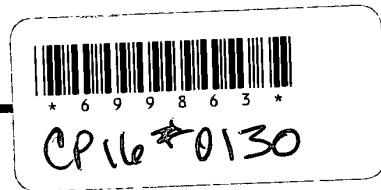


O'Donnell, Mary Beth



From: Orjiako, Oliver
Sent: Wednesday, June 11, 2014 11:28 AM
To: O'Donnell, Mary Beth
Subject: FW: Clark County Citizens Document to the BOCC
Attachments: Scanned from a Xerox multifunction device001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mary Beth:

I will be forwarding to you many more submittals from CCCU. Because they (CCCU - Carol Levanen) is submitting these into the record consider them for index. Thanks.

Oliver

-----Original Message-----

From: Madore, David
Sent: Tuesday, June 10, 2014 11:24 AM
To: Orjiako, Oliver
Cc: McCauley, Mark
Subject: FW: Clark County Citizens Document to the BOCC

Oliver, Per our discussion this is the document that CCCU delivered to the BOCC. They have red lined areas of concern.

Thank you.

Anna for
Commissioner Madore

-----Original Message-----

From: Madore, David
Sent: Tuesday, June 10, 2014 11:22 AM
To: Madore, David
Subject: Clark County Citizens Document to the BOCC

-----Original Message-----

From: MSCOMM01@clark.wa.gov [mailto:MSCOMM01@clark.wa.gov]
Sent: Tuesday, June 10, 2014 11:28 AM
To: Madore, David
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: machine location not set
Device Name: MSCOMM01

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RECEIVED

MAY 21 2014

Board of Commissioners

Clark County Citizens United

"Promoting Rural Interests"

P.O. Box 2188, Battle Ground, WA 98604

Information For the Public Record

Our vision:

- Clark County will be a place where rural values are reflected in land-use policies, and where local regulations are acceptable to rural landowners.*

Our mission:

- To serve the interests of present and future rural landowners*
- To protect rural people from unreasonable regulation*
- To preserve the affordability of rural living*

Our principles:

- Rural living should be an option for those who want it*
- Property ownership should be encouraged*
- Landowners are the best stewards of the land*
- Private property rights must be respected*
- Rural residents require lower levels of service and fewer regulations*

RECEIVED BY
ALL COMMISSIONERS

RECEIVED

May 12, 2014

MAY 15 2014

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

Board of Commissioners

Re: Commercial Resource Lands and the GMA

Clark County Citizens United, Inc. represents approximately 6,000 members and supporters from the rural lands and unincorporated areas of Clark County. CCCU, Inc. is concerned over Clark County's designations and zoning for agriculture and forest lands in their current Comprehensive Land Use Plan. The following is information for the record, over what CCCU, Inc. has discovered.

RCW 36.70A.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products of berries, grain, hay straw turf, seed.....and that has long-term commercial significance for agricultural production.

(8) "Forest land" means land primarily devoted to growing trees for long term commercial significance. "Long term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

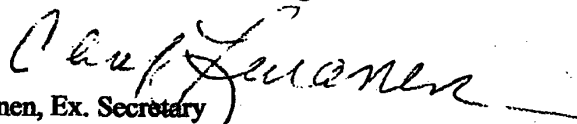
WAC Definitions - (11) Long term commercial significance includes the growing capacity, productivity and soil composition of the land for long term commercial production, in consideration with the lands proximity to population areas, and the possibility of more intense uses of land. Long term commercial significance means the land is capable of producing the specified natural resources at the commercially sustainable levels for at least the twenty year planning period, if adequately conserved.

To determine appropriate locations in Clark County for these resource areas, while complying with GMA requirements, Clark County Citizens United, Inc. went to the **Soil Survey of Clark County, Washington by the United States Department of Agriculture Soil Conservation Service/ Washington Agricultural Experiment Station ; the Washington State University Clark County Extension Commercial Horticulture; the Washington State Department of Natural Resources; and the Washington State Farm Forestry Association.** As one studies the available information and the soils manual, one can get a better perspective as to how lands in Clark County would fit in. One can then highlight where commercially viable and prime/preferred soils are located for both agriculture and forest land on the maps within the manual. By doing so, one clearly sees that prime forest soils of Cinebar Loam, CnB, CnD, CnE, and CnG are primarily in the Northeast corner of the county. There are none

sprayed for nuisance plants, and then the trees are planted in a 10X10 foot space, or 400 stems to the acre. This takes into account loss from deer grazing and other overgrowth plants. At age 20 it is thinned to 180 to 200 trees per acre. Ideally the trees should be 55 to 60 feet tall, having grown three feet a year. The diameter at breast height (DBH) is 9-10 inches. The thinned trees are sold for pulp wood at the lower market rate at the time, currently at \$250.00 per 1000 board feet. A very small percentage might also go for saw logs and generate \$550.00 per 1000 board feet. Thinned trees can be sold for saw logs, if they have a 5 inch top and are 16 to 40 feet long. At 40 years or full harvest, the tree should be 90 to 95 feet tall and be 14-16 inches DBH. Value is lost if a tree is 30 inches or larger DBH. The market expects logs that have an 8 inch plus top and are 26 to 40 feet in length. These trees are currently sold for \$750.00 per thousand board feet, according to the quality of the log. A ten year old stand is worth nothing in the commercial markets. For forestry to be sustainable and commercially viable for long term commercial production, projections must look fifty years ahead. In addition, the ability to harvest the timber crop is an essential part of the picture. Rules and regulations come and go and many times prevent harvest of the trees, which results in a total loss of commercial value. The markets for timber fluctuate from high to low. Harvest of the trees should take place during a high market, otherwise the financial loss could be too great. If a person buys property for the purpose of growing commercial timber, they must take this into account."

If one extrapolates these figures out, a person would have to have approximately 300 acres to make a viable long term, commercial forest or farm that is devoted to the resource and produces a consistent annual income. Even then, it is questionable whether the markets will bear the figures out, particularly if one purchased the land for such a purpose. Looking at the maps, one can find barely a handful, if even that, of land that fits those dimensions. It is ludicrous that Clark County insists on zoning myriads of small rural parcels into a forest or agriculture resource zone. The GMA is a document of the Washington State Department of Commerce. It's purpose is to encourage economic prosperity in the state. It is not a document that was adopted to lock up rural land in large lot zoning, for no verifiable reason, under the guise of calling it resource. That is why the GMA has specific language and criteria for such lands, to assure they are not confused with rural lands. Resource lands have to make money in a meaningful way and consistently for 20 years. If they don't, the GMA says to consider another or better use for those lands, considering what is already in place on the ground. As Clark County updates the Comprehensive Plan, they must give deference to the Growth Management Act mandates of long term commercial significance and devotion to resource lands.

Sincerely,



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

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

May 20, 2014

Dear Commissioners,

Clark County Citizens United, Inc. has examined the 2004-2014 Clark County Comprehensive Land Use Plan for any corrections or additions that might be necessary, to enable it to comply with the mandates of the Washington State Growth Management Act. Much of the wording in the document could be retained. But, there are portions of the text that should be removed to allow the document to read correctly. CCCU, Inc. believes the easiest way to provide the information is to simply draw a line through the words that should not be in the document. Then when it is read, it will better demonstrate what the GMA requires. But, foremost, there needs to be two separate sections. Rural Element and Resource Element. They should not be combined. In addition, CCCU, Inc. is submitting the following recommendations for rural and resource land zoning and parcel sizes consistent with historical patterns of development and fulfilling the criteria and mandates of the GMA. In addition, recommendations regarding innovative zoning techniques are described..

For Rural zoning the recommendation is:

1 acre Design Rural, 2.5 acre Community Rural, and 5 acre Estate Rural, with the possibility of clustering or based on density use at 2.5 acre

For Agriculture zoning the recommendation is:

2.5 acre Neighborhood Farm, 5 acre Rural Farm and 10 acre Commercial Agriculture with the ability to 1 acre cluster, density use at 2.5 acre or 5 acre simple segregation

For Forest zoning the recommendation is:

5 acre Family Forest, 10 acre Transition Forest, 20 acre Industrial Forest with the ability to 1 acre cluster, density use at 2.5 acre or 5 acre simple segregation

In the larger lots, a bonus density cluster lot should be allowed in all zones.

The 5 acre segregation process should replace the short plat process.

This information is being submitted according to Clark County Citizens United, Inc. Board of Directors directives and recommendations, for your review and consideration.

Sincerely,



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

CHAPTER 3

~~RURAL AND NATURAL RESOURCE ELEMENT~~

INTRODUCTION

Clark County's rural ~~and resource~~ areas are characterized by forests, ~~large and~~ small scale farms, rivers and streams that provide quality habitat for fish and wildlife, and a wide variety of homes found ~~in Rural Centers and~~ scattered on lots in a broad range of sizes. Many rural residential communities are focused in areas with historic roots of ~~large-scale commercial~~ forestry, farming, and mining. Also, rural residential communities are focused on scenic resources such as rivers and views or to lifestyle activities such as the keeping of horses.

The soils and terrain in the rural ~~and resource areas~~ create ~~significant~~ environmentally sensitive areas, such as steep, erodible slopes, wetlands and ground water recharge areas. ~~Maintenance of tree cover, natural vegetation and wetlands are critical to prevention of erosion, flooding, property and habitat damage,~~ the continued functioning of the ecosystem and preservation of rural character.

GROWTH MANAGEMENT ACT

Statewide planning goals were adopted in 1990 as part of the Growth Management Act (GMA) to guide development and adoption of comprehensive plans and development regulations: A basic principle of the GMA is that growth should first be directed to areas already characterized by growth and where growth can be supported with adequate urban facilities and services. By directing development to areas where facilities are currently provided or can be efficiently provided in the future, the county can better utilize ~~limited~~ resources in both rural and urban areas. ~~Additionally, by generally directing growth to such areas, Clark County can ensure that a distinct option for rural living will be available for generations to come.~~ This Chapter satisfies the GMA's mandatory Rural Element (RCW 36.70A.070 (5)) by:

- designating rural lands "lands that are not designated for urban growth, agriculture, forest or mineral resources";
- providing a projected 20-year population growth;
- identifying rural government services;
- providing a variety of densities for residential, ~~commercial and industrial land uses;~~ and,
- addressing rural character of such lands, ~~which can include critical areas as well as~~ small-scale farm and forestry activities.

~~This Chapter also satisfies the GMA's Goal 8 to maintain and enhance natural resource-based industries and designated resource lands (RCW36.70A.020 (8)).~~

CLARK COUNTY'S RURAL COMMUNITIES

Clark County's rural area contains ~~predominately low-density~~ residential development, farms, forests, watersheds crucial to fisheries and flood control, mining areas, small rural commercial centers, historic sites and buildings, archaeological sites and regionally important recreation areas. Designation ~~and conservation~~ of a rural area maintains rural community character as a valued part of the county's diversity. It also provides choices in living environments, maintains a link to Clark County's heritage, allows small-scale farming and forestry and helps protect environmental quality and sensitive resources.

As defined by (WAC 365-195-210(19)), rural lands are those areas, which lie outside of urban growth areas and do not include designated long-term resource lands (agriculture, forest or mineral resources). In Clark County the rural area represents a lifestyle based on historical development patterns ~~and resource-based industries such as commercial forestry, Christmas trees, dairies, berry farming, orchards and mining.~~ Today much of the county's rural lands include a mix of resource, small commercial, recreational and residential uses.

No single attribute describes the rural landscape. Instead combinations of characteristics which are found in rural settings impart the sense of what we commonly describe as rural. These factors are cumulative in nature and the more of these factors that are present influence feelings of whether a particular area is rural. In many cases these characteristics are subjective and frequently not all of them are found in each area. When describing rural conditions the public will often describe these areas in terms of a certain lifestyle. The factors listed below are those that usually describe "rural character."

- ~~the presence of large lots;~~
- limited public services present (water, sewer, police, fire, roads, etc.);
- different expectations of levels of services provided;
- small scale resource activity;
- ~~undeveloped nature of the landscape;~~
- wildlife and natural conditions predominate;
- closer relationship between nature and residents;
- personal open space;
- a sense of separation from intense human activity;
- a sense of self sufficiency; and
- rural commercial supporting rural area population.

Planning for rural lands in Clark County is important for the following reasons:

- to maintain rural character;
- ~~to recognize their location at the urban fringe, where they are susceptible to sprawl development which can overwhelm the existing character, infrastructure and way of life;~~
- ~~to serve as transition areas between urban and resource uses because urban and resource uses are dependent on each other, but are not always compatible;~~
- to provide services and goods that support resource activities;

- ~~to supply nearby urban residents with locally harvested resource products which are fresh and often less costly;~~
- ~~to allow the efficient provision of public facilities and services by clearly delineating between urban and rural uses so that growth is directed to more compact urban centers;~~
- to add an important dimension to the quality of life through the existence of rural lands, open space and natural or critical areas;
- to provide for the planned future expansion of urban uses, if necessary or needed, in the rural lands that border designated urban areas; and,
- to protect and enhance streams and riparian habitat necessary for sustaining healthy populations of salmonids.

