Permitted	Permitted	Permitted
Solid or liquid waste disposal	Conditional	Conditional	Conditional	Prohibited
Tavern	Conditional	Conditional	Conditional	Prohibited
Timber harvesting	Permitted	Permitted	Permitted	Permitted
Timber management activity	Special	Special	Conditional	Conditional (small scale); otherwise Prohibited
Tourist shops	Permitted	Permitted	Conditional	Prohibited
Unclassified use	Conditional	Conditional	Conditional	Prohibited unless authorized as a similar use
Utilities and fire protection	Permitted	Permitted	Permitted	Conditional
Vehicular repair	Permitted	Permitted	Conditional	Prohibited
Veterinarian clinic and kennels	Special	Special	Special	Conditional
Wrecking yard	Conditional	Conditional	Prohibited	Prohibited

The attached rural land use matrix identifies a range of land uses which may be permitted within one of the rural land use zones. Although there are six rural land use zones, the three zones of rural, rural moderate and rural low have been identified as similar in nature and therefore the permitted uses are proposed to be identical. There are three types of permitted land uses: permitted outright, special use, and conditional use. See definitions in CCC 31.06.120 for explanation of these terms.

Table 6
– Rural Land Use Matrix

Use	Rural Center	Tourist Commercial	Quillayute Residential	Rural Neighborhood Conservation
Accessory dwelling units	Permitted	Permitted	Permitted	Permitted
Agriculture	Permitted	Permitted	Permitted	Permitted
Bed and breakfast inn	Permitted	Permitted	Permitted	Permitted
Cemetery	Permitted	Permitted	Permitted	Conditional
Churches	Conditional	Conditional	Conditional	Conditional
Clubs	Conditional	Conditional	Conditional	Conditional (Lodges)
Commercial greenhouse	Special	Special	Special	Conditional
Commercial storage facility	Permitted	Permitted	Conditional	Prohibited
Day care center	Permitted	Permitted	Special	Family day care Permitted; Child day care center Conditional
Duplex dwellings	Permitted	Permitted	Permitted	Conditional
Gas stations	Permitted	Permitted	Conditional	Prohibited
Grocery stores	Permitted	Permitted	Special	Prohibited
Home enterprise	Permitted	Permitted	Permitted	Permitted
Home-based industry	Permitted	Permitted	Permitted	Conditional
Horse arena	Special	Special	Conditional	Permitted
Labor camps and staging areas	Special	Conditional	Conditional	Prohibited
Industrial use	Conditional	Conditional	Conditional	Prohibited
Medical service facility	Permitted	Permitted	Special	Prohibited
Mineral extraction	Conditional	Conditional	Conditional	Conditional

31.06.140 Rural land – Private property rights and critical area protection.

Residents in the West End Planning Region have historically enjoyed a rural lifestyle that, due to their remote location and traditional occupations, has been largely free from government regulations and intrusion. Industries such as commercial forestry and cattle farming have helped to foster a strong sense of independence throughout the West End community. This sense of independence is further strengthened by the remoteness of the region. The opportunities and options available in more metropolitan areas are not as readily available in the West End, making self-sufficiency more of an imperative.

In recent years, regulations aimed at protecting environmentally sensitive areas from degradation have been implemented throughout the region. While there is little debate over the need to protect environmentally sensitive areas, the methods employed to achieve this end are considered by many to be excessive and burdensome to affected property owners.

The West End Planning Commission feels it is both possible and necessary to strike a balance between the protection of valuable environmental amenities and private property rights. The following policy is designed to help achieve this goal:

> Zoning ordinances, when applied to real property subject to the Clallam County Critical Areas Ordinance, the Shoreline Management Act, or the Floodplain FIRM Map/Management Plan (e.g., wetlands, steep slopes, floodplains, etc.), shall permit the transferring of densities from that portion of the parcel subject to the applicable ordinance to the remaining non-critical area portion of the property. However, no density will be allowed on the noncritical area acreage that would exceed the density allowed for the entire parcel (both critical area portions and noncritical area portions). In addition, all densities shall be subject to prevailing health codes.
>
> While this policy shall apply to all land use designations, it will only be utilized with lands designated as being subject to the Clallam County Critical Areas Code, the Shoreline Management Act, and/or the Floodplain FIRM Map/Management Plan.

An example of this transferring of densities would be as follows:

Developer owns a parcel of land that consists of a total of 15 acres in a zoning district that allows a maximum residential density of one dwelling unit per five acres. Under the zoning code, the property could be divided to create three lots for future single-family development. However, 10 acres are located within the FIRM 100-year floodplain, and one acre is designated as steep slopes (i.e., landslide hazard areas). Transferring of densities would allow the developer to still create three lots; provided, that each lot contains adequate potential building sites outside of the floodplain and steep slope areas, and that the land division complies with all applicable public health codes.

---

1 The PRTPO consists of representation from four (4) counties (Clallam, Jefferson, Kitsap and Mason), nine (9) cities, four (4) transit agencies, eighteen (18) port districts, ten (10) Tribal Nations, the Washington State Department of Transportation, and the private sector. The PRTPO has been working for the last four (4) years to develop a Regional Transportation Plan (RTP). The goal of the PRTPO is to coordinate the regional transportation planning activities for the Olympic and Kitsap Peninsulas.

[2] Based on 1990 U.S. Census information.

[3] Build-out analysis indicates what would happen if development was to occur at the maximum allowed density. It is useful in determining the adequacy of a facility in a "worst case scenario," but does not represent conditions likely to occur.

[4] The standard rating methodology for Clallam County roads is the Highway Capacity Manual – Florida Model.

[5] Based on 1990 U.S. Census figures.

View Web Version

O'Donnell, Mary Beth

CP16#0436

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 10, 2014 9:29 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Pacitic County

Follow Up Flag: Follow up
Flag Status: Flagged

for the record

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Monday, November 10, 2014 9:17 AM
To: Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Carol Levanen; Clark County Citizens United Inc.; Silliman, Peter; Madore, David; Mielke, Tom; Barnes, Ed
Subject: Pacitic County

Pacific County has 5, 10 and 25 acre forest. Agriculture os confined to cranberry bogs and allows 5 and 10 acre zones
http://www.co.pacific.wa.us/pdf%20files/Comprehensive%20Plan.pdf

Note: this document is 302 pages long. Therefore it was not printed in hard copy form.

Mary Beth O'Donnell

Page 1 and 2 of 302 page document.

BEFORE THE BOARD OF PACIFIC COUNTY COMMISSIONERS

RESOLUTION NO. 98-089

A RESOLUTION ADOPTING THE PACIFIC COUNTY COMPREHENSIVE PLAN AND RESCINDING CONFLICTING RESOLUTIONS AND DOCUMENTS

WHEREAS, the Board of Pacific County Commissioners (Board) passed Resolution 90-123 on October 30, 1990, and thereby agreed to implement the requirements of the Growth Management Act (GMA) as contained in SHB No. 2929 (Washington Laws, 1990 1st Ex. Sess., Ch. 17), subject to adequate funding from the State of Washington;

WHEREAS, Chapter 36.70A RCW requires the County to adopt a Comprehensive Plan that meets specified GMA goals and addresses the mandated GMA elements;

WHEREAS, the Pacific County Planning Commission and Pacific County Department of Community Development have produced a Comprehensive Plan that meets the specified GMA goals and addresses the mandated GMA elements;

WHEREAS, during review of the Comprehensive Plan, the Pacific County Planning Commission completed an extensive public review process that exceeds the requirements of Resolution 96-032, the Pacific County Enhanced Public Participation Strategy;

WHEREAS, the Pacific County Planning Commission compiled a public records of 234 items including studies, documents, and correspondence that was carefully considered during review of the Comprehensive Plan;

WHEREAS, the Pacific County Planning Commission relied upon best available science in specifying Comprehensive Plan content, goals, and policies;

WHEREAS, the Comprehensive Plan has been reviewed by affected State and local agencies and found to be in compliance with the requirements of the GMA;

WHEREAS, the Pacific County Planning Commission completed a thorough SEPA public review process, conducted an extended threshold determination and scoping process, and completed both a Draft Environmental Impact Statement (EIS) and a Final EIS;

WHEREAS, the Board has conducted a closed record hearing to consider the recommendations of the Pacific County Planning Commission along with other public comment pertaining to the Comprehensive Plan;

WHEREAS, a number of pre-existing land use policies and plans that conflict with the goals and policies in the GMA and Comprehensive Plan should be rescinded to avoid conflict or confusion; now therefore,

IT IS HEREBY RESOLVED that the Board of Pacific County Commissioners adopts the 1998 Pacific County Comprehensive Plan as amended, accepts the draft Environmental Impact Statement, adopts the Final Environmental Impact State, adopts the attached findings of fact and conclusions of law, and accepts the attached record compiled by the Pacific County Planning Commission;

IT IS FURTHER RESOLVED that the Board of Pacific County Commissioners rescinds the following conflicting resolutions, plans and/or studies:

North Cove-Grayland Comprehensive Plan	Resolution 84-049
Long Beach Comprehensive Plan	Resolution 89-028
Willapa Bay Water Resources Management Plan	Resolution 91-070
Seaview SubArea Comprehensive Plan	Resolution 95-047
Interim Urban Growth Areas	Resolution 95-081; and

IT IS ALSO FURTHER RESOLVED that the Board of Pacific County Commissioners finds that the 1989 Dunes Management Plan has never been adopted, and is therefore neither in force, nor in conflict with the GMA and/or this Comprehensive Plan.

PASSED by the Board of Pacific County Commissioners in regular sessions at South Bend, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage the 13th day of October, 1998:

__2__ YEA; __1__ NAY; __0__ ABSTAIN; and __0__ ABSENT.

BOARD OF PACIFIC
COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Jon C. Kaino Jr.

Jon C. Kaino, Jr. – Chairperson

ATTEST:

Kathy Nolan

Clerk of the Board

Norman B Cuffel

Norman "Bud" Cuffel - Commissioner

Pat Hamilton

Pat Hamilton – Commissioner

O'Donnell, Mary Beth

722589
CP16#0437

From: NoReply@Clark.Wa.Gov
Sent: Monday, November 10, 2014 9:21 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Follow Up Flag: Follow up
Flag Status: Flagged

Following comments were submitted online:

Parcel No: 222536000

Subject: AG 20 to AG 10

Comments:
We support the proposed zoning change from AG 20 to AG 10. The main reason is that we would like to be able to leave our property to two family members rather than one. My great grandfather, JR Anderson, homesteaded our property. Thank you.

Submitted by:
Peggy and Brett Hansen

Email: plh27@tds.net

Address:
6618 NE JR Anderson Rd.
La Center, WA 98629

O'Donnell, Mary Beth

CP 16 #0438

From: NoReply@Clark.Wa.Gov
Sent: Wednesday, November 12, 2014 9:07 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Follow Up Flag: Follow up
Flag Status: Flagged

Following comments were submitted online:

Parcel No: 986027183

Subject: Property Owner Comment

Comments:
We're the owners of 4 adjoining twenty acre parcels, 986027183,986027184,986027185,226268000. We are extremely pleased that you are proposing to change our AG 20 to AG 10. We feel 10 acre zoning is more than sufficient to provide profitable opportunities for small specialty farms near urban areas. Dave and Valerie Larwick

Submitted by:
Valerie and Dave Larwick

Email: larwick@tds.net

Address:
16104 N.E. 259th St.
Battle Ground, WA

O'Donnell, Mary Beth

* 7 2 2 5 9 2 *

CP16# 0440

From: Steve Nylund <steve@deltamotion.com>
Sent: Wednesday, November 12, 2014 10:27 AM
To: Cnty 2016 Comp Plan
Subject: Growth Plan Update - Prop ID: 248067000
Attachments: Proposed Zoning Change for Prop ID 248067000.pdf

Clark County Planning Group,

I received a notice of a proposed change in zoning from FR-40 to FR-20 that would apply to my tree farm in the Dole Valley area (ID# 248067000).

I want to convey my **strong support** for this proposed change in zoning. This property is a family tree farm, and the proposed zoning will give my family more options in the future, especially if one or more my children would like to live on the property someday.

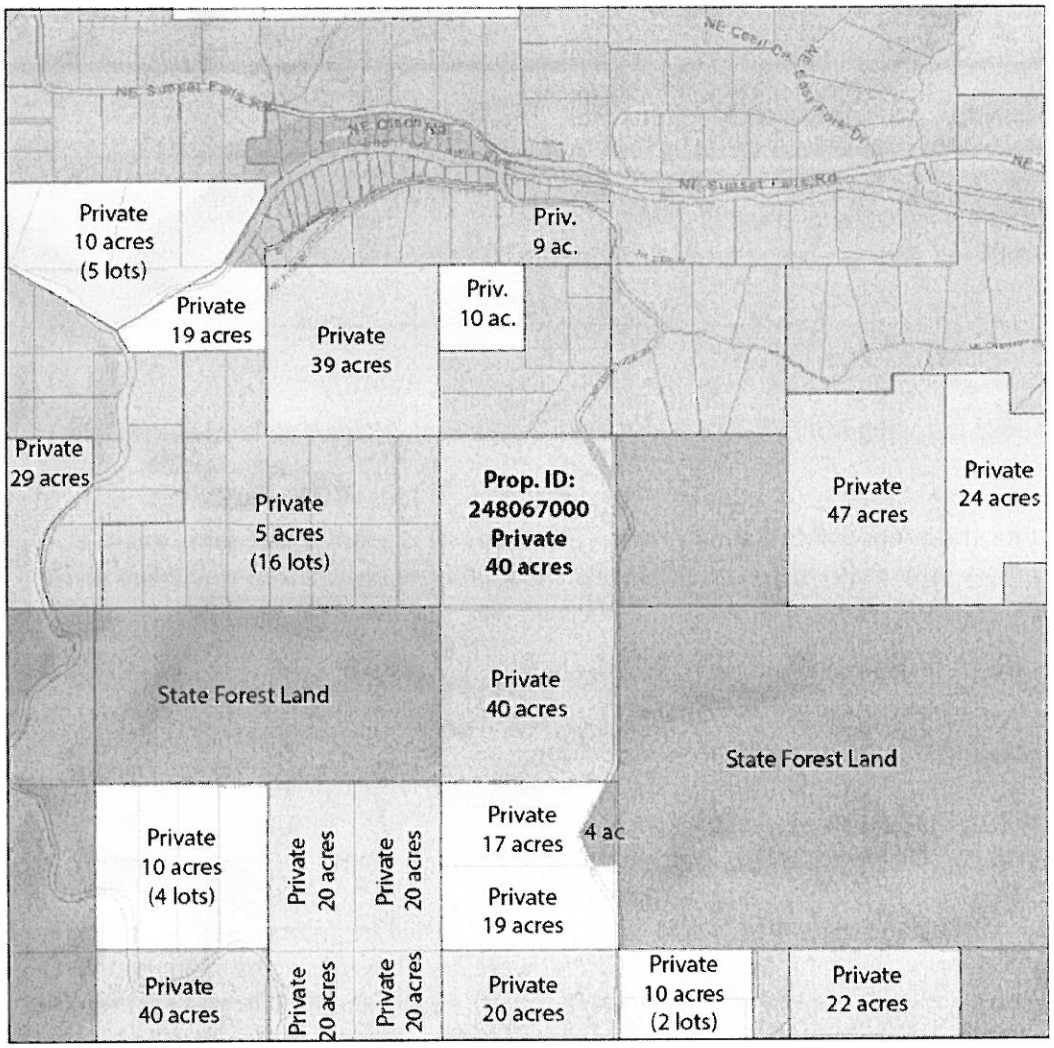
When I looked at the private parcels that are at least 50% contained within a **nine square mile** area centered on my property (see map below and attached), I counted the following:

40 acres or more	4 parcels including mine (from 40 to 47acres – orange on map)
20 to 39 acres	9 parcels (from 20 to 39 acres – blue on map)
10 to 29 acres	15 parcels (from 10 to 29 acres – yellow on map)
Less than 10 acres	more than **130 parcels** (down to 0.41 acre – green and violet on map)

Since there are so many small parcels in the immediate area, a smaller designation would be appropriate. In fact, **5, 6, .5 or 10 acres would be an even better designation** for this property if that were possible. (Six acres might be the perfect size for a micro tree farm, allowing for a home site and five acres in forest). However, **FR-20 is much preferable than FR-40** and I appreciate and support this decision.

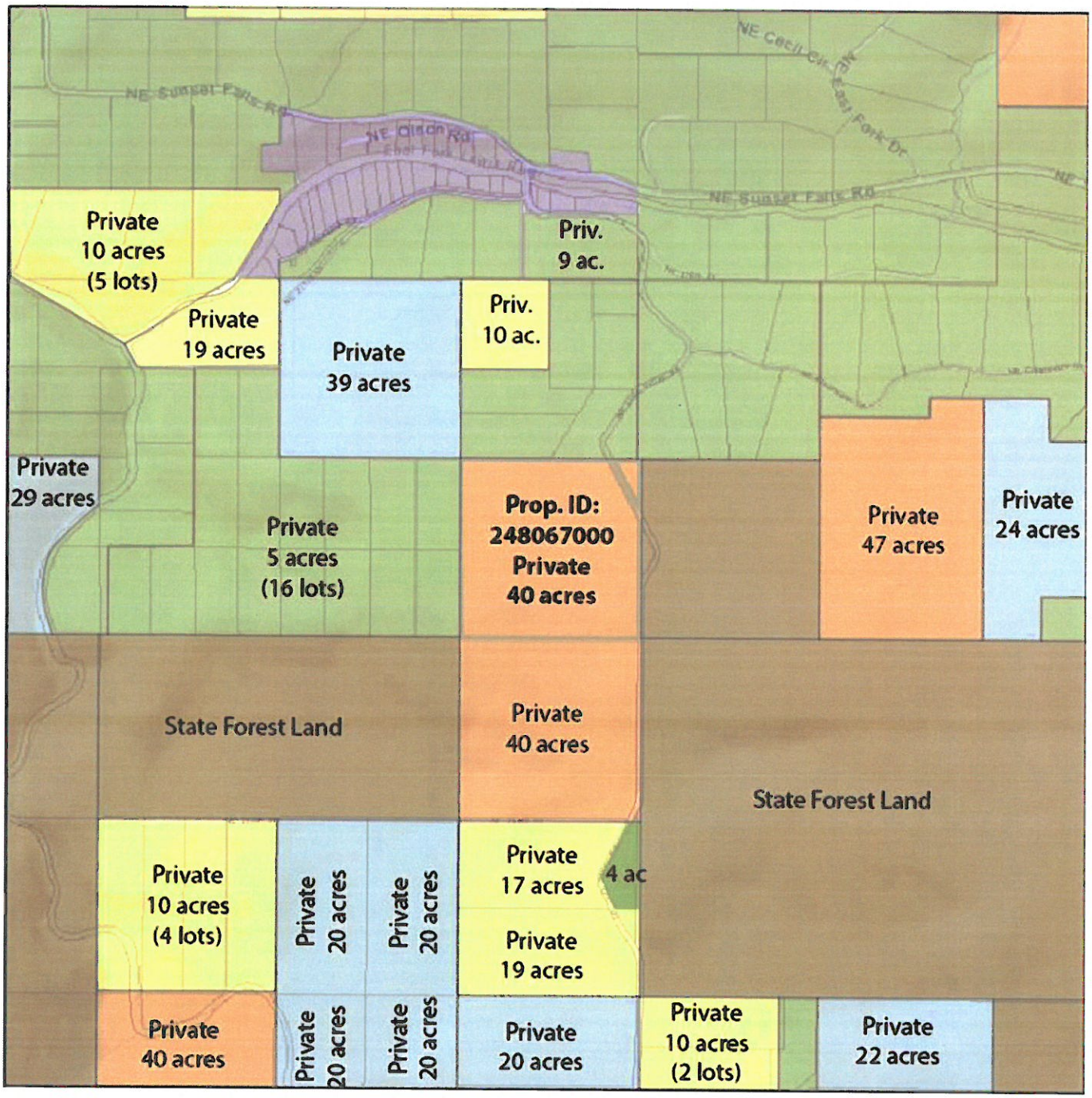
Thank you all for your work on this Comprehensive Growth Management Plan.

Best regards,
Steve Nylund / Manager
SJN+ LLC (Steve and Julie Nylund family tree farm)
19712 NE 174th Street,
Brush Prairie, WA 98606
360-896-4161


NE Sunset Falls Rd
NE Sunset Falls Rd
Private
10 acres
(5 lots)
Private
19 acres
Private
39 acres
Priv.
10 ac.
Priv.
9 ac.
Private
29 acres
Private
5 acres
(16 lots)
Prop. ID:
248067000
Private
40 acres
Private
47 acres
Private
24 acres
State Forest Land
Private
40 acres
State Forest Land
Private
10 acres
(4 lots)
Private
20 acres
Private
20 acres
Private
17 acres
4 ac
Private
19 acres
Private
40 acres
Private
20 acres
Private
20 acres
Private
20 acres
Private
10 acres
(2 lots)
Private
22 acres

Map showing properties that are at least 50% contained within a **nine square mile** area centered on parcel **24806700**:

Color	Size	Number of parcels
Orange	40 acres or more	4 parcels (from 40 to 47acres)
Blue	20 to 39 acres	9 parcels (from 20 to 39 acres)
Yellow	10 to 29 acres	15 parcels (from 10 to 29 acres)
Green, Violet	Less than 10 acres	more than **130 parcels** (down to 0.41 acre)
Brown	N/A - Not Private property (State Forest Land)	



cc'd- Board; Silliman
Orjiako; O'Donnell

14201 NE 50th Avenue

Vancouver, WA 98686

November 10, 2014

722593

CP16#0441

RECEIVED
NOV 13 2014
Board of Commissioners

TO: Clark County Commissioners

P. O. Box 9810, Vancouver, WA 98666

RE: Clark County Comprehensive Growth Management Plan

Property Parcels 196324000 and 196324005 at above address.

