O'Donnell, Mary Beth

CP16#0203

From: Euler, Gordon
Sent: Friday, August 01, 2014 10 33 AM
To: O'Donnell, Mary Beth
Subject: FW BOCC WS 07/16 Materials update - 2 documents have changes
Attachments: Memo_w_supporting_docs pdf; Issue_Paper_5_SEPA_Scoping_7-11 pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mary Beth.

For the index You may this already. Thanks

Gordy

From: McCall, Marilee
Sent: Friday, July 11, 2014 4:33 PM
To: Redline, Tina; Tilton, Rebecca
Cc: Orjiako, Oliver; Euler, Gordon; Anderson, Colete
Subject: BOCC WS 07/16 Materials update - 2 documents have changes

Two documents on the grid need to be updated.

The Issue Paper and the Memo.

Can you please replace these on the Grid and let me know that they have been updated.
Apologies for the late changes, but we just had a meeting with the Cities today, and changes were made at that meeting.

Thank you!

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COMMUNITY PLANNING

MEMORANDUM

TO: Board of County Commissioners

FROM: Oliver Orjiako, Director

DATE: June 26, 2014

SUBJECT: Resource land designation

INTRODUCTION

The Board of County Commissioners' office has received numerous e-mails from Clark County Citizens United (CCCU) with regard to zoning in rural Clark County. CCCU has raised arguments indicating that the county should revisit the Agriculture and Forest resource land designations and the smaller minimum parcel sizes of 1 and 2.5 acres that were in effect prior to the adoption of the first comprehensive plan under the Growth Management Act (GMA) in 1994.

Staff has revisited records dating to the adoption of the 1994 comprehensive plan and subsequent appeals. This memo tracks separately the historical context from approximately 1993-1998 related to each of the two issues: designation of resource land and rural parcel size. For each issue the chronology includes the lead up to adoption of the comprehensive plan followed by appeal to the Growth Management Hearings Board (GMHB), followed by appeal to Superior Court and Clark County's responses to the appellate rulings

Designation of Resource Land

In 1993, the Board of County Commissioners convened a Rural and Natural Resource Lands Advisory Committee. Two sub-committees were formed, the Farm Focus Group and the Forest Focus Group, and were charged with classifying and designating farm resource lands and forest resource lands, respectively. The work of the Advisory Committee was based in large part on the minimum guidelines required by the growth management legislation as found in Chapter 365-190 of the Washington Administrative Code (WAC). In their respective reports they cite guidelines issued by the Washington State Department of Community Development; these are the same guidelines that are in the WAC 365-190

The Farm Focus Group issued its report December 9, 1993 The report includes the delineation methodology that was used by the group. The group used the criteria as set

out by the Washington State Department of Community Development (DCD) to designate agricultural land. The agency criteria required use of the land capability classification system of the U.S. Department of Agriculture Soil Conservation Service as a prime factor. WAC 365-190-050 also provides ten indicators to use in the designation assessment. This is addressed in an October 25, 1994 memo to the Planning Commission from Jeri Bohard, GMA Section Supervisor.

The Forest Focus Group issued its report December 5, 1993. Forest lands designation also had specific criteria to be used, including quality soils. However, to classify forest land the DCD criteria required the use of the private forest land grading system from the Department of Revenue In addition, WAC 365-190-060 had seven other indicators to consider in designating forest land.

The Rural and Natural Resource Lands Advisory Committee began the process of designating Agri-Forest for areas north of the East Fork of the Lewis River. The process was completed by staff subsequent to the issuance of the draft supplemental environmental impact statement (DSEIS). The Agri-Forest designation was added for the following reasons per memo from Craig Greenleaf, Planning Director, to the Planning Commission dated October 13, 1994:

- *The committee separated the selection process into independent determinations of agriculture and forestry characteristics, leaving some land inappropriately considered,*

- *The farm focus group did not include heavily forested lands, some of those lands were commingled with agricultural lands and were overlooked by both focus groups;*

- *Factors which are not objective tended to carry less weight (e.g Settlement patterns and their compatibility with agricultural practices.*

- *The forest focus group discounted the role of soils as a factor because they were found to be uniformly of high quality,*

- *The farm focus group's failure to agree on "long term commercial significance" lead to severe difficulty in defining agricultural lands on a consensual basis and narrowed the committee's outcome to things over which agreement was reached*

<u>*Growth Management Appeals*</u>

CCCU was one of 67 appellants that filed appeals of the adopted comprehensive plan with the Growth Management Hearings Board in 1994. CCCU raised the following issues in its petition to the Hearings Board:

- *Did the County's designation of agricultural resource lands comply with the GMA?*
- *Did the County's designation of ag-forest resource lands comply with the GMA?*
- *Did the County's designation of forest resource lands comply with the GMA?*

In its Final Order and Decision dated September 9, 1995 the GMHB affirmed the County's designation of agricultural, forest and agri-forest resource lands.

> *"Our review of the record finds significant support for the ultimate conclusion of the BOCC that the agricultural land and forestry land designations were lands of 'long-term commercial significance' Petitioners have failed to carry their burden of proving the decision was an erroneous application of goals and requirements of the GMA. The County chose a decision that was within the reasonable range of discretion afforded by the act "*

Superior Court Appeals

CCCU and others appealed the GMHB decision to Superior Court. The court ruled on April 4, 1997 that the Agri-Forest designation was invalid but it upheld the GMHB decision on resource land. The order found:

- *The EIS issued by the County was in violation of SEPA because the Agri-forest designations were disclosed subsequent to the publication of the Final EIS,*

The court also stated:

> *"There is substantial evidence in the record to support the County's designation of agricultural resource lands."*

The County did not appeal the Superior Court decision and instead began a process to comply with the Court's order on remand to the Hearings Board. The County put together two task forces, one to deal with Agri-Forest and the other with Rural Centers.

Rural Parcel Size

The adopted 1994 comprehensive plan had established only one rural (non-resource) zone, R-5. The staff recommendation to the Planning Commission had been 5-acre minimum south and west of the Rural Resource line (East Fork of the Lewis River) and 10 acres north and east of the rural resource line. Staff had also recommended eliminating the rural centers due to GMHB decisions in which the OFM forecasts were determined to be both a floor and a ceiling.

Growth Management Appeals

CCCU raised issues identified below related to the parcel sizes in the rural area.

- *Did the County's designation of land use densities in rural areas comply with the GMA?*
- *Does a comprehensive plan that would make more than seventy percent (70%) of the properties in rural areas non-conforming comply with the GMA?*
- *Does a comprehensive plan which bases its land use densities strictly on OFM population projections comply with the GMA, when the County knows or should have known that those population projections underestimate anticipated population growth?*
- *May the County disregard its adopted framework plan policies when it adopts a comprehensive plan under the GMA and, if not, is the comprehensive plan consistent with the County's adopted framework plan policies?*
- *Does a comprehensive plan that ignores existing conditions in rural areas comply with the GMA?*
- *Did the County comply with the requirements of the State Environmental Policy Act, RCW Ch. 43 21C (SEPA)?*

The GMHB decision stated there was no evidence in the record to support 5-acre minimum parcel size designation north of the Rural Resource line. The GMHB had two major concerns. First, that the 5-acre size was insufficient to buffer adjacent resource lands, and second was the amount of parcelization that had occurred in the rural and resource areas between 1990 and 1993.