The Rural ~~and Natural Resource~~ Element is an integral part of the county's 20-Year Plan. This element concentrates on how future land use needs within rural ~~and resource~~ lands will be met, and the methodology used to designate resource lands. This element emphasizes how rural ~~and resource~~ lands should be used in the future, ~~supporting the ongoing and future resource activities~~ (farming, forestry and mineral extraction) and encouraging such activities on a smaller scale in the rural non-resource lands. Together, this element in concert with the rest of the 20-Year Plan supports the long-range vision for Clark County.

RURAL POPULATION GROWTH

The Rural Area is not expected to accommodate large amounts of growth, but allows for ~~low density~~ residential development and other traditional rural uses. The GMA requires that rural development ~~be contained and controlled to~~ ensure the protection of rural character, assure the visual compatibility of rural development with the surrounding rural area, protect environmentally sensitive areas and habitat and protect against conflicts with natural resource uses such as farming, forestry and mining. As of April 2002, approximately ~~64,536~~ people resided within the rural ~~and resource lands~~, or those areas outside of the urban growth areas.

It is anticipated that ~~19,263~~ people or ~~10~~ percent of the new growth will be accommodated in the rural area. The total county population projection (including urban and rural areas) over the next 20 years is approximately 584,310 persons.

RURAL LAND DISTRIBUTION

Clark County is approximately 420,000 acres in size, of which approximately 340,000 acres are outside the Urban Growth Area. The predominate land uses outside the Urban Growth Area include forest, agriculture and single family residential development. Table 3.1 illustrates the distribution of land uses based on 1994 and 2004 zoning categories throughout the rural and resource lands.

Table 3.1 Acreage Totals Based on 1994 and 2007 Zoning Categories

ZONING	ACRES - 1994	ACRES - 2007
R-5, R-10, R-20	105,102	100,117
Ag, Ag/WL	39,802	35,760
FR-40, FR-80	157,516	158,068

RURAL COMMERCIAL / INDUSTRIAL USES

Existing commercial and industrial uses are located within the rural ~~and resource~~ areas of Clark County. The majority of existing commercial uses can be found within Rural Centers (160 acres), although there is some commercial use outside these centers (30 acres). Currently, the majority of industrial land is found within the cities or the proposed urban growth areas. Industrial land within the rural area is limited to the Brush Prairie area and Chelatchie Prairie, the site of the abandoned sawmill.

Commercial and industrial lands, especially regarding the relationship with employment, are discussed in more detail in Chapter 1, Land Use and Chapter 9, Economic Development. CR-1 and MH are the zoning designations applied to rural commercial and industrial parcels.

RURAL CENTERS

Rural Centers are distinguished by small lot development ~~with a definite edge,~~ surrounded by a rural landscape of generally open land used for agriculture, forestry, ~~large lot residential development, recreation and environmental protection purposes.~~ These centers are often at the crossroads where historical development has allowed for both smaller lots and commercial uses within these nodes of development. Within these centers rural residential development is based on historical patterns. Commercial activities located at crossroads provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities.

Within the Rural Centers, the following land uses have been identified: residential, commercial, industrial, public facilities, parks and open space. The commercial and industrial designations are similar to past comprehensive plan maps with some additional commercial areas designated. The commercial and industrial activities within these centers should support opportunity for job growth, tax base to support schools, rural and resource needs ~~and not draw people from the urban area.~~

Commercial uses to be encouraged in Rural Centers include post offices, veterinary clinics, day care, schools, small medical practices, shopping services and housing opportunities compatible with surrounding roads, and utilities. These, in turn, reinforce the center's rural character and distinct sense of community. The Rural Centers of Clark County are as follows: Brush Prairie, Meadow Glade, Hockinson, Dollars Corner, Farger Lake, Amboy, and Chelatchie Prairie.

Table 3.2 and 3.3 provides acreage information on existing land uses within these Rural Centers.

Table 3.2 Acreage of Land Uses in Clark County's Rural Centers, 1994

RURAL CENTERS	LAND USES in ACRES				
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PUBLIC	TOTAL
AMBOY	364	23	NA	13	400
BRUSH PRAIRIE	242	49	36		327
CHELATCHIE	279	15	229		523
DOLLARS CORNER	223	106	NA		329
MEADOW GLADE	1284	15	9		1,308
HOCKINSON	236	28	NA		264

Source: Assessor's Data Base

Table 3.3 Acreage of Land Uses in Clark County's Rural Centers, 2007

RURAL CENTERS	LAND USES In ACRES				
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PUBLIC	TOTAL
AMBOY	327	22	38	13	400
BRUSH PRAIRIE	210	57	36		301
CHELATCHIE	220	15	163		397
DOLLARS CORNER	216	115			330
MEADOW GLADE ¹	482	8			490
FARGHER LAKE ²	66	24			90
HOCKINSON	234	29			263

Assessor's Data Base

¹Meadow Glade is within the proposed Battle Ground UGA expansion.

²Fargher Lake was created in 2000.

DESIGNATION CRITERIA

A variety of different attributes were assessed to determine the future land uses within the rural ~~and resource~~ lands of the county. As required by the Growth Management Act legislation, the conservation of resource lands (agriculture, forestry and mineral) was analyzed and based on the criteria provided, resource lands were designated. After identifying resource lands, the rural lands were analyzed with regard to lot patterns and sizes and current uses, including the commercial activity within the Rural Centers. Furthermore, rural lot sizes providing for primarily residential development were considered in light of the county's ability to properly serve such sites. The GMA designation criteria for ~~both rural and resource~~ lands were used in the determination of minimum lot sizes for all ~~land use designations~~. This determination was also based on the ~~population allocation to these areas and the ability to provide services~~. ~~These land use designations emphasize the pre-dominant types of uses be it resource-based or more residential in nature.~~

The policies (pages 3-14 through 3-23) for the rural area govern the use of lands, which are not reserved for agriculture, forest, or mineral resources, nor are they designated for urban development. ~~Land uses, densities, and intensities of rural development are to be compatible with both adjacent urban areas and designated natural resource lands.~~ A minimum lot size of one dwelling per five, ten, or twenty acres has been designated throughout the rural area based on existing lot patterns; buffers to adjacent resource lands; preservation of rural character, and continued small scale farming and forestry.

~~The policies for the resource areas govern the use of lands, which are reserved for agriculture, forest, and mineral resources. More specific designation criteria for these three resource land categories are found under the following three headings: Forest Lands, Agricultural Lands, and Mineral Lands.~~

**CHAPTER 4
RESOURCE LANDS ELEMENT HEADINGS**

Clark County is fortunate to have a variety of lands rich in natural resources including forests, farmland and deposits of gravel, sand and other minerals. These natural resources are a component of the economy, providing jobs, tax revenue and valuable products and materials for local use and export. Farmlands and forests also provide

GMA, county 06/05
rural is separate from resource in GMA

not by us

1 AC 2.5 AC 5 AC

aesthetic, recreational and environmental benefits to the public while contributing to the diverse character of the county. The resource land designations are tailored to each of the resources and at a minimum address the guidelines provided by state law.

Below is a brief description of the state minimum guidelines and methodology used in designating forestry, agriculture and mineral resource lands. The majority of this work was developed with the assistance of three citizen focus groups, each responsible for a specific resource.

FOREST LANDS

The Washington Department of Community, Trade and Economic Development (DCTED) provided counties and cities with guidelines to assist in classifying and designating resource lands. These guidelines include criteria for identifying forest resource lands. According to DCTED, the private forestland grading system of the state Department of Revenue should be used in classifying forest resource lands, which includes the identification of quality soils for forestry. ~~Long-term commercially significant forestlands generally have a predominance of higher private forestland grades.~~

Forest land is defined by the Growth Management Act as "land primarily ~~used~~ for growing trees, including Christmas trees...for commercial purposes, and that has long-term commercial significance for growing trees commercially" (WAC 365-190-060). Long-term commercial significance "includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land."

The effects of proximity to population areas and the possibility of more intense uses of the surrounding lands are also important factors in classifying forestlands. DCTED provides seven indicators as guidelines for local governments to use in classifying forestlands:

- the availability of public services and facilities conducive to the conversion of forest lands;
- the proximity of forestland to urban and suburban areas and rural settlements: forestlands of long-term commercial significance are located outside the urban and suburban areas and rural settlements;
- forestlands consist of predominantly large parcels;
- the compatibility and intensity of adjacent and nearby land use and settlement patterns with forestlands of long-term commercial significance;
- ~~property tax classification: property is assessed as open space or forestland pursuant to RCW 84.33 or 84.34;~~
- local economic conditions which affect the ability to manage timberlands for long-term commercial production and significance; and,
- history of land development permits issued nearby.

The delineation of forest lands began by quantifying and mapping DCTED's seven indicators. ~~With the exception of soil grades (Figure 21), which are uniformly outstanding throughout the county,~~ maps were created showing parcel size, tree cover, tax status, physical structures, roads, utilities, ~~zoning,~~ slope and rainfall. Urban areas and areas close to urban and suburban areas where few stands of timber remain were not mapped.

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FARM
FORESTRY
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The maps were used to identify forest resources within the county. The task was made easier by the ~~Washington Forest Protection Association, which represents many large and small forest owners,~~ and the Washington Department of Natural Resources. These groups classified lands under their ownership for designation as long-term forest resource land. Other lands were designated based on the criteria outlined above.

AGRICULTURAL LANDS

Agricultural land is defined by the GMA as "land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees or livestock, and that has long-term commercial significance for agricultural production" (WAC 365--190-050).

Long term commercial significance "includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land."



Quality soils are a primary factor in classifying and designating agricultural resource lands (Figure 22). DCTED requires that the land capability classification system of the United States Department of Agriculture Soil Conservation Service be used in classifying

agricultural resource land. This system includes eight classes of soils published in soil surveys. As with forestlands, the effects of proximity to population areas and the possibility of more intense uses of the land are important factors in classifying agricultural lands. DCTED provides 10 indicators to assess these factors; however, it is left up to the local jurisdictions to interpret these guidelines in the designation of resource lands:

- the availability of public facilities,
- tax status,
- the availability of public services,
- relationship or proximity to urban growth areas,
- predominant parcel size,
- land use settlement patterns and their compatibility with agricultural practices,
- intensity of nearby land uses,
- history of land development permits issued nearby,
- land values under alternative uses, and
- proximity to markets.

The classification and designation of agricultural land began by quantifying and mapping DCTED's ten indicators. Maps were created showing prime and unique soil, agricultural cover, forest cover, parcel size, tax status, physical structures, roads, utilities and zoning. Heavily forested areas and urban areas were not mapped.

The maps were used to identify Clark County's most productive farmland. This process identified farm areas that included major patterns of high quality soils and agricultural activity ~~in areas with generally larger parcels~~. These lands became candidate areas for consideration as agricultural resource lands of long-term commercial significance. DCTED's guidelines again were used to more closely examine candidate areas with serious limiting factors and to determine the relative value of candidate areas for agricultural use. The Vancouver Lake lowland candidate area, with its high quality of soils, large parcels, and wildlife values, was placed in a special class. The remaining candidate areas were divided into three tiers.

~~After completion of this work, looking at forestry and agriculture on an individual basis, it was found that there were a number of areas where farming activity was occurring adjacent to forestry and vice versa or where parcels were not identified up because both farming and forestry activity was occurring on the site, with neither being the predominant use. Therefore, all the "edges" of the resource areas were reevaluated. Reconsideration of the land use designations in these areas was done by a task force in 1998. Through that review, much of the 35,000 acres of land designated as Agri Forest under the 1994 Comprehensive Plan was redesignated to Rural 20, 10 or 5, representing 20, 10 or 5-acre minimum lot sizes. Approximately 3,500 acres of the land was disputed by an alternative task force contingent. Consideration was remanded back to the county by the courts. The Clark County Board of Commissioners voted to retain the rural designation rather than a resource designation.~~

MINERAL LANDS

The Growth Management Act (RCW 36.70A.040(3)(b)) requires Clark County and each city within it to designate mineral resource lands and to adopt development regulations conserving those resource lands from which the extraction of minerals occurs or can be anticipated. The Act specifically requires the designation of "mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals."

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

These issues include:

- defining what types of mineral resources are potentially significant in the county;
- defining the extent and long-term significance of aggregate that is needed to meet the demand of the county's projected population; and,
- determining how to balance a variety of land uses within mineral resource areas.