We hereby request that these two parcels be included in the adjacent Urban Growth area via a boundary line adjustment.

This is a logical revision to the Comprehensive Plan for the following reasons:

>This would be a natural, unobstructed extension of the current Urban Growth Boundary, with 146th Street a logical northern boundary for the UGB.

>These parcels are in our common ownership with adjacent parcels which are within the Urban Growth Boundary and are zoned R1-7.5.

>These properties are in the path of development, with residences to the north and east, and the Pleasant Valley Schools on the west across 50th Avenue.

>If single homes were built on these 2.5-acre parcels, it would be difficult to later develop the properties to compatible uses within the UGB.

>Existing roads can be improved to facilitate traffic flow into the north edge of the UGB and south of Salmon Creek.

Thank you,

James G. Youde

Judith Youde

James G. Youde

Judith Youde

14201 NE 50th Avenue, Vancouver, WA 98686

O'Donnell, Mary Beth

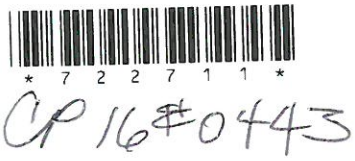
7225944
CP16#0442

From: WAYNE PATTI TORJUSEN <wtorjusen@msn.com>
Sent: Thursday, November 13, 2014 7:14 PM
To: Cnty 2016 Comp Plan
Subject: Proposed changes in zoning

Dear Planning Commissioners:

We are in agreement with the proposed changes to reduce the current zoning R-20 to R-10. We feel we can be just as good stewards of our land with the decrease in acreage. We are surrounded by smaller lot sizes and believe we should also have the right to reduce the size of our property to be in keeping with the rest of our neighbors. Thanks for your consideration of this matter.
Sincerely, Wayne and Patricia Torjusen
Sent from my iPad

O'Donnell, Mary Beth



From: Euler, Gordon
Sent: Thursday, November 13, 2014 10:21 AM
To: O'Donnell, Mary Beth
Subject: FW: HARRASSMENT AND BROWBEATING FOR MORE TAX $ PARCEL #265517000

For the index.

From: Cnty 2016 Comp Plan
Sent: Wednesday, November 12, 2014 12:51 PM
To: Euler, Gordon; Orjiako, Oliver
Subject: FW: HARRASSMENT AND BROWBEATING FOR MORE TAX $ PARCEL #265517000

This is the woman who left the hostile voice message last Friday.

From: David & Linda [mailto:gutntag@tds.net]
Sent: Tuesday, November 11, 2014 2:14 PM
To: Cnty 2016 Comp Plan
Subject: HARRASSMENT AND BROWBEATING FOR MORE TAX $ PARCEL #265517000

Thank you. Your e-mail was successfully sent.
The following message was sent to Representative Richard DeBolt of the 20th District

---

TO: Representative Richard DeBolt

CC: Sen. John Braun, Rep. Ed Orcutt

FROM: LINDA BODALY gutntag

STREET ADDRESS: 11105 NE 379th St La Center, WA 98629

EMAIL: gutntag@tds.net

PHONE: (360) 694-7934

SUBJECT: clark county tax ID# 265517000 tax increase for quote " growth management plan" or should I say the democrat "war on old women"

MESSAGE: I have been harassed by this bunch for the last 2 years, the only reason I purchased this place and allowed these morons to collect about $ 6,000 in excise tax is because it was one parcel under AG-- I run a farm moved here to be LEFT ALONE not to receive flyers telling me how they can improve my life (just like OBAMACARE --we the voters are too STUPID to know what they're up to) trying to take my land for URBAN RESERVE AND HOLDING --- CHANGES SO THEY CAN TELL ME WHAT TO DO---SMALLER LOTS SO THEY CAN TAX ME MORE--- I thought that I lived in the US and not Nazi Germany--frankly at this point

I think Nazi Germany was more up front in their dealings than this bunch-- it is disheartening to see our country go to hell any assistance in this matter would be appreciated thank you

RESPONSE: You have requested a response from Representative Richard DeBolt

Verbatim voice message left 11/06/14, 9:59 am from property owner Linda Bodaly: 265517-000

You have harassed me for the past two years regarding trying to go ahead and correct my zoning. I did not request a correction for zoning. The only reason I bought the place is because it had the zoning it had. I don't need your assistance, I don't really give a damn what the hell you're planning, its not my plan for my property. I worked and paid for it, and I guess this is the war on women since I'm 68 years old and you people have been picking on me for the last two years. Let me tell you, you will get an email, you will get a letter, also addressed to the Clark County Commissioners and my state reps.

Good bye

O'Donnell, Mary Beth

From: Euler, Gordon
Sent: Friday, November 07, 2014 10:21 AM
To: Albrecht, Gary; Alvarez, Jose; Anderson, Colete; Euler, Gordon; Hermen, Matt; Kamp, Jacqueline; McCall, Marilee; Lebowsky, Laurie; Niten, Jeff; O'Donnell, Mary Beth; Orjiako, Oliver
Cc: Snell, Marty; Keltz, Mary; Silliman, Peter
Subject: FW: Voice Message from Day Main Menu Tel: 3602633542
Attachments: 976AC483-28EB-41BA-97C1-853102642855.WAV

All:

Thought you should be aware of this. Parcel #265517000 is 26.7 acres zoned AG-20; the owner according to Maps-on-Line is Linda Bodaly. I'm guessing she got a postcard re the proposed change from AG-20 to AG-10, and it sounds like she got a postcard for the rural preference census as well since she refers to being 'harassed' for the last two years.

Gordy

From: sa.CXEUM
Sent: Thursday, November 06, 2014 9:59 AM
To: Euler, Gordon
Subject: Voice Message from Day Main Menu Tel: 3602633542

Sender's comments are located in WAV file at end of message.

RECEIVED NOV 18 2014

November 16, 2014

Clark County Community Planning
1300 Franklin Street-1st Floor
Vancouver, Washington 98660

Re: Growth Plan Update for Parcel # 265517000

As I mentioned in my voice mail and email I DO NOT want rezoning of my property. The reason I purchased this land was because it had the current zoning and was one parcel. I spent my life's savings and don't recall the county or any of my neighbors asking if they could contribute to the purchase price with 25% or 50% nor do I recall being told that there will be an attempt to rezone especially with the explanations of:

- Smaller minimum lot sizes
- Changes in uses allowed in specific areas (of course not mentioned as to what) surprise later
- Urban reserve and urban holding (that's my favorite) goes back to who paid for the land
- Proposed road classification, unexplained

This is a classic land grab, attempt to raise property taxes, redistribution and government control. Typical move one would expect from the Nazis or Communists, people moved to the US to get away from these tactics. I would like to retire in peace; you can pry it from my cold dead hands until then LEAVE ME ALONE.

Linda M Bodaly

cc: Clark County Commissioners

* 7 2 2 7 4 8 *
CP16#0444

Comments on the Pleasant Highlands Proposed Circulation Plan

Dated November 13, 2014

The below named individuals join together and ask that the Pleasant Highlands Proposed Circulation Plan be modified to preserve NE 129th Street as a dead-end street with the present outlet on NE 72nd Avenue.

The community served by NE 129th Street and its feeder dead-end roads (NE 66th Avenue, NE 68th Avenue, NE 71st Avenue, and NE 126th Street) is an established community that has existed for many years. The community has a great desire to preserve the quality of life enjoyed for over 30 years by the community.

On November 15, 2012, after learning about a Sub-area plan being proposed that showed NE 129th Avenue becoming a through street from NE 50th Avenue to NE 72nd Avenue, several landowners in our community attended a Clark County Planning Commission Meeting where we expressed our concerns. In response to our concerns, the Clark County Planning Commission unanimously voted against recommending that NE 129th Street become a through street and sent the matter back to the planners. At that time, Jeff Niten promised to contact us when the planners began to look at future road plans for this area.

Towards the end of October, 2014, some members (not all) of our community received a notice of a "Road Plan Update." The body of the notice stated that Clark County was revising its Comprehensive Growth Management Plan and spoke about new roads being added to county plans. Some of us looked on the Clark County website at the Comprehensive Growth Management Plan alternatives, the zoning plans, and the identified road plan on the web site. We saw no proposed road changes for our immediate area. However, upon attending an open house on October 30, 2014, we learned that what the Clark County Planning Commission had unanimously rejected in 2012 was now back on the proposed plans in a document called the Proposed Arterial Atlas Amendments map.

In the comments from the Pleasant Highlands Neighborhood Association dated September 30, 2006 to the Draft EIS for the CGMP for Clark County, August 2006, the association stated: "It is crucial that developments of the magnitude allowed by the sheer size of the developable land east of NE 50th Avenue and NE 139th Street be compatible with current quiet Residential land use." During the comment period prior to the adoption of the Comprehensive Growth Management Plan, the community served by NE 129th Street sent in its own petition with 33 signatures asking that the lots accessed by NE 129th Street be zoned at R1-20. We received no response from the county. We chose to live in this neighborhood because of its quiet residential character. We continue to urge the county to protect the quiet residential characteristic of this community.

For the reasons stated on the record in 2012 and for the reasons that the land in our community is already developed, that livability is impacted when traffic is directed through established neighborhoods, that it already is difficult trying to get on to 72nd Avenue, that such difficulty would be greatly increased if the road became a through street, that our community has existed for over 30 years and we wish to maintain our community's qualities for future generations, all of which we explained in a meeting with Laurie Lebowsky and Matt Hermen on November 6, 2014, we request that the proposed plan to make NE 129th Street a through street between NE 50th Avenue and NE 72nd Avenue be changed so that NE 129th Street will dead-end on its west terminus at or near NE 61st Avenue with the sole outlet remaining on NE 72nd Avenue.

Signature	Printed Name	Mailing Address
[illegible]	Timothy J. Binder	6615 NE 129th St, Vancouver, WA 98686
Email: N54D92@gmail.com		Telephone: 360-573-6419
Signature	Printed Name	Mailing Address
[illegible]	Katherine Twiss	13009 NE 66 Ave.
Email: Katwiss@aol.com		Telephone: 360 931 3841
Signature	Printed Name	Mailing Address
Sharon Beamon	Sharon Beamon	13021 NE 66th Ave
Email: sdclkingup@gmail.com		Telephone: 360 574 1956
Signature	Printed Name	Mailing Address
Denni R Beamon	Dennis Beamon	13021 NE 66th Ave
Email: Dennis.Beamon@yahoo.com		Telephone: (360) 607-0856
Signature	Printed Name	Mailing Address
Marie Michaels	MARIE MICHAELS	13113 NE 66th Avenue
Email: MMBLUE@Q.Com		Telephone: 573-5227
Signature	Printed Name	Mailing Address
Jeannette Chinn	Jeannette Chinn	13014 NE 66th Ave
Email:		Telephone: (360) 571-0622
Signature	Printed Name	Mailing Address
[illegible]	Andrea Armstrong	6408 NE 129th St
Email: andreaanne.mom@gmail.com		Telephone: 702 423 1488
Signature	Printed Name	Mailing Address
[illegible]	Darrell Armstrong	6408 NE 129th St
Email:		Telephone:

Signature	Printed Name	Mailing Address
[illegible]	NANCY CRESAP	6400 NE 129 St
Email:		Telephone: 360-573-7308

Signature	Printed Name	Mailing Address
Michael M Cresap	MICHAEL CRESAP	6400 NE 129 ST
Email:		Telephone: 573-7308

Signature	Printed Name	Mailing Address
[illegible]	Michael Gold	12819 NE 66th Ave
Email: Renegade8a@GMail.com		Telephone: 360 573 1107

Signature	Printed Name	Mailing Address
[illegible]	Kirby Robinson	12711 NE 66th Ave
Email: robinsonkirby79@Gmail.com		Telephone: 949-8522

Signature	Printed Name	Mailing Address
Janet L. Robinson	JANET L. ROBINSON	12711 N.E. 66th AVE
Email:		Telephone: 360-574-4986

Signature	Printed Name	Mailing Address
[illegible]	Rachelle H. Cobb	12601 NE 66th Ave. Vancouver, WA 98686
Email: cobbrh@gmail.com		Telephone: 360-991-1835

Signature	Printed Name	Mailing Address
Clara Brisby	CLARA BRISBY	6712 NE 129th ST Vancouver WA 98686
Email: [illegible]		Telephone: 360-573-4642

Signature	Printed Name	Mailing Address
[illegible]	JAMES J GRAFFY	6713 NE 129th St Vancouver WA 98686
Email: jjgraffy@aol.com		Telephone: 360-609-6523

Signature	Printed Name	Mailing Address
[signature]	RC Miller-Graffy	6713 NE 129th St 98686
Email: RCMGRAFFY@AOL.COM		Telephone: 360 573 5307
Signature	Printed Name	Mailing Address
[signature]	Valerie K. Blessley	12708 NE 68th Avenue, 98686
Email: blesses@pacifier.com		Telephone: 360-576-8111
Signature	Printed Name	Mailing Address
[signature]	Mark Blessley	12708 NE 68th Ave. 98686
Email: dobles@healthonline.us		Telephone: (360) 576-8111
Signature	Printed Name	Mailing Address
[signature]		12614 NE 68 Ave.
Email: [illegible]		Telephone: 574-0424
Signature	Printed Name	Mailing Address
[signature]	Dave Galantz	6614 NE 126 St Van WA
Email: [illegible]		Telephone: 360 904 2157
Signature	Printed Name	Mailing Address
[signature]	Ruth C. Rice	6705 NE 126th St Vancouver WA 98686
Email: rice360@msn.com		Telephone: 360 5733083
Signature	Printed Name	Mailing Address
[signature]	Daniel Rice	6705 NE 126th St Vancouver WA 98686
Email: danricemail@gmail.com		Telephone: 360 573 3083
Signature	Printed Name	Mailing Address
[signature]	Jon Rice	6705 NE 126th St. Vancouver, WA 98686
Email: adoptive.jon@gmail.com		Telephone: 360-600-1395

Signature: [illegible] Printed Name: Louis Gilson Mailing Address: 6717 NE 126th St 98686

Email: Telephone:

Signature: [illegible] Printed Name: Dennis [illegible] Mailing Address: 13000 NE 69th [illegible]

Email: Telephone: 573-2886

Signature: Lynda Libby Printed Name: LYNDA LIBBY Mailing Address: 13012 NE 68th Ave.

Email: lyndalibby@comcast.net Telephone: 903-4914

Signature: [illegible] Printed Name: Cay S Amery Mailing Address: 6814 NE 129th St.

Email: CCOACHAMERY@aol.com Telephone: 360-574-2782

Signature: Paige Amery Printed Name: Paige Amery Mailing Address: 6814 NE 129th St

Email: Amery.Pn@gmail.com Telephone: 360-949-3109

Signature: Ron Christensen Printed Name: Mailing Address: 6911 NE 129 St

Email: RonChristensen@YMail.com Telephone: 503-804-6578

Signature: Sherri Christensen Printed Name: Sherri Christensen Mailing Address: 6911 NE 129th St

Email: ronchristensen@ymail.com Telephone: 360-904-3500

Signature: Pamela S. Schweigert Printed Name: PSchweigert Mailing Address: 13010 NE 71st Pl

Email: Pengy951@hotmail.com Telephone: 360 574-1075

Signature	Printed Name	Mailing Address
	Richard Blade	12903 NE 71st Ave Vancouver, WA 98686
Email: BLADE042901@comcast.net		Telephone: 360-326-4350

Signature	Printed Name	Mailing Address
	Daniel Magnusson	7103 NE 129th St., Vancouver, WA 98686
Email: dmagnuss@gmail.com		Telephone: 360-606-5608

Signature	Printed Name	Mailing Address
	Darlene Magnusson	7103 NE 129th St., Vancouver WA 98686
Email: darmagn@gmail.com		Telephone: 360-606-5349

Signature	Printed Name	Mailing Address
	A. E Canale	12614 NE 68 A
Email:		Telephone: 360-574-0424

Signature	Printed Name	Mailing Address
	Huston W. Rice	6705 NE 126th St.
Email: hughwr@yahoo.com		Telephone: 360-573-3083

Signature	Printed Name	Mailing Address
	Gary R. Heid	12920 NE 71st Ave
Email: rawheid78@gmail.com		Telephone: 360 254-5765

Signature	Printed Name	Mailing Address
	Sheri Vea	13018 NE 71 Ave.
Email: crazybarrelracer@msn.com		Telephone: 360-921-5236

Signature	Printed Name	Mailing Address
	Robert Hartmann	13018 NE 71 Ave. Van, WA 98686
Email: Crazybarrelracer@MSN.com		Telephone: 214-415-4314

Signature	Printed Name	Mailing Address
Betty J. Hodgson	Betty J. Hodgson	13017 NE 71st Ave.
Email:		Telephone:

Signature	Printed Name	Mailing Address
Kay E. Towne	Kay E. Towne	13000 NE 66th Ave.
Email: townekay@gmail.com		Telephone: 971-522-7716

Signature	Printed Name	Mailing Address
Jackson C. Towne	Jackson C. Towne	13000 NE 66th Ave
Email: jacksonTowne@centurylink.net		Telephone: 503-756-7613

Signature	Printed Name	Mailing Address
Connie Cobb	Connie Cobb	12621 NE 66th Ave
Email: rocoraco@msn.com		Telephone: 360-546-1016

Signature	Printed Name	Mailing Address
Roland Cobb	Roland Cobb	12621 NE 66th Ave
Email: rocoraco@msn.com		Telephone: 360-546-1016

Signature	Printed Name	Mailing Address
Charles R Stuart	Charles R Stuart	6614 NE 129th St.
Email: rstu98@yahoo.com		Telephone: 360 573 3897

Signature	Printed Name	Mailing Address
Irene D. Stuart	Irene D. Stuart	6614 NE 129th St.
Email:		Telephone: 360 573-3897

Signature	Printed Name	Mailing Address
[illegible]	Brenda Cole	1099 NE 66th Ave
Email:		Telephone: 360-573-1127

Pleasant Highlands Circulation Plan
COMMENT CARD

Meeting November 6, 2014

Please provide your comments or questions

Thank you for coming!

Please plan that 129th Street dead end some where around 61st Ave. for 72nd Ave

Contact Name: JAMES GRAFFY
Email: jjgraffy@aol.com
Phone No. 360-609-2523

For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2000; **Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** ADA@clark.wa.gov.

Pleasant Highlands Circulation

SIGN-IN SHEET & E-Mailing List Request
Meeting Date: November 6, 2014

PRINT NAME	MAILING ADDRESS	PRINT - E-MAIL
MARIE MICHAELS	13113 NE 66th AVE. VAN WA 98686	—
Jackson & Kay Towne	13000 NE 66th Ave., Van. WA 98686	
Cy S. Amery	6814 NE 129th St. Van WA 98686	CCOACHAMERY@AOL.com
Rachelle Cobb	12621 NE 66th Ave. Vancouver, WA 98686	cobb.rh@gmail.com
Clara Brisby	6712 NE 129th St Vancouver, WA 98686	
Connie Cobb	12621 NE 66th Ave, Vancouver, WA	rocoraco@msn.com
Roland Cobb	12621 NE 66th Ave, Vancouver, WA	" "
Charles Richard Stuart	6614 NE 129th ST., Vancouver, WA	rstu98@yahoo.com
Michael Gold	12819 NE 66th Ave Van 98686	Renegade8a@Gmail.com
Dennis & Linda Stewart	13003 NE 68 Ave Vancouver 98686	lindaastewart@msn.com
Darrel + Lynda Libby	13012 NE 68th Ave Van. 98686	LyndaLibby@comcast.net
James Graffy	6713 NE 129th St Van 98686	jjgraffy@aol.com
Timothy Binder	6615 NE 129th St. Vanc 98686	N54D92@gmail.com
Daniel Magnusson	7103 NE 129th St. 98686	dmagnuss@gmail.com

O'Donnell, Mary Beth

722768
CP16#0446

om: Euler, Gordon
Sent: Thursday, November 13, 2014 10:21 AM
To: O'Donnell, Mary Beth
Subject: FW: 2016 Comp Plan comments submitted

For the index.

-----Original Message-----
From: Cnty 2016 Comp Plan
Sent: Wednesday, November 12, 2014 12:48 PM
To: Euler, Gordon; Orjiako, Oliver
Subject: FW: 2016 Comp Plan comments submitted

From comp plan inbox.

-----Original Message-----
From: NoReply@Clark.Wa.Gov [mailto:NoReply@Clark.Wa.Gov]
Sent: Monday, November 10, 2014 9:26 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

ollowing comments were submitted online:

Parcel No:

Subject: Growth Plan

Comments:
We live at 19000 NE 42nd Ct Ridgefield and would like to see the growth plan changed to allow as small of lot size as possible. The proximity to the freeway and accessibility to main roads in Clark county make this area a prime candidate for future develpoment.