> *"At the time of adoption of the emergency moratoria on clusters, subdivision planned unit developments, and large lot developments in April of 1993, an estimated 19 square miles of segregations had occurred since May 1, 1990 There are implementation measures the County could take to level this playing field and reinject some fairness into the situation… If they do not, the unfair position that many of these site-specific petitioners find themselves in will be perpetuated."*

> *" the farm focus group established what became known as the 'rural resource line'. South and west of this resource line, the focus group, staff, and the Planning Commission recognized that segregations and parcelizations had occurred involving thousands of lots ranging from 1 to 2 5 acres .A major omission that the BOCC made in establishing a 5-acre minimum lot size for all rural areas was ignoring the differences that existed north and south of the 'resource line…The BOCC did not give appropriate consideration to the evidence contained in their own record concerning the need for greater levels of buffering for resource lands, particularly north of the resource line They did not appropriately consider the impacts of the parcelizations and segregations that had occurred since 1990 "*

These issues were ultimately addressed through the recommendations of the Agri-Forest and Rural Center task forces described below.

Superior Court Appeals

In its April 1997 ruling on CCCU's appeal from the GMHB, the Superior Court stated that the County needed to provide a variety of rural densities to be compliant with the GMA, and that could be achieved by designating rural centers as envisioned in the Community Framework Plan.

- *The removal of rural activity centers was not addressed in the EIS; and*
- *Rural development regulations were inconsistent with GMA, and*
- *The eradication of the rural activity centers violates the planning goal requiring a variety of residential densities,*

Agri-Forest and Rural Centers

Upon receipt of the remand from the GMHB to comply with the Superior Court ruling the BOCC convened a 13-member task force which in March of 1998 reported its recommendations on re-designating the 35,000 acres of Agri-Forest designated land. The task force recommended approximately 99% of the land be designated, R-5, R-10 and R-20. There were two minority report issued by members of the task force. One questioned the designation of 3,500 acres to rural as opposed to resource use, and the other recommended 5- and 10-acre zoning similar to the 1980 plan. The BOCC adopted the original task force recommendation In May of 1999, the GMHB upheld the re-designation of the 35,000 acres except for the 3,500 acres mentioned in the minority report and remanded that back to the county.

> *"We find that Clark County is not in compliance with the GMA as relates to the 3,500 acres In order to comply with the Act, the County must review the 3,500 acres in light of the Supreme Court's holding in Redmond and the appropriate criteria stated therein to determine if RL designation is appropriate."*

The County subsequently reviewed the designation of the 3,500 acres and found that the task force's original recommendation of a non-resource designation of R-5, R-10 and R-20 was appropriate per Resolution 2003-09-12.

The BOCC also convened a task force to address the rural centers. Ultimately, the BOCC approved six rural center designations and boundaries which were upheld by the GMHB in a decision of May 1999.

Summary

Regarding resource designations of agriculture and forest land both the GMHB and Superior Court decisions affirmed the County's designation as compliant with the GMA. The AG-20, FR-40 and FR-80 in place today are the same as adopted in 1994 and upheld by both the GMHB and Superior Court. The Agri-Forest designation was deleted

and those 35,000 acres were re-designated to R-5, R-10 and R-20 uses to comply with the Court's decision.

The updates of the 2004 and 2007 comprehensive plans re-adopted the previous land use actions consistent with GMA. While Clark County has been successful in some instances in de-designating agricultural lands to non-resource uses, the requirements for doing so are very difficult to meet. Whether to re-consider resource designations and rural lot sizes is ultimately a policy decision for the BOCC in compliance with state law.

SUPPORTING DOCUMENTATION
VOLUME IV

AGRICULTURAL FOCUS GROUP
FOREST FOCUS GROUP
MINERAL FOCUS GROUP

EX#164d (X.A.04)

20 YEAR COMPREHENSIVE GROWTH MANAGEMENT PLAN
CLARK COUNTY

TABLE OF CONTENTS

SUPPORTING DOCUMENTATION
Volume IV

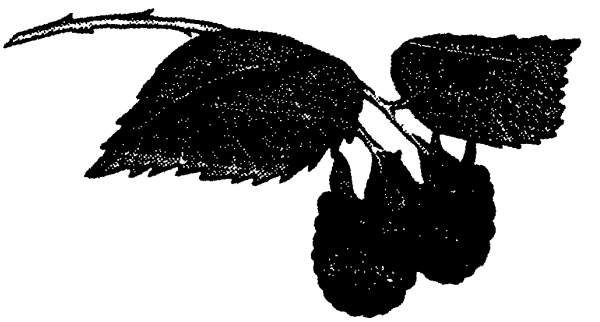
Rural & Natural Resource Lands Advisory Committee

Farm Focus Group Final Report

Rural & Natural Resource Lands Advisory Committee

Farm Focus Group Final Report

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



MEMORANDUM

TO: Rural & Natural Resource Lands Advisory Committee

FROM. Farm Focus Group

DATE: December 9, 1993

SUBJECT: Final Report

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

Classifying and Designating Farm Resource Lands
This section includes background information and a summary of the delineation methodology.

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

Position Statement #1 - Agriculture/Wildlife District
This section recommends existing Agriculture/Wildlife zoning be applied to the Vancouver Lake lowlands.

Position Statement #1 - Comprehensive Plan - Rural Farm I
This section provides management policies for tier I farm lands.

Position Statement #1 - Comprehensive Plan - Rural Farm II
This section provides management policies for tier II farm lands.

Position Statement #1 - Comprehensive Plan - Rural Farm III
This section provides management policies for tier III farm lands.

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

Position Statement #2 - Agriculture/Wildlife District
This section recommends existing Agriculture/Wildlife zoning be applied to the Vancouver Lake lowlands.

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

Position Statement #2 - Comprehensive Plan - Commercial Agriculture III
This section provides management policies for tier III farm lands.

