



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

March 14, 2016

Clark County Councilors
Marc Boldt
Jeanne Stewart
Julie Olson
David Madore
Tom Mielke

Dear councilors,

I am hoping you will consider many of the issues regarding cluster developments. I have consulted with Tim Trohimovich, from Futurewise, who has been involved with many of the legal aspects of cluster developments, and he has given me these guidelines for cluster developments. I hope you will find them helpful.

Also, as one who has experienced the loss of well water already, due to excess rural development, I am requesting that you not allow any new cluster developments that will be using private well water. Hopefully, you will limit them to public water systems. That won't help the infrastructure problems and the school and safety issues, which I assume you will already be considering, but it is a critical issue with me and all rural residents who rely on well water. Here is what Tim has shared with me:

The Western Washington Growth Management Hearings Board has concluded that cluster developments must include "'appropriate rural densities and uses' that are *not* characterized by urban growth [RCW

36.70A.020](17) and that are 'consistent with rural character' [RCW 36.70A.020](14)." RCW 36.70A.070(5)(b) & *Vince Panesko, et al., v. Lewis County, et al.*, WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al. v. Lewis County*, WWGMHB No. 98-2-0011c Final Decision and Order p. *14 of 45, 2001 WL 246707 (March 5, 2001) emphasis in *Panesko* original.

To meet these requirements, standards are required for clustering in rural areas. Required standards for clustering include:

- Cluster densities, including any density bonuses, cannot exceed one dwelling unit per five acres. *Warren Dawes et al. v. Mason County*, WWGMHB No. 96-2-0023 Finding of Invalidity, Partial Compliance, Continued Noncompliance, and Continued Invalidity p. *16 of 20 (January 14, 1999). See also *Diehl v. Mason County*, 94 Wn. App. 645, 655, 972 P.2d 543, 548 (1999)
- Cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster. *Whatcom Environmental Council v. Whatcom County*, WWGMHB Case No. 94-2-0009 Order Re: Invalidity & *C.U.S.T.E.R. Association, et al. v. Whatcom County*, WWGMHB Case No. 96-2-0008 Order Re: Invalidity p. *6 of 7 (July 25, 1997). This requirement is needed to prevent urban growth in rural areas and to preclude demands for urban governmental services. *Daniel Smith, et al. v. Lewis County*, WWGMHB Case No. 98-2-0011c, 1999 WL 187571 p. *1 & p *4 (April 5, 1999). Clusters that included more than eight housing units, even if authorized by special use review, violated the Growth Management Act based on the record before the board because it would not reduce low density sprawl and did not minimize and contain rural development as required by the Growth Management Act. *Vince Panesko, et al., v. Lewis*

County, et al., WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al. v. Lewis County*, WWGMHB No. 98-2-0011c Final Decision and Order p. *18 of 45, 2001 WL 246707 (March 5, 2001). This was because there was no prohibition on connections to public and private water and sewer lines and there were no requirements to limit development on the residual parcel, the land on which the housing units were not clustered. *Id.*

- In one of the leading cases on rural clusters, the Growth Management Hearings Board wrote the “Board can conceive of a well designed compact rural development containing a small number of homes that would not look urban in character, not require urban governmental services, nor have undue growth-inducing or adverse environmental impacts on surrounding properties. Such a rural development proposal could constitute ‘compact rural development’ rather than ‘urban growth.’ However, the [challenged regulations] do[] not have parameters to prevent development projects that constitute urban growth from occurring in rural areas. For example, there is no upper limit on the acreage or unit count that the [regulations] would permit to occur in rural areas, nor are there any parameters regarding the configuration, servicing or location of such development.” *Bremerton, et al. v. Kitsap County*, CPSGMHB Case No. 95-3-0039c, 1996 WL 734917 p. *34 (October 6, 1995).

Thank you,

Val Alexander for the board of Friends of Clark County

Schroader, Kathy

From: Tilton, Rebecca
Sent: Tuesday, March 15, 2016 8:26 AM
To: Orjiako, Oliver, Schroader, Kathy
Subject: FW: Letter to council re clusters
Attachments: Letter to council regarding clusters docx, Letter to council regarding clusters rtf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

For your records: please see the attached letters received from Val Alexander re Cluster Development

Thanks very much!
Rebecca

From: LaRocque, Linnea
Sent: Tuesday, March 15, 2016 8:06 AM
To: Mielke, Tom; Madore, David; Stewart, Jeanne; Olson, Julie (Councilor); Boldt, Marc
Cc: McCauley, Mark; Tilton, Rebecca
Subject: Letter to council re: clusters

From: Valerie Alexander [<mailto:coyoteridge@tds.net>]
Sent: Monday, March 14, 2016 9:00 PM
To: Clark, Jennifer (BOCC); Boldt, Marc
Subject: Letter to council

Hi Jennifer and Marc I have searched the website and I don't see any place where it says contact your councilors Am I missing it? This is for the council, hopefully so they can read it before the Wednesday work session Thanks so much v

Valerie Alexander
Coyote Ridge Ranch
2404 NW Coyote Ridge Rd
La Center, WA 98629
Phone & Fax 360-263-2521
cell 360-607-8797
coyoteridge@tds.net