Submitted by:
Rod Nelson

Email: rodnelson@me.com

Address:

,

O'Donnell, Mary Beth

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 17, 2014 8:10 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: "Defining Rural Character & Planning for Rural Lands" (For the record)

Follow Up Flag: Follow up
Flag Status: Flagged

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Friday, November 14, 2014 1:09 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Silliman, Peter; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; cnldental@yahoo.com; Clark County Citizens United Inc.
Subject: "Defining Rural Character & Planning for Rural Lands" (For the record)

1994, State of Washington, Dept. of Community, Trade and Economic Development, Growth Management Services; **"A Rural Element Guide", "Defining Rural Character and Planning for Rural Lands."**

believe that the Clark County planners could benefit from reading this document. Despite its age, some basic elements for guidance remain relevant today; importance of rural citizen participation in balancing rural needs and planning their future, and recognizing the existing rural conditions and trends in land use patterns and existing densities: **"Fundamental to a successful outcome."**

Pg. 5, "Initiate Community Visioning and Ongoing Citizen Participation. The importance of this step to overall program success cannot be underestimated. Citizen participation is necessary if the rural element is to address real community needs. The best source of information about rural community needs is the citizens who live and work in rural communities."

Pg.6, "Your Community's rural planning will also be more effective and focused when developed around a clear vision of the future. In other words, the citizens of your community need to define what they want and the purposes to be served by your community's rural areas. They also need to reach consensus about what qualities are most important to preserve and which should change."

"Inventory Existing Conditions, Trends and Resources. As with any planning effort, knowledge about existing conditions, trends, problems and opportunities is fundamental to a successful outcome. This information is in fact, the foundation on which future decisions will be made. Much of the information collected as a part of your land use inventory, capital facilities inventory and critical/resource lands inventories will be important in assessing alternatives for rural area land uses, patterns and services. Land use patterns, existing densities, the availability of various facilities, environmental constraints or hazards, wildlife habitats, vegetative cover, atural features, resources, roads and other infrastructure will affect the choices you make for the future of your rural areas. Information about soils and their ability to support resource uses will be important information in rural area planning."

Pg. 7, "Prime soils should perhaps be set aside for agricultural operations whether large operations or smaller intensive specialty farming,."

Pg. 8, "Citizens can express values and goals at public meetings, through attitude surveys and by other means, these expressions need to be captured into a set of clear statements which are specific enough to provide guidance."

Pg. 9, "The Optimal Patterns for Rural Development" section describes a number of different development patterns you may wish to incorporate into your alternatives."

Pg. 9, " Select the Preferred Alternative. After public review and comment of the alternatives, refine the preferred rural area policy and strategy. Again, it should include an implementation strategy which incorporates and addresses comments and concerns expressed at public meetings."

Pg. 42, "Inventory local character. Because of this diversity, the first step in defining rural character for a given community is to inventory features of that local character. Typical land use patterns, building architectural features and distinctive natural features should be inventoried."

"Define what the community values. A more difficult task is to define specifically which elements of the community's rural character are most valued by the community."

Pg. 46, "Use more flexible performance-based regulatory techniques to match rural needs. Hardin County, Kentucky, has received national recognition for its innovative program for guiding development. Their planning commission set out to "devise a set of land use controls appropriate for a rural community, where the development pace is relatively modest, the developers are mostly from the community, and values and goals are distinctly different from those in urban areas." The resulting system is more palatable for rural residents than a more rigid zoning system. Because it is well matched to the community's needs, it has helped to build a supportive constituency for planning."

Pg. 50, "Recommendations for Setting Rural Densities:"

"Choose densities which can be supported by a rural level of services. "
"Perhaps the best yardstick for appropriate densities for these types of rural development is to consider the traditional densities within small towns within your county."

Sent from Windows Mail

From: cnldental@yahoo.com
Sent: Friday, November 14, 2014 10:54 AM
To: david.madore@clark.wa.gov, tom.mielke@clark.wa.gov, ed.barnes@clark.wa.gov, Silliman Peter, susan rasmussen, Leah Higgins, Rick Dunning, Rita Dietrich, Jerry Olson, Fred Pickering, Jim Malinowski, Frank White, Benjamin Moss, Lonnie Moss, Melinda Zamora, Nick Redinger, Curt Massie, Marcus Becker, Zachary McIsaac, cnldental@yahoo.com, Clark County Citizens United Inc.

Dear Commissioners,

As CCCU researches rural economics and planning, we have come upon interesting publications. Board member, Frank White, passed on a book written by Columnist, investigative journalist and novelist, Elizabeth Nickson. She has been a national columnist for Canada's *Globe and Mail* and *National Post*. She was European bureau chief of *Life Magazine* and a reporter for *Time magazine*, and has written for many international publications, including the *Sunday Times Magazine* (London), the *Gaurdian, Tatler, Vogue, and Harper's magazine*. She lives on Salt Spring Island in Washington state, in the Pacific Northwest.

The documentary book regarding the environmental movement and rural economies is called, Eco-Fascists, and should be read by every local government head. She apologizes for the brash name, but she wanted the reader to understand the impact of what she is reporting. She particularly discusses her attempt at using Transfer of Development Rights, on her 28 acres in Washington state. The information is an eye opener and clearly demonstrates why this development concept doesn't work.

She discusses the U.S. and International organizations involved in the environmental lock up of rural lands and rural economies, as she travels across the nation and locally. She goes to the communities to see first hand, the economic devastation that has occurred in rural communities, in the name of environmental protection. I have highlighted important passages and would be happy (and Frank) to share this book, to educate you over the destruction of the rural lands via environmental and over regulation on the local level.

My thoughts go to the international trend. What better way to destroy a nation and get control of it, but to highly restrict the economic viability of that nation. In one chapter she discusses in her research, that when many rural communities go down, meth takes over in that community. What better way to destroy some of our best fighting and patriotic young men, than to impoverish them and then addict them to a drug that destroys them forever. When you destroy the economy, it's people, control the land, and impoverish communities, it's just a few steps more and a whole country can be taken over, with nary a shot fired.

What is done locally, has a major effect, nationally. For the love of a free nation, we all have a responsibility to prevent the loss of our country, at all costs.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 17, 2014 8:07 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: FW: Ridgefield Open House - For the public record

Follow Up Flag: Follow up
Flag Status: Flagged

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

---

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Thursday, November 13, 2014 9:00 PM
To: Madore, David; Mielke, Tom; Barnes, Ed; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Carol Levanen; Clark County Citizens United Inc.; Silliman, Peter
Subject: Ridgefield Open House - For the public record

Dear Commissioners,

I have just reviewed the comments that are now on line for public view from the 2016 Comprehensive Plan Open House, conducted at the Ridgefield Fire Station, in Ridgefield, Washington. I noted that there were two comment sheets displayed for me and two for Susan Rasmussen. I submitted only one comment sheet in the box that night, and I confirmed with Susan that she only submitted one comment sheet, as well. The other comment sheet was from the previous open house, held in Hazel Dell, Washington. Staff combined them somehow, as there is certainly a mistake with the information displayed. Please make corrections to both the open houses to demonstrate the correct public comment submitted by Susan and myself at each meeting. In addition, I didn't see any notation of the comments made by two landowners, one regarding the many 5 acre lots and one asking why the proposal is only based on one small group of people, back in 2007. (I believe he was talking about the Rural Lands Task Force)

Thank you for a timely response to this request. We wouldn't want the public to think we go around stuffing comment sheets in the public comment boxes.

Best Regards,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

CP16#0449

From: LaRocque, Linnea on behalf of Barnes, Ed
Sent: Monday, November 17, 2014 8:09 AM
To: Orjiako, Oliver
Cc: Tilton, Rebecca; O'Donnell, Mary Beth
Subject: Food for thought (For the record)

Follow Up Flag: Follow up
Flag Status: Flagged

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Friday, November 14, 2014 10:54 AM
To: Madore, David; Mielke, Tom; Barnes, Ed; Silliman, Peter; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Carol Levanen; Clark County Citizens United Inc.
Subject: Food for thought (For the record)

Dear Commissioners,

As CCCU researches rural economics and planning, we have come upon interesting publications. Board member, Frank White, passed on a book written by Columnist, investigative journalist and novelist, Elizabeth Nickson. She has been a national columnist for Canada's *Globe and Mail* and *National Post*. She was European bureau chief of *Life Magazine* and a reporter for *Time magazine*, and has written for many international publications, including the *Sunday Times Magazine* (London), the *Gaurdian, Tatler, Vogue, and Harper's magazine*. She lives on Salt Spring Island in Washington state, in the Pacific Northwest.

The documentary book regarding the environmental movement and rural economies is called, Eco-Fascists, and should be read by every local government head. She apologizes for the brash name, but she wanted the reader to understand the impact of what she is reporting. She particularly discusses her attempt at using Transfer of Development Rights, on her 28 acres in Washington state. The information is an eye opener and clearly demonstrates why this development concept doesn't work.

She discusses the U.S. and International organizations involved in the environmental lock up of rural lands and rural economies, as she travels across the nation and locally. She goes to the communities to see first hand, the economic devastation that has occurred in rural communities, in the name of environmental protection. I have highlighted important passages and would be happy (and Frank) to share this book, to educate you over the destruction of the rural lands via environmental and over regulation on the local level.

My thoughts go to the international trend. What better way to destroy a nation and get control of it, but to highly restrict the economic viability of that nation. In one chapter she discusses in her research, that when many rural communities go down, meth takes over in that community. What better way to destroy some of our best fighting and patriotic young men, than to impoverish them and then addict them to a drug that destroys them forever. When you destroy the economy, it's people, control the land, and impoverish communities, it's just a few steps more and a whole country can be taken over, with nary a shot fired.

What is done locally, has a major effect, nationally. For the love of a free nation, we all have a responsibility to prevent the loss of our country, at all costs.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

O'Donnell, Mary Beth

722785

CP16#0450

From: NoReply@Clark.Wa.Gov
Sent: Friday, November 14, 2014 11:54 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 181553000

Subject: Clark Co. GMP

Comments:

We have lived at 19115 NE 42nd Ct. for close to 25 years and have watched areas adjacent to our neighborhood, especially to the south and west, develop into smaller parcels, either higher denisty or 1/2-2.5 acres. As we age, we want the ability to sub-divide our property into a smaller parcels, 1 or 2.5 acres so that we can stay in our community while downsizing into a smaller, one level home. This property is part of our retirement and we never imagined that 25 years later as the North County developed we would still be considered rural 10 or even five, zoning which is inconsistent within our same 20 block radius. Many of our neighbors feel the same. Its seems reasonable to re-evaluate our zoning, which apparently was dubbed R-10 but since the late 80's has actually been R-5. With growth around Legacy Salmon Creek hospital and WSU-V and mjor road expansion to the north, it seems more prudent to zone our nieghborhood at 1 to 2.5 acres, ıitead of just stamping at the same zoning it has been since 1987 when most of the houses were built on five arce parcels. We would very much appreciate you consideration of rezoning us to reflect growth needs and our desire to use our property in a way that will allow us to stay in our community.

Submitted by:
Lisa and Tim Irwin-Roddy

Email: irwin36@msn.com

Address:
19115 NE 42nd Ct
Ridgefield, WA

O'Donnell, Mary Beth

CP16#0451

From: McCall, Marilee
Sent: Friday, November 14, 2014 8:20 AM
To: Orjiako, Oliver; Euler, Gordon
Cc: O'Donnell, Mary Beth
Subject: FW: Closure of abandoned records request - Levanen

FYI.
Cc: Mary Beth in case Carol calls with questions about this.
Thanks,
Marilee

From: LaRocque, Linnea
Sent: Thursday, November 13, 2014 8:26 AM
To: cccuinc@yahoo.com
Cc: McCall, Marilee; Penta, Andrew
Subject: Closure of abandoned records request - Levanen

Good morning Carol,
On October 14th 2014, you presented a written request for records to the Board of County Commissioners. You had requested hearing and planning commission data. Both the BOCC and Community Planning requested clarification
n October 15th. I had also spoken with you personally one day here in our office, to which you had said you would try to clarify.
We had not heard back so both Community Planning and BOCC sent an email to your address on November 3, 2014 advising you that we intended to close your request due to abandonment on or before November 12th,
if you did not contact us to identify what records you wanted.

It is now the 13th and I have not heard from you so will consider your requested abandoned and closed.

Should you still want any identifiable hearing documents, please do not hesitate to either respond to this, or provide another request in writing, which ever you prefer, and I will open a new records request. If you have any questions, my number is below, please call me.
Thank you Carol!
Linnea

Linnea LaRocque, Administrative Assistant
Clark County Board of Commissioners
360-397-2232 ext. 4167
PO Box 5000, Vancouver WA 98666

SAVE PAPER - Please do not print this e-mail unless absolutely necessary

O'Donnell, Mary Beth

7 2 2 7 8 9
CP16 # 0452

From: Steve Hasson <steve@northbonneville.net>
Sent: Friday, November 14, 2014 12:01 PM
To: Cnty 2016 Comp Plan
Subject: Comment on Growth Plan Update
Attachments: Joan Johnson.docx

November 14, 2014

Clark County Community Planning
P.O. Box 9810
Vancouver, Washington 98666

Subject: Growth Plan Update

Dear Planning Representatives:

This letter is for purposes of commenting on Clark County's Comprehensive Growth Management Plan.

I received a notice of a growth plan update that will include my property located at 25008 NE 29TH Avenue Ridgefield [property I.D. 215118000]. This is a 36 acre parcel of land used for agriculture purposes that has been in my family since 1956.

am aware that Clark County is urbanizing and growth pressures are dictating smaller minimum agricultural lot sizes. This is evidenced by the fact many properties in proximity to this farm property are being divided into smaller lots for residentially related purposes. I understand the County contemplates keeping this 36 acre tract in an agricultural designation [AG] but also designating it with a new AG -10 zone.

I am supportive of this action as evidenced by my signature below.

Joan E.
Johnson

O'Donnell, Mary Beth

* 7 2 2 8 0 2 *

CP16#0453

From: Amy Sidran <amysidran@gmail.com>
Sent: Sunday, November 16, 2014 7:07 PM
To: Cnty 2016 Comp Plan
Subject: cc comp plan

Dear Board of Clark County Commissioners,

I want Clark County to be farmer friendly and have policies that help increase the amount of Clark County grown food.

Please consider Slow Food Southwest Washington's Grow Clark County recommendations that propose policy to be added to the Clark County Comprehensive Plan, which would conserve farmland and develop the farm economy.

I am a farmer and teacher at a local high school, Horticulture, and value the farmland. Please preserve what we have left for future generations and for our current residents to enjoy.

Sincerely,

Amy Sidran

8806 NE 159t St

`attle Ground, WA 98604

O'Donnell, Mary Beth

7228 05

CP16#0454

From: MARK <markahola@msn.com>
Sent: Sunday, November 16, 2014 7:57 PM
To: Cnty 2016 Comp Plan
Subject: Growth plan update

We are owners of tax lots 2054600009(15 ac).& 205459000(9.73 ac.) east of Hockinson, currently zoned FR-2, Parcels of the original 160 acre Ahola Homestead. Seven Ahola siblings & grand-children now own the Homestead comprising ELEVEN tax lots, only 1of which is over 40 acres. We desire the opportunity to sell or gift some acreages to our children or grand-children. A reduction from 40 to 20 acre lots would not allow this. For the Hockinson area zoning for 5 acre lots make more sense. Maybe FR 20 zoning is practical in commercial forest areas of North Clark Co. but a 20 or 40 ac. parcel is rare in the Hockinson area. We feel the Growth Management Plan should consider each parcel by neighborhood density as well as board feet of timber when zoning for Forest Reserve. Mark & Linda Ahola

O'Donnell, Mary Beth

722810

CP16#0455

From: jimandadrienne@aim.com
Sent: Sunday, November 16, 2014 7:46 PM
To: Cnty 2016 Comp Plan
Subject: comment on Growth Plan Update

My parents own the property at 21108 NW 67th Ave, Ridgefield on a couple acres,and also 21201 NW 67th Ave, Ridgefield on 23 acres. My family of 5 currently resides at the 21108 NW 67th Ave address with my parents. I am very much in favor of the proposed change to allow one house on a 10 acre piece instead of the current 1 house per 20 acre piece. My siblings and I would very much like to be able to build homes on this property to be able to live nearby each other and be here to help out my parents as they get older. Ideally, I would like to be able to split this up into 5 acre parcels, but this would be a great change in the right direction.

Thank you for considering my opinions.
Adrienne Schafer
360-990-3972

O'Donnell, Mary Beth

CP16#0456

From: Fulton, Mike <Mike.Fulton@iberdrolaren.com>
Sent: Monday, November 17, 2014 6:39 PM
To: Cnty 2016 Comp Plan
Cc: alison fulton (fulton06@comcast.net)
Subject: 2016 Comp Growth Management Update

I own two parcels in Clark County impacted by Alternative2: Parcels number 190247000 and 190248000. These parcels are adjacent to residences with larger lots that are part of Mettler Manor, a cluster of homes on the west side near the southern boundary of Ridgefield.

These parcels, originally one lot, were segregated as part of the Mettler Manor cluster on July 17, 1991 into 10 acre lots. However, they are located in the AG-20 designation and possibly only one lot is buildable.

The economics of working a 20 acre farm with minimal water supply have changed over the years. Local farmers were able to make a good living on their larger farm parcels in the years before large farming operations changed the market value of products being sold locally. Mass production and economies of scale from the larger operations, including those who import their goods for sale locally, has made it economically unviable for a small, local farmer holding twenty acres to truly utilize the land for commercial farming and be able to sustain themselves. The value of leasing these parcels to a large producer (since farming on our own would be too costly to make any profit, as discussed above) barely covers the cost of the current property taxes and insurance, making the land almost valueless to the owner as an agricultural property.

A designation of R-5 would allow for a greater relief of the anticipated growth in Clark County and is commensurate with the residential properties in Mettler Manor. As a result, I recommend that the land be designated as 5 acre parcels, similar to the zoning designation directly south of Mettler Manor and just north of 179th Street and west of NW 61st Avenue.

Best regards,

Mike Fulton
6214 NW 179th Street
Ridgefield, WA 98642

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O'Donnell, Mary Beth

CP16 # 0457

From: Karen Wood <kwood@pacifier.com>
Sent: Monday, November 17, 2014 6:18 PM
To: Cnty 2016 Comp Plan
Subject: EIS Alternatives Comments

These comments are related to material presented at open houses in October 2014.

I prefer alternative 1 – no action. The land added in the 2007 Comprehensive Growth Management Plan Update will not be used sufficiently by 2035 for residential, industrial, and commercial development to warrant adding any more land to the Urban Growth Areas in the current update. In fact, current projections for 2035 are lower than the projections for 2024 that were used in the 2007 Update, meaning less land is needed in this update, not more. Other changes being proposed in Alternative 2 and 3 seem unnecessary or counterproductive to the goal of preserving resource lands and preventing development outside of Urban Growth Areas.

I am concerned about the proposed reduction to minimum parcel size for agriculture, forest, and rural land in Alternative 2. At the 10/29/14 open house, I asked why this change is being made and was told it is because there is not much land that is over 10 acres for agriculture, over 20 acres for forest, and over 10 acres for rural. That seems like a weak reason for reducing the minimum size of parcels. If in fact there is so little land that will be impacted, then why make the change? Why not preserve what is left of the larger parcels? Information needs to be included in the Draft Supplemental EIS on how much land would be impacted by the proposed changes (acreage and percentages) and why the changes are needed. Both positive and negative impacts on land owners need to be identified, such as increased property tax if zoning is changed to allow more development. Resource and rural lands serve many purposes for fish and wildlife, water quality, aquifer recharge, open space, etc. and need to be preserved and I am concerned about the impact on these uses of the proposed changes. Allowing more subdivision of agriculture, forest, and rural land will result in fragmentation of existing parcels, reducing their value as resource lands. The remaining agriculture, forest, and rural land in Clark County needs to be preserved and large parcels should be kept intact. Instead of encouraging development, Clark County should be implementing policies that encourage agricultural and other resource uses on the remaining land outside the Urban Growth Areas. Without any other information, at this point I am assuming the reason for the change is to encourage more development outside of the Urban Growth Areas, which I believe is counter to the requirements of the Growth Management Act as it will result in development where it shouldn't occur. I am also wondering why urban reserve needs to be removed from the land north of Salmon Creek at this time, allowing development to occur in that area before development occurs in other areas that aren't urban reserve.

I am also concerned about the changes in Alternative 3, allowing development on land that is currently rural for Battle Ground and agricultural for La Center. I am sure there is land elsewhere that can be used for jobs that is already in the county's Urban Growth Areas, resulting in no need for these expansions. The Draft Supplemental EIS needs to explain why this land needs to be added to the Urban Growth Area when there are large areas of land added in the 2007 Comprehensive Plan Update that are available for job growth. I believe the land by La Center was removed from the Urban Growth Area in the last update because it is prime agricultural land and should not be used for commercial development.

As a 50-year resident of Clark County, I care deeply about the quality of life and would like to see it maintained. Thank you for the opportunity to comment.

Karen Wood
14910 NE 46th St
Vancouver, WA 98682

Parcel
109583-582

O'Donnell, Mary Beth

CP16#0459

From: NoReply@Clark.Wa.Gov
Sent: Monday, November 17, 2014 7:36 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: ???

Subject: 20 acres to 10

Comments:
I have lived in Ridgefield west of I-5 for 38 years and in that time I have seen alot of changes....some of the farm land that surrounds me is the best in Clark county...please keep it that way. More houses, creates traffic and with that comes crime.
Please, I beg you to save the farming in Clark County.

