

Schroader, Kathy



From: Orjiako, Oliver
Sent: Tuesday, October 20, 2015 9:45 AM
To: Euler, Gordon, Alvarez, Jose, Anderson, Colette
Cc: Schroader, Kathy
Subject: FW: Submitted Versions of Preferred Alternative Comments
Attachments: GMP 2016 Update October 2015 Comments Preferred Alt pdf, Futurewise Comments on Comp Plan Preferred Alt Oct 16 2015 Corrected pdf, WRIA 27-28 Reservations ESTIMATES.xlsx; WRIA 27-28 Reservations ESTIMATES w Totals for Clark County by Category.xlsx

FYI and for the record Thanks

From: David McDonald [<mailto:david@mcdonaldpc.com>]
Sent: Monday, October 19, 2015 5:39 PM
To: Orjiako, Oliver
Subject: Fwd: Submitted Versions of Preferred Alternative Comments

Dr. Orjiako:

I believe that these comments have been placed into the record but just wanted to make sure. If they are already a part of the record, then feel free to delete them.

Thank you

Best,

David T. McDonald

Begin forwarded message:

David T. McDonald
David T. McDonald, P.C.
Courtroom Lawyer
Suite 625
833 SW 11th
Portland, Oregon 97205
503-226-0188 (o)
503-226-1136 (f)
Admitted To Practice In Oregon and Washington
State and Federal Courts

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October 18, 2015.

Subject: Comments
Preferred Alternative for the 2016 Comprehensive Growth Management Plan Update

To: Community Planning
Comprehensive Plan Comments
PO Box 9810
Vancouver WA 98666
Comp plan@clark.wa.gov

From: Dennis R. Dykes, LHG
3800 NE 399th Street
La Center WA 98629

Please accept these comments concerning the development of the Preferred Alternative that will be evaluated in the Final EIS for the 2016 Comprehensive Growth Management Plan update. I am a landowner living on and managing 65 acres of land designated FR40 although portions of this land have historically been used for agriculture. I have lived here for 25 years. Professionally I am a geologist licensed to practice geology and hydrogeology in Washington. I have also completed a Permaculture Design Certificate course which I am using to develop an integrated agriculture and forestry plan for my land.

Fundamentally, a comprehensive plan is developed, implemented and updated so that local and state government can efficiently provide services and keep taxes low. The myriad factors that must be balanced make this process complex. The EIS is an attempt to identify and describe the impacts of various scenarios. I have read through the draft EIS and many of the comments submitted concerning it. I found the analysis to be rather vague and generalized. It's not appropriate based on this level of analysis for the council to make detailed decisions about the preferred alternative from this analysis alone. Having said that, it is clear that Alternative 1 has the lowest cost, is the least disruptive of current land use patterns in the rural areas, has the least environmental impacts and preserves the most economic opportunities for people in the rural areas. It will also keep rural landowners taxes lowest.

An informed development of the preferred alternative in my opinion must consider in more detail the following:

- Water resources
- Soil
- Respect for public process

There are of course other factors that must be considered in more detail than described in the EIS but these are where I have the most relevant experience

Water Resources: This is something I am knowledgeable and passionate about. The draft EIS does not consider the limited availability of water for new uses in Clark County and inappropriately downplays substantial degradation of surface water in Clark County since 2007 documented in Appendix A. These issues affect the basic uses of land in rural Clark County.

Groundwater- the draft EIS correctly identifies the availability and quality of ground water as requiring evaluation. Unfortunately the draft EIS does not reference and consider the Water Resource Management Programs that affect Clark County. These programs became effective in January 2009 as WAC 173-527 and WAC 173-528 and are therefore established by rule. These rules quantify the amount of water available in these watersheds to protect the rights of senior water right holders, who have the first legal right to the water, and not to limit or control peoples' use of their land. Basically there is a limited amount of water, more can't be made just because land is divided, and the rule allocates a limited reserve for use by new households in specified sub-watersheds. Allowing more subdivision without a clear understanding of this issue would be irresponsible and lead to avoidable conflicts between water users.

I've attached a spreadsheet prepared using Department of Ecology data that estimates there is enough water reserved for 4,859 more households spread amongst the various sub-watersheds. This is less than the number of vacant lots available according to the Buildable Lands Report. Although, this does not consider the distribution of these lots above the various control points, the reserves are clearly not adequate to supply water to even the additional lots allowed by Alternative 1. Please address this issue before lots that cannot be allocated water without interfering with other water rights are created. This will take a substantial effort to address. Parcelization upstream of each identified control point (see attached Ecology maps) must be evaluated to determine how many new households can be created before their use of water interferes with older existing water rights. This evaluation must be considered during the permitting process for each new household.

Surface Water- Appendix A of the draft EIS documents a substantial increase since 2007 in 303(d) listings of streams in Clark County. The draft EIS glosses over this, barely mentions the additional listings and balances it with the very few delisted. This is not appropriate and the conclusion that further impacts can be mitigated is suspect except through excessive regulatory restrictions and high restoration costs. The final EIS must include an accurate assessment of stream degradation and the costs of addressing this problem. The type of land use in a watershed is the main cause of the degradation of water quality and the assessment must address each watershed and sub-watershed individually. The vague analysis in the draft EIS does suggest that even Alternative 1 will substantially increase the degradation of surface water in Clark County as occurred between 2007 and 2012. Clark County recently lost a lawsuit that cost taxpayers (not the developers that benefitted financially) well over \$3 million because it chose to avoid managing stormwater as high up in watersheds as possible. With this in the background, rural landowners will be expected to manage stormwater much more in the future. Alternative 1 shows that current requirements are not working to restore or even maintain water quality even through the development slow down caused by the recession.