The mineral resources identified and mined in Clark County consist of two aggregate types: sand and gravel (round rock) and quarry rock.



The primary uses of sand and gravel deposits are aggregate for Portland cement "ready mix" concrete and asphalt concrete, drain rock, base rock and fill. There are four principle sand and gravel mining areas in Clark County: the North County-Woodland Area, East Fork of the Lewis River, Orchards and East Mill Plain. The deposits in the northern half of the county are primarily recent alluvium and Pleistocene terrace deposits. The thickness of the alluvial deposits ranges from a few feet to tens of feet, while the terrace deposits are approximately 30-60 feet thick. The rocks have not been weathered and are fairly hard.

The most abundant gravel deposits lie in the southern portion of the county (Orchards, East Mill Plain). These are primarily recent alluvium and Pleistocene flood deposits. The gravel here is uniform in size, un-weathered, and contains a high percentage of hard, non-reactive rocks. This area also has little overburden and a close proximity to markets. Deposits range from 60 to 100 feet thick, with thickness generally decreasing with distance north from the Columbia River. ~~The expansion of the Vancouver and Camas urban areas has made a major portion of this resource permanently inaccessible.~~

The second type of aggregate, quarry rock, is typically used as base rock for roads, riprap, jetty rock or as crushed aggregate. In southwest Washington, most quarry rock is of marine volcanic origin, characterized by poor strength and durability due to contact with sea water during extrusion of lavas. However, there are several locations in Clark County where high-quality basalt bedrock is found capable of producing substantial amounts of durable aggregate. Currently seven rock quarries are in active operation in the county. With the exception of Fisher Quarry, most rock quarries are located in the north and east portions of the county a considerable distance from the market.

Mineral resource lands of long-term commercial significance were designated as part of the 1994 Comprehensive Plan. Mineral resource lands consist of areas that appear to contain the resource, based on the best available geological information; are primarily not within environmentally sensitive areas (e.g., 100-year floodplain, high quality wetland areas); and are at least 80 acres in size, or include at least one 40-acre parcel or two 20-acre parcels which are currently vacant. Parcel size is not a requirement if the land is adjacent to an existing mining site.

The 1994 Plan included a generalized map identifying potential mineral resource areas and existing permit activity (Figure 23). Specific sites were designated for mining on the 20-Year Rural and Natural Resources Map (Figure 24-A) based on DCTED criteria (WAC 369-190). The DCTED guidelines encourage the classification of known and potential mineral resources so that access to resources of long-term commercial significance is not knowingly precluded.

Estimates of statewide aggregate demand are based on surveys of producers. Because the survey response rates are typically low, use of these estimates for planning purposes requires considerable caution. A 1991 Washington Division of Geology and Earth Resources survey, which had an exceptionally high response rate of 24% from sand and gravel producers, suggests that the per capita annual demand for sand and gravel in Washington was 12 tons or 9 cubic yards. Demand for quarry rock products was 4 tons or 3 cubic yards per capita based on data from the same DGER survey. Data from a 1991 US Bureau of Mines survey suggest that the per-capita annual demand for sand and gravel in Washington is 8 tons or 6 cubic yards. USGS statewide production data for 2001 indicate a per capita demand of 7 tons for sand and gravel and 3 tons for quarry rock

A 1992 survey of Clark County aggregate producers found that total production rates were 16.5 tons per capita in 1991 and 14.5 tons in 1992. Net exports of aggregate out of the county comprised 33% of the 1991 production. Therefore, the combined per capita

consumption of aggregate in Clark County was 11.3 tons in 1991 and somewhat lower in 1992.

The Resource Document of the 1994 Comprehensive Plan included forecasts of aggregate supply and demand. Supply estimates were based on a survey of aggregate producers and a range of demand estimates was provided. Based on this forecast, the supply of good quality sand and gravel on designated mineral lands in the county was projected to be exhausted by 2006 unless new sites were permitted. There have been six permits issued for new or expanded sand and gravel mining since the 1993 analysis was done:

- SE 1st Street Facility (10.54 acres, 70' depth, east Mill Plain area)
- Columbia Tech Center (148 acres, 35' depth, east Mill Plain area)
- Frost Pit (40 acres, 50' depth, east Mill Plain area)
- Columbia/English Pit (3 acres, unknown depth, east Mill Plain area)
- Reeb's / Parr (40 acres, 60' depth, east Mill Plain area)
- Tebo Pit expansion (58 acres, unknown depth, east Fork Lewis River)

One additional quarry site and two expansions were also permitted:

- Chelatchie Rock (13 acres)
- Maple Pit (37 acres)
- Livingston Mt. (40 acres)

While additional sites extend the timeframe slightly, it remains likely that the supply of available sand and gravel in the southern portion of the county will be basically mined out over the next five years. There are permit applications pending for extraction of terrace gravel deposits along the East Fork of the Lewis River. Mining near river channels comes at a higher cost to the environment and is more expensive and difficult to mitigate as compared with surface mines in the E. Mill Plain area. As local gravel supplies decrease, an increasing percentage of aggregates will be brought in by barge from up the Columbia River. A transition to greater use of crushed quarry rock, which produces a much greater return of aggregate per acre of surface area disturbed, is likely to occur over the next 10 to 20 years despite the market preference for round rock in some products such as Portland cement concrete.

Development standards were adopted in Clark County Code Chapter 40 to help maintain a balance between surface mining and adjacent land uses. Identified mining areas are designated with the Surface Mining Overlay District, which is an overlay zone that can be combined with any other zoning district. Extraction of mineral deposits in the Surface Mining Overlay District is a permitted use outright, while rock crushing, asphalt plants and concrete batch plants can be approved as conditional uses. Special standards include maximum permissible noise levels, hours of operation, drainage provisions and land restoration requirements. The provisions of this district also apply to surface mining operations that were active prior to the adoption of these standards.

Two areas within or adjacent to the Vancouver UGA (Fisher Quarry and Section 30/31) were designated in 1994 as "Mining Lands" with future land use designations to be determined at the time of reclamation. Fisher Quarry is now within the adopted Vancouver UGA and has been designated as Business Park. A Section 30 sub-area planning process was completed in 2004. Active mining continues in portions of the area designated "Mining

Lands” in Section 31. This area is within the Vancouver Urban Growth Area, and is expected to transition to urban development over the next ten years. The “Mining Lands” plan designation (MG) and the Mining zoning designation will be phased out of use as soon as practical. The Surface Mining Overlay will then be the sole means of designating current and future mining areas. Eliminating these multiple ways of designating mining land is the only change to the county’s mineral resource land designations and development regulations resulting from their review required with this Plan update under (RCW 36.70A.131).

Because of limited geological information regarding mineral resources within the county, the Comprehensive Plan also includes a means for designating new mineral resource areas in the future. The criteria matrix below (Table 3.4) is used to assess the feasibility of designating and protecting potential mineral resource areas.

Based on tonnage criteria suggested by DNR, there will be a need for approximately 1,900 acres of mineral resource lands if there is a 50-foot deposit of minerals or double the acreage if there is only a 25-foot deposit. This is based on a minimal amount of export of minerals outside Clark County.

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

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

Future mineral resource lands consist of areas identified with the potential for the existence of mineral resources. These areas appear to contain the resource, based on the information supplied by DNR (Figure 21); are primarily not within environmentally sensitive areas (e.g., 100-year floodplain, high quality wetland areas); and are at least 80 acres in size, or which at least one 40-acre parcel or two 20-acre parcels are currently vacant. The size requirement is not a variable if adjacent to an existing mining site.

Because of limited geological information regarding mineral resources within the county, criteria were also established to help guide the designation of future sites not identified through this process.

Table 3.4 Matrix for Assessing Mineral Resources

	NOT SUITABLE	CONSIDER FOR PROTECTION	PROTECTION DESIRABLE	PROTECTION HIGHLY DESIRABLE	PROTECTION CRITICAL
QUALITY OF DEPOSIT	Low grade deposit.	Variable but located near use area or processing plant.	Deposit made economical to mine by upgrading material.	Grade meets the requirements for road construction or can be upgraded.	Concrete quality.
SIZE OF DEPOSIT	Small deposit.	Small deposit (less than 2,000 tons).	Medium-size deposit.	Large deposits (7.5 million tons).	Very large deposit (10 million tons).

	NOT SUITABLE	CONSIDER FOR PROTECTION	PROTECTION DESIRABLE	PROTECTION HIGHLY DESIRABLE	PROTECTION CRITICAL
ACCESS DISTANCE FROM MARKET	More than 20 miles from use area.	Distance from use area is minimized due to access to interstate.	Less than 10 miles of the use area; alternative access route available.	Large deposit presently beyond economical hauling distance to present use areas. Near highways: access can be provided.	Within 5 miles of uses area. Adjacent to highway with access for trucks.
COMPATIBLE WITH NEARBY AREAS	Adjacent land use presently incompatible with mining (appreciable residential development within range of excessive noise, dust, blasting, vibrations, etc.).	Scattered development within outer range of impacts of mining; owners may not object to mining.	Adjacent land suitable for development and within commuting distance of use area.	Imminent incompatible development on adjacent lands.	No incompatible land uses existing or likely in the foreseeable future (adjacent land in national forest, operator's ownership, agricultural land use.)
IMPACT OF NOISE	Noise level in adjacent presently developed areas would clearly exceed standards if mining occurred.		Noise level in adjacent undeveloped areas would exceed standards for likely use, but use of these areas can be easily delayed or economical mitigation can be provided by barriers.		Noise at adjacent residential are less than 50 dB(A) due to distance or topographical barrier, berm can be constructed easily.
IMPACT OF BLASTING	Too close to existing subdivision.				Blasting not required; permanent open space between quarry and other uses; topographic barrier between quarry and other land uses; only occasional light blasting; blasting compatible with adjacent uses.
IMPACT OF TRUCK TRAFFIC	Only access is local road through residential area.	Slightly longer alternative route exists.	Alternative truck route can be built at reasonable expense; alternative transportation (conveyor, etc., can be used past residential streets).		Adjacent to freeway with access to site.
VISUAL IMPACT	Mining would destroy or create.	Mining activity cannot be screened and would permanently alter landscape.	Some activity visible from residential areas, but no permanent deterioration of landscape.	Mining activity can be easily screened by berms and/or vegetation.	Activity screened by topography or vegetation, or appreciably reduced by distance.
WETLANDS IMPACT	High quality wetlands throughout the site.	High quality wetlands only on a portion of site and can be avoided.	Lower quality wetlands on site and can be mitigated.	Wetlands can be avoided on sit.	No or minimal wetlands on site and of low quality.
SLOPES	Site located in active unstable slope area.	Potential or historical unstable slopes.	Unstable slopes on site can be avoided.	Minimal slopes throughout the site.	Level grade-mining site with minimal slopes.
BIOLOGICAL IMPACT	Negatively impacts rare, threatened or endangered plants or animals	Site includes prime wildlife habitat that would be permanently removed by mining.	Species of Special Concern located on site.	Minor or temporary loss of wildlife habitat.	No significant biological resources; rehabilitation of site would replace or create habitat.
IMPACT OF FLOODING	Mining would cause erosion of adjacent property; could be prevented only at great expense.		Mining would create erosion hazard for roads, bridges, and utility lines; however, these structures could be strengthened at reasonable costs.		Mining would create flood control channel and would not damage adjacent land.

CRITICAL/SENSITIVE LANDS

Identification and protection of critical areas is a key component of the GMA legislation. The critical areas component, including maps, definitions and policies, can be found in Chapter 4, Environmental Element. Critical areas can be found within the urban areas and within the rural and resource areas of the county. These critical areas include flood hazard areas, geological hazard areas, wetlands, shoreline and surface waters, wildlife conservation areas, aquifer recharge areas and scenic areas.

PARKS AND OPEN SPACE

Realizing the importance of parks and recreation to the livability of the community, Clark County adopted its first Parks Comprehensive Plan in 1965. ~~The Vancouver~~-Clark Parks owns and operates approximately 7,335 acres of park and open space lands. These lands are divided into three categories: urban, regional and special facilities. This includes 12 regional parks, three special facilities acres, and conservation areas and greenway systems. Many of these parks are in the rural area, including Moulton Falls, Lewisville Park, Lacamas Lake, Siouxon and Whipple Creek Park. Recreational facilities are discussed in more detail in Chapter 7, Parks and Open Space.

MASTER PLANNED RESORTS

The Growth Management Act allows counties to permit master planned resorts. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort (RCW.36.70A.360).

CAPITAL FACILITIES AND UTILITIES

Capital facilities are the basic services that the public sector provides to support land development including roads, public schools, fire and police protection, parks, libraries, and utilities. Within the rural area, water availability is provided either through private wells or by Clark Public Utilities. Sewage disposal is predominately provided by on-site septic disposal. However, there are areas, which have sanitary sewer systems due to failures of the septic systems, such as Meadow Glade and Hockinson. Utilities are discussed in greater detail in Chapter 6, Capital Facilities and Utilities.