Submitted by:
Judy McIntyre

Email: snowchic@centurylink.net

Address:
16515 NW 41st Avenue
Ridgefield, Washington

cc'd - Orsiako
O'Donnell

THE LAW OFFICE OF
JEROME F. ELINE II, P.S.

ATTORNEY AT LAW
JEROME F. ELINE II
jeline@jelinelaw.com

LEGAL ASSISTANT
LORI L. CONOVER

* 7 2 4 3 4 9 *

CP16#0460

1010 ESTHER STREET
VANCOUVER, WA 98660
TELEPHONE (360) 737-1978
FACSIMILE (360) 695-9491

November 17, 2014

RECEIVED BY
ALL COMMISSIONERS

Clark County Commissioners
PO Box 5000
Vancouver, WA 98666-5000

RECEIVED
NOV 20 2014
Board of Commi...

ATTN: Tom Mielke
David Madore
Edward L. Barnes

Re: David Lawrence Property
510 NE 17th Avenue
Battle Ground, WA 98604
Parcel #224202000
Legal: #146 SEC 14 T4N R2 EWM 24.70A M/L

Dear Commissioners:

I represent Mr. David Lawrence, who owns property on the East Fork of the Lewis River, parcel number 224202000. There are no buildings on the property and therefore, no site address. Mr. Lawrence would like to have his property zoned for 5 -acre lots, or at a minimum, reduced from 20-acre zoning to 10-acre zoning. The reasoning for his 5-acre request is the following:

1. A review of the zoning surrounding the subject property indicates that those properties are zoned for 5-acre lots.
2. The actual lot sizes are 5-acres to the North and 2-acres to the South. Usually one would find the normal process of a graduated increase or decrease in lot sizes, but not such an abrupt change.
3. The property is designated for residential use, R-20, and has the same allowable uses as in the 5 and 10-acre zones.
4. The property is bordered on the East and the West by the Lewis River, which insures that the use of the land, no matter how it is zoned, will continue to protect the natural habitat.
5. The property is divided into two parts (one 5-acre parcel to the West, the other 20+ acres to the East) by an existing paved private road and easement, which provides access to neighboring properties north of this property.
   It would be very desirably practical to be permitted to split the land on each side of this

road/easement into separate, independent parcels.

I have enclosed several documents to support the reasoning presented for this request as follows:

a) Clark County Property Account Summary;
b) Warranty Deed;
c) Assessor's Map, showing lots sizes

Thank you for your consideration to what appears to be an opportunity to update the comprehensive plan in a manner reflective of the inherent conditions and practical needs of involved property owners.

Sincerely,

JEROME F. ELINE II

JFE:at
encl.
cc: David Lawrence

Note: Intended for Printing Only. Site navigation tabs and links may not work properly from this page.

New Search

Clark County Property Information

Account Summary

Property Identification Number: 224202000 MapsOnline

Property Type: Real

Property Status: Active **Tax Status:** Regular

Site Address: (Situs Addresses)

Abbreviated Legal Description: #146 SEC 14 T4N R2EWM 24.70A M/L

Account Building Environmental Taxes Auditor Docs Documents Permits Sales Search

Property Owner	Owner Mailing Address	Property Location Address
LAWRENCE DAVID G	510 NE 17TH AVE BATTLE GROUND WA , 98604 US	Google Maps Street View Bing Maps Birds Eye

Administrative Data Info...

Zoning Designation	Codes... R-20
Zoning Overlay(s)	none
Comprehensive Plan	R-20
Comp. Plan Overlay(s)	none
Census Tract	404.16
Jurisdiction	Clark County
Fire District	FD 3
Park District	District 0
School District	Battle Ground
Elementary	Captain Strong
Middle School	Chief Umtuch
High School	Battle Ground
Sewer District	Rural/Resource
Water District	Clark Public Utilities
Neighborhood	n/a
Section-Township-Range	SE 1/4,S14,T4N,R2E Image: .TIF or .PDF
Urban Growth Area	County
C-Tran Benefit Area	No
School Impact Fee	Battle Ground
Transportation Impact Fee	Rural 2
Transportation Analysis Zone	579
Waste Connections Garbage Collection Day	Wednesday
Last Street Sweeping	n/a
CPU Lighting Utility District	0
Burning Allowed	Yes
Wildland Urban Interface/Intermix	No Mapping Indicators

Land Data

Clark County Road Atlas	page 46
Approximate Area Info...	1,075,932 sq. ft. 24.7 acres
Subdivision	no data
Survey	025145 017150

Sales History

Sale Date	03/27/2007
Document Type	DEED
Excise Number	607788
Document Number	
Sale Amount	$750,000.00

Assessment Data Info...

2013 Values for 2014 Taxes

Market Value as of January 1, 2013

Land Value	$225,756.00
Building Value	$0.00
Total Property	$225,756.00

Taxable Value

Total	$225,756.00

2012 Values for 2013 Taxes

Market Value as of January 1, 2012

Land Value	$214,109.00
Building Value	$0.00
Total Property	$214,109.00

Taxable Value

Total	$214,109.00

General

Re-valuation Cycle	3
Assessor Neighborhood	11

If you have questions concerning the data on this page, please contact the Clark County Assessor's Office. Main Phone: (360) 397-2391 , Email: asrgis@clark.wa.gov

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New Search

Clark County Property Information

Environmental Constraints

Property Identification Number: 224202000 MapsOnline

Property Type: Real

Property Status: Active **Tax Status:** Regular

Site Address: (Situs Addresses)

Abbreviated Legal Description: #146 SEC 14 T4N R2EWM 24.70A M/L

Account Building Environmental Taxes Auditor Docs Documents Permits Sales Search

Wetlands and Soil Types

Wetland Class:	R3OWZ
Wetland Inventory: Info...	No Mapping Indicators Presence
Flood Hazard Area: Info...	Outside Flood Area Floodway Fringe
Shoreline Designation:	Rural Conservancy Residential Aquatic
Soil Types / Class:	Non-Hydric / OrC Non-Hydric / WhF Water / WAT Non-Hydric / WaA Non-Hydric / Rk Non-Hydric / WqE
Critical Aquifer Recharge Area:	Category 2 Recharge Areas
FEMA Map / FIRM Panel: Info...	53011C0234D
Watershed:	East Fork Lewis River
Sub Watershed:	East Fork Lewis (r.m. 15.75) East Fork Lewis (r.m. 07.25)

Geological Hazards

Info...

Slope Stability:	Severe erosion hazard areas
Geological Hazard:	Slopes > 15% Areas of Older Landslide Debris Areas of Potential Instability
NEHRP Class:	B C WATER
Liquefaction:	Bedrock Very Low Water

Habitat and Cultural Resources

Info...

Priority Habitat:	No Mapping Indicators Riparian Habitat Conservation Area Riparian Habitat Conservation Area Riparian Habitat Conservation Area
Habitat Area Buffer:	
Species Area Buffer:	
Archaeological Probability:	Moderate-High Moderate High
Archaeological Site Buffer:	No
Historic Site:	No Mapping Indicators

If you have any questions concerning the data on this page, please contact Clark County Environmental Services. Main Phone: (360) 397-2121

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12

4304199 D
RecFee - $36.00 Pages: 5 - FIRST AMERICAN TITLE
Clark County, WA 03/29/2007 02:52

RECORDED BY:
First American Title Ins. Co.

AFTER RECORDING MAIL TO:
David G. Lawrence
839 SE 209th Avenue
Gresham, OR 97030

607788

Real Estate Excise Tax
Ch. 11 Rev. Laws 1951
$ 13350.00 has been paid
Recp.# _____ Date 3/29/07
Sec. 61, see Affd. No. _____
Doug Lasher
Clark County Treasurer
BY _____ Deputy

Grantors: Roger K. Fitch, Carolyn F. Johnson, Paul J. Caplinger and Karen A. Caplinger, James Frederick Caplinger, John Kenneth Caplinger, Susan J. Berkey, Jon Roberts Kettenring, Ann K. Young, Robin K. Pasquarella and Karen A. Caplinger
Grantee: David G. Lawrence
Abbreviated Legal: SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST
Additional Legal on page: 1-3
Assessor's Tax Parcel No: 224115-000

5

WARRANTY DEED 991055

THE GRANTORS, Roger K. Fitch, as his separate estate, as to an undivided 12.5% interest, Carolyn F. Johnson, as her separate estate, as to an undivided 12.5% interest, Paul J. Caplinger & Karen A. Caplinger, husband and wife, as to an undivided 12.5% interest, James Frederick Caplinger, as his separate estate, as to an undivided 6.25% interest, John Kenneth Caplinger, as his separate estate, as to an undivided 6.25% interest, Susan J. Berkey, a married woman as her sole & separate property, as to an undivided 12.5% interest, Jon Roberts Kettenring, Ann K. Young and Robin K. Pasquarella, in equal shares, as tenants in common, an undivided 25% interest, Karen A. Caplinger, a married woman, as her sole & separate property, an undivided 12.5% interest, for and in consideration of Ten Dollars and other Good and Valuable Consideration in hand paid, convey and warrant to David G. Lawrence, an unmarried man, the following described real estate, situated in the County of Clark, State of Washington, to wit:

A portion of the North half of the Southeast quarter of Section 14, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Southeast corner of the North half of the Southeast quarter of Section 14, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington; Thence north along the east line of said Section 14, 214 feet, more or less, to the centerline of the East Fork of the Lewis River as it flows on the east side of said Southeast quarter of Section 14; thence northwesterly along the centerline of said East Fork of the Lewis River to a point 801.5 feet north of the south line of said north half of the Southeast quarter of Section 14; thence west, parallel with the south line of said north half of the Southeast quarter of Section 14, 426.3 feet, more or less, to the center line of NE River Bend Drive, which is a private

easement established by easement agreements recorded under Clark County Auditor's Numbers G313729 and G703852; and mapped by Survey recorded at Book 25 of Surveys, Page 145, records of Clark County, Washington; thence southwesterly along the centerline of NE River Bend Drive to a point 412 feet north of the south line of said north half of the Southeast quarter of Section 14; thence west parallel with the south line of said north half of the Southeast quarter of Section 14, 626.9 feet, more or less, to the centerline of the East Fork of the Lewis River as it flows on the west side of said Southeast quarter of Section 14; thence southwesterly along the centerline of said East Fork to its intersection with the south line of said north half of the Southeast quarter of Section 14; thence east along the south line of said north half of the Southeast quarter of Section 14, 2,290.8 feet, more or less, to the Point of Beginning.

TOGETHER WITH AND SUBJECT TO a non-exclusive easement 60 feet in width, for ingress, egress, and the transportation of utilities, over under and across NE River Bend Drive, as established by easement agreements recorded under Clark County Auditor's Numbers G313729 and G703852; and mapped by Survey recorded at Book 25 of Surveys, Page 145, records of Clark County, Washington.

TOGETHER WITH that certain non-exclusive easement for ingress, egress and utilities, 30 feet in width, as described under Clark County Auditor's Number G703853, which is immediately west of and parallel to NE 147th Avenue, a county road.

Grantors, for themselves, their heirs, successors and assigns, retain the right, together with Grantee, to utilize the above-described non-exclusive easements for the benefit of Grantors' retained real property. Grantors' retained real property is westerly of and adjacent to the real property conveyed herein, being 25 acres, more or less, situated in the North half of the Southeast quarter of Section 14, Township 4 North, Range 2 East of the Willamette Meridian, Clark County, Washington, and being a portion of Assessor's Tax Parcel No. 224115-000.

Containing 27.53 acres, more or less.

SUBJECT TO THE FOLLOWING:

1. Any question that may arise due to the shifting and/or changing in the course of East Fork of the Lewis River.

2. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purpose of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands or adjoining uplands and whether

the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.
(Affects all of the premises subject to such submergence)

Clark Auditor Thu Mar 29 14:52:18 PDT 2007 4304199 Page 2

3. Right of the State of Washington in and to that portion, if any, of the property herein described which lies below the line of ordinary high water of the East Fork of the Lewis River.

4. Agreement and the terms and conditions thereof:
Between: Katherine A. Kettenring
And: Albert H. Matson, et al
Recording Information: G 313729
Modification and/or amendment by instrument:
Recording Information: G 703852

5. Easement, including terms and provisions contained therein:
Recording Information: 9011160092
In Favor of: Adjoining property
For: Ingress, egress and utilities

6. Covenants, conditions, restrictions and assessments, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

Each Grantor conveys all of his or her undivided-interest in the real property described above regardless of the percentage amount of such interest.

DATED this 27 day of March, 2007.

Paul J Caplinger
Paul J. Caplinger

Karen A Caplinger
Karen A. Caplinger (individually and for the marital community)

Roger K Fitch
Roger K. Fitch, by Karen A. Caplinger, Attorney in Fact

Carolyn F Johnson
Carolyn F. Johnson, by Karen A Caplinger, Attorney in Fact

James Frederick Caplinger
James Rederick Capliger, by Karen A Caplinger, Attorney in Fact

John Kenneth Caplinger
John Kenneth Caplinger, by Karen A Caplinger, Attorney in Fact

Susan J Berkey
Susan J. Berkey, by Karen A Caplinger, Attorney in Fact

Jon Roberts Kettenring
Jon Roberts Kettenring, by Karen A Caplinger, Attorney in Fact

Ann K. Young

Ann K. Young, by Karen A Caplinger, Attorney in Fact

Robin K. Pasquarella

Robin K. Pasquarella, , by Karen A Caplinger, Attorney in Fact

Karen A. Caplinger

Karen A. Caplinger, Attorney in fact for:
Roger K. Fitch
Carolyn F. Johnson
James Frederick Caplinger
John Kenneth Caplinger
Susan J. Berkey
Jon Roberts Kettenring
Ann K. Young
Robin K. Pasquarella

STATE OF ARIZONA)
: **ss.**
COUNTY OF MARICOPA)

I certify that I know or have satisfactory evidence that **Paul J. Caplinger** and **Karen A. Caplinger** are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 27 day of March, 2007.

Clete R. Sigwart

NOTARY PUBLIC in and for the State of Arizona; my appointment expires: 1-15-2010

CLETE R SIGWART
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
January 15, 2010

Clark Auditor Thu Mar 29 14:52:18 PDT 2007 4304199 Page 4

STATE OF ARIZONA)
: **ss.**
COUNTY OF MARICOPA)

I certify that I know or have satisfactory evidence that Karen A. Caplinger is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument and acknowledged it as the Attorney in Fact for **Roger K. Fitch**, **Carolyn F. Johnson**, **James Frederick Caplinger**, **John Kenneth Caplinger**, **Susan J. Berkey**, **Jon Roberts Kettenring**, **Ann K. Young**, and **Robin K. Pasquarella**, to be the free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

DATED this 27 day of March, 2007.

NOTARY PUBLIC in and for the State of Arizona; my appointment expires: 1-15-2010

CLETE R SIGWART
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
January 15, 2010

Clark Auditor Thu Mar 29 14:52:18 PDT 2007 4304199 Page 5

Exhibit "A"

A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON;
THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 14, 214 FEET, MORE OR LESS, TO THE CENTERLINE OF THE EAST FORK OF THE LEWIS RIVER AS IT FLOWS ON THE EAST SIDE OF SAID SOUTHEAST QUARTER OF SECTION 14;
THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID EAST FORK OF THE LEWIS RIVER TO A POINT 801.5 FEET NORTH OF THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14;
THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, 426.3 FEET, MORE OR LESS, TO THE CENTER LINE OF NE RIVER BEND DRIVE, WHICH IS A PRIVATE EASEMENT ESTABLISHED BY EASEMENT AGREEMENTS RECORDED UNDER CLARK COUNTY AUDITOR'S NUMBERS G313729 AND G703852; AND MAPPED BY SURVEY RECORDED AT BOOK 25 OF SURVEYS, PAGE 145, RECORDS OF CLARK COUNTY, WASHINGTON;
THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF NE RIVER BEND DRIVE TO A POINT 412 FEET NORTH OF THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14;
THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, 626.9 FEET, MORE OR LESS, TO THE CENTERLINE OF THE EAST FORK OF THE LEWIS RIVER AS IT FLOWS ON THE WEST SIDE OF SAID SOUTHEAST QUARTER OF SECTION 14;
THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID EAST FORK TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14;
THENCE EAST ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, 2,290.8 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT 60 FEET IN WIDTH, FOR INGRESS, EGRESS, AND THE TRANSPORTATION OF UTILITIES, OVER UNDER AND ACROSS NE RIVER BEND DRIVE, AS ESTABLISHED BY EASEMENT AGREEMENTS RECORDED UNDER CLARK COUNTY AUDITOR'S NUMBERS G313729 AND G703852; AND MAPPED BY SURVEY RECORDED AT BOOK 25 OF SURVEYS, PAGE 145, RECORDS OF CLARK COUNTY, WASHINGTON.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 30 FEET IN WIDTH, AS DESCRIBED UNDER CLARK COUNTY AUDITOR'S NUMBER G703853, WHICH IS IMMEDIATELY WEST OF AND PARALLEL TO NE 147TH AVENUE, A COUNTY ROAD.

The real property described above is commonly known as:

Tax ID 224202-000

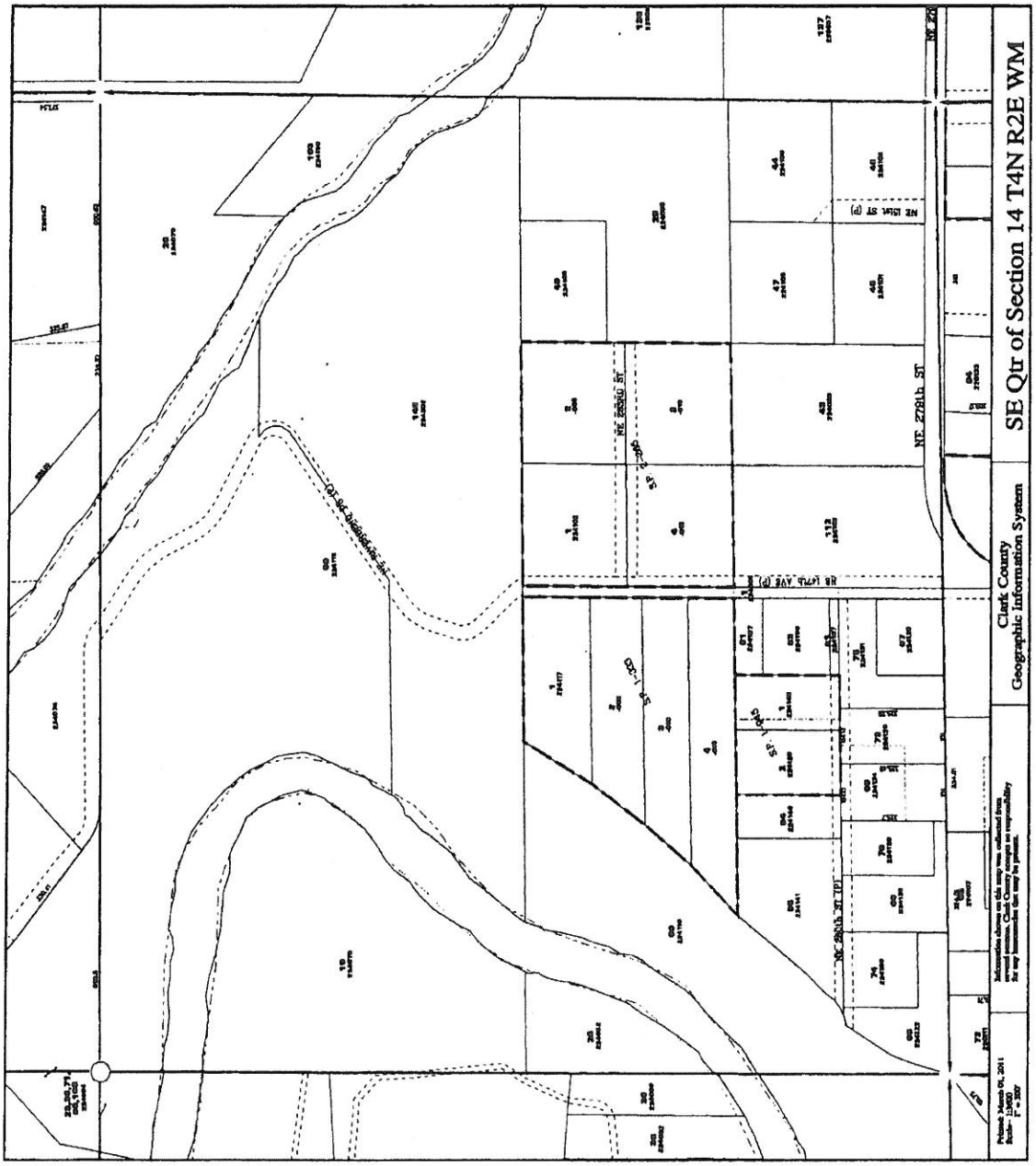
[_____] [_____] _____
Buyer Initials Date

[_____] [_____] _____
Seller Initials Date

COLUMBIA TITLE

Contact us at 360-891-5454 if you have any questions about the information contained herein.