Soil: Clark County has a variety of soil types that developed from the various parent geologic materials under the prevailing climatic conditions. Most soil types have been determined to be suitable for resource-use, specifically forestry and agriculture. Many soil types are fine grained and include clay and silt and therefore have limits to the usefulness for treatment of septic effluent primarily because they transmit water relatively slowly and therefore are saturated much of the year.

The record includes many contradictory statements about the accuracy of the soil mapping and the suitability for the various uses. I use soil mapping regularly and find them generally accurate although some small scale variations occur that were not defined by the mapping techniques. This is not unusual and cannot justify disregarding the mapping for the purpose of regional planning

Soil suitability for septic systems is an important consideration for protection of water quality and public health. In Clark County the types of soil in many areas has resulted in a significant proportion properties requiring mound septic systems that are expensive to install and operate as well as have substantially more maintenance and inspection requirements. These requirements are often perceived as intrusions by government but in reality are needed to prevent the obvious threat to public health. Over three decades ago it was determined that septic systems are not appropriate on lots under an acre in size and research has shown that much larger lot sizes are required particularly in marginal soil types

The GMA has clear definitions of soil characteristics that it is in our interests to protect. These have been used to guide previous planning processes and in previous EISs in Clark County. Of primary concern for the rural areas is the suitability for forestry and agriculture. Current GIS technology makes the process of identifying these soil characteristics relatively straight forward although checking the accuracy is always necessary. The mapping shows that forest and agricultural land in Clark County meet appropriate definitions and require protections.

The suitability of soil in Clark County for farming and forestry is well established and should not be in question. What is lacking is leadership to promote resource based businesses. The decline in agriculture described in the record is related to the misguided promotion of incompatible land uses (residential, commercial and industrial) in Clark County. It's an accepted fact that near urban agriculture typically includes higher value crops and benefits from the large nearby markets. Any business will recognize this as a great combination. Agriculture is in transition as the urban population becomes more aware of where their food comes from. We need a land use plan that encourages the kind of people that want to be part of and benefit from this trend, not a plan that promotes residential land uses above all else. Strong and stable zoning is fundamental to a long term business. The data cited in the record identifies and describes a problem that the leaders in Clark County need to address to promote this valuable sector of the economy. Forestry would also be served by promotion of local value added industries. The economy of Clark County would benefit more than by simply sending logs to China. It's obvious that trees grow here, people have benefited from that fact for millennia

Respect for Public Process

First, I would like to apologize for the comments of my neighbors with the Clark County Citizens United. I found it difficult to find and understand what in their documents were actually comments on the draft EIS and relevant to the decisions about the preferred alternative. I was here in the early 1990s and understand the emotions that the CCCU expresses and uses to obfuscate rational and legitimate planning. The CCCU did not then and does not now represent the best interests of those that truly want to live in a rural area and community. The clearest indicator of this is the fact that the end result of their efforts would be the suburbanization of rural Clark County.

In the 1990s I chaired the Rural Clark County Preservation Association. The RCCPA is an association of residents that want to maintain rural Clark County as a place to live and make a living. It is unfortunate to us that this has to be done through plans and rules rather than common sense, respect for the intrinsic lifestyle and economic opportunities of rural living, and respect for the difference between rural and urban. We aren't the tired cliché of urbanites that just want a place to drive through on weekends but real live rural residents.

We engaged the process in the 1990s to defend what we value. The CCCU claims that rural residents got the shaft in the process but that is rewriting history. I was there as thousands of lots were created in the three years it took to finish the 1994 plan. These lots were created because of the frenzy whipped up by the members of the CCCU and others. And then after most of the plan was implemented, a focus group was formed that went through pretty much every parcel of rural land rezoning many to allow even more lots. I attended some of these meetings and saw CCCU members actively disrupting collaborative progress when they perceived decisions going against their desires. They are disingenuous at best to claim we rural residents were wronged in 1994.

Therefore, to make changes from Alternative 1 without a drawn out revisiting of the entire process would disenfranchise the efforts of the good people that honestly engaged in the public process. The Planning Commission essentially said this to the Council through their recommendations.

It is also not appropriate that Clark County is designating the Rural Industrial Land Bank at the Lagler and Ackerland properties separate from the comprehensive plan update. This affects over 500 acres of current ag land essentially eliminating this valuable ag land without consideration of the affect on the update. This must be part of the comprehensive plan process.

Conclusion: The draft EIS is vague and lacks enough detail for the council and the wider community to make an informed decision about a preferred alternative. If this is as good as an EIS gets then it is clear that the potential impacts of Alternatives 2, 3, and 4 are greater than Alternative 1 and therefore must be disregarded. There is not enough water in reserve for the existing legal parcels so no additional parcelization should be allowed. The information submitted to the record to support Alternative 4 includes too many assumptions, rhetoric and extraneous information to overcome the obvious and substantial impacts of this alternative. It should be clear to even a casual observer that these impacts will be expensive to mitigate and

Preferred Alternative Comments by
Dennis Dykes
October 18, 2015

lead directly to more intrusion of government on land owners as it attempts to mitigate these unnecessary impacts.