TRANSPORTATION

Land use and transportation are closely linked, even within the rural and resource areas. Within the rural area, the functional classification for roads includes Rural Principal Arterials, Rural Minor Arterials and other rural roads such as Major and Minor Collectors and local roads. Analysis of rural road definitions and deficiencies is discussed in Chapter 5, Transportation.

Equestrian Element

Clark County recognizes the contributions of equestrian livestock husbandry, training, competition, and recreation activities to the overall rural quality of life in Clark County. These activities provide a lifestyle value to numerous county residents and visitors and economic revenue for rural residents and business owners. There are numerous organizations

that support the equestrian industry by providing education and promoting equine husbandry, including the Clark County Extension Service, Future Farmers of America, 4H, the Clark County Executive Horse Council, the Mt. St. Helens Chapter of the Backcountry Horsemen, and numerous other special interest equestrian-related groups.

~~As growth continues to occur throughout the county, open land to sustain livestock and existing or potential trail segments may be lost to uncoordinated land development and road improvements. Also, requirements of the Endangered Species Act may limit livestock management choices and the location of new equestrian facilities on land constrained by large riparian corridors. Additionally, with the county's emphasis on preserving agricultural and forestry lands within the Resource and Rural Districts, the development of large equestrian facilities of a size and scale that would be incompatible with agricultural and forestry practices within these districts should be discouraged.~~

The Equestrian Community plays a vital role in Clark County's economy and rural character. ~~Clark County is unique in the Portland metropolitan area for having many one to ten-acre exurban parcels. These properties, many of which host equine uses, are a premium attraction for some.~~ According to the Clark County Equine Impact report (Clark County Executive Horse Council, 2009), 4.8% of Clark County households own equines. The estimated number of equines in Clark County is approximately 28,902.

COMMUNITY FRAMEWORK PLAN

Clark County adopted the Community Framework Plan in April 1993. ~~The Framework Plan established a consensus among the citizens of the county about the lands, which would eventually be committed to urban uses and those which should remain rural.~~ The Framework Plan is not a detailed plan, but a plan that provides a framework through policies that guide the development of the 20-Year Plan. The Framework Plan policies are discussed in Chapter 1, Land Use. Policies that relate to rural lands can be found in most elements of the plan including Land Use, Rural ~~and Resource Lands~~, Transportation, Public Facilities, Utilities, Parks and Open Space, Economic Development and Community Design.

GOALS AND POLICIES

3.0 County-wide Planning Policies

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

~~3.0.2 The county and each municipality shall cooperate to ensure the preservation and protection of natural resources, critical areas, open space, and recreational lands within and near the urban area through adequate and compatible policies and regulations.~~

County 20-Year Plan Policies

RURAL LANDS

GOAL: ~~Maintain the existing rural character and compatibility with resource-based economic uses, such as farming, forestry, mineral extraction and recreation.~~

3.1 Policies

3.1.1 Clark County shall maintain and protect the character of its designated Rural Area. Therefore, the county's land use regulations and development standards should protect ~~and enhance~~ the following components of the Rural Area:

- ~~environmental quality, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies and natural drainage systems;~~
- commercial ~~and non-commercial~~ farming, forestry, fisheries, and mining;
- community Rural Center atmosphere, safety, and locally-owned small businesses;
- regionally significant parks, trails and open space;
- ~~large lot (parcels of 5-20 acres in size) residential development compatible with adjacent farming, forestry and mining and not needing urban facilities and services; and,~~
- historic character ~~and resources~~ including archaeological and cultural sites important to the local community.

3.1.2 The Rural Area designations shown on the Clark County Comprehensive Plan Land Use Map include areas that are rural in character ~~and meet one or more of the following criteria:~~

- ~~opportunities exist for significant commercial or non-commercial farming and forestry (large scale farms and forest lands are designated as Natural Resource lands);~~
- ~~the area is contiguous to other lands in the Rural Area, Natural Resource Lands or large, predominantly environmentally sensitive areas;~~
- ~~the area will help buffer nearby Natural Resource Lands from conflicting urban uses;~~
- ~~there are major physical barriers to providing urban services at reasonable cost, or such areas will help foster more logical boundaries for urban public services and infrastructure;~~
- ~~the area is not needed for the foreseeable future that is, beyond the 20-year forecast period to provide capacity for population or employment growth;~~
- ~~the area has outstanding scenic, historic, environmental, resource or aesthetic values that can best be protected by a Rural Area designation;~~
~~or,~~
- ~~significant environmental constraints make the area generally unsuitable for intensive urban development.~~

- 3.1.3 Clark County's Rural Area ~~is considered to be permanent and~~ shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130(3), and County-wide Planning Policy 3.0.
- 3.1.4 Support and encourage uses within rural lands which sustain and are compatible with the rural character and level of public facilities and services, such as:
- small scale forest and farm management;
 - ~~large lot residential development;~~
 - open space, parks, trails /recreation;
 - mining; and,
 - home businesses.
- 3.1.5 Encourage and support public recreation, education and interpretive activities and facilities which complement the rural character and resource activities located throughout the rural area.
- 3.1.6 Master Planned Resorts (MPR) may be approved in an area outside of established Urban Growth Boundaries providing they meet the following criteria:
- the land proposed is better suited and has more long-term importance for a Master Planned Resort ~~that the commercial harvesting of timber or agricultural production,~~ if located on land that otherwise would be designated as a forest or agricultural resource;
 - the location, design, and provision of necessary utilities does not allow for the development of new urban or suburban land uses in the immediate vicinity;
 - the proposed site includes unique natural amenities, such as views, streams, lakes or other features that provides a natural attraction for public use;
 - the proposed development provides urban level public services that are strictly contained within the boundaries of the resort property by design and construction;
 - the proposed site for the Master Planned Resort is sufficient in size and configuration to provide for a full range of resort facilities while maintaining adequate separation from any adjacent rural or resource land uses;
 - residential uses are designed primarily for short-term or seasonal use, full time residential uses should be limited;
 - the major recreational facilities within the Master Planned Resort must be open to the public and the overall facilities and recreational activities should promote tourism and the recreational goals of the comprehensive plan;
 - each proposal should include a full inventory of critical wildlife habitat, significant wetlands, shorelines and floodplains, and cultural resources;
 - significant natural and cultural features of the site should be preserved ~~and enhanced~~ to the greatest degree possible;

- commercial uses and activities within the MPR should be limited in size to serve the customers within the MPR ~~and located within the project to minimize the automotive convenience trips for people using the facilities;~~ and,
 - adequate emergency services must be available to the area to insure the health and safety of people using or likely to use the facility.
- 3.1.7 Establish standards and programs whereby residents of rural lands adjacent to designated resource lands are informed that they are locating in a natural resource area and will be subject to normal and accepted farm, forestry or mining practices that comply with federal, state and local regulations.
 - 3.1.8 Establish programs for the rural area, which notify and educate residents of ongoing small-scale resource activities.
 - 3.1.9 Encourage cooperative resource management among farmland and timberland owners, farm foresters, rural residents, environmental groups and local, state, and federal resource agencies for managing private and public farm and forestlands and public resources.
 - 3.1.10 Establish provisions for intensity of rural development, including a range of lot sizes based on natural characteristics, proximity to designated natural resource lands, transportation circulation, availability of services which are adequate without extending or up-grading levels of service (LOS), and open space areas.
 - 3.1.11 Those areas with a Comprehensive Plan designation of Rural shall have a residential density of one dwelling unit per ~~5, 10, and 20 acres.~~ ^{1, 2.5, 5, 10, 20, 50}
 - 3.1.12 Rural development shall not be allowed ^{1, 2.5, 5} unless appropriate facilities and services (water, storm drainage, roads and approved sanitary treatment) are in place or planned.
 - 3.1.13 Rural lands generally shall be served by septic tanks and individual wells (when public water is not available).
 - 3.1.14 Standards and plans for utility service should be consistent with long-term ~~low-density development and resource industries~~ and should be coordinated in a manner to maintain public health and safety at efficient and cost effective levels in areas of rural ~~and natural resource~~ designated lands.
 - 3.1.15 Wastewater treatment shall be provided by individual on-site treatment systems or approved alternative sewage treatment technologies. Sewer lines shall not be extended into rural areas except to correct existing health hazards and provided other means for treatment, such as state approved alternative technologies, have been assessed and determined not to be feasible due to environmental constraints.
 - 3.1.16 Rural and Resource land designations within the Columbia River Gorge National Scenic Area are consistent with the requirements of the National Scenic Area legislation. The minimum lot size requirements and uses shall only be authorized to the extent that they are consistent with the National Scenic Area legislation established to implement the requirement of the scenic area.

RURAL CENTERS

GOAL *Maintain the character of the designated Rural Centers within the surrounding rural area that is appropriate in character and scale in the rural environment.*

3.2 Policies

- 3.2.1 Rural Centers designated on the Comprehensive Plan Land Use Map are distinct areas of smaller lot patterns with residential development, small-scale business that provides convenience shopping and services to nearby rural residents, have access to arterial roadways, ~~and are surrounded by protected rural landscapes of generally open land used for agriculture, forestry, large lot residential, recreational and environmental protection purposes.~~ The Rural Centers identified on the Comprehensive Plan map are: Amboy, Brush Prairie, Chelatchie Prairie, Dollars Corner, Fargher Lake, Hockinson, and Meadow Glade.
- 3.2.2 Rural Centers should serve the following purposes:
- provide a focus for the surrounding rural area that is appropriate in character and scale in the rural environment;
 - provide appropriate commercial and industrial lands for job growth opportunity and developments to serve adjoining rural areas and for tax base to support schools districts;
 - provide services to tourists and other visitors recreating in the area; and,
 - provide an opportunity to develop facilities that can function as a community center in those areas where an incorporated town no longer serves that role for the surrounding area.
- 3.2.3 Designation criteria for Rural Centers include identification of pre-existing small lot development patterns, ~~natural features as boundaries,~~ and access to arterials.
- 3.2.4 Rural commercial development should support the needs of rural residents and natural resources activities rather than urban area uses.
- 3.2.5 If schools serving predominantly rural populations cannot be located in UGAs or within ¼-mile of a UGA, preference shall be to locate the schools in Rural Centers and as a last resort, rural areas.
- 3.2.6 Schools and related facilities are strongly encouraged to locate within the urban growth areas. Schools may be located in the urban reserve areas (URA) or rural areas where necessary to serve population growth within and outside of the urban growth boundary (for specific schools policies see Chapter 10).
- 3.2.7 Encourage resource based industrial development to locate within Rural Centers, consistent with rural character and levels of service.
- 3.2.8 Encourage uses, such as rural commercial, post offices, veterinary clinics, day care, small medical practices and schools that provide employment, shopping services and housing opportunities within Rural Centers. The scale should be compatible with surrounding roads and utilities, which reinforce the rural character and distinct sense of community.

3/4 AC PER ACRE

- 3.2.9 Rural Centers shall have a density of between one unit per ~~acre~~ and one unit per ~~five acres~~ based on the historical lot pattern in the area. ~~In no case shall density exceed one unit per acre.~~
- 3.2.10 Commercial activities in rural areas should be located in Rural Centers. Commercial uses supporting resource uses, such as packing, first stage processing and processing which provides value added to resource products may occur in resource areas.
- 3.2.11 A new Rural Center or a boundary expansion of an existing Rural Center shall be considered and evaluated by the county through the annual review under CCC 40.560 and pursuant to RCW36.70A.070 (5)(d).
- 3.2.12 Before the county considers a new Rural Center the proponent(s) shall submit to the county a petition signed by at least 60 percent of the property owners of the land within the boundaries of the proposed new Rural Center.