Assessor Map



Customer Name : Tiffany Geelan
Customer Company Name : COLUMBIA TITLE
Prepared On : 04/22/2014

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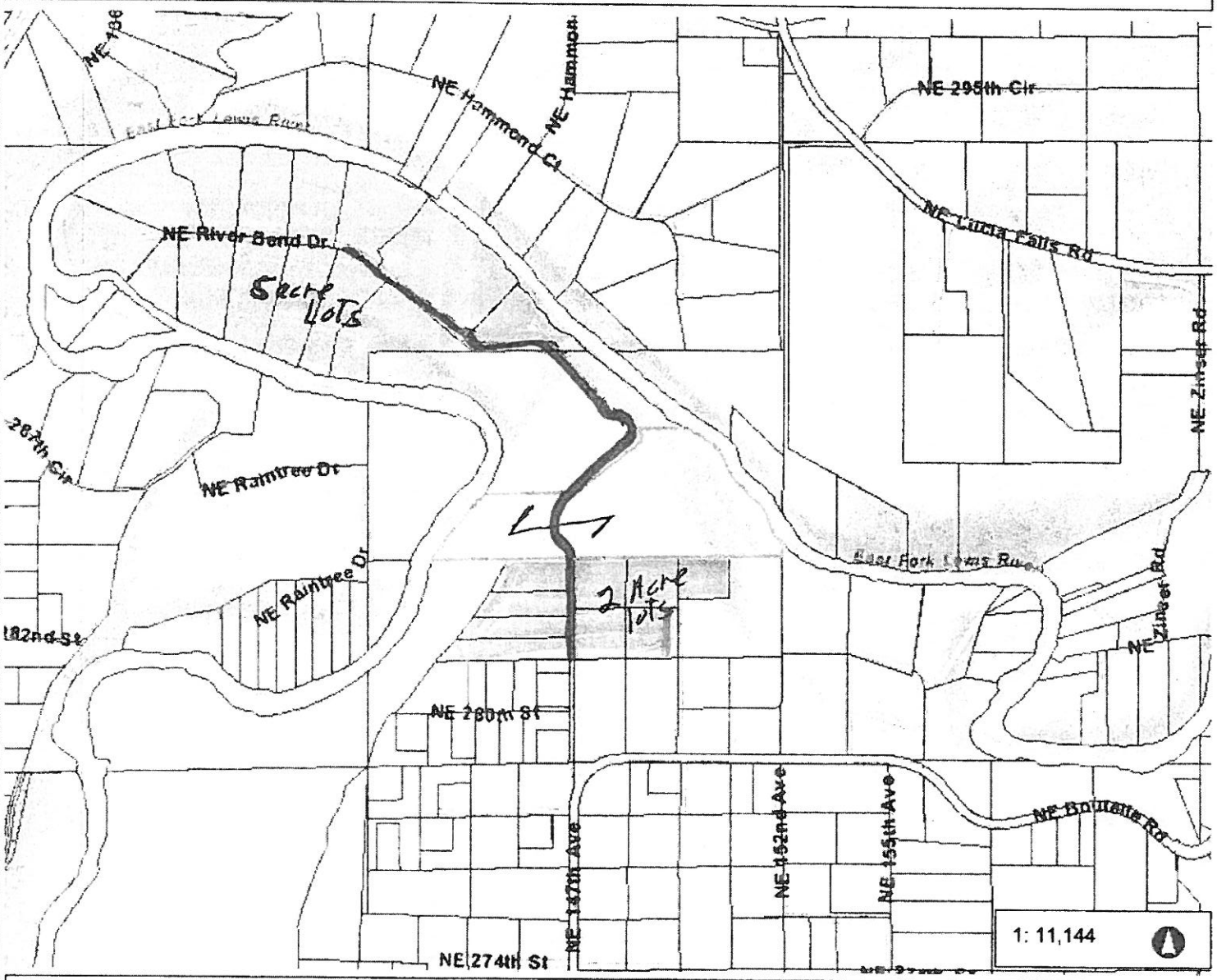
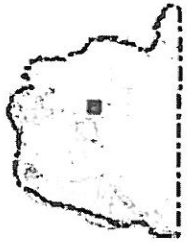
Lawrence





Legend

- Building Footprints
- Taxlots
- World Street Map

Notes:

1,857.4 0 928.71 1,857.4 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - http://gis.clark.wa.gov

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this infromation.

Friends of Clark County
P.O. Box 513
Vancouver, WA 98666
friendsofclarkcounty.org

724350
CP16#0461

Friends of Clark County
Planting the Seeds of Responsible Growth

NOVEMBER 18, 2014

Community Planning Comprehensive Plan Alternatives
PO Box 9810 Vancouver, Washington 98666-9810

Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives.
Sent via email to: comp.plan@clark.wa.gov

Dear Sirs and Madams:

Friends of Clark County (FOCC), supports and encourages a Public Utilities Zone that would include designated parks.

We, however, have two main objections, both with Alternative 2.

First objection is Alternative 2 (1). Consolidation of Comprehensive Plan land use designations. Bottom line is that these are not simple map clean ups.

Rural Lands.

Alternative 2(1) includes a proposal that "makes it easier to change from one minimum parcel size to another" for every rural parcel in Clark County. The BOCC would combine rural parcels of all minimum sizes into one Rural Designation. Somehow, this means that only a Type III Process is necessary to divide parcels instead of a legislative Type IV process.

We agree with Staff, that this proposal has a good chance of being rejected by the Growth Management Board. This is not a simple change. It is not just "housekeeping".

Combining rural parcels of all minimum sizes into one designation is a rewrite of the code in that it changes the process to divide rural parcels. Dividing parcels would take only a Type III rather than a Type IV Process. That means lower notification, lower analysis of environmental consequences, and going through the Hearings Examiner rather than the Planning Commission. The Hearings Examiner is a person appointed by the BOCC and uses criteria determined by the Growth Plan approved by the BOCC. This change in process is a change that would affect the whole county. At least, the proposal itself should have its own legislative level Type IV

process with a full EIS review of the effects on air, water, roads, population, ratio of urban to rural residences, etc. and analysis by the Planning Commission.

We support Staff concerns about this proposal. Because this change in process affects every rural parcel in the county, it is a change that would affect the whole county. Therefore it should, have the legislative level, Type IV evaluation that is meant for code changes that affect the whole county. Even then, there is a good chance that it would not be accepted.

We recommend that it be taken out of Alternative II.

Forest and Commercial Lands.

There are analogous problems for the consolidation of Forest Tier 1 and Forest Tier II into one Forest (F) designation and for combining Commercial Neighborhood, Community and General designations into one Commercial designation.

We recommend that the whole "Consolidation of Comprehensive Plan land use designations" section be removed from Alternative 2. At least until they have their own legislative level process.

<u>The second objection is with the proposed decreases of minimum parcel size</u> for Agricultural, Forestry and Rural minimum parcel sizes. This decreased the minimum size without changing the process for dividing the parcel. It is still problematic with the Growth Board because it is countywide and probably needs its own legislative process to analyze the wide-ranging effects on county water, roads, utilities, and urban/rural population distribution etc. Staff has some of these figures. To support staff we would ask for their data and consider it. Please listen to them when they offer possible ways to improve the chances for it to be accepted. If you must do it, then consider clustered houses WITH a title revision that secures the rest of the parcel as undivided rural or resource land in perpetuity.

Meanwhile, consider that Agriculture is not dead in Clark County.

Large lots are necessary for some things like raising meat (Inspiration Plantation and others). Newer crop such as vineyards need larger lots. The new non-GMO foods market may need crops from larger lots. Plant nurseries need larger lots.

Larger Ag lots have been selling as well as small ones. When dairies move to the Inland Empire, other kinds of agriculture come to replace them. Some of these will need larger parcels. Healthy local food will remain in demand. Even if we cannot grow all of our food, we can stay healthier if we grow some of it.

Sincerely,

Sydney Reisbick
President
Friends of Clark County

O'Donnell, Mary Beth

From: Bianca Benson <bianca@friendsofclarkcounty.org>
Sent: Tuesday, November 18, 2014 9:39 AM
To: Cnty 2016 Comp Plan
Cc: 'Sydney Reisbick'
Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives.
Attachments: Alternative comments by Sydney.pdf

Please review and submit to record the following attachment.

Bianca Benson
Executive Director
Friends of Clark County
503.701.9203
visit our website

Ashbaugh Beal

4400 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
206/ 386-5900

RECEIVED NOV. 20 2014

ZACHARY O. MCISAAC, PARTNER
ZMCISAAC@ASHBAUGHBEAL.COM

* 7 2 4 3 5 3 *
CP16#0462

November 18, 2014

VIA EMAIL and U.S. MAIL

Commissioner Tom Mielke
Commissioner David Madore
Commissioner Edward L. Barnes
Board of Clark County Commissioners
P.O. Box 5000
Vancouver, WA 98666-5000

RE: Comment on the Clark County Growth Management Plan Update Process

Dear Commissioners:

Thank you for the opportunity to provide formal comment on the Growth Management Plan update process. I present these comments on behalf of myself, my brother and my father, who both individually and collectively own different rural properties in Clark County. I am also certain that these comments are echoed by a vast number of voters in the rural areas that make up your respective constituencies.

Our primary objective in providing this comment is to ask that each of you ***in your roles as the deciding authority*** on the issue to add two new alternatives to the single alternative currently being considered for rural property designations. Of the three alternatives currently scheduled for analysis in the Supplemental Environmental Impact Statement (SEIS), one is status quo, and one applies to the La Center city limits only. ***Given this reality, there is really only one alternative for the rural properties***, an alternative strikingly similar to status quo. Given that the stated purpose of this extremely important process is to "***prepare for increased population and employment through 2035***," entertaining just one slightly different alternative to status quo falls well short of what would be expected from a good public policy standpoint, as well as the requirements of the Growth Management Act and the State Environmental Protection Act (SEPA).

Under the terms of SEPA, the staff is to present a "***reasonable number and range***" of alternatives to the Commissioners for consideration. WAC 197-11-440. Similarly, the EIS process (by the terms of the Washington Administrative Code and the Revised Code of Washington) is supposed to provide both the Commissioners and the public with "***sufficient information for a reasoned choice among alternatives***." *Solid Waste Alternative Proponents v. Okanogan County*, 66 Wn. App. 439, 442 (1992); see also WAC 197-11-440(5). One alternative, as currently proposed, hardly accomplishes this legislative and judicial intent and does not serve the rural voters of Clark County.

COPY

Moreover, it is imperative that your staff provide you with the full spectrum of growth possibilities, not just actual population statistics or State projection guidelines to predict future growth. We have just endured what has been widely described as "the great recession"—clearly not something that should be expected to be repeated again in the next twenty years. As such, any statistics that do not account for this rare occurrence are skewed and need to be adjusted. If we take an accurate, balanced and honest look at the past twenty years, we can expect extraordinary growth in Clark County in the twenty years to come.

You are in charge of this important analysis, and you have the authority and responsibility vis-à-vis your constituency to direct a neutral, realistic, and balanced analysis of possibilities!

It is my understanding that Clark County Citizens United has proposed two alternatives that account for the realities outlined above and that provide the "reasonable range" of alternatives necessary to allow for a "reasoned choice" as required by Washington law. Without attempting to recite the specifics of those alternatives in this letter, it is my understanding that Alternative 4 reasonably and appropriately expands changes to rural designations detailed in Alternative 3 (the only current alternative), and Alternative 5 presents a "pro-growth" approach that deserves equal consideration given the tremendous growth we have seen in Clark County over the last twenty years.

Commissioners should direct staff to include two new hearings at one of their public meetings by the end of the year where consideration of these two alternatives is a specific agenda item to be discussed.

I trust that these comments will not fall on deaf ears, and look forward to the Commissioners exercising their inherent authority to ensure that this process results in a reasoned and fair update to the Growth Management Plan in 2016.

Sincerely,

Zachary O. McIsaac

ZOM:tm

c: County Administrator Mark McCauley

O'Donnell, Mary Beth

From: Mielke, Tom
Sent: Wednesday, November 19, 2014 4:59 PM
To: 'Teresa MacDonald'; Madore, David; Barnes, Ed
Cc: Cnty Board of Commissioners General Delivery; Cnty 2016 Comp Plan
Subject: RE: Clark County Growth Management Plan Update Process

Ms. McDonald,

We started our process about 9 mos. Ago and had several alternatives to consider and accept for our estimated growth to plan for. If I understand you correctly we did at that time have at least three choices.

Hope this Helps,
Tom

From: Teresa MacDonald [mailto:TMacDonald@ashbaughbeal.com]
Sent: Tuesday, November 18, 2014 3:31 PM
To: Mielke, Tom; Madore, David; Barnes, Ed
Cc: Cnty Board of Commissioners General Delivery; Cnty 2016 Comp Plan
Subject: Clark County Growth Management Plan Update Process

Please see the attached letter from Zachary O. McIsaac commenting on the Clark County Growth Management Plan update process. Copies will follow by U.S. Mail.

TERESA MacDONALD
Legal Assistant to John Riper, Jesse Miller, Zak McIsaac and Michael Richard

Ashbaugh Beal

4400 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
206/386-5900

ashbaughbeal.com

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O'Donnell, Mary Beth

7243555
CP16#0463

From: Ann Foster <annfoster5093@gmail.com>
Sent: Tuesday, November 18, 2014 10:09 AM
To: Cnty 2016 Comp Plan
Subject: Comments on the 2016 update options to the Growth Management Act

Hello:

I am commenting on the options under consideration to update the Washington's Growth Management Act in Clark County. I am requesting that these comments be placed in the record.

I am an ordinary citizen of this County, and like most citizens, have a limited understanding of the process that is taking place currently to update the urban growth plan that is required by Washington's Growth Management Act. I can't speak to the technical issues involved, but I can speak to the values in this County that I see at risk.

My interest, and those of my community, is to support productive agricultural lands and businesses. In keeping with this, my interest is also to nurture and encourage existing productive agricultural lands and businesses…to ppreciate their importance and value.

I am the organizer of two farmers' markets in Clark County. In this capacity, I am constantly focusing on local farmers who market their products directly to customers, either at a farmers market, through a CSA, a farm stand, a U-pick and usually a combination of some or all of these opportunities. It is these folks who depend on all of us to buy from them, accommodate their needs, and encourage their growth. These are farm businesses and food businesses that produce food for us to eat. These are businesses who hire year-round, and when they sell locally, those dollars stay within the local economy.

These are the folks whose kids are in FFA or 4-H and learn the passion of raising farm animals, growing heirloom tomatoes or planting and nurturing the obscure species of tree that will be beneficial to the earth's oxygen for generations to come and learn to preserve the environment by using sustainable growing practices. These are not hobbyists.

I support Option 1. I do not want Clark County to reduce the AG-20 minimum lot size and density from 20 to 10 acres, nor do I support Clark County changing the Forest-40 zone minimum parcel size from 40 acres to 20 res. Changing minimum lot sizes within rural zones clearly appears to be a maneuver that gets around the protections now offered to agricultural lands (as required by the GMA) and is unilaterally in the interest of large

land-owners who see residential development or "light industrial" development in their future, all at the risk of their neighbors' land – and existing farms and farmlands.

Keep urban growth within the current urban growth boundary. We need to protect and grow our working farmlands – not destroy them.

Best regards,

Ann Foster

Organizer, Salmon Creek Farmers' Markets

Board member, Washington State Farmers Market Association

Member, Clark County Food System Council

President, North Salmon Creek Neighborhood Association

14011 NW 27th Avenue, Vancouver, WA

360-574-5093

Friends of Clark County
O. Box 513
Vancouver, WA 98666
friendsofclarkcounty.org

CP16#0464

Friends of Clark County
Planting the Seeds of Responsible Growth

NOVEMBER 18, 2014

Community Planning Comprehensive Plan Alternatives
PO Box 9810 Vancouver, Washington 98666-9810

Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives.
Sent via email to: comp.plan@clark.wa.gov

Please submit these comments to the record.

Dear Sirs and Madams,

I am a rural resident of Clark County. I own 70 acres, much of which is timberland. I have been raising organic vegetables and fruits for many years, selling produce in the farmers' markets and directly from the farm. I have 5 wells on the property. One puts out an adequate supply of water for my food production for now, one has dried up completely, 2 are very marginal, meaning they run out of water easily, and one is adequate for residential use.

Although I own many acres, only 4 are suitable for food production. Food production requires relatively flat land, electricity available for processing, roads for harvest and transport, and sunlight. Soil is also a major factor, but modern agriculture can amend many soils by means of organic compost and cover crops.

As most people realize, ample water is essential for food production here. Farmers cannot afford to buy water from a utility and expect to remain in business very long. Their well water is essential. Many studies reveal that the water table in Clark County is very limited. Here is a statement from Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012) accessed on Nov. 12, 2014

Factors affecting water availability

There is limited water available for new uses in WRIA 27, especially given that river levels need to be maintained to ensure adequate water quality and fish migration. Additionally, Pacificorp has senior water rights to maintain reservoir levels in Lake Merwin and Yale Lake, and as a result, much of the water in the Lewis

River Watershed has already been spoken for. Increased demands from population growth, low summer and early fall streamflow levels, and impacts from climate change add to the challenge of finding new water supplies in WRIA 11, especially during the summer months."

I'm concerned that this is not being given adequate consideration when the county is planning to add more residential lots to rural areas.

I heard one argument submitted by Carol Levanen, of Clark County Citizens United, that water availability is not an issue in Clark County since "PUD supplies 93%of water to county residents already. I have looked into this matter since it didn't seem to ring true to me.

Clark Public Utilities has 185,000 customers in Clark County. We can assume that that means the amount of homes and businesses that use electricity. They supply water to 31,000 customers. Adding up water supplied by the cities, Washougal, 5000, Camas, 7,652, Ridgefield, 2081, and Vancouver, 68,000, that comes to 113,733 on public water systems. The remaining 71,267 must be private wells.

It's those private wells that will be in jeopardy if the county allows as many as 1000 more wells to rural areas. Who will be responsible when the wells start to go dry? How will farmers grow food for our community?

Water availability is certainly the most important problem that adding more home sites to rural Clark County will bring. Poor county road maintenance is another...already many roads are not wide enough to stripe so that residents can see the center line in winter months.

The schools, especially in Battle Ground, are already stretched to their limits with added students, with no plans to house the new influx of children. The Columbian just ran an article about that.

Tim Trohimovich of Futurewise has submitted a letter explaining many other reasons for limiting rural expansion. I hope you will take his advice seriously and choose to stay with Alternative 1 – no action.

Thank you,

Val Alexander,
Board member
Friends of Clark County

O'Donnell, Mary Beth

From: Bianca Benson <bianca@friendsofclarkcounty.org>
Sent: Tuesday, November 18, 2014 8:53 AM
To: Cnty 2016 Comp Plan
Cc: 'Coyote Ridge Ranch'
Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives
Attachments: Alternative comments by Val.docx

Please review and submit attachment to the record.

Sincerely,

Bianca Benson
Executive Director
Friends of Clark County
503.701.9203
visit our website

O'Donnell, Mary Beth

CP16#0465

From: Nick Greene <n.greene7104@gmail.com>
Sent: Tuesday, November 18, 2014 4:56 PM
To: Cnty 2016 Comp Plan
Subject: FR-20

November 17, 2014

Community Planning

Comp Plan Comments

P.O.9810

Vancouver, WA 98666

comp.plan@clark.wa.gov

RE: Proposed Zoning Changes for Parcel Nos. 230277000 and 230282000.

Dear Sirs:

We concur with and support the written comments submitted by Carol Levanen at the open house meeting on 10/29/14.

It would be an injustice if Clark County were to ignore the established small existing parcels and attempt to zone them as FR-20.

Our parcels Nos. 230277000 and 230282000 are situated south of the first standard parallel north near Yacolt Mt. Prior to the Growth Management Act these parcels were zoned R-5. There are 5 brothers and sisters in my generation in my family. Each of us should be allowed to build a home for ach of us on the family tree farm and also grow timber. All of the parcels across Yacolt Mt. Road and immediately south of our tree farm are 5 acre parcels with homes. It is an alienation of my property

rights if Clark County attempts to prohibit us from building homes for ourselves on the property which has been owned by our family for almost 60 years. There are more than 12 homes near our property.

We know that Assessor's Parcel Account No. 230282-000, Tax Parcel No. 18 is a legal buildable lot or parcel as it was established as a separate parcel in 1948.

The following is an excerpt of the legal description for Assessor's Parcel Account No. 230282-000, recorded under Auditor's File No. 4866391 D on 6/25/12:

"This parcel is a legal lot. This parcel was created in 1949 when Clark County constructed Yacolt Mtn. Road, (re: Right of Way Deed, September 1, 1948, recorded under Auditor's File No. G08949, Book 448, Page 580) formerly known as Kelly Hill Road, said road construction in 1949 caused this parcel to be physically separated from the major portion of the SW 1/4 of the NE 1/4 of Section 5, T4 North, R3 East, WM. Subsequently, for this parcel, Assessor's Parcel Account No. 230282-000, Statutory Warranty Deed was recorded under Auditor's File No. G620280, image No. 849748, on December 4, 1972, and is that portion of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 5, T4 North, R3 East, Willamette Meridian, described as follows:

The distance measurements describing the legal dimensions of this parcel are according to the bearings taken, distance measurements made, and property line stakes set by the L. L. Knight survey of 1947. Along the parcel property lines established and marked by the L. L. Knight survey, the West property line fence was constructed in 1948 and the East and South property line fences were constructed in 1949. Thus the property lines of this parcel were established by survey and have been marked with property line fences since 1948 – 1949." (for further legal description refer to deed).

It is requested that the above described parcels be zoned for 5 or 6 acre family home sites which allow for growing timber.