Of equally great concern is the fact that Alternatives 2 and 4 require major changes to policies that were developed through public processes. It would be a corruption of the public process to include the elements of Alternatives 2 and 4 that change policy without a public process. The Community Framework Plan (CFP) which is described on page 6-3 of the draft EIS (Section 6.1.2) was developed through a community process that included rural residents. It describes a desire and expectation that there will be a clear difference in character between rural and urban Clark County. It set a goal of 10% rural residents and 90% urban residents. The last figures I have seen show this ratio is about 11% to 89%, a bit off the goal. The draft EIS does not acknowledge the specific goals of the CFP, evaluate their status, nor evaluate the effect of these goals on the environment but the council must when developing the preferred alternative. These goals were agreed to by the community to allow the rural resource based economy to continue with the least amount of interference from land use conflicts and government as well as to make the provision of public services as cost effective as possible. This is the best way to keep government costs and taxes down.

The Planning Commission recommendations should be followed to develop the preferred alternative except that there is no need to give special consideration to landowners of record before 1994. We all had plenty of time and opportunity to make changes then.

Respectfully submitted,



Dennis Dykes
3800 NE 399th Street
La Center

**Water Reserve for Households in Rural Clark County
WRIA 27 and 28 (Clark County Portions)**

	Reservation Benefit (CFS)	Households Served	New Water Wells (ecy)	Public est* systems(doh)	RESERVATION TOTAL	% Used	Remaining Household Capacity
North Fork Lewis River Subbasin							
Small Community Water Systems - Clark Co	0.75	606	3		3	0.5%	603
Domestic Wells - Clark Co	0.12	324	81		81	25.0%	243
East Fork Lewis River Subbasin							
Small Community Water Systems - Clark Co	0.37	299	2	19	21	7.0%	278
Domestic Wells - Clark Co	0.47	1269	122		122	9.6%	1147
Salmon Creek Subbasin							
Domestic Wells - Clark Co	0.12	324	92		92	28.4%	232
Lacamas Creek Subbasin							
Clark Public Utilities (CPU)	0.6	485			0	0.0%	485
Small Community Water Systems - Clark Co	0.37	299	3	8	11	3.7%	288
Domestic Wells - Clark Co NA	0.17	459	71		71	15.5%	388
Washougal River Subbasin							
Small Community Water Systems - Clark Co	0.37	299		10	10	3.3%	289
Domestic Wells - Clark Co	0.17	459	32		32	7.0%	427
Columbia River Tributaries Subbasin							
Small Community Water Systems - Clark Co	0.21	170	0		0	0.0%	170
Domestic Wells - Clark Co	0.12	324	14		14	4.3%	310
Total	3.84	5,316			457	8.6%	4859

2,747 Number of single household wells available in reserve

2,112 Number of households in small community systems available in reserve

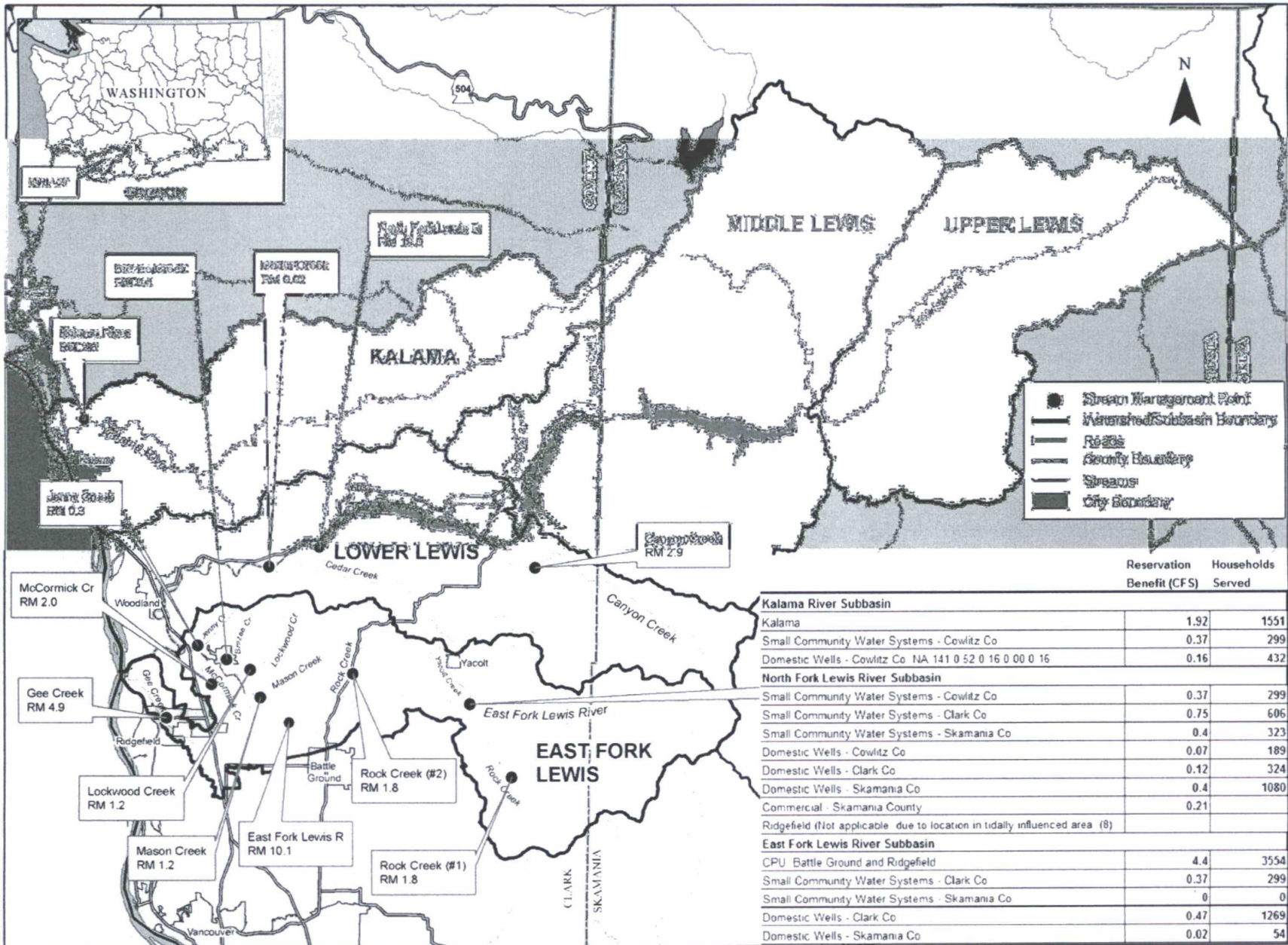
4,859 Total households available in reserve (June 2015 estimate by Dept of Ecology)