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

CLASSIFYING AND DESIGNATING AGRICULTURAL RESOURCE LANDS

BACKGROUND

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

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

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

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

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

DELINEATION METHODOLOGY

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

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

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

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

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

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

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

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

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

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

FARM FOCUS GROUP
POSITION STATEMENT #1

BACKGROUND

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

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

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

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

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

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

CONCLUSION

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

POSITION STATEMENT #1
AGRICULTURE/WILDLIFE DISTRICT

Chapter *18.300*

AGRICULTURE/WILDLIFE DISTRICT (AG/WL)

Sections:

18.300.010 Purpose.

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

18.300.020 Permitted uses.

The following uses are permitted:

A. Agricultural.
B. Wildlife game management.
C. Public interpretive/educational uses.
D. Single-family dwellings.
E. Plant nurseries.
F. Roadside stands, not exceeding three hundred (*300*) square feet in area, exclusively for the sale of agricultural products grown in the affected area, and set back a minimum twenty (*20*) feet from the abutting right-of-way or property line.
G. Public recreation access ways, trails, viewpoints, and associated parking.
H. Accessory buildings and activities including housing for agricultural employees, but not at a density exceeding that which is otherwise permitted, and signs consistent with Code Chapter *18.409* (SIGNS).
I. Family daycare centers. *(Secs. 1, 3 of Ord 1987-07-42; amended by Sec. 6 of Ord. 1989-01-09)*

18.300.030 Conditional uses.

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

A. Fire stations.
B. Off-street parking and turnouts.
C. Silviculture.
D. Public or private recreational facilities requiring limited physical improvements, which are oriented to the appreciation, protection, study, or enjoyment of the fragile resources of this area. In addition to those findings as specified by Chapter *18.404* (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:

1. There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
2. The subject site cannot be put to any reasonable economic use which is provided for in Section *18.300.020*. *(Sec. 1, Ord. 1990-03-16)*

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

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

18.300.050 Height regulations.

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

18.300.060 Lot requirements.

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

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

G. Public recreation accessways and associated parking and trails. . . . . N/A

(Secs. 1, 2 of Ord. 1987-07-42)

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

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

RURAL FARM I DESIGNATION

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

RURAL FARM I MANAGEMENT POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT STANDARDS

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

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

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

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

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

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

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

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

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

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

RURAL FARM II DESIGNATION

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

RURAL FARM II MANAGEMENT POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

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

The minimum lot size shall be 10 acres.

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

RURAL FARM III DESIGNATION

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

RURAL FARM III MANAGEMENT POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

FARM FOCUS GROUP
POSITION STATEMENT #2

BACKGROUND

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

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

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

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

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

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

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

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

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

CONCLUSION

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

POSITION STATEMENT #2
AGRICULTURE/WILDLIFE DISTRICT

Chapter *18.300*

AGRICULTURE/WILDLIFE DISTRICT (AG/WL)

Sections:

18.300.010 Purpose.

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

18.300.020 Permitted uses.

The following uses are permitted:

A. Agricultural.
B. Wildlife game management.
C. Public interpretive/educational uses.
D. Single-family dwellings.
E. Plant nurseries.
F. Roadside stands, not exceeding three hundred (*300*) square feet in area, exclusively for the sale of agricultural products grown in the affected area, and set back a minimum twenty (*20*) feet from the abutting right-of-way or property line.
G. Public recreation access ways, trails, viewpoints, and associated parking.
H. Accessory buildings and activities including housing for agricultural employees, but not at a density exceeding that which is otherwise permitted.
I. Family daycare centers. *(Secs. 1, 3 of Ord 1987-07-42; amended by Sec. 6 of Ord. 1989-01-09)*

18.300.030 Conditional uses.

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

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

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

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

18.300.050 Height regulations.

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

18.300.060 Lot requirements.

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

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

G. Public recreation accessways and associated parking and trails. . . . . N/A

(Secs. 1, 2 of Ord. 1987-07-42)

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

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

COMMERCIAL AGRICULTURE I/II DESIGNATION

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

COMMERCIAL AGRICULTURE I/II MANAGEMENT POLICIES

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

8 The County supports and encourages the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84 34 and CCC 3 08.

9 The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for agricultural use only when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those agricultural lands

10. The County endorses the concept of cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and Indian tribes for managing the county's public and private agricultural lands.

11 Land use activities within or adjacent to agricultural land should be sited and designed to minimize conflicts with agricultural management and other activities on agricultural land.

12. Residential development on lands adjacent to agricultural land should be sited and/or grouped away from the agricultural land and provide an open space buffer between residential and agricultural activity.

13. It is the policy of the county to encourage the continuation of commercial agricultural management by:

    a) supporting land trades that result in consolidated agricultural ownerships;
    b) working with agricultural landowners and managers to identify and develop other incentives for continued farming.

14. Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering agricultural practices, land use and the environment.

15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that agricultural, forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

DEVELOPMENT STANDARDS

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

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

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

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

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

COMMERCIAL AGRICULTURE III DESIGNATION

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

COMMERCIAL AGRICULTURE III MANAGEMENT POLICIES

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

7. Commercial agricultural land considered desirable for acquisition for public recreational, scenic and park purposes, should first be evaluated for its impact on a viable agricultural industry and local government revenue and programs.

8 The County supports and encourages the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84 34 and CCC 3.08

9 The County should establish or expand special purpose taxing districts and local improvement districts in lands designated in the plan for agricultural use only when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges directly benefit those agricultural lands.

10. The County endorses the concept of cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and Indian tribes for managing the county's public and private agricultural lands.

11 Land use activities within or adjacent to agricultural land should be sited and designed to minimize conflicts with agricultural management and other activities on agricultural land.

12. Residential development on lands adjacent to agricultural land should be sited and/or grouped away from the agricultural land and provide an open space buffer between residential and agricultural activity.

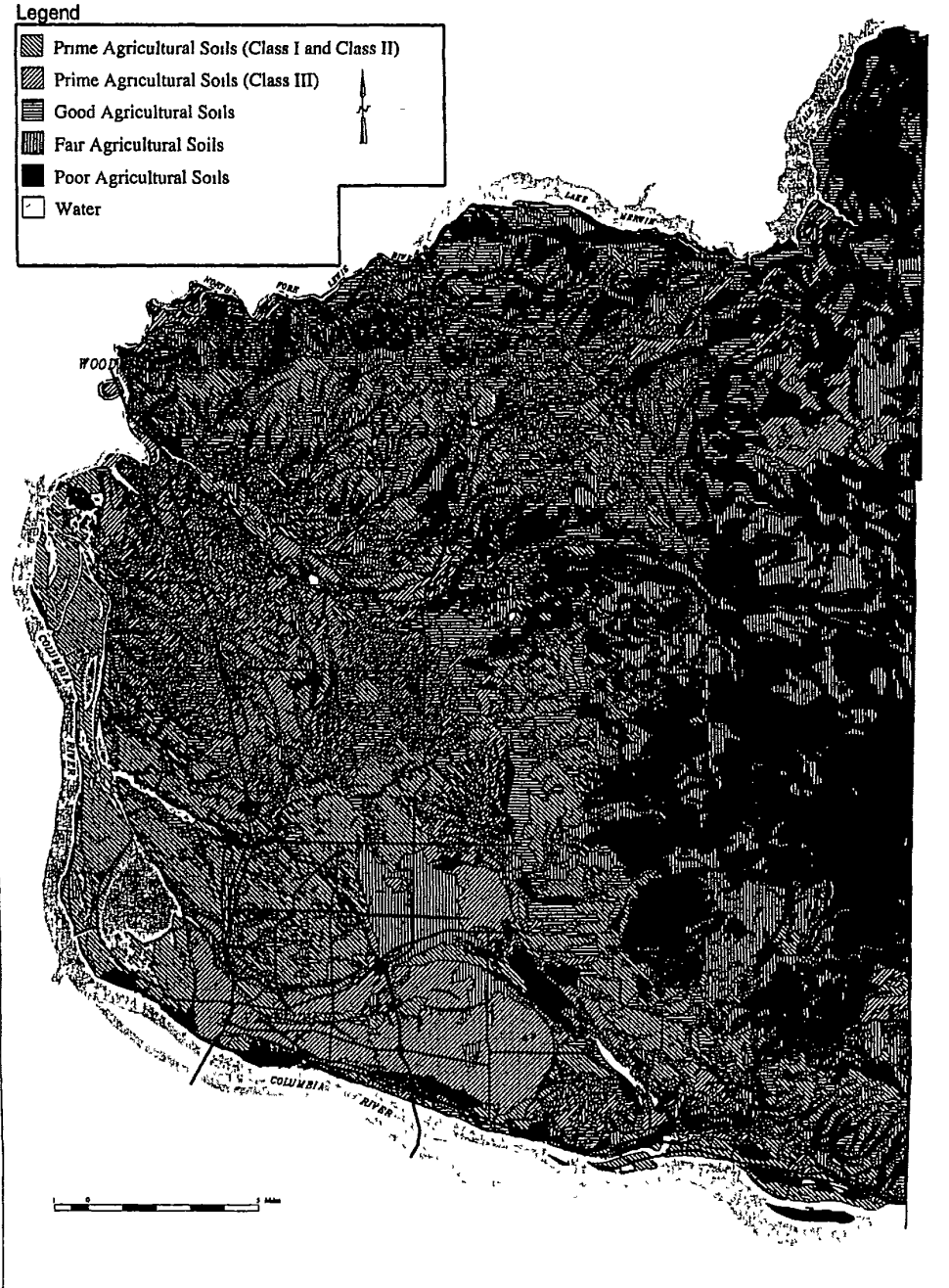
13. It is the policy of the county to encourage the continuation of commercial agricultural management by:

    a) supporting land trades that result in consolidated agricultural ownerships;
    b) working with agricultural landowners and managers to identify and develop other incentives for continued farming.

14. Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering agricultural practices, land use and the environment.

15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource u and subject to a variety of activities that may not be compatible with residential development. The notice should state that agricultural, forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

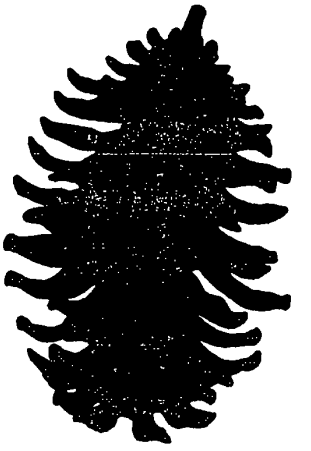
AGRICULTURAL CAPABILITY
GMA SEIS



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

Rural & Natural Resource Lands Advisory Committee

Forest Focus Group Final Report



Rural & Natural Resource Lands Advisory Committee

Forest Focus Group Final Report

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

MEMORANDUM

TO: Rural & Natural Resource Lands Advisory Committee

FROM: Forest Focus Group

DATE: December 5, 1993

SUBJECT: Final Report

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

Classifying and Designating Forest Resource Lands
This section includes background information and a summary of the delineation methodology.

Comprehensive Plan - Commercial Forest I
This section provides management policies for tier I forest lands.

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

Comprehensive Plan - Commercial Forest II
This section provides management policies for tier II forest lands.

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

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

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

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

CLASSIFYING AND DESIGNATING FOREST RESOURCE LANDS

BACKGROUND

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

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

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

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

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

DELINEATION METHODOLOGY

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

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

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

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

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

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

COMPREHENSIVE PLAN
COMMERCIAL FOREST I
(Tier I)

COMMERCIAL FOREST I DESIGNATION

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

COMMERCIAL FOREST I MANAGEMENT POLICIES

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

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

9. The County endorses the concept of cooperative resource management among timberland owners, environmental groups, state and federal resource agencies and Indian tribes for managing the states public and private timberlands and public resources.

10. Land use activities within or adjacent to forest land should be sited and designed to minimize conflicts with forest management and other activities on forest land.

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

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

13. It is the policy of the county to encourage the continuation of commercial forest management by:

    a) supporting land trades that result in consolidated forest ownerships;
    b) working with forest landowners and managers to identify and develop other incentives for continued forestry.

14. Forest activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering forest practices, land use and the environment.

15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

ZONING CODE
COMMERCIAL FOREST I DISTRICT
(Tier I)

INTENT AND PURPOSE

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

PERMITTED USES

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

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

CONDITIONAL USES

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

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

SPECIAL USES

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

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

MINIMUM DENSITY AND LOT AREA

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

DEVELOPMENT POLICIES AND STANDARDS

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

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

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

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

COMPREHENSIVE PLAN
COMMERCIAL FOREST II
(Tier II)

COMMERCIAL FOREST II DESIGNATION

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

COMMERCIAL FOREST II MANAGEMENT POLICIES

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

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

9. The County endorses the concept of cooperative resource management among timberland owners, environmental groups, state and federal resource agencies and Indian tribes for managing the states public and private timberlands and public resources.

10. Land use activities within or adjacent to forest land should be sited and designed to minimize conflicts with forest management and other activities on forest land.

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

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

13. It is the policy of the county to encourage the continuation of commercial forest management by:

    a) supporting land trades that result in consolidated forest ownerships;
    b) working with forest landowners and managers to identify and develop other incentives for continued forestry.

14. Forest activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances. However, these activities remain subject to all applicable federal, state and local laws and regulations covering forest practices, land use and the environment.

15. Notification should be placed on all plats or binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development. The notice should state that forest or mining activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.

ZONING CODE
COMMERCIAL FOREST II DISTRICT
(Tier II)

INTENT AND PURPOSE

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

PERMITTED USES

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

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

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

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

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

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

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

8. Public and semi-public building, structures and uses including but not limited to fire stations, utility substations, pump stations, wells, and transmission lines.

9. The erection, construction, alteration and maintenance of gas, electric, water or communication and public utility facilities, except communication towers.

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

CONDITIONAL USES

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

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

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

SPECIAL USES

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

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

MINIMUM DENSITY AND LOT AREA

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

DEVELOPMENT POLICIES AND STANDARDS

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

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

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

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

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

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

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

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

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

COMPREHENSIVE PLAN
RURAL RESOURCE

RURAL RESOURCE DESIGNATION

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

RURAL RESOURCE MANAGEMENT POLICIES

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

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

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

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

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

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

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

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

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

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

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

PERMITTED USES

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

CONDITIONAL USES

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

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

SPECIAL USES

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

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

MINIMUM DENSITY AND LOT AREA

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

DEVELOPMENT POLICIES AND STANDARDS

1. Setbacks:

   A. All non-dwelling structures, or dwelling structures on parcels less than 2.5 acres in size, shall maintain setbacks of front yard - 50 feet; side yard - 20 feet; rear yard - 20 feet.

   B. All dwelling structures on parcels 2.5 acres or greater in size shall maintain setbacks of front yard - 50 feet; side yard - 50 feet; rear yard - 50 feet.

2. Building height: No residential building shall exceed 35 feet in height.

3. Fire protection: Residential and recreational dwellings shall comply with the standards contained in Clark County's Wildland Urban Interface/Intermix Ordinance, where applicable.