Please add us to your mailing and update list at the above E-mail address and the below mailing address.

Sincerely,

Alan Greene

P.O. Box 2844

Battle Ground, WA 98604

* 7 2 4 3 5 9 *

CP16 # 0466

RECEIVED NOV 19 2014

COPY ONLY

This letter was emailed on 11/18/2014.

Sharon Andreason & Kevin Engelstad
Trustee, Vice President & President, Home Owners
P.O. Box 1060
Woodland, Washington 98674
November 18, 2014

Community Planning
Comp Plan Comments
P.O. Box 9810
Vancouver, Washington 988666
Email: comp.plan@clark.wa.gov

Dear Community Planning:

We are writing on behalf of the Charlene Andreason Trust, Williams Park Development Corporation and the parcel that is our personal home. We control or own all of the property located south of Bratton Road that is in consideration for a zone change from FR-40 to FR-20 and outlined in the map and titled Proposed Area. We respectfully request that all the following delineated properties be rezoned to R-5 so they will be in compliance with the comprehensive plan in the future because none of the properties meet the FR-40 requirements now nor will they meet the FR-20 that is proposed. Additionally, all the properties are around 5 acres now with the exception of Lot 35 which is 14.06 acres and are legal buildable lots as determined by legal lot determination issued by Clark County.

All the properties located West and South of these properties have a zoning designation of R-5 and are improved lots with single family homes or vacant lots. So we are surrounded by 5 acre lots and all except the 14.06 acre lot are at the five acres in size or less. The parcel east of the proposed area is zoned 10 acres. What we are asking is that our property be in compliance with the new comprehensive plan that will be adopted in 2016, and a change to R-5 zoning designation would accomplish that goal.

The properties that we own and request a zoning change to R-5 are:

Lot # 35, Tax # 255222000, 14.06 acres, Charlene Andreason Trust
Lot # 81, Tax # 255911000, 5.00 acres, Charlene Andreason Trust
Lot # 80, Tax # 255910000, 5.13 acres, Charlene Andreason Trust
Lot #22, 27 & 104, Tax # 255852000, 5.38 Acres, Kevin Engelstad, Sharon Andreason, personal residence
Lot #82, Tax # 255912000, 5.00 acres, Williams Park Development Corporation
Lot #83, Tax # 255913000, 5.00 acres, Williams Park Development Corporation

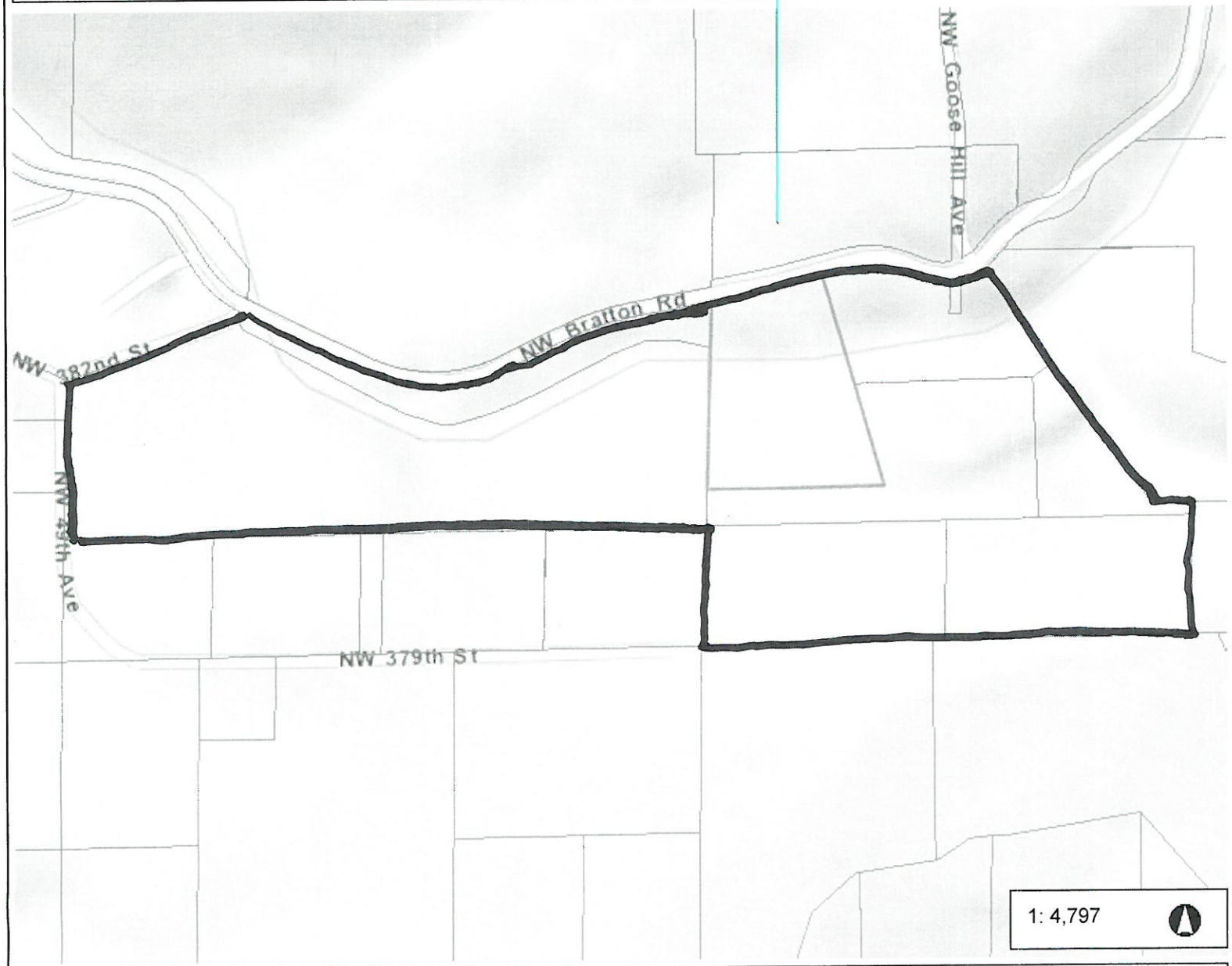
These lots will never meet the FR-20 since they are under different ownership and with no chance to combine them to reach the new proposed designation. Thank you for your time in considering our request.

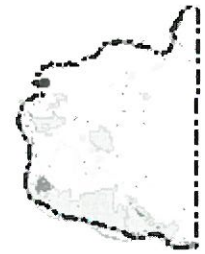
Sincerely,

Sharon Andreason

Sharon Andreason & Kevin Engelstad
Enclosure

Proposed Area





Legend

- Building Footprints
- Taxlots
- County Outline
- World Street Map

Notes:

1: 4,797

799.5 0 399.75 799.5 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA GIS - http://gis.clark.wa.gov

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this infromation.

O'Donnell, Mary Beth

From: Kevin Engelstad <williamsparkdev@aol.com>
Sent: Tuesday, November 18, 2014 9:20 AM
To: Cnty 2016 Comp Plan
Subject: Comments and request for comp plan 2016
Attachments: Zoning change-Andreason.pdf

Please find attached our comments and request for zoning change for land that is in consideration for rezoning in the 2016 comp plan. If you need further assistance or clarification, please contact me at (360) 607-9504 or you can email at the above address.

Also would you send me an acknowledgement of this email and attachments. I have mailed the original request but will not arrive in time to meet your deadline of 5:00 pm today.

Thank you

Kevin Engelstad

O'Donnell, Mary Beth

* 7 2 4 3 6 0 *

CP16#0467

From: NoReply@Clark.Wa.Gov
Sent: Tuesday, November 18, 2014 11:45 AM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 209693000

Subject: Zoning

Comments:
As the area around I-5 Exit 16 is being slowly allowed to be developed, I would like to see my parcel zoned commercial/light industrial.

Submitted by:
Larry Anderson

Email: rocksluna@hotmail.com

Address:
1160 Bierney Creek Rd.
Lakeside, Mt.

O'Donnell, Mary Beth

* 7 2 4 3 6 1 *

CP16#0468

From: Laurie Sturgeon <lauriesturgeon@msn.com>
Sent: Tuesday, November 18, 2014 2:20 PM
To: Cnty 2016 Comp Plan
Subject: Growth plan update

We were not contacted prior to the existing zoning change.

The current zoning and the proposed zoning make little sense for the Thomas Lake area when one considers the soil type and the contradiction between policy is to have no more run off than 19th century pioneers found, but the practice of using heavy equipment to grade and compact the soil renders much of the soil nearly impervious to water. Placing infiltration lines in the ten feet between homes in heavily compacted soil often produces soggy yards and flooded crawl spaces during the wet season.

Ron Sturgeon
5303 NE 58th St
Vancouver 98661
693-3315

O'Donnell, Mary Beth

7243 6 8
CP16#0469

From: groverv1@comcast.net
Sent: Tuesday, November 18, 2014 3:53 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comprehensive Growth Management Plan

11/18/2014

BOCC
Comprehensive Plan Alternatives Input

RE: Property ID # 196176000, 196205000, 196346000, 196347000
5500 NE 139th Street, Vanc., WA 98686

For the public record:

Please change zoning to Residential.

My property is near Pleasant Valley Highlands and Gray Hawk Ridge which are very nice subdivisions. I would like to be the same size as they are.
Farming my acres has no profit, and I'm too old and ready to sell.

Many subdivisions are more north and east of me. We are close to I-5 and 205 freeways this is a good place to put a neighborhood.

As you look on your maps you can see that our square from 50th Ave to 72nd Ave and 139th St to 159th Streets has been excluded in growth. Please extend growth to include this area.

Sincerely,

Grace Harris
360-573-2871

It's time for me to be included.

O'Donnell, Mary Beth

* 7 2 5 7 2 3 *
CP16 # 0470

From: Jim Hanna <jimhanna@qwest.net>
Sent: Tuesday, November 18, 2014 4:09 PM
To: Cnty 2016 Comp Plan
Subject: Parcel #264819000

Comments regarding the Clark County Comp. Plan:

Our property is very close to the Fargher Lake Rural Center. An access road (Fargher Lake Dr.) provides easy access into the property off of State Highway 503. Fargher Lake Drive also provides access to three owner-occupied residential parcels contiguous to the West property line of our property. Two of the parcels are on 2.5 acres. There are also residential properties contiguous to the North property line and in the surrounding area of the designated Fargher Lake Rural Center.

We realize that county planners are proposing an FR-20 zone for our parcel. This was the zoning when we purchased the property 40 years ago. Later it was changed to FR-40, which was a short sighted decision and without our consent. The FR-20 zone will bring the zoning back to where it was 40 years ago. This area has changed considerably over the past 40 years and there will be demand for smaller parcels especially in the vicinity of the newly designated Fargher Lake Rural Center. If you intend to cluster development in and around the Fargher Lake Rural Center, it would be logical to encourage the availability of smaller parcels in close proximity of the Fargher Lake Rural Center. This rather than have development spread further out rather than having it concentrated in the Rural Center vicinity.

For all these reasons, we request that parcels, including our own, in close proximity to the Fargher Lake Rural Center need to be designated an R-5 zone.

Thank you for considering our comments and we are hopeful that you will take them seriously into consideration.

Sincerely,
James W. Hanna (owner)
13410 N.E. Rose Parkway
Portland, OR 97230
T: (503) 246-0765
F: (503) 244-6541
jimhanna@qwest.net

O'Donnell, Mary Beth

7257 37
CP16#0471

From: Gretchen Starke <gstarke@pacifier.com>
Sent: Tuesday, November 18, 2014 4:50 PM
To: Cnty 2016 Comp Plan
Subject: comments on alternative 2 of the comp plan
Attachments: draft eis, alternative 2 comments.doc

Please see the attached comments on the Draft EIS for the comprehensive growth management plan update. Thank you.

Gretchen Starke
Friends of Clark County

Friends of Clark County
P.O. Box 513
Vancouver, WA 98666
friendsofclarkcounty.org

Friends of Clark County
Planting the Seeds of Responsible Growth

November 17, 2014

Community Planning Comprehensive Plan Alternatives
PO Box 9810 Vancouver, Washington 98666-9810

Dear Sirs and Madams:

Subject: Comments on the 2016 Comprehensive Growth Management Plan Update Alternatives.
Sent via email to: comp.plan@clark.wa.gov

First, before criticizing aspects of Alternative 2, we would like to express our approval of the idea of designating special zones for providing public facilities, including parks. This is far sighted and would be good for both the taxpayer and the eventual user of the facility.

However, the idea of having the same level of review for the division all parcels, whatever the size and location, in the rural zone is troubling. This proposal is more than a "clean up." It is a wholesale change in handling land division in the Rural Zone. As to the idea of "simplifying" land divisions, yes, it would do that. But, from the view point of the taxpayer and considering the future of the county, is that really desirable? Our contention is that it is not.

The purpose of the Growth Management Act is to *prevent* the sort of sprawl that this proposal would encourage. Under the shortened review of Level III, the cumulative effects of all those land divisions would be virtually ignored. Eventually, throughout the Rural Zone there would be five acre lots, each one considered in its own little bubble and created as if there would be no effect on its neighbors or the future of the county as a whole. Where would be the adequate consideration for increased traffic, for the adequacy of the water supply, the disposal of solid waste, the needs for police and fire protection services? Habitat protection, conserving agriculture, preventing pollution of our streams and rivers, all could be given short shrift under the Review III that is proposed.

The result would be a mess, neither rural nor urban. Wall to wall five acre lots do not make a truly rural area. Because public services cannot be provided efficiently to an area of five

acre lot after five acre lot, they would decline. Make no mistake, people want these public services, the amenities of civilization. Or taxes would go up. Or both would occur.

These are good and valid reasons to slow things down as the county becomes more and more developed. The needs of the people -- those here now and those yet to be born -- must take precedent over the desires of a particular land owner or developer.

But the thing that is most disturbing about this proposal to throw all Rural Zone land divisions, whatever the size, into the same Review Level III bucket, is that it is being incorporated into the update of the Growth Management Plan. To consider a change that would result in increased density in the Rural Zone as being merely just one of a few "cleanup, standardizing, and simplifying details" could confuse and mislead the public. Any series of land divisions that would increase density in the Rural Zone, as this proposal would do, should not be encouraged by making it easier. Dividing your land into smaller lots should be difficult.

No, the commissioners should tell the staff to take that proposal out of Alternative 2. If, for whatever reason, this proposal is wanted, it should be considered apart from the update of the comp plan. It should be presented to the public on its own and thoroughly explained. There should be a thorough discussion of all the issues involved -- traffic, quality and quantity of water, costs of providing electricity, loss of habitat and open space, among other issues. Further and most important, this proposal must undergo its own environmental review on its own complete with an analysis of cumulative effects.

Please refer to the other comments submitted by Friends of Clark County. Please enter this into the record. I wish to be a party of record and receive all information on the update of the comp plan.

Gretchen Starke
Friends of Clark County,
Board Member

892-8617
gstarke@pacifier.com

7257738

CP16#0472

November 18, 2014

To: Clark County Community Planning
1300 Franklin St.
Vancouver, WA 98660
Email: comp.plan@clark.wa.gov

From: Terry Wellner
#23 Westridge Dr
Lake Oswego, OR 97034
(503) 522-9610
Email: twellner@aim.com

Re: 2016 Comprehensive Growth Management Plan Update

I respectfully request that my tax lot parcels No. 181207000 and 18125300 be changed to R-22 in the 2016 Comprehensive Plan Update (see attached partial zoning map).

Owning the adjacent lot to the south (tax lot #181208000), I would like to develop the three 10 acre parcels together mainly as condominiums with some office/commercial along 179th. The proposed OR-22 zoning on the southern lot is consistent with this development.

Proximity to I-5 and 179th exit has resulted in large tracts directly west and southwest of my lots to be zoned CG (General Commercial). A new traffic circle is planned at the junction of 179th St and 15th Avenue, just at the southwest corner of our planned development.

The higher density residential zoning will allow more people to access these major roads and office/retail developments with minimum travel on city and county roads.

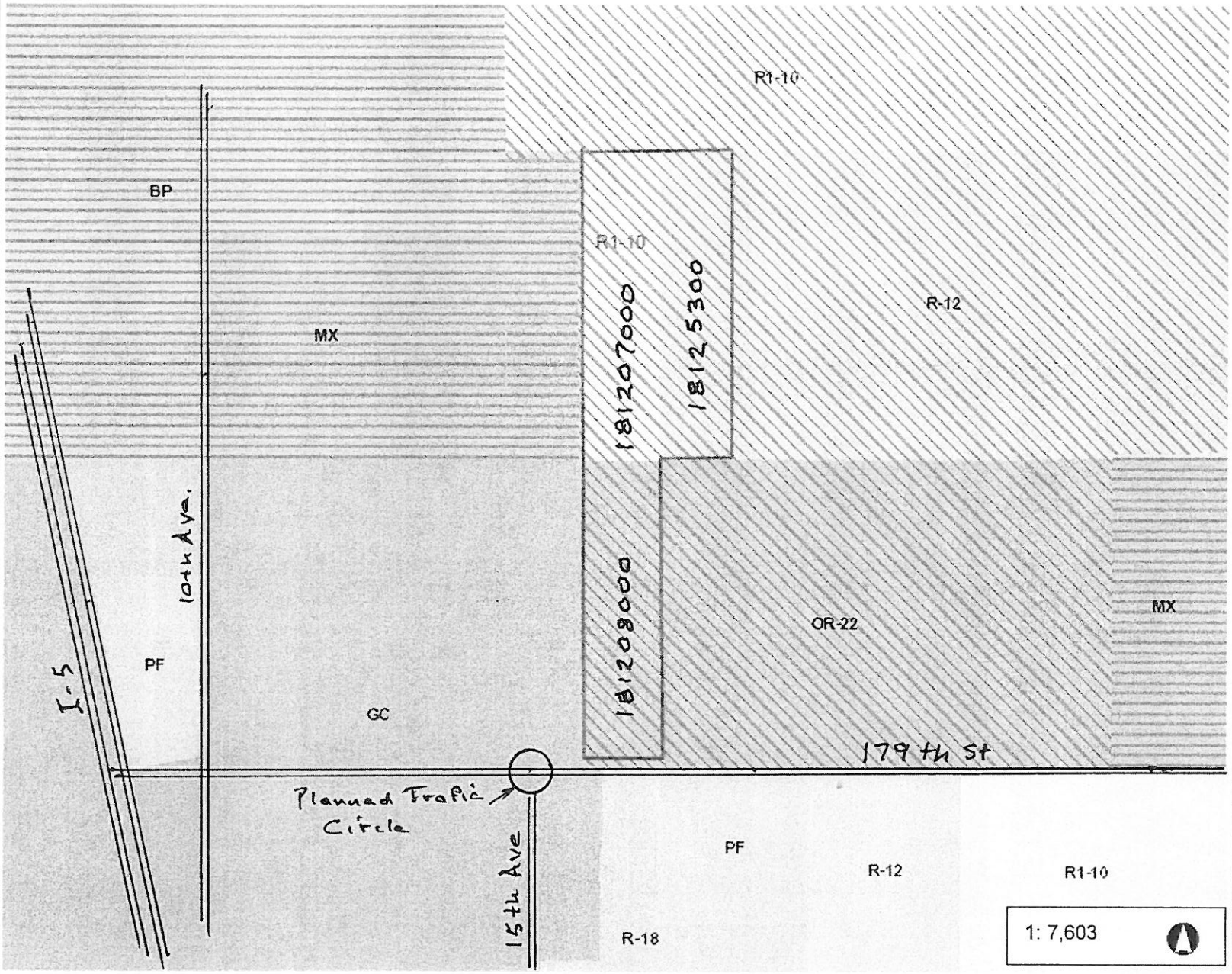
Willow Creek and associated wetlands run north/south along the west side of our lots. This green space will provide a pleasant setting for condominium development, as well as a visual and noise buffer to I-5 and commercial activities on adjoining CG and MX zoned properties.

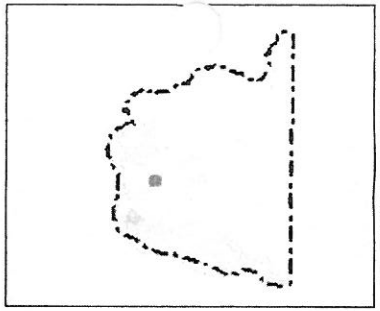
Thank you for your assistance.