Note: Data for Department of Ecology edited by Dennis Dykes to include rural Clark County portion of each WRIA
Water Reserves specified in WAC 173-527 and 173-528.

10/18/2015

022246

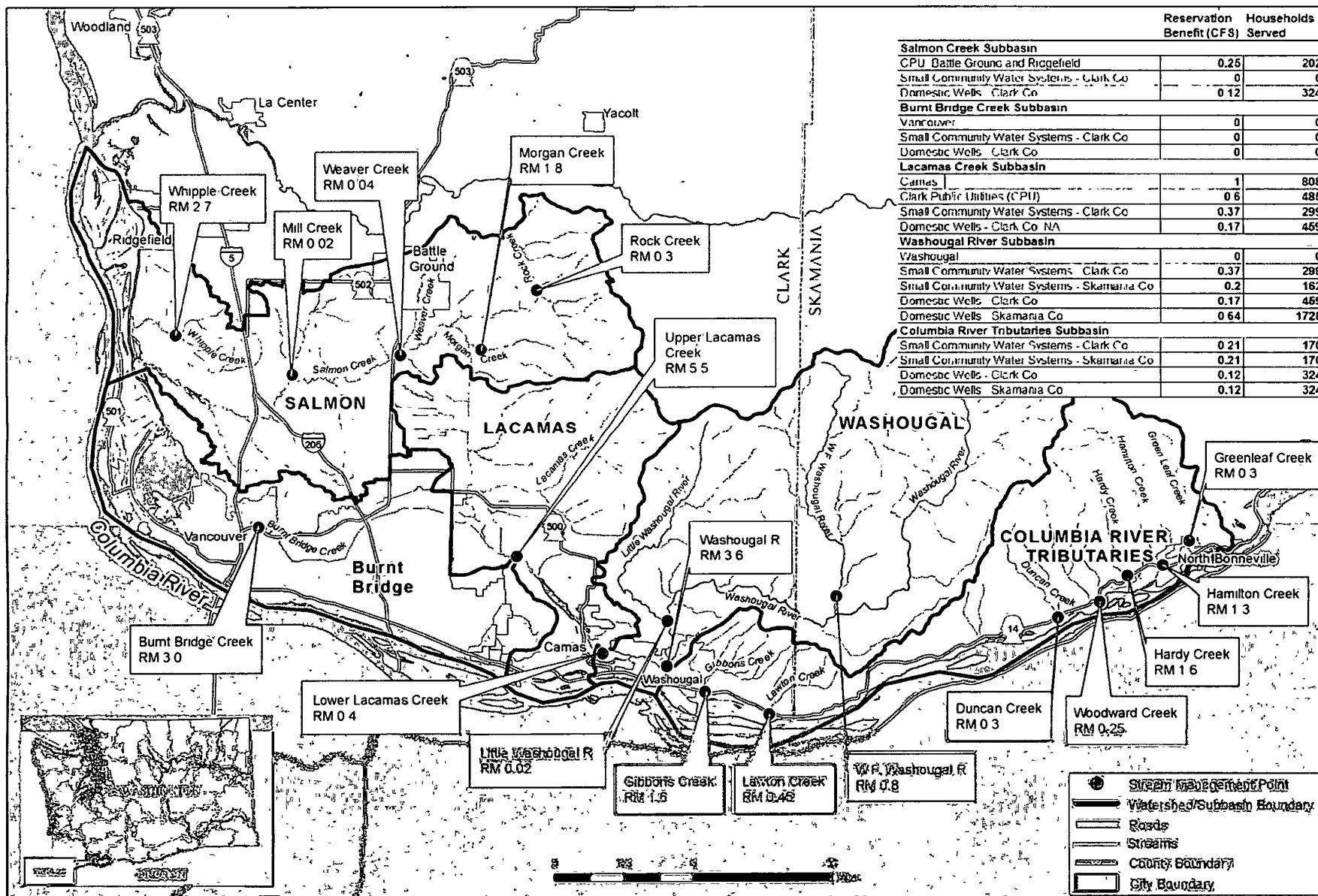
WRIA 27 Stream Management Subbasins and Control Points