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

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

5. At the time of building permit issuance, the party securing the building permit shall enter into a "waiver of remonstrance" (sample attached) which represents a consent to customarily accepted farm and forestry practices occurring within the designated rural resource areas, and to development standards and building setbacks which apply within the designated rural resource areas. The waiver is intended to be binding on all subsequent owners of the property and shall run with the said title to the subject property. (Also see footnote #1.)

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

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

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

(sample)

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

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

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

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

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

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

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

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

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

FOREST FOCUS GROUP
ISSUE PAPER #1

Compensation

BACKGROUND

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

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

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

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

POSITION STATEMENTS

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

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

FOREST FOCUS GROUP
ISSUE PAPER #2

Expanded Tier II Designations

BACKGROUND

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

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

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

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

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

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

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

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

POSITION STATEMENTS

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

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

FOREST FOCUS GROUP
ISSUE PAPER #3

Blocking Resource Lands

BACKGROUND

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

POSITION STATEMENTS

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

FOREST FOCUS GROUP
ISSUE PAPER #4

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

BACKGROUND

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

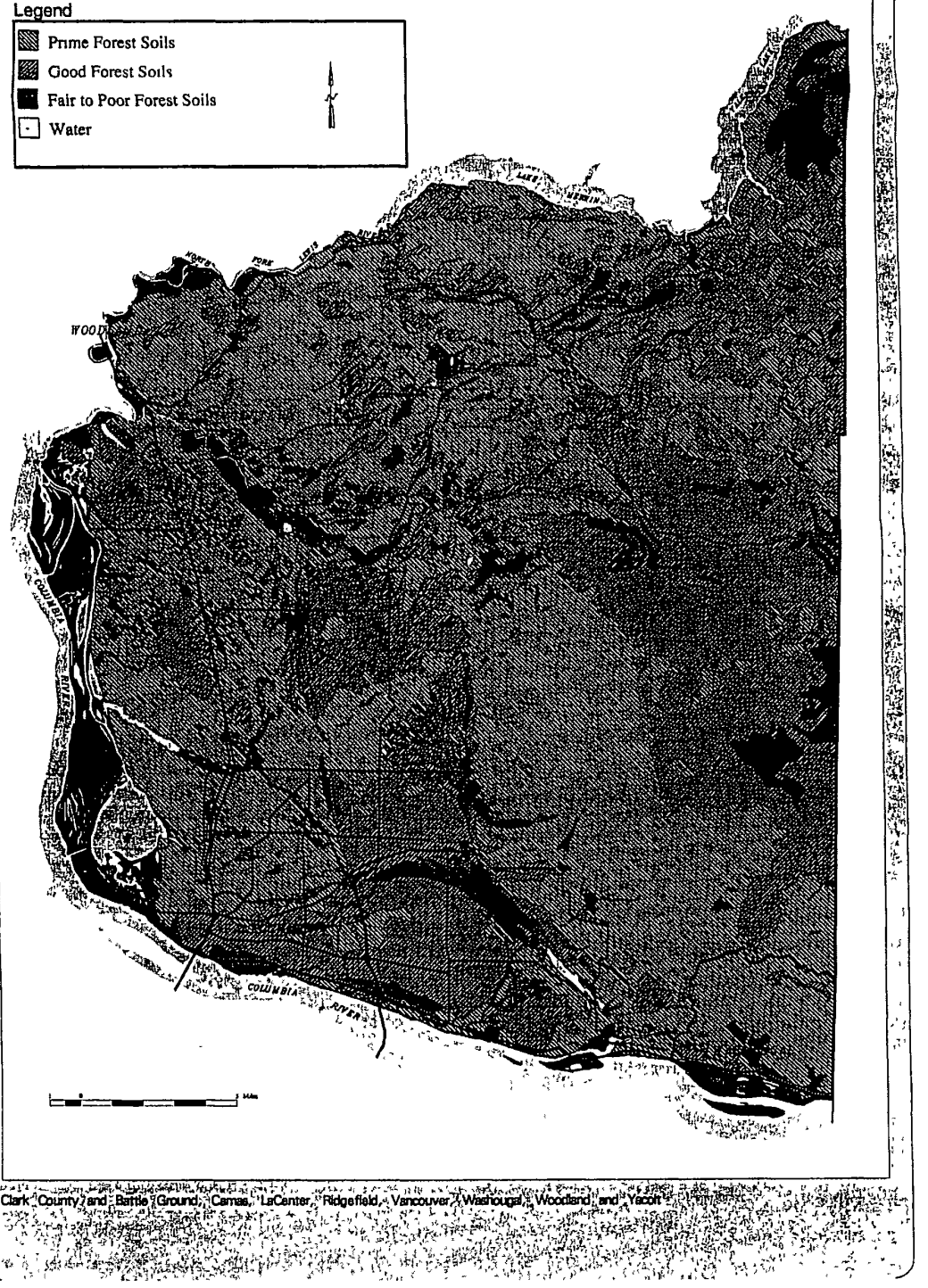
Through its delineation process, the farm focus group has delineated several candidate areas for consideration as farm resource lands. Generally speaking, these farm candidate areas have resource values--such as soils--which may be useful for both farm and forest management activities. Moreover, some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

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

POSITION STATEMENTS

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

FOREST CAPABILITY
GMA SEIS



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

Rural and Natural Resource Lands Advisory Committee

Mineral Focus Group Final Report

MEMORANDUM

TO: Rural and Natural Resource Advisory Committee

FROM: Mineral Focus Group

SUBJECT: Final Report

DATE: January 14, 1994

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

Classifying and Designating Mineral Resource Lands
This section includes background information and a summary of the delineation methodology.

Comprehensive Plan
This section provides management policies for mineral resource lands.

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

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

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

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

Land Use Scenarios

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

CLASSIFYING AND DESIGNATING MINERAL RESOURCE LANDS

BACKGROUND

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

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

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

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

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

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

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

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

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

Clark County Aggregate Forecast Scenarios

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

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

I. CLASSIFICATION OF POTENTIAL MINERAL RESOURCE LANDS

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

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

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

1. General land use patterns in the area - Mineral resource lands, except existing mining sites within the Urban Growth Area, should be located outside the UGA. Areas characterized by residential development are not considered to be appropriate for long-term mineral extraction. Initially, the group used the 1979 UGB which provided for urbanization between Vancouver and Camas. However, the area within the vicinity of Fisher Swale was not included within either the Vancouver or Camas IUGA and the group made the recommendation to designate approximately 80 acres adjacent to existing mining sites within the English Pit area.

2. Availability of utilities - Mineral resource lands, except some existing mining sites within the UGA, should be located in areas that do not have public water, sewer, or other urban level of public services available. Such services are conducive to urban development. which is generally incompatible with mineral extraction.

3. Surrounding parcel sizes and surrounding uses - (See #1) Mineral resource lands are primarily in areas that have existing agriculture, forestry or low density residential uses (one dwelling per 5 acres or less) which are generally compatible with mining operations.