Best regards,

Terry Wellner

WELLNER - ZONING CHANGE REQUEST FROM R1-10 & R-12 TO R-22





Legend

- County Outline
- Urban Growth Area (UGA)

Zoning Overlay

- Urban Reserve - 10 (UR-10)
- Urban Reserve - 20 (UR-20)
- Railroad Industrial (RR)
- Rural Center Mixed Use (RC-MX)
- Urban Holding - 10 (UH-10)
- Urban Holding - 20 (UH-20)
- Airport Environs
- Surface Mining
- Existing Historic Resort
- Columbia River Gorge Scenic Area
- Mill Creek Overlay District
- Highway 99 Overlay District
- Transitional Area
- Single Family Residential Area
- Multifamily Residential Area
- Mixed Residential Area
- 78th Street Property
- Activity Center

Zoning

- Single Family Residential (R1-20)
- Single Family Residential (R1-10)

1: 7,603

1,267.1 0 633.57 1,267.1 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - http://gis.clark.wa.gov

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Notes:

PARCEL: 181207000

O'Donnell, Mary Beth

From: twellner@netscape.net
Sent: Tuesday, November 18, 2014 11:41 AM
To: Cnty 2016 Comp Plan; Kamp, Jacqueline
Subject: Wellner Zone Change Request
Attachments: Wellner_Zone_Change_Request.pdf

Good Morning Jacqueline,
Attached is my request for a zone change in the 2016 Comprehensive Growth Management Plan.
I have also sent this to the comp.plan email address. Could you please let me know that the appropriate people receive my request.
Thank you for your help,
Terry Wellner

O'Donnell, Mary Beth

CP16#0473

From: Pamela Poelvoorde <pamelahp@msn.com>
Sent: Tuesday, November 18, 2014 1:13 PM
To: Cnty 2016 Comp Plan
Cc: Mielke, Tom; Madore, David; Barnes, Ed; Snell, Marty; Orjiako, Oliver; marilee.maccall@clark.wa.gov; Benton, Don; chris.clifford@clark.wa.gov; Cnty Board of Commissioners General Delivery; commplanning@clark.gov; Lebowsky, Laurie
Subject: Fw: GROUTH PLAN UPDATE original Vancouver school records-JLA CC fair-urban holding

RE: Growth Plan Update 2016 and remove urban holding on my property.
Property ID#181449000, physical: 19110 NE 50th Ave, Vancouver 98686
current zoning: R1-7.5
proposed zoning: R1-20

To all decision making parties in regards to the proposed alternatives for the comp plan for 2016.

I will make this brief: As I have said many times, **NO**, I do not want the zoning to change. I have requested in every available way of communication, workshops, hearings, letters, emails, one on one conversations for 22 years. Be it the board of commissioners', or planning I have asked for this zoning and to **lift the urban holding,** it was finally included in the comp plan in 2008 with this zoning. I am continuing to ask to have the urban holding lifted.

I would like all to consider and to recall this is the same property Future Wise protested in Olympia earlier this year and lost.

If anyone wants to read further as to why leaving the current zoning is the "fair" and "best" thing to do, please read my last communications below starting with David Madore July 11th, 2013.

Regards;

Pam Poelvoorde
12714 NE 43rd Ave
Vancouver, WA 98686

----- Original Message -----
From: Pamela Poelvoorde
To: Benton, Don
Sent: Saturday, April 05, 2014 3:29 PM
Subject: Re: original Vancouver school records-JLA CC fair-urban holding

Don,

On a less formal note. Enjoy your vacation with Mary the the family.

Thanks for your help and direction.

Pam

----- Original Message -----

From: Benton, Don
To: 'Pamela Poelvoorde'
Cc: Clifford, Christopher
Sent: Saturday, April 05, 2014 2:25 PM
Subject: RE: original Vancouver school records-JLA CC fair-urban holding

Pamela,
Thank you for your email. I believe The Vancouver School District would be very interested in your Grandfather's papers and certainly the Clark County museum. I have one of my staff members, Chris Clifford, looking into your other question about the urban holding situation on your property. I will be out of the office on vacation with my family until April 14th. I will follow up with Chris when I return to see what the outcome was.
Thank you for your encouraging words. I have tried my whole life to bring conservative common sense to government and I am enjoying doing that at both the state and county level.
Thank you,

Don
Don Benton
Director, Environmental Services Department
360-397-2121 extension 5358

From: Pamela Poelvoorde [mailto:pamelahp@msn.com]
Sent: Tuesday, April 01, 2014 9:55 AM
To: Benton, Don; Don Benton
Cc: pamelahp@msn.com
Subject: Fw: origonal Vancouver school records-JLA CC fair-urban holding

Senator Don Benton
409 Legislative Building
P.O. Box 40417
Olympia, WA 98504-0417

Clark County Dept of Environmental Services
1300 Franklin Street
Vancouver, WA 98666-5000

Dear Senator Benton:

I am forwarding you an email I sent to David Madore in July of last year. I know with some direction from you, Oliver Orjiako and Marty Snell are more than capable to get the needed information to the decision making positions to resolve this issue.

I would first like to thank you again for supporting my granddaughter Beth-Ann at the JLA auction last summer. It was her 10th and final year in
4 H and we are all so happy and proud of her. It was a great last year for her, her two hogs placed as Grand Champion market Hog, and Reserve grand champion in middle weight. I know you have supported the kids for 20+ years and I want you to know I am proud of your dedication. It does not go unnoticed that you are very involved in the county as well as the state.

The third item I want your advice on is I have the original hand written documents, accounting and letters for the Vancouver school district from the 1800s and early 1900s. My great grandfather John B Lindsay, the first county commissioner and petitioner/organizer of school district 59, doc dated Febuary 4th, 1884. However the county would not know my great grandfather was very instrumental in asking the other settlers to work with him to have a place for the children to learn basic education, because I have the hand written letters. This was very important to my great grandfather because in Iowa he had no access to a school and he could not read or write, so Good Hope school was built. My grandfather (Andrew Lindsay) was on the school board for may years and was responsible for having the school cleaned out. The family did not know where they should go, and we were always told they were "grandpa's papers" and they were just kept in a box. Ok, now it comes to me, I think they are a important part of our history and do not belong to me.

This is were you come in. What should I do with the records? I was talking with Pat Jolatta a few years ago when I was the VP of the Battle Ground garden club and we were going to get together. My mother had gotten ill a short time after Pat and I had talked. I was very busy with my mom for several years until she passed a year and a half ago. I feel I need to take care of this, "it is on my bucket list" as the grandkids would say.

Getting back to the beginning of my letter. I am sure after reading the below letter to David Madore there is little explanation needed. I talked with you and Deb
Wallace several years ago about not being able to build a one story house on the property because I could not climb the stairs. I wanted to sell part of the property and use the proceeds to make things easier for my mother. Both of you agreed it was unfair and to challenge it, but the county moves so slowly I finally sold the house.

After being in this process for over 22 years, I believe it was 2008 we were included with good zoning, and I don't think it would have happened then if it were not for Betty Sue and a great planning department. I believe with Steve Stuart at the wheel, so to speak, I would be kept in urban holding forever. I have had several people interested in the property but with the overlay they do not want to take a chance of investing the money. I have been told "with the long process and, "say one thing and do another", in Clark County we are looking for something **NOT** in urban holding". I understand how buyers feel.

I think it is ridicules when the Clark County Humane Society has to have Steve Horenstein represent them to renew a new contract. **On the other hand Jeff Smith, owner of Smith Root, can easily come in and have the holding lifted on 50th & 159th to expand his business without the needed services. Jeff Smith can have urban holding lifted, Jeff Smith can put in a septic tank, but then I don't have a contract with the Government.** I quite frankly don't care what Smith Root is doing with their business, I have better things to worry about and I am glad Smith Root is doing well, it is good for all of us. My reason for bringing it up is **Steve Stuart said to justify lifting the Urban Holding for Jeff Smith and not me is "Jeff Smith will be paying so there will be money for services in front of your property".** That sounds like impact fees to me, and I doubt that is were the monies would be spent. David Madore said in the same workshop the county is not charging impact fees, and Steve Stuart did not disagree, and he always does if David Madore says anything correct or not, but the fees will be back. If Jeff Smith is not paying impact fees then what is he paying?

Bottom line is I know more information about what is going on in that building than I want too. I do not want to speak again and again at public meeting, bring up yet another bad decision made by the county in public and have the local media take up more time and money of all the people in the county. All I am asking is a fair shake, with as little waves as possible without getting Steve Horenstein involved and I know it can be done.

I apologize for the fragmented sentences and bits and pieces of information but it would be a novel to go into everything in my files.

Thank you for your time and I look forward to hearing from you.
Pam Poelvoorde
12714 NE 43rd Ave
Vancouver 98686

Hm# 360-576-1460
cell# 360-907-8431

----- Original Message -----
From: Pamela Poelvoorde
To: David.Madore@clark.wa.gov
Sent: Monday, July 29, 2013 11:36 AM
Subject: Fw: Lifting urban on 50th Ave

July 29, 3013
Dear Mr. Madore;
It has been several weeks since we talked at the county workshop and I have not received a response from you. Please take the time to give me an update on were you are in getting the problem, described in my email, solved.
Thank you,
Pam Poelvoorde

----- Original Message -----
From: Pamela Poelvoorde

To: Sent: Thursday, July 11, 2013 3:01 PM
Subject: RE: Lifting urban on 50th Ave

David Madore
Clark County Commissioner
1300 Franklin Street
Vancouver, WA 98666-5000

RE: Board workshop on 7/10/2013 regarding lifting urban holding on 50th Ave. property know as 19100 NE 50th Ave, Vancouver, WA 98686 ID #181449000

Dear Mr. Madore:

First I would like to thank you for taking the time to talk with my daughter and I yesterday.

At this point in time I am again requesting the lifting the urban holding on our property. I know that lifting it at the same time as the industrial property on 50th that is being considered with Mr. Smith is the only option for consideration I will have this year. As was mentioned yesterday changes to the plan can/is only done once a year. I started the process with the county in 1991 with a short plat application, it was denied. I was told by county planning at the time due to the new GMA, they were putting together a plan. I was told I did not have a preliminary in at that time so it was a no go. The next meeting I went to I received a draft titled " The Hometown Community Framework Plan for Clark County, Washington" dated 10/15/1992, and I still have it in my files upon files and it is interesting reading.

I will not go into the years of letters of county record the family and I have written, meetings, and hearing asking for reasonably zoning. I will say I am in my 22nd year, 15 of them spending countless hours at the county meeting and hearings, listening, speaking and writing letters to county officials. I finally have the zoning only to be stopped again by urban holding overlay. In a prior board meeting I was told, in so many words, I was getting compensated in lower taxes by not being able to use the property the way I would like, build a one story
home on my property because of a disability, sell to a family member, builder/investor. I would like to make it clear it is not compensation, it is deferment of the prior 7 year's tax, at 8% interest, 20% penalty for change of use, and 1% per month from April 30th of the tax year through the month of removal when I sell the property and the use is changed. The last estimate I received from the county several years ago, if I removed the entire 18.85 acres was almost $30,000.00. Money would also be made for the county in development with very low impact to the area. When the one acre is put in my daughter Amy's name there will remain 17.85 acres of the original 20 acre parcel. Of a twenty acre parcel there are three homes on a acre or more, approx 4 acres of timber (can't harvest the trees, in timber management) in the back with Mill Creek running through it (wet lands). Now we are down to 13.85 acres and 192nd st runs the length of the entire north side of the property and I will guess that is close to 2 acres, leaving 11.85 acres. In a short plat it does not matter what the zoning

is, with the needed land requirement to build there is not going to be a large impacting subdivision. I do not know how 5 to 12 upscale home are going to make a large impact on the area, and as far as water/sewer, they may hold it and build later or have larger lots with wells and septic. That again will be up to the county.

The situation we were talking about yesterday stems back to the same problem, urban holding. The property is in The Lindsay Family Trust and sadly my mother passed away and it states upon her death the acre my daughter (Amy Blankenship) is living on belongs to her. There is an exception in the law for such cases, **40.520.010 Legal Lot Determination, #5 states- The parcel was created through court order, will and testament, or other process listed as exempt from platting requirements by RCW 58.17.035, 58.17.040 or Section 40.540.010 A, or through an exemption from platting regulations provided by law at the time of creation of the parcel;**

I spoke with Oliver in April of this year in regards to the acre transfer to my daughters name and he said he was not sure if there is a fee, however he did not think there would be a problem and planning would help with the process. I will say again, Oliver is a valued asset to the county, I may not always like the answers but he has always been kind and professional.
Last week I took all needed papers into permits (per Jeff on the phone) and spoke with a woman planner of 12 years and she was aware of the RCW and in checking the approval criteria of zoning (R1-7.5), that is ok, through court order, will and testament, or other process, that is ok. Then in pulling up the property I got yet again, no can do, URBAN HOLDING OVERLAY. She said there was nothing further she could do for me.

This is not the problem it has been made out to be. I understand you need a plan, reasons and answers that may come up from people that will oppose it at a hearing. There will be a property owner asking, why that property and not mine, is very easy. There is a law that gives people the right to be beneficiaries of real property through wills and testament, upon death, because of that persons passing the urban holding needed to be lifted. I doubt there will be several people wanted in on that exception.
As far as the GMA, as written, does not care what landowner is in urban holding. I have seen the zoning, land use, and colors of the maps change many times. I have seen people come into the county, make request, receive their requests, build and move on. It is up to the board to balance fair choices and to **protect private property rights, not eminent domain without compensation or consideration.**

When I was a young girl I was honored to be part of the "Daughters of the Pioneers" I was honored to be be recognized at the Clark County Fair for being a descendent of the oldest family in Clark County. Now in my 60s I just want to sell the property and get out. I have been in holding for 22+ years and that has lowered the value of the property considerably, and that is wrong. I played by the rules, I have been patient but I am no longer.

I am holding you to you word that you can get this done for our family this year. I have put it back on the market and it is our families time in the county with no excuses.

I would like to thank you in advance for taking care of this matter for us. If you have questions please do not hesitate to contact me. I look forward to hearing from you.

Pamela Poelvoorde
12714 NE 50th Ave
Vancouver, WA 98686
360-576-1460

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This e-mail and related attachments and any response may be subject to public disclosure under state law.

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Thursday, November 20, 2014 8:42 AM
To: Mielke, Tom; 'Pamela Poelvoorde'; Cnty 2016 Comp Plan
Cc: Madore, David; Barnes, Ed; Snell, Marty; marilee.maccall@clark.wa.gov; Benton, Don; chris.clifford@clark.wa.gov; Cnty Board of Commissioners General Delivery; commplanning@clark.gov; Lebowsky, Laurie
Subject: RE: GROUTH PLAN UPDATE original Vancouver school records-JLA CC fair-urban holding

Good morning Commissioner:

Mrs. Pamela Poelvoorde property is in the urban growth boundary. I am looking into the matter and have talked to Pamela in the past. Staff will take care of her issue. Please, let me know if you have questions. Thanks.

Best Regards,

Oliver

From: Mielke, Tom
Sent: Wednesday, November 19, 2014 5:19 PM
To: 'Pamela Poelvoorde'; Cnty 2016 Comp Plan
Cc: Madore, David; Barnes, Ed; Snell, Marty; Orjiako, Oliver; marilee.maccall@clark.wa.gov; Benton, Don; chris.clifford@clark.wa.gov; Cnty Board of Commissioners General Delivery; commplanning@clark.gov; Lebowsky, Laurie
Subject: RE: GROUTH PLAN UPDATE original Vancouver school records-JLA CC fair-urban holding

Hi Pamela,

I'm looking at your address of 19110 NE 50th Ave. and to the best of my recollection we are not proposing any changes in zoning or if you are even in the UGB. With all of that said, I will follow-up with staff and Mr. Benton on what is going on.

Thanks,
Tom

From: Pamela Poelvoorde [mailto:pamelahp@msn.com]
Sent: Tuesday, November 18, 2014 1:13 PM
To: Cnty 2016 Comp Plan
Cc: Mielke, Tom; Madore, David; Barnes, Ed; Snell, Marty; Orjiako, Oliver; marilee.maccall@clark.wa.gov; Benton, Don; chris.clifford@clark.wa.gov; Cnty Board of Commissioners General Delivery; commplanning@clark.gov; Lebowsky, Laurie
Subject: Fw: GROUTH PLAN UPDATE original Vancouver school records-JLA CC fair-urban holding

RE: Growth Plan Update 2016 and remove urban holding on my property.
Property ID#181449000, physical: 19110 NE 50th Ave, Vancouver 98686
current zoning: R1-7.5
proposed zoning: R1-20

To all decision making parties in regards to the proposed alternatives for the comp plan for 2016.

I will make this brief: As I have said many times, **NO**, I do not want the zoning to change. I have requested in every available way of communication, workshops, hearings, letters, emails, one on one conversations for 22 years. Be it the board of commissioners', or planning I have asked for this zoning and to **lift the urban holding,** it was finally included in the comp plan in 2008 with this zoning. I am continuing to ask to have the urban holding lifted.

I would like all to consider and to recall this is the same property Future Wise protested in Olympia earlier this year and lost.

If anyone wants to read further as to why leaving the current zoning is the "fair" and "best" thing to do, please read my last communications below starting with David Madore July 11th, 2013.

Regards;

Pam Poelvoorde
12714 NE 43rd Ave
Vancouver, WA 98686

----- Original Message -----
From: Pamela Poelvoorde
To: Benton, Don
Sent: Saturday, April 05, 2014 3:29 PM
Subject: Re: original Vancouver school records-JLA CC fair-urban holding

Don,

On a less formal note. Enjoy your vacation with Mary the the family.

Thanks for your help and direction.

Pam

----- Original Message -----

From: Benton, Don
To: 'Pamela Poelvoorde'
Cc: Clifford, Christopher
Sent: Saturday, April 05, 2014 2:25 PM
Subject: RE: original Vancouver school records-JLA CC fair-urban holding

Pamela,
Thank you for your email. I believe The Vancouver School District would be very interested in your Grandfather's papers and certainly the Clark County museum. I have one of my staff members, Chris Clifford, looking into your other question about the urban holding situation on your property. I will be out of the office on vacation with my family until April 14th. I will follow up with Chris when I return to see what the outcome was.
Thank you for your encouraging words. I have tried my whole life to bring conservative common sense to government and I am enjoying doing that at both the state and county level.
Thank you,

Don
Don Benton

O'Donnell, Mary Beth

725740

CP16# 0474

From: Keri Lightfoot <kliteft@gmail.com>
Sent: Tuesday, November 18, 2014 10:51 AM
To: Cnty 2016 Comp Plan
Subject: Landowner comments/request regarding 2016 Comprehensive Growth Plan for Clark County

November 17, 2014

Clark County, Washington

Comprehensive Growth Management Plan

RE: Property # 203566000 @ 23700 NE 178th St, Brush Prairie, WA 98606

My husband Doug and I own the referenced property. While we appreciate the proposed growth plan (Alternative 2) for our area, *we are requesting a complete de-designation in zoning of our property from an FR 40/FR 2 to a RURAL designation with ability to subdivide into 3-5 acre parcels and to be included within the urban growth boundary.* In 1994, prior to the growth management act, our property was zoned for residential. In 1994, our property was randomly down zoned by the county to AG, Forest Tier 2 and yet our house resides in a neighborhood of 7 houses. Moreover, we are supported by residential water service and we are surrounded by residential zoned properties and/or properties that are non-conforming in size to their current zoning (as per the County's property information website).

Despite when the decision was made to allow surrounding properties to subdivide (i.e. before or after 1994), *I feel we are being held to a standard that is not consistent and is unfair.* We are again requesting the opportunity, as so many others have done around us, to subdivide our property into 3-5 acre parcels. I have a long list of examples below of neighboring properties that are still today zoned FR 40/FR 2 just as we are - but have non-conforming lot sizes. Additionally, all of these properties are classified the same way on the county's environmental constraints pages.

Information about our property and our immediate neighbors is below. As I stated above all of these properties are zoned on the county website as FR 40/FR 2 despite the current lot sizes:

23700 NE 178th St, Brush Prairie (Lightfoot) – 21.65a

23512 NE 178th St, Brush Prairie (Eric and Michelle Solari) – 2.93a

23511 NE 178th St, Brush Prairie (Paul and Vanessa Fitzgerald) – 2.52a

23611 NE 178th St, Brush Prairie (Frank and Meredith Page) – 3.01a

23703 NE 178th St, Brush Prairie (Ken and Sandy Mantha) - 2.78a

23303 NE 178th St, Brush Prairie (Jim and Marla Azinger) – 2.74a

23606 NE 178th St, Brush Prairie (Ray and Nancy Scheimer) – 2.79a

Original owners *of all of this property Gordon and Kathleen Homola*

Boundary line adjustments were made in 2003

There is another street (180th) to the North of us that appears to be the same type of situation. The property on 180th was all owned at one time by Melvin and Verda *Homola*. All addresses are classified as FR-40 and FR-2 but have lot sizes ranging from 1-6 acres. The addresses include:

23609 NE 180th St, Brush Prairie

23401 NE 180th St, Brush Prairie

23700 NE 180th St, Brush Prairie

23607 NE 180th St, Brush Prairie

Lastly, there is another property directly to the south of us that was once 54.91a that has recently been subdivided into multiple lots (6a – 14a plots). All of the properties below were and remain classified as FR-40 and FR-2. The addresses include the following:

17301 NE Horne Rd., Brush Prairie

17305 NE Horne Rd., Brush Prairie

17309 NE Horne Rd., Brush Prairie

17403 NE Horne Rd., Brush Prairie

17405 NE Horne Rd., Brush Prairie

Thank you for your consideration. If you have additional questions or need to reach me, please feel free to contact me via email or my mobile phone number below.

Regards,

Keri Lightfoot
360/448-0146 Mobile

O'Donnell, Mary Beth

CP16#0475

From: William Milmoe <wmilmoe@gmail.com>
Sent: Tuesday, November 18, 2014 5:42 PM
To: Cnty 2016 Comp Plan
Subject: comments for the record re Comp Plan Alts & EIS

Comments are:

Please develop an Alternative that includes a full range of options for preserving rural and urban agriculture including permaculture, natural farming, food forest gardening, and areas for observing nature in all it's messyness and glory; urban and rural forest, prairie, wetlands and water feature "shorelines," fish and wildlife habitat (including pollinator and other beneficial insect habitat). Please protect surface and ground water quality and quantity, parks and recreation, and other such "natural resource" values.