Data Source: WRIA 27 Sub-Basin delineation from Sanborn Mapping Solutions, Western Washington Land Cover Change Analysis
<http://www.ecy.wa.gov/services/gis/data/impervious/basins.htm>

ECOLGY Water Resources GIS 5/29/2008

WRIA 28 Stream Management Subbasins and Control Points



Data Source: WRIA 28 Sub-Basin delineations from Skamania Mapping Solutions Report in Washington Land Cover Change Analysis
 12/2007 (http://www.wa.gov/landcover/landcover.htm)

WATER RESOURCES DIVISION
 CLATSOP COUNTY Water Resources GIS 5/29/2008



October 16, 2015

The Honorable Tom Mielke
The Honorable David Madore
The Honorable Jeanne E. Stewart
Clark County Board of County Councilors
PO Box 5000
Vancouver, Washington 98666-5000

Dear Councilors Mielke, Madore, and Stewart:

Subject: Comments on the Planning Commission's Sept. 17 recommendation of the preferred alternative for the county's next growth management plan.
Sent via email to: boardcom@clark.wa.gov; comp.plan@clark.wa.gov

Thank you for the opportunity to comment on the on the Planning Commission's Sept. 17 recommendation for the preferred alternative for Clark County's next growth management plan. In short, we support the Planning Commission recommendation with two changes. This alternative meets community needs with the lowest cost. We urge you to designate it as the preferred alternative for the *Final Supplemental Environmental Impact Statement for the Clark County 2016 Comprehensive Growth Management Plan Update*.

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

Why we support the Planning Commission Recommendation

The Planning Commission recommendation will save taxpayers and ratepayers money

Compact urban growth areas (UGAs) saves taxpayers and ratepayers money. In a study published in a peer-reviewed journal, John Carruthers and Gudmundur Ulfarsson

analyzed urban areas throughout the United States including Clark County.¹ They found that the per capita costs of most public services declined with density and increased where urban areas were large.² Compact urban growth areas save taxpayers and ratepayers money.

Conserving farm and forest land also saves taxpayers money. Farm and forest land pays more in taxes than it requires in public services. For every dollar farm or forest land pays in taxes it only requires 35 cents in public services. For every dollar residential development pays in taxes, it requires \$1.16 in public services.³

The Planning Commission recommendation will protect water quality

The *Draft SEIS*, in Figure 2-3: Soil Limitations to Septic Sewer Systems on page 2-6, documents that most of Clark County is “very limited” for the use of onsite sewer systems. Marylynn Yates, in a peer-reviewed scientific journal, analyzed ground water pollution from septic tanks. She concluded that septic tanks are major contributors of waste water, septic tanks are the most frequently reported cause of ground water contamination, and the most important factor influencing ground water contamination from septic tanks is the density of the systems.⁴ Lot sizes associated with ground water contamination cases ranged from less than a quarter acre to three acres.⁵ More recent studies support these conclusions. For example, an “observational study identified septic system density as a risk factor for sporadic cases of viral and bacterial diarrhea in central Wisconsin children.”⁶ The greater the density of septic

¹ John Carruthers and Gudmaundur-Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B. PLANNING AND DESIGN 503, 511 (2003) Enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS

² *Id.* at 518

³ American Farmland Trust Farmland Information Center, *Cost of Community Services Studies* p. 6 (August 2010) accessed on Sept. 9, 2015 at http://www.farmlandinfo.org/sites/default/files/COCS_08-2010_1.pdf and enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS. These numbers are median values and include Cost of Community Services Studies in Skagit and Okanogan Counties. *Id.* at p. 5

⁴ Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985) accessed most recently on Sept. 9, 2015 at <http://info.ugwa.org/gwof/pdf/852537546.PDF> and enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS. Ground Water is a peer-reviewed scientific journal. See the Ground Water Peer Review enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS.

⁵ Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985).

⁶ Mark A. Borchardt, Po-Huang Chyou, Edna O. DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, p. 745 (2003) accessed most recently on Sept. 9, 2015 at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241485/pdf/ehp0111-000742.pdf> and enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS. Environmental Health Perspectives is a peer-reviewed scientific journal. See the Environmental Health Perspectives Journal Information accessed on Sept. 9, 2015 at: <http://ehp.niehs.nih.gov/journal-information/> and enclosed with the paper original of Futurewise’s Sept. 10, 2015 letter commenting on the DSEIS.

tanks the greater the likelihood of diarrheal disease⁷ And the highest septic tank densities studied were one septic tank per 11 acres.⁸

Given the large areas of the county that are “very limited” for the use of onsite septic systems and that most of the rest of the county is “somewhat limited,” the Planning Commission recommendation will protect water quality.

The Planning Commission Recommendation will protect property owners' wells

The Washington State Department of Ecology (Ecology) has determined that “[t]here is limited water available for new uses in [Water Resource Inventory Area] WRIA 27” the Lewis River Watershed and “much of the water in the Lewis River Watershed has already been spoken for.”⁹ The situation is the same in the Salmon-Washougal Watershed, WRIA 28. “There is limited water available for new uses ...” and “much of the water in this watershed has already been spoken for.”¹⁰ In fact, water is in such short supply that there is already evidence that the overdevelopment of rural lands has caused wells to run dry.¹¹

When Ecology adopted the instream flow rules for WRIs 27 and 28, Ecology established reserves for future domestic uses.¹² Enclosed with this letter are an email and two spreadsheets and, in a separate email, maps that show the status of those reserves as of the end of June 2015. Ecology estimates that the reserves can accommodate another 2,747 domestic wells with each well serving one house and with one household in the house, 1,627 households served by small community water systems, and Clark County Public Utilities can serve another 485 households outside cities.¹³ So Clark County should limit the number of currently vacant and new rural,

⁷ Mark A Borchardt, Po-Huang Chyou, Edna O DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, pp 745 - 47 (2003).