RESOURCE LANDS

Commercial Forest Tier I and II

GOAL: *To maintain and enhance the conservation of productive forestlands and ~~discourage incompatible uses associated with forestry activities.~~*

3.3 Policies

- 3.3.1 Encourage the conservation of long-term commercial significant forestlands for productive economic use.
- 3.3.2 Capital improvement plans should take into consideration maintaining public roads adequate to accommodate the transport of forest commodities.
- 3.3.3 In identifying and designating commercial forest land, the following factors shall be taken into consideration: operational factors, growing capacity, site productivity and soil composition, surrounding land use, parcel size, economic viability, tax status, and public service levels that are conducive to long-term continuance in forest management.
- 3.3.4 Primary land use activities in forest areas are commercial forest management; ~~agriculture, mineral extraction, ancillary uses and other non-forest related economic activities relying on forestlands.~~
- 3.3.5 ~~Encourage the multiple economic use of forestland for a variety of natural resource and activities particularly suited for and compatible with forestlands.~~
- 3.3.6 Commercial forestland, considered desirable for acquisition for public recreational, scenic and park purposes, shall consider its impact on a viable forest industry including but not limited to forest management practices on adjacent lands, buffering and transportation of forestry products.
- 3.3.7 ~~Encourage the maintenance of forestlands in timber and current use property tax classifications, including classified forest land, designated forest land and forest open space classifications, as provided for in (RCW 84.28) and (RCW 84.33).~~

- 3.3.8 Establish or expand special purpose taxing districts and local improvement districts in lands designated in the 20-Year Plan for forest use only when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those forest lands.
- 3.3.9 Encourage the concept of cooperative resource management among timberland owners, environmental groups, state and federal resource agencies and federally recognized Native American tribes for managing the state's public and private timberlands and public resources.
- 3.3.10 Land use activities within or adjacent to forest land shall ~~be located and designed to~~ minimize conflicts with forest management ~~and other activities on forestland.~~
- ~~3.3.11 Residential development on lands adjacent to designated forestland shall be located away from the forestland and should provide for a buffer between residential and forest activity.~~
- ~~3.3.12 Special development standards for access, lot size and configuration, fire protection, water supply and dwelling unit location shall be adopted for dwellings within or adjacent to designated forest lands.~~
- 3.3.13 Encourage the continuation of commercial forest management by:
 - supporting land trades that result in consolidated forest ownership; and,
 - working with forest landowners and managers to identify and develop other incentives for continued forestry.
- 3.3.14 Forest and mining activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances.
- 3.3.15 Notification shall be placed on all plats and binding site plans that the adjacent land is in resource use ~~and subject to a variety of activities that may not be compatible with residential development.~~
- 3.3.16 Within the Forest Tier I category, only one principal dwelling unit per 80 acres shall be allowed with the provision for an additional temporary dwelling. 20 AC
- 3.3.17 Within the Forest Tier II category, one principal dwelling unit per 40 acres shall be allowed with the provision for an additional temporary dwelling. 5 AC
10 AC AN.

Agriculture Policies

GOAL: *To maintain and enhance productive agricultural lands and ~~minimize incompatibilities with adjacent uses.~~*

3.4 Policies

- 3.4.1 The county shall encourage ~~the conservation of~~ the county's designated agricultural lands for long-term commercial ~~and non-commercial~~ agricultural uses ~~and shall protect the opportunity for these lands to support the widest variety of agricultural crops and products as listed in RCW 36.70A.030(2) by:~~
 - maintaining public roads in capital improvement plans to accommodate the transport of agricultural commodities;

- encourage cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and federally recognized Native American tribes for managing the county's public and private agricultural lands;
 - encouraging the continuation of commercial agriculture by: 1) supporting land trades that result in consolidated agricultural ownership, 2) ~~encouraging the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84.34 and CCC Chapter 3.08, and 3)~~ working with agricultural landowners and managers to identify and develop other incentives for continued farming; and,
 - encouraging agricultural land use as a clean industry incorporating tax breaks, right to farm, purchase of development rights, transfer of development rights and other economic means and develop strategies to support farming practices.
- 3.4.2 Minimum parcel size should be adequate to allow reasonable and economic agricultural use.
- 3.4.3 The primary land use activities in agricultural areas shall be commercial ~~or non-commercial~~ agriculture, ~~forest management, mineral extraction, ancillary uses and other non-agricultural related economic activities relying on agricultural lands.~~
- 3.4.4 Land uses on commercial agricultural lands shall include all standard agricultural practices and supporting activities, including farm worker housing and use of water resources for irrigation.
- 3.4.5 Commercial agricultural land considered desirable for acquisition for public recreational, scenic and park purposes shall first be evaluated for its impact on a viable agricultural industry.
- 3.4.6 The county should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for agricultural use only when the services or facilities provided by the special purpose district or local improvement district, through taxes, assessments, rates or charges, directly benefit those agricultural lands.
- 3.4.7 Land use activities within or adjacent to agricultural land shall ~~be located and designed to~~ minimize conflicts with agricultural management and other activities on agricultural land.
- ~~3.4.8 Residential development adjacent to agricultural land shall be appropriately buffered from agricultural activities.~~
- 3.4.9 Public services and utilities within and adjacent to designated agricultural areas should be designed to prevent negative impacts on agriculture and allow for continued resource activity.
- 3.4.10 Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances.
- 3.4.11 Notification shall be placed on all plats and binding site plans that the adjacent land is in resource use ~~and subject to a variety of activities that may not be compatible with residential development.~~ The notice should state that

agricultural, forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

- 3.4.12 Within the Agriculture land designation, one principal dwelling unit per ~~20~~ acres shall be allowed with the provision for an additional temporary dwelling.
- 3.4.13 Within the Agriculture/Wildlife category, one principal dwelling unit per ~~160~~ acres shall be allowed.

2.5 AC
5 AC
10 AC
20 AC

Mineral Lands

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

3.5 Policies

- 3.5.1 Support ~~the conservation of~~ mineral lands for productive economic use by identifying and designating lands of long-term commercial significance, consistent with the 20-year planning horizon mandated by growth management.
- 3.5.2 Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate transport of mineral commodities.
- 3.5.3 In identifying and designating commercial mineral lands, the following factors should be taken into consideration: geological, environmental and economic factors; existing and surrounding land uses; parcel size; and public service levels that are conducive to long-term production of mineral resources.
- 3.5.5 Encourage recycling of concrete, aggregate and other materials.
- 3.5.6 Encourage restoration of mineral extraction sites, as the site is mined, consistent with requirements identified in RCW 78.44.
- ~~3.5.7 Land shall not be used for any activity other than surface mining or uses compatible with mining until the gravel or mineral resource is commercially depleted, reasons for not mining the site are clearly demonstrated, or the site has been reclaimed.~~
- 3.5.8 Surface mining other than Columbia River dredging shall not occur within 100-year Floodplain.
- 3.5.9 Mineral extraction operations shall be conducted in a manner, which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities and the scenic qualities of the shorelines. Any adverse impacts shall be mitigated.
- 3.5.10 Land use activities adjacent to mineral lands should be located and designed to minimize conflicts with mineral activities on such lands.
- 3.5.11 Designated mineral operations of long-term commercial significance are not exempt from the normal environmental review process of the county or state agencies.
- 3.5.12 Establish standards and programs whereby residents of rural lands adjacent to designated resource lands are informed that they are locating in a natural

resource area and that will be subject to normal and accepted mining practices that comply with federal, state and local regulations.

- 3.5.13 Prior to removal of the surface mining designation, the landowner needs to show that the extraction of the mineral resource is not commercially feasible.
- 3.5.14 The county shall allow continued mining at existing active sites.
- 3.5.15 Potential aggregate sites or expansion shall not be designated within rural zoning categories.
- 3.5.16 Designation to alternative land uses at the time of reclamation shall take into consideration surrounding land uses and other policies of this 20-Year Plan.
- 3.5.17 Future land use designations for those areas designated Mineral Lands (Fisher Quarry and Section 30/31) should be made consistent with city land use and at the time of annexation.
- 3.5.18 Some level of processing should be associated with mineral extraction.
- 3.5.19 Future sites designated with a surface mining overlay shall be assessed on a case by case basis, based on the commercial or industrial value of the resource, and the relative quality and quantity of the resource as well as the following conditions:
- the resource should be of a quality that allows it to be used for construction materials or meet applicable quality specifications for the intended use(s);
 - the resource should be of a quantity sufficient to economically justify development based upon the characteristics of the aggregate, life of the resource site, cost of extraction, accessibility, opportunity, type of transportation and the location of high demand areas; and,
 - designation of these mineral resource lands should follow the "Criteria for Designating Mineral Resources," as outlined in the Designation Criteria component of the Rural and Natural Resource Element.
- 3.5.20 Clark County's Shoreline Master Program shall be reevaluated for consistency with the Growth Management legislation and Clark County's 20-Year Comprehensive Growth Management Plan. Any areas of inconsistency shall be reviewed and resolved with either modification of the Shoreline Master Program or Comprehensive Plan policies, which ever is more appropriate.

Equestrian Element

Goal: ~~To protect, preserve, and enhance the rural and equestrian character of Clark County, through sustainable ecological development practices.~~

3.6 Policies

- 3.6.1 Complete the acquisition, development, funding, and construction of the equestrian portion of ~~Vancouver~~-Clarks Parks' Regional Trail and Bikeway Systems Plan.

WHERE??

- 3.6.2 Create and adopt a Clark County Park Code to implement these trail systems.
- 3.6.3 Include the trail systems in the Arterial Atlas Road Standards.
- ~~3.6.4 Integrate trail systems and open space within rural centers and urban areas, thus enhancing the overall character of existing development, providing additional economic opportunities, and providing additional opportunities for the reduction of motorized transportation.~~
- 3.6.5 Educate the general public regarding the benefits to all citizens of equestrian based communities. These may include but are not limited to:
- a) ~~The preservation of open space through the use of shared habitats~~
 - b) Improved water quality due to open space and multi-use trail system buffers
 - c) Wildlife corridors
 - d) Improved air quality due to the use of expanded/interlinked non-motorized trail systems
 - e) Positive impacts to the local economy not only by equestrians, both local and at large, but also local and visiting non-equestrians utilizing trails and open space
 - f) Increased values and faster sales for all properties adjacent to or nearby trail systems or other open space
 - g) Open space and multi-use trail systems provide recreational opportunities for non-equestrians, resulting in significant health/fitness benefits and therefore an overall reduction in healthcare costs
 - h) Unique social and educational opportunities
 - i) Business opportunities which meet equestrian and recreational needs.
- 3.6.6 Provide historical information to the public regarding the significance of equines in the county's cultural heritage, as well as historical information about specific trails and open space.
- 3.6.7 Educate the general public about the myths and facts surrounding the equine's use on trail systems, conservation lands, etc.
- 3.6.8 To encourage safe interactions between equestrians, non-equestrians, and motorized vehicles; educate the general public regarding proper equine etiquette.
- 3.6.9 Encourage new equestrian residential development to adopt residential cluster design concepts with shared use facilities, and permanently designated open spaces, thereby reducing the overall environmental impact and protecting sensitive or otherwise high quality habitat. They must be compatible with surrounding land uses and should be located adjacent to or in proximity to other open space, multi-use trails, ~~and/or rural centers or urban areas~~. These new developments should include appropriate internal trails, as well as trails allowing linkage to ~~rural centers or urban areas~~, multi-use trail systems, open space,

regional parks, etc., as well as natural buffers to screen facilities, primary roadways and structures from adjacent properties.

3.6.10 Encourage all new construction and development to meet or exceed LEED certification standards, or equal.

3.6.11 Encourage equestrian owners to employ best management practices for animal health, to protect the environment, and be sensitive to surrounding neighbors and land uses.

~~3.6.12 Preserve quality agricultural lands to ensure adequate and sustainable local feed production.~~

3.6.13 Develop an identity program. The County will encourage the appropriate organizations and public agencies to promote Clark County as a regional, state, and national equestrian and recreational destination. This could include the following: marketing materials, signs, websites, parks, trails, facilities, events, services, equestrian and/or ecological tourism (eco-tourism) tourism.

3.6.14 Encourage economic growth by promoting commercial opportunities that provide viable equestrian based services along major travel corridors, multi-use trail systems, parks, or other facilities as appropriate.

3.6.15 The County should investigate providing incentives to promote equestrian businesses by lowering any applicable fees.

3.6.16 Expand existing public facilities, add facilities, and/or develop a new equestrian park, which address the needs of the County's equestrian community and will provide the appropriate venue and services required to attract large regional or national equine events and thereby further enhance economic development.

3.6.17 The County should partner with an organization (i.e. The Executive Horse Council) to develop a regional equestrian events center.

3.6.18 The County, in conjunction with cities, should consider adopting a countywide planning policy that allows for equestrian uses ~~in urban areas~~.

STRATEGIES FOR RESOURCE LANDS

- ~~Evaluate a variety of funding sources and their feasibility for acquisition of land and other programs to implement the policies within the Rural and Natural Resource Element and to comply with regional salmon recovery goals and objectives.~~
- Maintain an inventory of gravel and mineral resource sites. The inventory should comprise of:
 - a list of designated sites;
 - a list of "potential" sites for which information about the quality and quantity of the site is not adequate to allow a determination of long-term commercial significance;

- a list of current sites; and,
- a list of active sites.
- Develop a preliminary Purchase of Development Rights (PDR) or Transfer of Development Rights (TDR) Program for Clark County.

The primary strategy being:

Appoint a Clark County TDR Task Force to produce a recommendation or set of recommendations to the Clark County Board of Commissioners to consider regarding the potential for adopting TDR ordinance.