We need healthy local food and healthy local food requires quality soil, air and water. Optimal nutrition is essential for a quality life.

Thank you so very much for accepting these comments into the public record and into the 2016 plan.

Sincerely

signed,

William C. Milmoe
6609 NE 76th Circle
Vancouver WA 98661
360 695 4482
Parcel 106511-656

O'Donnell, Mary Beth

From: William Milmoe <wmilmoe@gmail.com>
Sent: Tuesday, November 18, 2014 9:51 PM
To: Cnty 2016 Comp Plan
Subject: additional comments for the record re Comp Plan Alts & EIS

In my first comments I forgot to emphasize the importance of affordabi8ltiy, health and community. I would rather work less, drive less, bike safely more, walk more and share knowledge, food and entertainment with neighbors then be a "good consumer". Life is way more importan than some abstract number (like GDP).

Please help make our community more liveable, resilient and sustainable and less of a colony of large corporations and Washington D.C, Better to be a free person with real security then a cowering slave.

Organic or better farming/gardening, keeping out enslaving GMO's are very important to me and my friends.

Thank you so very much!!!

William Milmoe
6609 NE 76th Circle
Vancouver WA 98661

360 695 4482

O'Donnell, Mary Beth

725753
CP16#0476

From:	Euler, Gordon
Sent:	Wednesday, November 19, 2014 8:05 AM
To:	Orjiako, Oliver
Cc:	O'Donnell, Mary Beth
Subject:	Wait_Comments Comp Plan Alts & EIS
Attachments:	Comments on Clark County Comp Plan EIS Alternatives.docx
Follow Up Flag:	Follow up
Flag Status:	Completed

Oliver:

Comments from Jude.

Gordy

From: Wait, Judith Ann [mailto:judith.wait@email.wsu.edu]
Sent: Tuesday, November 18, 2014 4:51 PM
To: Cnty 2016 Comp Plan
Cc: Euler, Gordon
Subject: comments for the record re Comp Plan Alts & EIS

Comments attached.
ıanks for accepting them into the public record,
and for addressing them soon.
signed,
Jude Wait

Recommendations, comments, and issues for Clark County, Washington, to address in the Environmental Impact Statement for/and the 2016 Comprehensive Plan Update.

Please develop a true *Alternative* to the proposed "Alternatives" you have proposed. Otherwise, Alternative 1 is the only choice. If you plan on combining 2 and 3, why don't you present that upfront? Are you trying to work around the intent and/or letter of Washington State's Growth Management Act (GMA) or State Environmental Policy Act (SEPA)? One is not an alternative to the other. The only comparable Alternatives are 1 and 2, or 1 and 3.

Per the comments submitted by Futurewise, we agree. We also agree with the comments submitted by several members of the Friends of Clark County. Together, they would make a good start at a viable Alternative. The two documents developed by the Clark County Food System Council are also herein incorporated, as previous comments (to the SEIS Scoping) stated, as they include recommendations for conserving food production agriculture.

Furthermore, you should develop an Alternative that includes a full range of options for preserving rural and urban agricultural (and permaculture and native vegetation areas), urban and rural forest and prairie, wetlands and "shorelines," fish and wildlife habitat (including pollinator and other beneficial insect habitat), surface and ground water quality and quantity, parks and recreation, and other such "natural resource" values.

This Alternative could be called the Sustainable Future Alternative, and it should include Principles of Smart Growth to address the other issues, some of which are touched upon in your Proposed "Alternative" 2 and 3, such as transportation and regional travel, parks and recreation (add: for the region including integrating/collaborating with the Cities in Clark County).

See also the two sets of comments submitted on Sept 1, 2014, on the (Supplemental) EIS from Jude Wait (reincorporated herein by reference, so not repeated). The proposed Sustainable Future Alternative could address the issues raised (there and herein). As well, additional Elements of the Comprehensive Plan, such as the heretofore recommended Agriculture Element should be included. …and would be both comprehensive and integrated into Water and Environment Elements. To evaluate the Sustainable Futures Alternative, and compare Alternatives, use a vision for a resilient future, a future we will be proud to promote for our grandchildren's grandchildren—also commonly referred to as a *sustainable* future—as evaluation criteria.

Get some help with the recommendations herein, such as about Smart Growth and Sustainable Development, from MRSC http://www.mrsc.org/subjects/planning/smartgrowth.aspx and the American Planning Association (whose Washington chapter had a conference in Spokane in October, 2014—see the *Legacy and Prophecy* brochure for resource contacts). There are resources galore from which Clark County could choose to use. Join the ICLEI's Local Governments for Sustainability USA and use their toolkit <http://www.icleiusa.org/news/press-room/press-releases/iclei-launches-sustainability-planning-toolkit-to-accelerate-movement-of-sustainable-cities-and-counties>.

In the meantime, until a true Alternative is co-developed (with true community participation), one that ensures sustainable growth management, the Environmental review of proposed aspects of Alternatives could allow phasing, pursuant to the provision of the SEPA Rules [WAC 197-11-060(5)]. For example, "Phasing allows environmental review to focus on issues that are ready for decision, while deferring decisions that require additional information to the future" (See also Snohomish County's Environmental Policy Code (Chapter 30.61 SCC); referred to in the Comprehensive Plan 2015 Update Dreaft EIS Volume 1 Snohomish County).

As such, No proposed alterations to the parcel sizes, current zoning, or other designations pertaining to Rural parcels, Forest parcels, Reserve, Holding, or Agriculture, are acceptable at this time.

Arguments already made by Futurewise, Friends of Clark County, Agricultural Preservation Committee, Future of Farming, American Farmland Trust, and Clark County Food System Council documents (herein included by reference) indicate the need for more information and a solid plan for implementation of a full range of tools, strategies, and programs—Agricultural preservation tools etc—as well as the Washington State Food System Roundtable principles and goals. Until Clark County can develop an Alternative that ensures future sustainability principles and laws are presented and evaluated, including those necessary to mitigate adverse impacts, Clark County should stick to the real "map cleanup" efforts such as making the color scheme legible.

For example, in the proposed Alternative 2, a downsizing of parcel size, permitting subdivision (and all its consequences) would be imposed, whether on the people who said they wanted to keep the current parcel size designation, as well as the people who would like a smaller lot size category. Yet there are other solutions, which would be much better in the long run, for all the people—those who own parcels, those who returned the survey (aka Census but not even close to a scientifically valid survey nor census that should be conducted to inform policy), and all residents of Clark County, now and into the future.

Welcome to the future Alternative: Young people want to farm. People want to eat locally produced wholesome food. Citizens want good governance and good health. We know we need the birds and bees to cultivate healthy habitats. The honorable activity of farming, and growing food that feeds people, is not a mere "hobby." Food farming is vital for our present lives, for the future for our great-great-grandchildren, and for resilient communities. Evaluate the Sustainable Future Alternative for Clark County.

Respectfully submitted,

Jude Wait,
Co-editor/researcher/author of the *Sustainable World Sourcebook* (2010);
Clark County resident

MILLER NASH LLP
ATTORNEYS AT LAW

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RECEIVED NOV 18 2014

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* 7 2 5 7 5 4 *
CP 16#0477

LeAnne M. Bremer, P.C.
leanne.bremer@millernash.com
(360) 619-7002 direct line

November 17, 2014

Mr. Oliver Orjiako
Planning Director
Clark County Community Development
Post Office Box 5000
Vancouver, Washington 98666-6000

Subject: CR-1 Text Amendment/Sewer

Dear Oliver:

As you know, I represent Dale Sanders who owns property located at 21605 N.E. 10th Avenue. The property is currently zoned CR-1 and Urban Reserve. We previously submitted requests to the County for it to consider inclusion of this property in an urban growth area. However, development of the three alternatives the County is considering for its 2016 comprehensive plan update does not include Mr. Sanders' property in an urban growth area. The primary reason Mr. Sanders wishes to include his property in a UGA is so that the property can be served with sewer. Under current County code, sewer can serve CR-1 property if it currently exists under this provision:

> UDC 40.370.010C. New Structures within UGA and Rural Centers Served by Public Sewer – Public Sewer Connection Required – Exceptions.
>
> Inside UGAs <u>and rural centers served by public sewer</u>, connection to public sewer is required as a condition of building permit issuance for any new structure which has the potential to increase sewage effluent, or additions to existing structures which have the potential to increase sewage effluent, unless the responsible official determines, using a Type I review process, that the new structure or addition is for single-family detached residential use, or a nonresidential use for which an on-site sewage disposal system can be approved by the Clark County Health Department....

The County has already made a policy choice to allow rural center property to be served by sewer if the sewer line exists. We are seeking a minor amendment to allow rural center property to be served by sewer if the sewer line is within ½ mile of the rural center boundary. We believe this would be consistent with current policy as long as controls are in place that would not allow properties outside of UGAs and rural centers to hook-up to sewer unless some other exception is met. Accordingly, we are offering the proposed amendment set forth below as an alternative to including Mr. Sanders' property in the UGA.

UDC 40.370.010 Sewerage Regulations

E. Public Sewer Connection Prohibited Outside UGAs – Exceptions.

For proposed structures or other developments outside of a UGA, connection to public sewer is prohibited except as follows:

1. In response to documented health hazards; or

2. To provide public sewer to regional park facilities, K – 12 public schools or to uses within the urban reserve district otherwise required to be served by public sewer; or

3. Where the county has contractually committed to permit public sewer connection; or

<u>4. To serve developments within rural centers if an existing sewer line is within ½ mile from of the boundary of the rural center; provided, however, property outside of rural centers and UGAs cannot be served by the sewer lines serving rural centers unless an exception in (E)(1), (2) or (3) is met.</u>

If sewer is extended, the maximum number of permitted hookups should be specified at the time of extension and no additional development exceeding this number should be permitted.

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

Please consider this request during the 2016 comprehensive plan update. Thank you for your attention to this matter.

Very truly yours,

LeAnne M. Bremer, P.C.

cc: Dale Sanders

COMMUNITY PLANNING

proud past, promising future

CLARK COUNTY
WASHINGTON

November 19, 2014

LeAnne M. Bremer, P.C.
Miller Nash, LLP
Attorneys at Law
500 Broadway Street, Suite 400
Vancouver WA 98660

RE: Response to November 17, 2014 Letter regarding your request for CR-1 test amendment/sewer relating to Mr. Dale Sanders property located at 21605 NE 10th Avenue.

Dear LeAnne:

Thank you for your letter dated November 17, 2014 requesting a text amendment to UDC 40.370.010 Sewerage Regulations. The previous request was to include the property into the urban growth boundary. As you are aware, the property is designated a Rural Commercial and zoned existing commercial (CR-1) outside of Rural Centers. You are correct that the three proposed alternatives slated for review under SEPA did not show inclusion of the parcel in the urban growth area. That is because the City of Vancouver is not proposing to expand the current urban growth area.

The status of the Duluth area comes up often in term of whether it qualifies as a rural center. It is important to note that the Cities of Battle Ground and Ridgefield are expressing concern about the county enlarging the existing number of commercially designated parcels in the area.

Community Planning Department will log your request, along with those of other property owners making a similar request for consideration in the current plan update process. I will recommend that you follow news reports concerning the plan and watch for announcements about meetings that may be of interest to you. You may sign up for news and announcements by email or also learn more about the growth plan update by visiting our web site at www.clark.wa.gov/planning/2016_update/comments.html If you have questions, please contact Jose Alvarez at (360) 397-2280 ext. 4898.

Sincerely,

Oliver Orjiako, Director
Community Planning Department

cc: Community Planning: Jose Alvarez, Gordy Euler
Civil PA's Office: Chris Cook
Archive/Record: Mary Beth O'Donnell, Marilee McCall

1300 Franklin Street • P.O. Box 9810 • Vancouver, WA 98666-9810 • tel: [360] 397-2280 • fax: [360] 759-6762 • www.clark.wa.gov

O'Donnell, Mary Beth

CP16#0478

From: Euler, Gordon
Sent: Wednesday, November 19, 2014 2:26 PM
To: 'gordons50@comcast.net'
Cc: O'Donnell, Mary Beth; Orjiako, Oliver; Niten, Jeff
Subject: RE: Ubar Holding between N.E. 199st and N.E 209 st off NE 10th AVE

Mr. Coop:

Thanks for your email. I'm not exactly sure what you are telling us, other than food and food production are important. But your comments are in the record.

The area you refer to along NE 10th between NE 199th and NE 209th Streets is already in the urban growth boundary—it was brought in 2007. As a planning tool, per county code, lands brought inside urban growth boundaries are placed in urban holding. Urban holding is intended to be 'temporary' zoning until such time as the infrastructure (water, sewer, roads, etc.) are in place to support any proposed urban-level development.

There have been discussions about the 'Discovery Corridor', the area along both sides of I-5 that includes the Fairgrounds northward. If you want more details, please contact Jeff Niten of our staff—his address is in the cc line above.

Gordy Euler
Clark County Community Planning

From: Orjiako, Oliver
Sent: Wednesday, November 19, 2014 1:44 PM
To: Euler, Gordon; Alvarez, Jose
Cc: Cook, Christine; Wendt, Brian
Subject: FW: Ubar Holding between N.E. 199st and N.E 209 st off NE 10th AVE

FYI

From: Cnty Board of Commissioners General Delivery
Sent: Wednesday, November 19, 2014 1:38 PM
To: Orjiako, Oliver; Tilton, Rebecca
Cc: O'Donnell, Mary Beth
Subject: Ubar Holding between N.E. 199st and N.E 209 st off NE 10th AVE

From: gordons50@comcast.net [mailto:gordons50@comcast.net]
Sent: Tuesday, November 18, 2014 9:29 PM
To: Mielke, Tom; Madore, David; Barnes, Ed; Orjiak0@clark.wa.gov; "mailto:boardcom"@clark.wa.gov
Cc: gordons50@comcast.net
Subject: Ubar Holding between N.E. 199st and N.E 209 st off NE 10th AVE

I know that I am sending this after 5pm so technically you may not have to consider what I am writing, but hope you will.

It is apparent to me that the county intends to take this area into the Growth Boundary regardless of the property owners not wanting it to happen. So instead of answering the same question with same

answer I am going say I do not want this in a different way. When the Growth Management Act was adopted, I was very much in agreement with how the county growth was designated At that time this area was designated AG due to the fact that it consists of quality AG land. I do not currently have the means to produce off season, I still have the the ability to produce thousands of pounds of food. Food as you may remember from grade school Is number one of the three needs the human race needs for survival Clark county is food dependent. Clark County is not capable of feeding itself. I was under the understanding that Growth Management was more about nurturing growth than about controlling growth. There is thousands of acres in Clark county, the majority are junk AG land. I have read some articles in Grower Magazine and Green Builder Magazine about huge changes that are taking place with regards to land management There are currently large developments both finished and currently be developed that require s large portion to be permanently zoned as AG. There are areas that taken to the growth boundary but with multiple zones including AG. There is a current new thought that in being practiced that takes a look at the echo system of an parcel of land instead of breaking it into several minimum parcels they are cluster building on designate areas and leaving the majority of the parcel undeveloped.

Sincerely;

Gordon M Coop
1304 NE199th st
Ridgefield, WA 98642

O'Donnell, Mary Beth

CP16#0479

From: Euler, Gordon
Sent: Wednesday, November 19, 2014 2:04 PM
To: O'Donnell, Mary Beth
Subject: FW: 13719 NE Laurin Rd

For the index.

-----Original Message-----
From: Euler, Gordon
Sent: Thursday, November 06, 2014 5:07 PM
To: ronlisahoffman@msn.com
Subject: FW: 13719 NE Laurin Rd

Lisa:

Oops--just re-read the e-mail and see your address is below.

Your parcel is zoned for agriculture, but has an industrial urban reserve overlay on it. Urban reserve is used as a long-range planning tool; the intent is to identify lands close to urban growth areas that will someday be included in urban growth areas. There isn't any change proposed except to the underlying zoning of AG-20. Since you only have an acre the change wouldn't benefit you, as you point out.

What you might be interested in is a proposal to create a rural industrial land bank on the Lagler (across 117th Avenue) and Ackerland (north of you) properties. Check out the webpage: http://www.clark.wa.gov/planning/landbank for more information.

Gordy Euler
Clark County Community Planning.

-----Original Message-----
From: Euler, Gordon
Sent: Thursday, November 06, 2014 4:56 PM
To: 'ronlisahoffman@msn.com'
Cc: O'Donnell, Mary Beth
Subject: FW: 13719 NE Laurin Rd

Lisa:

You asked a number of questions here. It would be helpful in responding to have your location. Thanks.

Gordy Euler
Clark County Community Planning

-----Original Message-----

From: Lebowsky, Laurie
Sent: Thursday, November 06, 2014 2:10 PM
To: 'ronlisahoffman@msn.com'
Cc: Euler, Gordon
Subject: FW: 13719 NE Laurin Rd

Hi Lisa,
Gordy Euler could help you with this question and I copied him on this email.

-----Original Message-----
From: Lisa Hoffman [mailto:ronlisahoffman@msn.com]
Sent: Thursday, November 06, 2014 2:09 PM
To: Lebowsky, Laurie
Subject: 13719 NE Laurin Rd

Ms. Lebowsky- My husband, Ron, met you last week at the town hall open house on land use change. My concern is the light industrial railroad overlay zoning. What is the purpose of that change - why was it changed? The Ag20 to Ag10 has no effect on us or our neighbors. We're all in the same zoning but all have grandfathered 1-5 acre lots. Can you please shed some light on this or direct to me to right person who can?
Thank you
Lisa

Sent from Windows Mail

From: ike.nwankwo@commerce.wa.gov
Sent: Tuesday, November 18, 2014 4:33 PM
To: susan rasmussen
Cc: Jeff.Wilson@commerce.wa.gov

Susan, I called you (360) 263-2154 last week to discuss the issues you raise regarding Clark County's comprehensive plan update but you were not available.
I left a message hoping you would call back – I hope you received my message.

I am going to call you again now and hope you are available to discuss your concerns, if not, please feel free to call me any time you have a moment.
My phone number is **360-725-3056**

Thanks very much
Ike

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Friday, November 07, 2014 12:00 PM
To: Nwankwo, Ike (COM)
Subject: Hello Ike,

I realize that you are a very busy person with a lot of responsibilities. However, I am still waiting answers about concerns that we have regarding the updates to the Clark County comprehensive plan.

Another issue that is of prime importance to the rural Clark County property owners, is the fact that the rural communities and their citizens are only being offered one plan that addresses the rural lands. By offering three alternative plans, the planners are giving the impression that there are viable choices to be made from these "alternatives." In truth, only one of these "alternatives" speaks in anyway to the rural lands. In effect, we are offered no options. The rural citizens are being dictated to. By strategically limiting the number of options that address rural lands, the planners are being neglectful of their required duties regarding the SEIS scoping report, and GMA policies.

On October 20, I asked you to review our Superior Court Case No. 96-2-00080-2. Written by Judge Poyfair, April4, 1997, Findings of Fact and Conclusions of Law and Order; court orders:

> **"The Board's interpretation was erroneous, and the County's decision to follow the Board's lead was unfortunate. The result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA."**

On November 1, I posed the question to you, "Why haven't these Superior Court Orders been upheld?" Carol Levanen and I asked the same question to you at the county's open house at the Ridgefield Fire and Rescue complex October 30.

Doesn't Clark County have an opportunity here for the 2016 updates to acknowledge the Superior Court ders of 1997, make the necessary corrections to the comp. plan, and bring the county in compliance to the written orders?

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Thursday, November 20, 2014 11:40 AM
To: Alvarez, Jose; O'Donnell, Mary Beth
Cc: Cook, Christine; Wendt, Brian
Subject: FW: Hello Ike,

Just FYI

From: Nwankwo, Ike (COM) [mailto:ike.nwankwo@commerce.wa.gov]
Sent: Thursday, November 20, 2014 11:31 AM
To: susan rasmussen
Cc: Wilson, Jeff (COM); Orjiako, Oliver; Euler, Gordon
Subject: RE: Hello Ike,

Hi Susan,
Moving is quite a hassle and I sympathize.

I have been discussing your concerns with the county and advising they address them.
I didn't know you were expecting a response from me. As you know, the county has not submitted anything to us for review and so I do not have anything to act upon. Besides, I hope you know we only have advisory role. Any action you feel is not consistent with the GMA could be appealed. I also want to let you know I could not find the Superior Court Order you alluded to in your email. If you can get a copy or link, please send it to me. If it is really a Court Order (not an opinion), the County is bound to comply, if not, the Court will enforce it, not Dept. of Commerce.

One thing I have to mention about one issue you raised (more lots/development in rural areas), that is not something we will support especially without needed infrastructure to support such higher level of development, but it is a local call and I will leave that to the County to decide.

Please call me at (360) 725-3056 after your move so we can discuss some of these issues in details.
Thanks
Ike

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Wednesday, November 19, 2014 7:58 AM
To: Nwankwo, Ike (COM)
Subject: Re: Hello Ike,

Hello Ike,
Thanks for responding. We are in the process of moving, so I can best be reached via this email. Hope that is alright. I'm looking forward to working with you, and helping the county planners
towards a successful plan.

Best regards,
Susan Rasmussen, for the Board of Directors
Clark County Citizens United, Inc.

I know your time is valuable, Ike. We are waiting for answers to our concerns.

Respectfully,

Susan Rasmussen, for the Board of Directors,
Clark County Citizens United, Inc.

Sent from Windows Mail