⁸ *Id.* at 747

⁹ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number: 11-11-031 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ecy/publications/summarypages/1111031.html> and enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS

¹⁰ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p 1 (Publication Number 11-11-032 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ecy/publications/summarypages/1111032.html> and enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS.

¹¹ Personal Communication from Coyote Ridge Ranch to Tim Trohimovich (April 02, 2015) enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS

¹² Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number: 11-11-031 August 2012), Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p. 2 (Publication Number 11-11-032 August 2012)

¹³ The enclosed spreadsheet WRIA 27-28 Reservations ESTIMATES w Totals for Clark County by Category totals the Ecology data for Clark County.

agricultural, and forest land lots to about 4,859 and only in the parts of the county outside cities that have available reserves. After the reserves are exhausted, new permit-exempt wells can only be used if the person proposing to use the well provides in-kind mitigation, which typically requires acquiring a water right senior to the instream flow rules.¹⁴

However, Clark County currently has 5,042 existing vacant lots in the rural areas and on resource lands as of 2014.¹⁵ So the County already has more lots than can be supported by the surface and ground water resources available in the rural areas and on resource lands. Since the Planning Commission recommendation allows a more moderate level of new lot creation than some alternatives, it will better protect existing water rights holders who may otherwise see their wells or their diversions run dry.

The county's water providers are not planning on serving most of the rural area with piped water. The *Clark County Coordinated Water System Plan Update: Regional Supplement* calls for serving rural development outside of "rural centers" with private wells.¹⁶ The *Clark County Coordinated Water System Plan Update* states that the rural areas "are not expected to accommodate large amounts of population growth."¹⁷ So the Planning Commission alternative is consistent with the plans of the county's water providers.

The Planning Commission recommendation will help keep healthy local food available for Clark County residents

The Planning Commission recommendation will help to continue to protect the county's working farms. This will help make healthy, local food available to county residents.

¹⁴ *Foster v. Washington State Dep't of Ecology*, No. 90386-7, 2015 WL 5916933, at *4 (Wash. Oct. 8, 2015)

¹⁵ *Clark County Buildable Lands Report* p. 13 (June 2015) accessed on Oct. 15, 2015 at http://www.clark.wa.gov/decgnd/documents/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and cited page enclosed with this letter

¹⁶ Clark County Water Utility Coordinating Committee, *Clark County Coordinated Water System Plan Update: Regional Supplement* p. 25 & p. 36 (Nov. 2011) accessed on Sept. 4, 2015 at http://www.clark.wa.gov/planning/comp_plan/documents/Final_2011CWSP-optimized.pdf and enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS

¹⁷ *Id.* at p. 15

Changes we recommend to the Planning Commission Recommendation

Please do change combine the three rural comprehensive plan designations into one "Rural" designation

The Growth Management Act requires and the Washington State Supreme Court has held that the rural element of the comprehensive plan must include a variety of rural densities¹⁸ In *Kittitas County v. Eastern Washington Growth Management Hearings Board*, the Kittitas County Comprehensive Plan had a single rural comprehensive plan designation. Kittitas County's Limited Areas of More Intense Rural Development (LAMIRDs) also had separate comprehensive plan designations. The county argued that the reference in the comprehensive plan to "zoning regulations that have included six possible designations (with three possible densities) and innovative zoning techniques" complied with the Growth Management Act requirement for a variety of rural densities.¹⁹ Based on the plain language of the Growth Management Act, the Washington State Supreme Court held that the comprehensive plan itself must include a variety of rural densities and the Kittitas County Comprehensive Plan violated this requirement.²⁰

The Washington State Supreme Court identified a practical reason for this requirement:

¶ 40 We also note a practical concern raised by RIDGE and CTED. They argue that reading the GMA to not require that the Plan itself provide for a variety of rural densities will result in the evasion of GMA requirements through site-specific rezones. This is not the first time this court has recognized this potential problem. See *Woods v. Kittitas County*, 162 Wn. 2d 597, 629–32, 174 P.3d 25 (2007) (Becker, J., concurring). Because interested parties cannot raise GMA compliance issues in Land Use Petition Act (chapter 36.70C RCW) petitions, *id.* at 616, 174 P.3d 25 (majority opinion), site-specific rezones are only evaluated for compliance with the GMA through evaluation of their consistency with the existing Plan. A comprehensive plan that is silent on the provision of a variety of rural densities (and other protective measures for rural areas) effectively allows rezones that circumvent the GMA. This argument may prove too much, as rezones must also comply with development regulations, which can be challenged for compliance

¹⁸ RCW 36.70A.070(5); *Thurston County v. Western Washington Growth Management Hearings Board*, 164 Wn.2d 329, 357, 190 P.3d 38 (2008)

¹⁹ *Kittitas Cnty v. E. Washington Growth Mgmt Hearings Bd*, 172 Wn. 2d 144, 167, 256 P.3d 1193, 1204 (2011).