4. Accessibility and proximity to the point of use or market - A mineral resource site is generally expected to locate within a 20 mile radius of the point of use or market. Majority of proposed sites are within the 20 mile radius but

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

5. Physical and topographic characteristics of the mineral resource site - This does impact the potential mining ability of some sites to the topographic within the county. The location of geologic hazard areas such as active, potential and historical unstable slopes were part of the criteria to assessed proposed future mining sites. This issue would also be addressed during the EIS process.

6. Depth of the resource - This varies depending on the location of the mining site. Along the East Fork and Main Branch of the Lewis River, the thickness of the deposits vary, but on the terraces they are approximately 30 to 60 feet thick. The sand and gravel found in the southern half of the county (Orchards, East Mill Plain) are some of the most important deposits in the county with little overburden and a resource depth beyond 50 feet.

7. Depth of the overburden - This also varies throughout the county depending of the location of the site. In the southern portion of the county and in an area north of Ridgefield currently being mined there is little overburden as well. The changes throughout the county and will become more of an issue in the future as the sites delineated as "potential mining sites" indicates a greater amount of overburden.

8. Physical properties of the resource including quality and type - The quality of gravel is determined by the age of the deposit, type of rock, and degree of weathering or soundness. Within Clark County, sand and gravel deposits which may be commercially developed are not abundant. Of all known sand and gravel deposits in Clark County, only a small percentage is known to be of commercial quality.

9. Life of the resource - The mineral resource land base within Clark County appears to be limiting and may not be able to meet future demands this is due in part to two main reasons: (1) one of the largest deposits in the Mill Plain & Orchards area is rapidly urbanizing leading to conflicts with mining extraction and (2) the East Fork Lewis River has high quality aggregate but has a number of environmental limitations.

10. Resource availability in the region - There are a number of potential mineral resources within the region which includes those deposits within the Portland Metro area. Because of its location at the confluence of two major river system, aggregate materials can be imported into the Portland area with relative ease. Significant supplies exist in eastern Washington and Oregon, along the Columbia River.

II. MAPPING CRITERIA FOR MINERAL RESOURCE LANDS WITHIN CLARK COUNTY

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

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

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

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

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

Designated Mineral Resource Lands within Clark County

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

Purpose

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

Characteristics

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

1. Quarried Rock

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

2. Aggregate Rock

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

COMPREHENSIVE PLAN
MINERAL RESOURCES

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

Goal:

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

General Policies

1. It is the policy of Clark County to conserve mineral lands for productive economic use by identifying and designating lands of long-term commercial significance consistent with the 20 year planning horizon mandated by growth management.

2. Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate transport of commodities.

3. In identifying and designating commercial mineral lands the following factors should be taken into consideration: geological, environmental and economic factors; existing and surrounding land uses, parcel size and public service levels that are conducive to long-term production of mineral resources.

4. The county shall maintain an inventory of gravel and mineral resource sites. The comprehensive plan inventory shall comprise:

   a. A list of designated sites;
   b. A list of "potential" sites for which information about the quality and quantity of the site is not adequate to allow a determination of long term commercial significance.
   c. A list of current sites; and
   d A list of old sites.

5. Encourage recycling of concrete and other aggregate minerals.

6. Encourage the use of other materials which can be substituted for mineral resources.

7. Restoration of mineral extraction sites should occur as the site is mined, consistent with requirements identified in RCW 78.44.

8. The land shall not be rezoned until the gravel or mineral resource is depleted, or reasons for not mining the site are clearly demonstrated, or the site has been reclaimed

9. Mining shall not occur within the 100-year floodplain and mining within any associated wetlands shall be subject to the requirements of the Clark County Shoreline Master Program.

10. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities and the scenic qualities of the shorelines and any adverse impacts shall be mitigated.

Tier I

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

Policies

1. Land use activities adjacent to mineral lands should be sited and designed to minimize conflicts with mineral activities on such lands.

2. Designated mineral operations of long-term commercial significance are not exempt from the normal environmental review process of the county or state agencies.

3. Establish standards and programs whereby residents of rural lands adjacent to designated resource lands are informed that they are locating in a natural resource area and that will be subject to normal and accepted mining practices that comply with federal, state and local regulations.

4. Prior to designation of these "potential sites" subdivisions, short subdivisions or large lot segregation shall be prohibited, exceptions may be made through a resource redesignation.

5. Expansion of existing sites should be limited to expanding the pit site and not the intensity of the operation.

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

Tier II

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

1. The policies identified in both Tier I and general policies are applicable to Tier II and subject to permit approval.

2. For potential future sites identified by an individual or company, the county shall review available information about gravel and mineral resources, and if the information is adequate, designate the site as Resource when one of the following conditions exist:

    a. As part of the next scheduled periodic review of the comprehensive plan; or
    b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a comprehensive plan amendment.

4. The county shall judge the significance of future sites, on a case by case basis, to be given the surface mining overlay by the commercial or industrial value of the resource, and the relative quality and quantity of the resource.

    a. The resource should be of a quality that allows them to be used for construction materials.
    b. The resource should be of a quantity sufficient to economically justify development.
    c. The market area for a specific aggregate source is dependent on the characteristics of the aggregate, cost of extraction, accessibility, opportunity, type of transportation, and the location of high demand areas.

5. Designation of these mineral resource lands should follow the "Criteria for Designating Mineral Resources".

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

Permitted

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

Conditional Uses

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

Minimum Lot Size

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

extractions only shall not have a minimum site.

2. Future sites designated as "Mineral Resource" shall be a minimum of 20 acres within a contiguous geographic area.

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

Development Policies and Standards

- The quality of the resource should be consistent with the requirements of t. Washington State Department of Transportation addressing LA Wear, air degradation, etc.

- The proposed site must demonstrate that there is at least 2000 tons of aggregate deposited on the site which meets the above specifications. This may be done by verifying the depth of the overburden, type of aggregates found and the depth of the resource.

- Road Access - for surface mining operations, access on any public right-of-way shall be surfaced in accordance with County Transportation Division development standards as appropriate.

- All access roads within 100 feet of a paved county road or state highway are paved unless the applicant demonstrates that other methods of dust control will be implemented in a manner which provides for the safety and maintenance of the county road or state highway.

- Roads within the surface mining parcel which are used as part of the surface mining operation are constructed and maintained in a manner by which all applicable standards for vehicular noise control and ambient air quality are or can be satisfied.

- Noise - No development or activity shall exceed the maximum Environmental Noise Levels established by WAC 173-60. (address ambient noise level by %)?

- Hours of Operation - Hours of operation unless otherwise authorized shall be between 7 am and 8 p.m.

- Public Safety - Owners of surface mines shall ensure that their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that the ground vibrations and fly-rock to off mine site uses are monitored and minimized.

- Setbacks

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

- Inspections - The granting of any permit hereunder is conditioned upon the consent of the owner to permit inspection of the site at any time. The inspection will include a review of all applicable county permits and work actually being conducted on the site. All violations shall be noted whether or not they are corrected in the presence of the inspector.

- Erosion Control - All disturbed areas including faces of cut and fill slopes, shall be prepared and maintained to control erosion. This control may consist of plantings sufficient in amount or type to stabilize the slope.