The Task Force's composition could include:

1. a representative of the Clark County Farm Bureau;
2. a representative of Clark County Farm Forestry Association;
3. a private developer;
4. a private sector property appraiser;
5. a private sector Real Estate agent;
6. a representative from the Columbia Land Trust;
7. a representative at-large from the environmental sector of the community;
8. a neighborhood association representative;
9. two city receiver representatives; and
10. a Planning Commission member.

The Task Force's work could include any or all of the following:

- 1 solicit and retain a private sector property appraiser to assess the economic viability for a TDR program in Clark County;
- 2 identify potential sending and receiving sites (receiving sites could include city centers and those lots zoned urban reserve and/or those sites on the fringe of the city limits.);
- 3 design a pilot or hypothetical TDR project;
- 4 assess farmers and foresters interest in selling development rights;
- 5 assess developers interest in purchasing such developments rights;
- 6 determine if the sending parcel's sold off development rights run with the land or the duration of the sender's tenure on the property;
- 7 determine how development rights (density) should be applied to a receiving site (up-zoning);
- 8 determine what entity should administer the TDR program; and
- 9 evaluate the feasibility of placing on the ballot to the voters a Purchase of Development Rights (PDR) Program to ~~preserve farm and forestry lands in Clark County.~~

May 18, 2014

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

Re: 2012 Census of Agriculture - County Data (For the Record)

Clark County Citizens United, Inc. recently reviewed the *2012 Census of Agriculture - County Data, Washington by USDA, National Statistics Service*. The contents discuss agriculture activity in Clark County, Washington. It states that there are 1,929 farms in the county with a total of 74,759 acres. The Growth Management Act (GMA) requires that agricultural land, under the resource designation, be devoted to the resource and have long term commercial significance. Under these guidelines the *County Data* can be compared to determine if any of these farms fall within that description.

In *Table 1. County Summary Highlights*, it discusses the census data for Clark County. Comparisons can also be made to an October 19, 2006 agriculture study based on 2002-2004 figures, called, *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington, Prepared for Clark County, Washington by Globalwise, Inc.* as well other former agricultural studies.

The 2012 study states that 851 farms are 1 to 9 acres in size, which is 44.1% of the total number of farms, or almost half. There are 814 farms that are 10 to 49 acres in size, which is 42.1% of all farms in the county. It can be determined that 86.2% of all farms in Clark County are less than 50 acres in size. *In comparison, in the 2006 study, there were only 471 farms that were 1 to 9 acres and 793 farms that were 10 to 49 acres. Therefore, according to the two studies, there was an increase of 401 small farms in Clark County from 2002 to 2012.*

Sales values for all of the farms show that 1,091 farms make less than \$2,500., which is 56.5% of the total number of farms. Sales of \$2,500. to \$9,999 are generated by 522 farms, which is 27% of the total number of farms. Combined, 83.5% of all farms in Clark County make less than \$10,000. *In comparison, the 2006 study states that, "Data for 2004 estimates that the living wage for one adult in Clark County is \$16,079 and increases to \$42,737 for a family of two adults and two children."* Therefore, the family income generated by most farms in Clark County cannot meet the living wage threshold.

There are 46 farms in the county that are receiving some form of government payments, which would likely be loans or subsidies, but the study doesn't give a determination. There is a fair percentage of farms, 438 in all, that must use irrigation water for crops. This would mean that deep wells would have to be drilled and water rights would have to be secured through the Washington State Department of Ecology. This process could take up to twelve years to receive a permit to drill. In the meantime, very little income is likely to be generated.

Page 2 of 3

Those whose primary occupation is not farming totals 1,247, which is 64.6% of the overall total. In addition, all 1,929 farm operators work days off the farm and 847 operators take 200 or more days off. It can be determined that 100% of the farms in Clark County operate on some type of part time basis. *In comparison, a 1992 Agriculture Census reports that 87% of the operators reported 100 or more days off of farm work.*

A summary of this data demonstrates the following:

100% of the agricultural farms in Clark County are part time operations where 86.2% are less than 50 acres in size and 83.5% earn less than \$10,000. A portion of the farms are dependent on water rights and irrigation and a portion of the farms use government assistance. The GMA requires the counties to designate only those lands that are primarily devoted to the resource and that can generate income consistently for a twenty year period. If a farm is devoted to agriculture, it would seem reasonable that it be in operation on a year round basis and generate enough income to allow the operator to work on the farm consistently throughout the year, instead of having to work in another profession. In addition, the operator should expect to make a living wage of \$16,079, \$42,732 as in the previous data, or \$32,000, according to Clark County's 1996 Living Wage Survey. If the operator of the farm has had to receive financial assistance from the federal government or other government agency to relieve a financial burden, it would be even more important that a reasonable wage be generated from the agricultural activity, otherwise the farm could be lost. .

The manual titled, "Soil Survey of Clark County Washington" published by the United States Department of Agriculture Soil Conservation Service in cooperation with Washington Agricultural Experiment Station, Issued November 1972 is the most accurate data available regarding soils in Clark County. The Washington State University, Clark County Extension, Commercial Horticulture designates Hillsboro Loam as the prime and preferred agriculture soil in Clark County. In the soils manual there is Hillsboro Loam HIA, HIB, HIC, HID, HIE, and HIF soils. Within the manual are maps with grids that show where such soils are located. A copy of the master map was made to show all of the grids and each map was examined to determine if any of these soils were present. The information was then highlighted and transferred to the master map. The result showed there is very little prime and preferred soil in Clark County. What little there is, is located in the lower mid-Southern portion of the county, which has already been designated or developed in the Hazel Dell and Vancouver urban areas. The map with the highlighted areas is being submitted with this report.

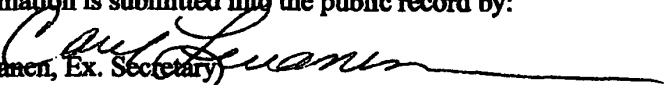
All of this data does not support Clark County's 1994 and 2004 (2006) extensive agriculture resource designations in the Comprehensive Plan. Very little has changed in the rural and resource areas since the original adoption of the Plan. It appears that someone simply threw darts at the map and wherever they stuck was given a resource

Page 3 of 3

designation. This is not what the Legislature and the GMA intended when it directs the counties to plan for growth, designate a rural element and designate resource lands.

Clark County Citizens United, Inc. believes that Clark County was in error, when it designated its agricultural and forest designations in the 1994 and the 2004-2024 Comprehensive Land Use Plan. According to the current census and survey information, there is no land in Clark County that meets the "long term commercial significance" test, mandated by the Growth Management Act. The scientific data simply does not support their determinations. Corrections must be made to the Comprehensive Land Use Plan, *Chapter 3, Rural and Resource Element*, to reflect legitimate rural and resource land designations, according to the GMA.

This information is submitted into the public record by:


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

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Table 1. County Summary Highlights:

[For meaning of abbreviations and symbols, see introductory text.]

Item.	am	Clark	Columbia
Farms	number 836	1,929	308
Land in farms	acres 23,640	74,758	297,412
Average size of farm	acres 44	39	966
Median size of farm	acres 12	10	211
Estimated market value of land and buildings:			
Average per farm	dollars 49,722	490,328	1,038,700
Average per acre	dollars 12,464	12,652	1,076
Estimated market value of all machinery and equipment			
.....	\$1,000 19,313	74,842	54,792
Average per farm	dollars 38,032	38,798	177,896
Farms by size:			
1 to 9 acres	220	851	19
10 to 49 acres	207	814	52
50 to 179 acres	71	195	71
180 to 499 acres	35	59	50
500 to 999 acres	2	6	50
1,000 acres or more	1	4	66
Total cropland			
.....	farms 308	1,101	260
.....	acres 8,124	28,988	184,477
Harvested cropland			
.....	farms 278	1,022	147
.....	acres 6,513	24,099	98,182
Irrigated land			
.....	farms 210	438	65
.....	acres 4,164	3,721	4,083
Market value of agricultural products sold (see text)			
.....	\$1,000 0,648	50,861	57,732
Average per farm	dollars 9,865	26,367	187,443
Crops, including nursery and greenhouse crops			
.....	\$1,000 4,136	18,858	53,936
Livestock, poultry, and their products	\$1,000 6,511	32,005	3,797
Farms by value of sales:			
Less than \$2,500	306	1,091	150
\$2,500 to \$4,999	79	306	17
\$5,000 to \$9,999	62	216	20
\$10,000 to \$24,999	42	167	17
\$25,000 to \$49,999	20	62	19
\$50,000 to \$99,999	6	37	11
\$100,000 or more	21	50	74
Government payments			
.....	farms 12	46	226
.....	\$1,000 47	293	5,273
Total income from farm-related sources, gross before taxes and expenses (see text)			
.....	farms 125	384	135
.....	\$1,000 2,622	5,980	3,160

(Highlights cont.)

Clark

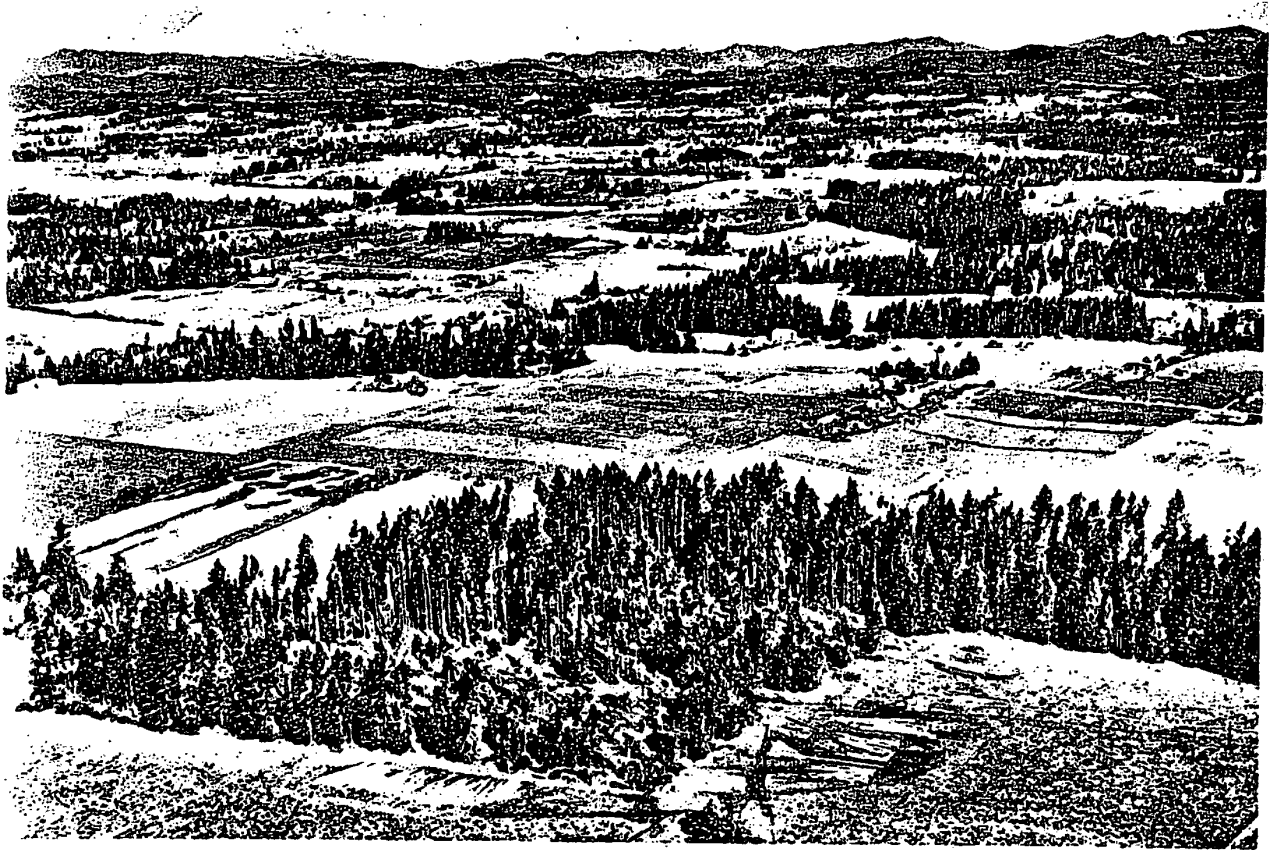
Total farm production expenses	\$1,000	8,534	54,738	37,522
Average per farm	dollars	848	28,375	121,825
Net cash farm income of operation (see text)	farms	536	1,929	308
Average per farm	\$1,000	248	2,398	28,644
	dollars	003	1,243	92,999
Principal operator by primary occupation:				
Farming	number	246	682	131
Other	number	290	1,247	177
Principal operator by days worked off farm:				
Any	number	308	1,261	147
200 days or more	number	181	847	105
Livestock and poultry:				
Cattle and calves inventory	farms	207	733	71
	number	063	16,189	5,896
Beef cows	farms	170	592	61
	number (D)	9	4,698	(D)
Milk cows	farms	9	45	2
	number (D)		3,574	(D)
Cattle and calves sold	farms	119	476	64
	number	784	8,184	2,909
Hogs and pigs inventory	farms	19	36	5
	number	318	636	10
Hogs and pigs sold	farms	27	68	9
	number	396	777	44
Sheep and lambs inventory	farms	53	106	4
	number	882	1,158	212
Layers inventory (see text)	farms	123	457	18
	number	311	13,548	230
Broilers and other meat-type chickens sold	farms	4	42	-
	number (D)		2,546,036	-
Selected crops harvested:				
Corn for grain	farms	-	5	2
	acres	-	(D)	(D)
	bushels	-	(D)	(D)
Corn for silage or greenchop	farms	1	10	-
	acres (D)		2,181	-
	tons (D)		35,590	-
Wheat for grain, all	farms	2	10	94
	acres (D)		570	74,251
	bushels (D)		31,817	5,861,603
Winter wheat for grain	farms	2	6	88
	acres (D)		468	55,052
	bushels (D)		25,838	4,727,810
Spring wheat for grain	farms	2	4	41
	acres (D)		102	(D)
	bushels (D)		5,979	(D)