²⁰ *Kittitas Cnty*, 172 Wn. 2d at 169, 256 P.3d at 1205 "A plain reading of the statute indicates that the Plan itself must include something to assure the provision of a variety of rural densities "

with the GMA. *Id.* at 615–16, 174 P.3d 25. However, in *Woods*, the petitioner's land was designated at one dwelling unit per 20 acres, and the County later approved a 3–acre rezone after it was too late for her to challenge the development regulations for compliance with the GMA. *Id.* at 629–30, 174 P.3d 25 (Becker, J., concurring) (“The rezone was the first and only time that the actual change of density on the subject site could have been challenged ... as violating the GMA.”); RCW 36.70A.290(2) (stating that petitions challenging a comprehensive plan or development regulation as noncompliant with the GMA “must be filed within sixty days after publication”). While we decide this question on the basis of the plain statutory language, we recognize that reading out the requirement that counties include certain protections in the Plan itself, including to provide for a variety of rural densities, could result in the evasion of GMA requirements through site-specific rezoning.²¹

The recommended single rural comprehensive plan designation is just like the single rural designation in Kittitas County. Like Kittitas County, that violates the Growth Management Act. So we recommend you do not include this feature in the preferred alternative.

Please do not include the urban growth area expansions

Urban growth areas may only be expanded to accommodate the County's need for housing and jobs.²² The existing urban growth areas can already accommodate the County's housing and employment projections.²³ So we urge the Board of County Councilors to reject the urban growth area expansions including 3.a, Battle Ground and 3.b, La Center. Maintaining properly sized urban growth areas will save money for taxpayers and ratepayers.²⁴

Thank you for considering our comments. If you require additional information please contact me at telephone 206-343-0681 Ext. 118 and email um@futurewise.org

²¹ *Kittitas Cnty*, 172 Wn. 2d at 169, 256 P 3d at 1205.

²² *Thurston County v Western Washington Growth Management Hearings Bd*, 164 Wn 2d 329, 351 – 52, 190 P 3d 38, 48 – 49 (2008) See RCW 36 70A 110 and RCW 36.70A.115 which limit the size of UGAs

²³ *Clark County Buildable Lands Report* pp 9 – 14 (June 2015) accessed on Oct. 15, 2015 at http://www.clark.wa.gov/thcgnd/documents/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and enclosed with Futurewise's Sept 16, 2015 comment letter on the DSEIS.

²⁴ John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 518 (2003)

Clark County Board of County Councilors
Preferred EIS Alternative Comprehensive Plan Update
October 16, 2015
Page 7

Very Truly Yours,

A handwritten signature in black ink, consisting of two stylized, overlapping loops that resemble the letter 'S'.