- Fencing - The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced according the State Department of Natural Resources' standards.

Termination of the Mineral Resource Zoning

- When a mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed subject to the approved reclamation plan, the property shall be rezoned to the subsequent use zone identified in the comprehensive plan.

- A reclamation overlay should be developed to determine future land uses and the process for achieving these land uses. Future land use designations for terminated and reclaimed mining sites shall be based on surrounding land uses. This should be consistent with the proposed reclamation plan and permit requirements established by DNR.

CRITERIA FOR DESIGNATING MINERAL RESOURCES

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

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

1. A survey map, tax lot map or other legal description that identifies the location and perimeter of the gravel and mineral resource; and

2. Information showing that the resource meets or can meet applicable quality specifications for the intended use(s). Information shall consist of laboratory test data or the determination of a geologist or engineer.

3. Information showing the quality of the resource as determined by exploratory test data or other calculations compiled and attested by a geologist or engineer.

4. Life of the resource, which will help to assess the needs and demands for the county with regards to mineral resources and also the impact to adjacent land uses.

5. The attached matrix should serve as a reference point for both the county and applicant to assess the feasibility of designating and protecting the mineral resource and should be tied to future land use decisions.

MATRIX FOR ASSESSING PROTECTION OF MINERAL RESOURCES

	WRITE IT OFF	CONSIDER FOR PROTECTION	PROTECTION DESIRABLE	PROTECTION HIGHLY DESIRABLE	PROTECTION CRITICAL
QUALITY OF DEPOSIT	low grade deposit	variable but located near use area or processing plant	Deposit made economical to mine by upgrading material	grade meets the requirements for road construction or can be upgraded	concrete quality
SIZE OF DEPOSIT	small deposit	small deposit (less than 2,000 tons)	medium-size deposit	Large deposit (7 5 million tons)	very large deposit (10 million tons)
ACCESS - DISTANCE FROM MARKET	More than 20 miles from use area	Distance from use area is minimized due to access to interstate	Less than 10 miles of the use area; alternative access route available.	Large deposit presently beyond economical hauling distance to present use areas Near highways · access can be provided	Within 5 miles of uses area. Adjacent to highway with access for trucks,
COMPATIBLE WITH NEARBY AREAS	Adjacent land use presently incompatible with mining (appreciable residential development within range of excessive noise, dust, blasting, vibrations, etc)	Scattered development within outer range of impacts of mining; owners may not object to mining.	Adjacent land suitable for development and within commuting distance of use area.	Imminent incompatible development on adjacent lands.	No incompatible land uses existing or likely in the foreseeable future (adjacent land in national forest, operator's ownership, agricultural land use).
IMPACT OF NOISE	Noise level in adjacent presently developed areas would clearly exceed standards if mining occurred		Noise level in adjacent undeveloped areas would exceed standards for likely use, but use of these areas can be easily delayed or economical mitigation can be provided by barriers.		Noise at adjacent residential area less than 50 dB(A) due to distance or topographical barrier. berm can be constructed easily
IMPACT OF BLASTING	Too close to existing subdivision				Blasting not required, permanent open space between quarry and other uses, topographic barrier between quarry and other land uses; only occasional light blasting; blasting compatible with adjacent uses/

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

LAND USE SCENARIOS FOR MINERAL LANDS

1. No Action Alternative

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

2. Designate Existing Sites

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

3. Designate Existing Sites Minus Certain Areas

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

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

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

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

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

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

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

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

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

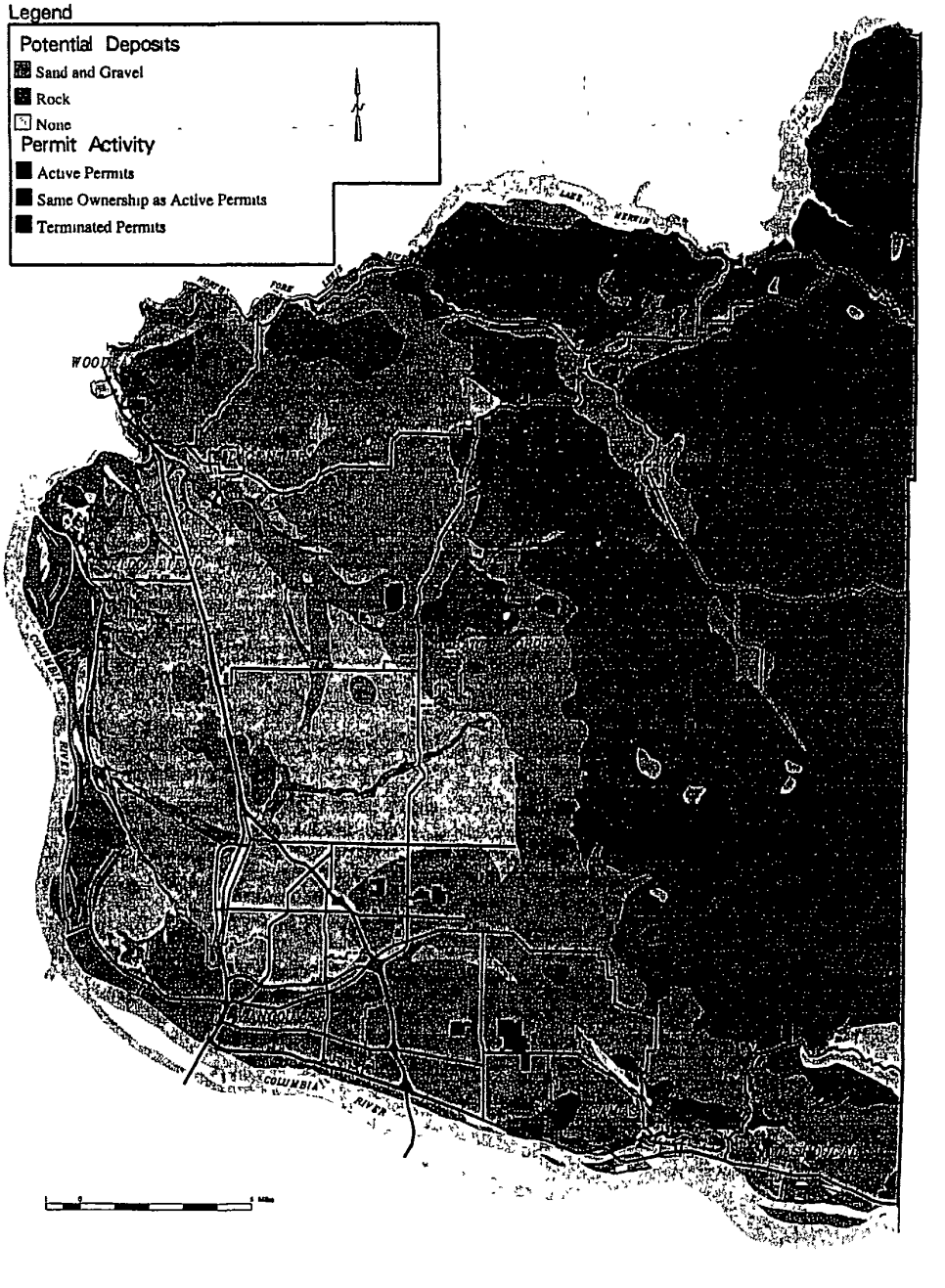
5. Designate both Existing Sites and Proposed Sites

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

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

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

MINERAL RESOURCES
GMA SEIS



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

CLARK COUNTY
AGRI-FOREST FOCUS GROUP
MINORITY REPORT
March 31, 1998

Introduction

Recommendations of the Agri-Forest Focus Group will result in significant downzoning from the 1980 comprehensive plan. The undersigned also believe that the proposed zoning will violate the Growth Management Act. Finally, we believe that the proposed zoning will not be accepted by the vast majority of rural property owners. We, therefore, reluctantly propose an alternative plan for consideration by the Planning Commission and the Board of Commissioners which would better achieve the objectives of the GMA and is much more likely to gain broad public support.