--continued

AROL LEVAVEN

SOIL SURVEY OF

Clark County, Washington



United States Department of Agriculture
Soil Conservation Service

In cooperation with
Washington Agricultural Experiment Station

Issued November 1972

May 17, 2014

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

Re: Rural Land Designations in Clark County

Clark County Citizens United, Inc. represents approximately 6,000 members and supporters, most of whom live in rural Clark County. In 1994, much of the rural land was drastically downzoned from small parcels to very large parcels. These lands were then given a resource designation of forest or agriculture and they remain in that status, today. The Growth Management Act is a state law that was adopted to aid counties in planning for urban areas, to assure those areas will be able to accommodate the expected growth. It was not a document that directed the counties to lock up lands in the rural areas, in the guise of calling them resource lands. In fact, there was very little directives given for rural land besides allowing a variety of lot sizes and preserving the rural character of those lands. There was no reason to elaborate on the criteria for such lands, because that was not to be the focus of the GMA Comprehensive Plans. Over time, there has been a few changes to the GMA that does give more specifics for rural land and to encourage economic prosperity in that area. There is now a requirement that all Comprehensive Plans have a rural element document and that counties use the GMA criteria to determine which lands should fall under a rural designation. It is not just an exercise that planning staff can simply say, "This is what we are going to call rural". It is now a specific and reasoned formal process, under the direction of the GMA, that determines what rural is and will be in a Comprehensive Plan.

RCW 36.70A.011 findings - Rural lands. The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the states' overall quality of life.

The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing business and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.

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;.....and enhance the rural sense of community and quality of life.

36.70A.030 Definitions. (15) "Rural Character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan; (b) that foster traditional rural lifestyles, rural based economies, and opportunities to both live and work in rural areas;

(f) That generally do not require the extension of urban governmental services;

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest and mineral resource lands.... 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.

(17) "rural governmental services" or rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit service, and other public utilities associated with rural development and normally not associated with urban areas....

36.70.A.070 Comprehensive plans - Mandatory elements.

(5) rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest or mineral resources.

(b) rural development. 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 environmental services needed to serve the permitted densities and uses....

Clark County adopted a Comprehensive Land Use Plan in 1979. In that Plan, the county designated resource and rural lands, along with enabling ordinances. Growth in the rural areas occurred according to that Plan. When the Growth Management Act was adopted, the state required certain counties to adopt a comprehensive plan that would assure infrastructure was in place for the projected growth in the urban areas. Even though Clark County had a viable plan already in place, it was thrown out altogether, and replaced with a very restrictive one. It would seem that any county that already had an existing plan would have simply updated that plan with changes and additions. But, for some reason, and CCCU, Inc. believes was political, the baby was thrown out with the bath water and a whole new plan was adopted.

Between 1979 and 1993, landowners went about their business, according to the regulations that were in place. They bought and sold land and built their homes according to what was on the books. When they heard that a new plan was being proposed, they assumed that because the county was growing rapidly, the rural lands would now be needed to accommodate that growth. Imagine their shock when they discovered that instead of up-zoning their land into smaller parcels, as one would expect, their lands were being dramatically downzoned ten fold or more. Many of these folks were devastated, and when they asked the county why it was being done, they were told that the state forced the county with a new law, called the Growth Management Act. Chaos hit the rural lands and landowners came out in droves to protest the changes. Many felt compelled to do what they had never considered doing before. They sold or divided their land, for fear of losing all they had in the land, by way of a county government takings. The same was true for those landowners whose lands were in agriculture or forest zoning. The public hearings were heavily attended in opposition, but all of their pleas were ignored.

Clark County is required by the state to review and update the Comprehensive Plan for the year 2016. Since the 1994 adoption, very little has changed to help the rural landowners reverse the

massive financial and economic losses. What was proposed and adopted at that time, continues to be the order of the day for the current update. Language is being retrofitted to fit the supposed changes, but it continues to be the same plan. The economic prosperity of the rural land went away, with this plan. The rural character as rural folks knew it, went away as well. Landowners must patiently wait for changes to be made that will remove them from their economic slump.

With the new GMA guidelines, Clark County has an opportunity to correct the mistakes of the past. *Rural character, rural based economies and traditional economic activities* were established in the rural lands prior to 1993. Most of that economy was based on the zoning and land uses that were allowed during that time. To suddenly say everything is different now, is not reasonable or realistic. When 75% to 100% of the rural land parcels in Clark County are smaller than the zoning, changes need to be made to correct the mistake.

Clark County cannot comply with the GMA directive to *retain and enhance the job base while using flexibility to create opportunity for business*, when they are preventing people from living in the rural areas. When there are no new or old people living in the rural areas, there cannot be rural businesses who normally serve those people. The GMA says to *retain existing businesses and allow them to expand*. But, without an increase of people in those areas, there is limited ability for existing businesses to be retained, and they certainly would not have reason to expand.

The GMA says to *foster land use patterns that will preserve rural based economies and traditional rural lifestyles*. Both of these items were historically established in Clark County, prior to 1993. When the county downzoned the lands to such an extreme, these land use patterns, economies and lifestyles were eliminated. Business, as rural folks in Clark County had always known, vanished. To make it even worse, the enabling ordinances became so strict and expensive, that these activities were surely doomed.

Since Clark County already had a comprehensive plan in place prior to 1993, the rural character, that the GMA says are *patterns of land use and development established by a county in the rural* element of its comprehensive plan, was established at that time. To suddenly change all of that, has devastating effects to the established character. In addition, the GMA says to *foster traditional rural lifestyles, economies, and opportunities to live and work in rural areas*. This cannot happen if Clark County makes it almost impossible to live in the rural areas. No one can buy land in the rural areas of the county because there either isn't any for sale, or one cannot afford the high price of rural land that is for sale. The opportunities to live and work in the rural areas do not exist at this time. The large lot zoning and abusive regulations for development, prevent people and families from realizing the GMA directives. The Rural and Resource Element in the county plan says, "*The GMA requires that rural development be contained and controlled....*", but it doesn't. In another passage it says the rural centers should "*not draw people from the urban area*", but the GMA encourages economic growth in the rural areas.

The state Growth Management Act says that rural development can consist of a *variety of uses or residential densities*, but it cautions that rural development is not to be considered as part of agriculture and forest resource designations. Clark County has done just the opposite. The county has taken obvious rural land and converted it into resource land by way of zoning. Having done this, it is impossible for these areas to consist of a variety of uses and densities.

In the Mandatory element of the GMA it says, "*when designating rural land, a county shall not include land that is designated for urban growth, agriculture, forest or mineral resource.*" But,

Clark County has done just that and more, in the current 2004 -2024 Comprehensive Plan. Rural is lumped with resource in a document called Rural and Resource Element. In addition, within this document, the county consistently refers to rural as being resource. It claims that "*rural residential communities are focused in areas of large scale commercial forestry, farming and mining*" and goes on to say, the "*rural area represents a lifestyle based on resource based industries such as commercial forestry....*" In another passage it says, "*much of the county's rural lands include a mix of resource....*" The document also states, "*This element concentrates on how future land use needs within rural and resource lands will be met... and, "This element emphasizes how rural and resource land should be used in the future, supporting ...future resource activities"*. It talks about "*future land uses within the rural and resource lands of the county*", and goes on to say, "*The GMA designation criteria for rural and resource lands were used in the determination of minimum lot sizes for all land use designations."*

Clearly, Clark County considers rural land and resource land to be one in the same, and that is not allowed under the GMA. The directives independently discuss rural issues, criteria and economics and speaks separately about resource issues, criteria and economics. Resource is exclusively of economic importance, but rural is both residential living and the economics that go with living in rural lands. The legislature intended these to be separated, with their own identity.

Even within Clark County's policies for resource land it says that "*The primary land use activities in agricultural areas shall be commercial or non-commercial, forest management, mineral extraction....*" This leads one to believe the county just simply doesn't understand what the GMA is requiring in the Comprehensive Plan. How can you have the primary use as agriculture, using the GMA criteria for that designation and also have the primary use as forest, using the GMA criteria for that resource. Agriculture needs Hillsboro Loam as the prime and preferred soil, and forests need Cinebar Loam. Neither one of these resources will do well in the opposite soil. The whole purpose for resource is to make money, so how does non-commercial meet that goal. If in fact the land is being used for mineral extraction, it would mean that the land is rocky or sandy, which the other two resources would simply die in those conditions.

The Growth Management Act is a steering wheel to an economic engine for growth. It was not adopted to prevent growth. When rapid growth takes place in the urban areas, there needs to be some guidance to assure things are ready for the growth and things make sense. The same is true for the twenty percent historical growth in the rural lands. But, when almost 100% of the rural land zoning and much of the resource land zoning is non-conforming to the designated zone, it does not prepare anything for growth, nor does it make any sense. All of these past mistakes need to be corrected in the 2016 update of the Clark County Growth Management Act Comprehensive Land Use Plan in order to get the region's economic train moving again.

Sincerely,


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

May 12, 2014

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

Re: Commercial Resource Lands and the GMA

Clark County Citizens United, Inc. represents approximately 6,000 members and supporters from the rural lands and unincorporated areas of Clark County. CCCU, Inc. is concerned over Clark County's designations and zoning for agriculture and forest lands in their current Comprehensive Land Use Plan. The following is information for the record, over what CCCU, Inc. has discovered.

RCW 36.70A.030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products of berries, grain, hay straw turf, seed.....and that has long-term commercial significance for agricultural production.

(8) "Forest land" means land primarily devoted to growing trees for long term commercial significance. "Long term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

WAC Definitions - (11) Long term commercial significance includes the growing capacity, productivity and soil composition of the land for long term commercial production, in consideration with the lands proximity to population areas, and the possibility of more intense uses of land. Long term commercial significance means the land is capable of producing the specified natural resources at the commercially sustainable levels for at least the twenty year planning period, if adequately conserved.

To determine appropriate locations in Clark County for these resource areas, while complying with GMA requirements, Clark County Citizens United, Inc. went to the Soil Survey of Clark County, Washington by the United States Department of Agriculture Soil Conservation Service/ Washington Agricultural Experiment Station ; the Washington State University Clark County Extension Commercial Horticulture; the Washington State Department of Natural Resources; and the Washington State Farm Forestry Association. As one studies the available information and the soils manual, one can get a better perspective as to how lands in Clark County would fit in. One can then highlight where commercially viable and prime/preferred soils are located for both agriculture and forest land on the maps within the manual. By doing so, one clearly sees that prime forest soils of Cinebar Loam, CnB, CnD, CnE, and CnG are primarily in the Northeast corner of the county. There are none

South of that. It's interesting to note that even Gifford Pinchot National forest has very little prime forest soils. In agriculture lands, there is very little prime agriculture soil of Hillsboro Loam, HIA, HIB, HIC, HID, HIE, and HIF anywhere in the county, and when there is, it is in pockets, such as Meadow Glade, Brush Prairie and Vancouver.

According to the Washington State University Clark County Extension Commercial Horticulture website, it states, ..." *best soils for farming is the Hillsboro series, which can be used for many different types of high-value horticulture crops, as well as for pasture for animals*". It is interesting to note that the County Service Center, which houses the commissioner's offices, is built on prime agriculture soil.