Tim Trohimovich, AICP
Director of Planning & Law

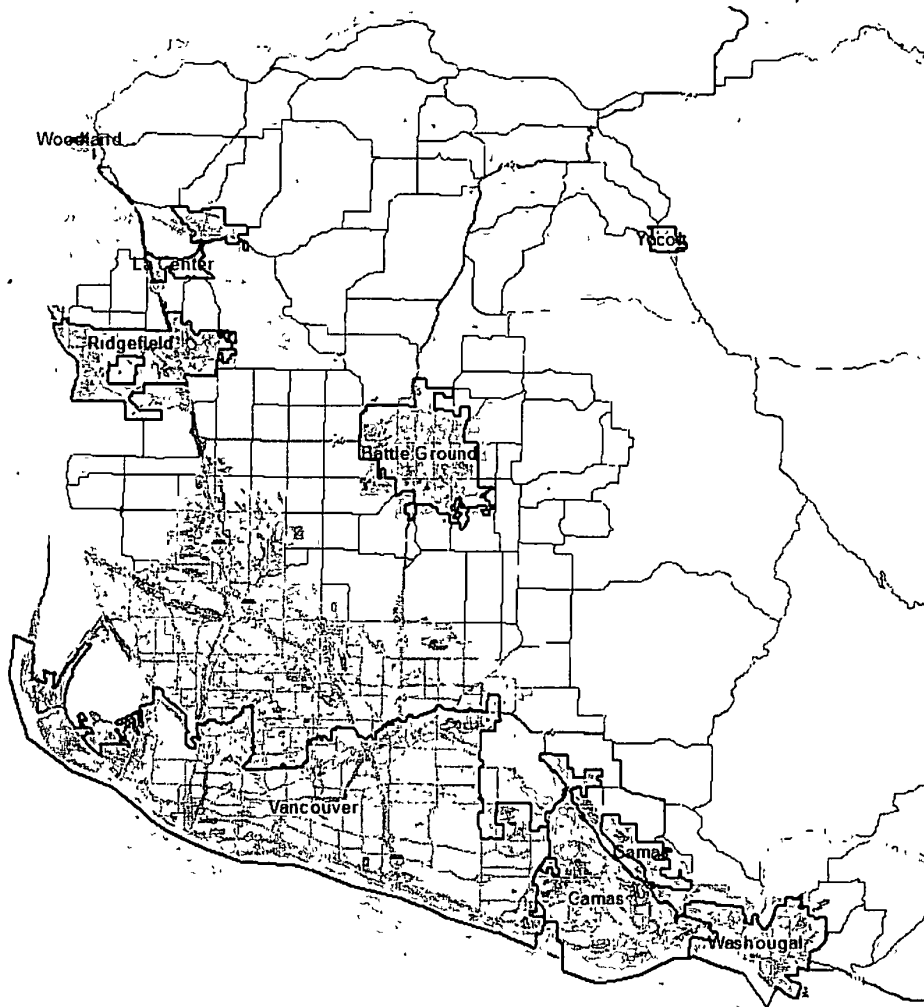
Enclosures

BUILDABLE LANDS REPORT, June 2015



proud past, promising future

CLARK COUNTY
WASHINGTON



**Table 6
Rural Capacity Analysis, 2014**

Comprehensive Plan Designation	Conforming Vacant Lots			Undersized Vacant Lots (no minimum lot size)	Total Potential Vacant Lots	Rural Capacity
	Current	Potential Dividable	Total			
R-5	1,203	2,648	3,851	1,470	5,321	14,154
R-10	146	536	682	475	1,157	3,078
R-20	19	33	52	70	122	325
FR-40	34	90	124	643	767	2,040
FR-80	21	609	630	307	937	2,492
AG-20	156	432	588	498	1,086	2,889
Total Rural	1,579	4,348	5,927	3,463	9,390	24,977

Source: Clark County GIS



Wed 10/14/2015 3:29 PM

From: Tiyg (ECM) <THOF-61@ECY.WA.GOV>

RE: Q about remaining water reserves for residential uses in WRIAs 27 and 28 in Clark Co

From: Tim Trohena

You forwarded his message on 10/14/2015 5:21 PM

Message: WRI- 27-28 Reservations ESTIMATES.xlsx (14 KB), WRIA27withReservations.jpg (2 MB), WRIA28withReservations.jpg (2 MB)

Hi Tim,

Here are our estimates at the end of June this year

Let me know if you have any questions

Tiyg

	Reservation Benefit (CFS)	Households Served	New Water Wells (ecy)	Public est* systems(doh)	CFS Permitted	TOTAL	RESERVATION % Used	Remaining Household Capacity	
Kalama River Subbasin									
Kalama,	1.92	1551				0	0.0%	1,551	
Small Community Water Systems - Cowlitz Co	0.37	299		1		1	0.3%	298	
Domestic Wells - Cowlitz Co NA 141 0 52 0 16 0 00 0 16	0.16	432		48		48	11.1%	384	
North Fork Lewis River Subbasin									
Small Community Water Systems - Cowlitz Co	0.37	299		1		1	0.3%	298	
Small Community Water Systems - Clark Co	0.75	606		3		3	0.5%	603	
Small Community Water Systems - Skamania Co	0.4	323		0		0	0.0%	323	
Domestic Wells - Cowlitz Co	0.07	189		82		82	43.4%	107	
Domestic Wells - Clark Co	0.12	324		81		81	25.0%	243	
Domestic Wells - Skamania Co	0.4	1080		0		0	0.0%	1,080	
Commercial - Skamania County	0.21			0		0		0	
Ridgefield (Not applicable, due to location in tidally influenced area (8))								0	
East Fork Lewis River Subbasin									
CPU, Battle Ground and Ridgefield	4.4	3554				0.67	0	15.2%	3,554
Small Community Water Systems - Clark Co	0.37	299		2	19	21	7.0%	278	
Small Community Water Systems - Skamania Co	0	0		0		0	0.0%	0	
Domestic Wells - Clark Co	0.47	1269		122		122	9.6%	1,147	
Domestic Wells - Skamania Co	0.02	54		0		0	0.0%	54	
Salmon Creek Subbasin									
CPU, Battle Ground and Ridgefield	0.25	202		7		7	3.5%	195	
Small Community Water Systems - Clark Co	0	0		0		0		0	
Domestic Wells - Clark Co	0.12	324		92		92	28.4%	232	
Burnt Bridge Creek Subbasin									
Vancouver	0	0		0		0	0.0%	0	
Small Community Water Systems - Clark Co	0	0		0		0	0.0%	0	
Domestic Wells - Clark Co	0	0		0		0	0.0%	0	
Lacamas Creek Subbasin									
Camas	1	808				0	0.0%	808	
Clark Public Utilities (CPU)	0.6	485				0	0.0%	485	
Small Community Water Systems - Clark Co	0.37	299		3	8	11	3.7%	288	
Domestic Wells - Clark Co NA	0.17	459		71		71	15.5%	388	
Washougal River Subbasin									
Washougal,	0	0				0	0.0%	0	
Small Community Water Systems - Clark Co	0.37	299			10	10	3.3%	289	
Small Community Water Systems - Skamania Co	0.2	162				0	0.0%	162	
Domestic Wells - Clark Co	0.17	459		32		32	7.0%	427	
Domestic Wells - Skamania Co	0.64	1728		26		26	1.5%	1,702	
Columbia River Tributaries Subbasin									
Small Community Water Systems - Clark Co	0.21	170		0		0	0.0%	170	
Small Community Water Systems - Skamania Co	0.21	170		3		3	1.8%	167	
Domestic Wells - Clark Co	0.12	324		14		14	4.3%	310	
Domestic Wells - Skamania Co	0.12	324		10		10	3.1%	314	
Total	14.58	16,490						15,855	
Cities in Clark County									
CPU for Cities								808	
Clark Public Utilities (CPU)								3,749	
Small Community Water Systems - Clark Co								485	
Domestic Wells - Clark Co								1,627	
Total Outside Cities								2,747	
								4,859	