During research of this information, one can compare it, to the GMA and it's WAC's. The criteria language seems pretty clear in the GMA regarding these lands, but even more clear in the WAC. There it explains what is meant by "*long term commercial significance*". It states....."*producing the specified natural resources at commercially sustainable levels for at least the 20 year planning period*", in addition to the other language in the RCW's. Other than at these levels, resource activity is not of "long term commercial significance" nor is it "devoted to" on the majority of the land in Clark County, using the GMA and WAC criteria. This would mean that large acre parcels of 10, 20, 40 and 80 acres, are not necessary to preserve the land for commercial resource purposes because the resource only provides a small portion of the *annual* income, and for many years, during the growth stages, produces no income at all. But, in a smaller rural parcel, that has limited agriculture or forest use, a once a season or once every 40 year harvest on numerous parcels of the same size, provides much needed employment for those persons harvesting those limited crops.

According to Scott Levanen, owner of Levanen Inc., a company that has specialized in tree farm management, logging, reforestation and timber cruising since 1988, "*To produce a viable commercial crop, many small trees that grow tall is best. How tall the trees are, is an indication of how good the soil is. The prime and preferred soil for growing trees in Clark County is Cinebar Loam. The height, diameter, and number and size of the limbs determines the commercial quality of a tree. A five acre plantation will do well, if there is enough light for the trees to grow tall. Such a crop will not do well next to larger trees that give too much shade.*

After a five acre parcel is harvested and reforested, the trees will not be merchantable until 20 to 30 years, at which time thinning takes place. A mature and substantial crop would not be realized until 40 to 50 years. At harvest, a mature stand of timber on a five acre parcel will generate 20,000 board feet per acre, with a total of 100,000 board feet in a 40 year cycle. At that time and at the current 2014 market, the gross earnings would be \$70,000.00. The state timber tax, along with a 30% harvest cost must then be applied.

The net income for the harvest would be approximately \$45,000 for the cycle. After the logging has taken place, the land is prepared for the new crop. First it is

sprayed for nuisance plants, and then the trees are planted in a 10X10 foot space, or 400 stems to the acre. This takes into account loss from deer grazing and other overgrowth plants. At age 20 it is thinned to 180 to 200 trees per acre. Ideally the trees should be 55 to 60 feet tall, having grown three feet a year. The diameter at breast height (DBH) is 9-10 inches. The thinned trees are sold for pulp wood at the lower market rate at the time, currently at \$250.00 per 1000 board feet. A very small percentage might also go for saw logs and generate \$550.00 per 1000 board feet. Thinned trees can be sold for saw logs, if they have a 5 inch top and are 16 to 40 feet long. At 40 years or full harvest, the tree should be 90 to 95 feet tall and be 14-16 inches DBH. Value is lost if a tree is 30 inches or larger DBH. The market expects logs that have an 8 inch plus top and are 26 to 40 feet in length. These trees are currently sold for \$750.00 per thousand board feet, according to the quality of the log. A ten year old stand is worth nothing in the commercial markets. For forestry to be sustainable and commercially viable for long term commercial production, projections must look fifty years ahead. In addition, the ability to harvest the timber crop is an essential part of the picture. Rules and regulations come and go and many times prevent harvest of the trees, which results in a total loss of commercial value. The markets for timber fluctuate from high to low. Harvest of the trees should take place during a high market, otherwise the financial loss could be too great. If a person buys property for the purpose of growing commercial timber, they must take this into account."

If one extrapolates these figures out, a person would have to have approximately 300 acres to make a viable long term, commercial forest or farm that is devoted to the resource and produces a consistent annual income. Even then, it is questionable whether the markets will bear the figures out, particularly if one purchased the land for such a purpose. Looking at the maps, one can find barely a handful, if even that, of land that fits those dimensions. It is ludicrous that Clark County insists on zoning myriads of small rural parcels into a forest or agriculture resource zone. The GMA is a document of the Washington State Department of Commerce. It's purpose is to encourage economic prosperity in the state. It is not a document that was adopted to lock up rural land in large lot zoning, for no verifiable reason, under the guise of calling it resource. That is why the GMA has specific language and criteria for such lands, to assure they are not confused with rural lands. Resource lands have to make money in a meaningful way and consistently for 20 years. If they don't, the GMA says to consider another or better use for those lands, considering what is already in place on the ground. As Clark County updates the Comprehensive Plan, they must give deference to the Growth Management Act mandates of long term commercial significance and devotion to resource lands.

Sincerely,



Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
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PLF'S ASSAULT ON PROPERTY RIGHT ABUSES UNDER THE GROWTH MANAGEMENT ACT PAYS RECENT DIVIDENDS

Nationwide, the tension between private property owners and government land-use regulators traces to the early 1970s, when states began passing comprehensive planning schemes. The goal was to ensure that development proceeded in an orderly and environmentally sound fashion. But the process was soon hijacked in Oregon and later in Washington by "smart-growth" bureaucrats and activists who figured out that planning could be used to stop all or most building on rural lands.

First implemented in 1990, the Growth Management Act (GMA) was supposed to foster a balanced approach to land-use regulation. Instead, the changes in local planning laws that have been enacted in the wake of the GMA have put an accent on development restrictions while giving short shrift to such goals such as providing for affordable housing, retention and expansion of existing business enterprises, and preservation of property rights. Some ordinances even force landowners to "enhance" or "rehabilitate" environmentally sensitive or "critical areas" – a mandate that goes far beyond the GMA's official goals of "conserving" and "protecting" such land.

The attack on private property rights under the mantle of the GMA has grown so severe that a few years ago, PLF's Northwest Center formed a special litigation program to fight back and challenge onerous rules that aren't consistent with the requirements and standards of the GMA. This program has produced some recent tangible results:

Swinomish v. Western Washington Growth Management Hearings Board (September 2007)
In this case, the PLF helped win a sweeping 8-1 decision in the Washington Supreme Court. The Swinomish Tribe had argued that Skagit County should be forced to impose broad buffers along streams and rivers, in agricultural areas, where no productive use of land would be allowed. The Tribe claimed that the Growth Management Act mandated buffers up to 200 feet, including land that had been cleared for a century to make way for farming. The court agreed with PLF that the GMA requires only protection of critical areas in their current state, not additional restrictions on land use to restore or "enhance" the landscape to its previous unaltered state. This is a major precedent with teeth that property owners throughout Washington can use against jurisdictions that try to require "restoration" of critical areas to pristine conditions existing prior to Lewis and Clark. PLF already is applying the decision in *Swinomish* to defend Island and Jefferson Counties, which chose to allow property owners to manage the critical areas on their own property through adaptive management plans rather than having their land locked away into large buffers.

Biggers v. City of Bainbridge Island (September 2007)

In another major decision for property owners, the Washington Supreme Court also struck down the City of Bainbridge Island's moratorium on shoreline development as unconstitutional. Its opinion stated the moratorium was a "clear violation of property owners' rights and had in fact damaged property by refusing to allow the construction of such things as protective bulkheads." The court also took the extraordinary step of awarding property owners attorneys' fees for the years they had to battle city hall. This will serve to deter arbitrary and discriminatory government actions against property owners.

Citizens Alliance for Property Rights v. Sims (July 2008)

On July 7, the Washington Court of Appeals handed down a sweeping decision when it agreed with PLF that County Executive Ron Sims' ill-conceived ordinance had gone too far. Essentially, the King County CAO forced all rural landowners to set aside 50% to 65% of their land as "resource area" and off-limits to virtually all human activity without compensating them a dime for their loss. The Council proposed and passed the CAO in spite of claims boasting "no loss of forest cover and no net loss of wetland, recovery of salmon in rural watersheds, and high quality conditions of streams and habitat in rural areas" in the 2004 King County Annual Growth Report. Now, thanks to PLF and our supporters, rural property owners, many of whom invested in their land for retirement, have had their property rights restored.

The King County victory also demonstrates the importance of the key precedents PLF has been able to establish during our 35 years. In the trial court, PLF showed that the County's mandatory open space set asides constituted a tax or fee on new development.

Under principles established by PLF in the United States Supreme Court in *Nollan v. California Coastal Commission* and *Dolan v. Tigard*, which were then applied to fees by the Washington Supreme Court in *Isle Verde v. Camas*, such fees must be intended to mitigate problems created by development activity and provide mitigation roughly proportional to any "damage" caused by the development. King County's ordinance met neither standard. PLF is vigorously defending this decision on appeal.

Futurwise v. Anacortes (July 2008)

Our victory in the King County Critical Areas Ordinance case wasn't the only good news in July. On July 31, the Washington Supreme Court weighed in again on the side of property owners, this time for those who own shoreline property. In *Futurwise v. City of Anacortes*, the Supreme Court ruled that the Shoreline Management Act (SMA) regulates shorelines, not the GMA. This is important for property owners, because the SMA recognizes explicit development rights, i.e., the need for shoreline protective structures, for property owners. The GMA contains no such rights.

This decision, which recognizes the clear intent of the Washington Legislature when it amended the GMA in 2003 to clarify that shorelines come under SMA jurisdiction, will be a key building block in other PLF cases, particularly in *Kitsap Alliance of Property Owners v. Central Puget Sound Growth Management Hearings Board*. When updating its critical areas ordinance, Kitsap County designated all shorelines as critical areas without demonstrating all shorelines qualify under the GMA.

Thurston County v. Western Washington Growth Hearings Board (August 2008)

PLF kept our winning streak alive in the Washington Supreme Court in August by winning a unanimous decision that finally reins in the unchecked power of the Growth Hearings Boards, which have continually legislated bright line rules adversely affecting private property rights. In this case, antigrowth activist group *Futurewise* challenged Thurston County's comprehensive plan update on the grounds that the County's plan allowed more land to be developed than was needed to accommodate its projected population growth. *Futurewise* argued that the growth boards had adopted certain "bright line" rules pertaining to the maximum size of urban growth areas and the minimum rural density. After the growth board and Court of Appeals ruled in *Futurewise's* favor, the Washington Supreme Court reversed those decisions, agreeing with PLF that the growth boards do not have the authority to set legislative policy. This decision also is important because the Supreme Court recognized the intent of the Legislature in drafting the GMA was to give great discretion to local government in planning.

Olympic Stewardship Foundation v. Jefferson County (November 2008)

We substantially prevailed in our Growth Management appeal *Olympic Stewardship Foundation v. Jefferson County* (12-587) in a 51-page decision entered by the growth board on November 20. This case involved two main issues:

- (1) the continued regulation of shoreline properties under the growth management act, after two Supreme Court cases (*Biggers* and *Futurewise* -- we participated as amicus in both) held that shoreline areas may only be regulated under the shoreline management act; and
- (2) The adoption and regulation of channel migration zones as critical areas.

In regard to the first issue, the growth board agreed with PLF, that despite the hardship that planning under a different (more property sensitive) act may entail, the board is bound by our Supreme Court's decisions in *Biggers* and *Futurewise*.

The second issue was much more complicated. Environmentalist organizations have been pushing for counties to recognize channel migration zones (CMZ) as critical areas because they tend to include a massive amount of land that can be forced into conservation areas. The idea underlying the regulation of CMZs is that all potential land that a river or stream could occupy in the future should be set aside and protected from use. Because the designation of CMZs relies on probability mapping, Jefferson County's designated CMZ critical areas resulted in a no-build super buffer extending from dozens to thousands of feet in each direction from designated rivers and streams. This massive buffer turned millions of dollars of private and public property into no touch areas that were required to be maintained in a native vegetative state.

PLF challenged the CMZ designation and regulations on several grounds. Notably, however, we chose not to challenge the science. Instead, we accepted their science at face value and argued that there was no basis to mandate massive set aside areas. For the most part, the board agreed with us and found that the CMZ maps and several of the protection regulations failed to comply with the GMA. The board remanded the ordinance to the county to take legislative action to bring its regulations into compliance.

Being a quasi-administrative agency, the board lacked jurisdiction to decide our constitutional arguments. The massive CMZ designation is striking like Lucas. In some areas, up to 4,000 feet of property on each side of a river are subject to the massive no build zones. The CMZ maps cut straight through suburban residential neighborhoods, rendering all development outright prohibited. All based on an undefined probability that at some point in the future the river (if left un protected) may change course. This issue is ripe for appeal.

Another issue that is ripe for appeal is whether a potential future critical area can be regulated as a critical area. The GMA states that local government must protect the functions and values of critical areas. Early cases interpreted this mandate to mean that there must actually be functions and values present to qualify as a critical area. The CMZ theory flies in the fact of the early decisions, arguing that ample land should be set aside and protected for its potential future value as a critical area in the event that the river shifts. The board concluded that the CMZ's potential future value constituted a function and value subject to the GMA. A decision like this could easily result in all property being a potential future critical area (imagine setting aside property as a potential future habitat despite there being no critter).

For additional information, please visit PLF online at www.pacificlegal.org or contact:

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