Deficiencies of the Proposed Zoning

The process used in developing the proposed zoning (largely 20 and 10 acre) was flawed because the focus group did not review the provisions of the GMA and come to agreement on the fundamental requirements of the act. In addition, the Focus Group was not given a copy of the Washington State Growth Management Program document "Defining Rural Character and Planning for Rural Lands- A Rural Element Guide". The Focus Group only received this important document midway through its decision process when one of the undersigned provided it The Focus Group did not seriously discuss the implications of these guidelines for rural planning nor use them in group decision making. As the result of the failure to initially determine what the requirements of the GMA are, the Focus Group majority made the following errors.

1. ***They ignored and/or rejected the requirement that land can only be designated as resource land if it meets a strict test of being currently in that commercial resource use and has long term commercial significance for that resource use considering alternative uses.*** The only realistic interpretation of long term commercial significant is that one can purchase such land for a price that allows a reasonable rate of return on the required investment. As the previous Agriculture Focus Group determined, little if any of the agricultural land in Clark County meets that test. Most land purchased in Clark County currently is at prices many times that that would support primary resource use and instead is purchased for home sites or other commercial use. Instead of taking this reasonable interpretation of the GMA test for resource land designation into account the Focus Group majority designated some former Agri-Forest lands as resource lands. More significantly, many decisions were made for large lot rural zoning to buffer other so called "resource lands" primarily Agricultural and Tier II Forest designations.

2. ***They largely failed to respond to the statements of the overwhelming majority of rural residents attending the Town Hall Meeting and Focus Group Open Houses who favored 5 and 10 acre or smaller rural zoning.*** Anyone who argues that

attendance at these public meetings did not capture rural public opinion on this subject should remember the overwhelming rural vote for Referendum 48, and election results for County Commissioners and state legislators. On page 44 of the "A Rural Element Guide" under "Recommendations for Planning and Regulatory Approaches Which Have Succeed in Rural Communities" the first recommendation is "Use consensous-building participation methods to develop a shared vision for future community development. Too often, plans and regulations for rural areas are developed with the involvement of only a small portion of community officials and residents." Adopting the Focus Group recommended plan would make the mistake that this state growth management guideline urges be avoided.

3. ***They made the mistake of assuming that the GMA requires large lot rural zoning.*** No other county in the state has imposed the massive downzoning associated with the current Clark County comprehensive plan. Thurston County, for example, has zoned most rural land with 5-acre minimums. In Snohomish County the argument is over 5 and 2-½ acre rural zoning with the Puget Sound Growth Management Hearings Board upholding these minimums. What the act encourages is protection of real resource lands, protection of rural character and avoiding urban/suburban sprawl. Large lot zoning (20, 40 and 80 acre) is not necessary to achieve the latter two objectives, which can be achieved with 5 and 10-acre zoning. Lot size diversity will result since many owners of larger parcels will chose not to divide their property for various reasons. Such diversity can be further encouraged by providing incentives for forgoing division to zoning minimums.

In summary, the Focus Group recommendations violate the GMA test for resource land designation, violate the GMA public participation guidelines and impose unrealistically large rural lot zoning as compared to the rest of the state. The composition of the Focus Group with its tilt toward an environmentalist/urban prospective and pressure on the Focus Group to reach consensous on 75 per cent of the areas reviewed contributed to this unfortunate result.

Minority Report Recommendations

The undersigned recommend that the county adopt the only reasonable interpretation of the GMA long term commercial significance test for resource land and therefore conclude that no Agri-Forest lands meet that test. In addition, the county should not attempt to buffer Agricultural and Tier II Forest Lands since such designations should be largely reversed when the comprehensive plan is revisited in 1999. It is recommended that the rural character and avoidance of urban/suburban sprawl objectives of the GMA be achieved through 5 and 10 acre zoning with incentives provided for large parcel owners not to divide their parcels to the zoning minimums.

The guidelines recommended in this minority report for rezoning the current Agri-Forest lands is to use the 1980 Comprehensive Plan zoning with the following provisions:

All areas previously zoned 2 ½ and 5 acres would be zoned Rural 5s.

All areas previously zoned 10 acres be zoned Rural 10s.

All areas zoned previously Agricultural 20 be zoned Rural 5s south of the East Fork of the Lewis River and Rural 10s north of the East Fork.

Economic incentives such as permanent tax breaks on home property taxes be provided for those giving up the right to divide large parcels to zoning minimum lot sizes.

Begin a program of purchase of development rights for large parcels as has been successfully implemented in other counties.

Establish policies which encourage large and small lot farming and farm forestry activities rather than continuing to place increasing barriers to such resource activities.

By giving rural property owners more options for use of their land, this proposal is far more likely to be supported by the majority of rural residents than the Focus Group majority recommendation. It also will more closely meet the requirements of the GMA than the majority recommendation. We, therefore, request that this proposal be submitted to the public, the Planning Commission and the Board of Commissioners as an alternative to the majority proposal. And, we urge the county to adopt the minority report recommended zoning for the land currently designated as Agri-Forest resource land.

Carol Levanen

Jim Malinowski

Cecil Rotschy

Alan Schumacher

AGRI-FOREST ZONING TASK FORCE MEMBERS

NOVEMBER 1997

JAN BALDWIN

LORA CAINE

WILL EDGERLEY

BILL FLEMING

SUSAN GILBERT

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MARY ANN SIMONDS

JOHN STICHMAN

VERN VEYSEY

Agri-forest Task Force Report
To The

CLARK COUNTY PLANNING COMMISSION

PREPARED BY Jerri Bohard, Long Range Planning Manager J Bohard

DATE: April 4, 1998

SUBJECT: Task Force response to the Agri-forest Superior Court/Hearings Board Remand

FILE: CPM #97-009

I. INTRODUCTION

In October of 1996 portions of the Growth Management Plan were appealed to Clark County Superior Court. The Court remanded back to the Western Washington Growth Management Hearings Board (WWGMHB) certain aspects of the plan which was then remanded back to the county This report outlines the process undertaken by the county regarding the lands designated as Agri-forest and makes recommendations for the land use designation of these lands.

II. BACKGROUND

This report is the recommendations of the Agri-Forest Task Force, a 13-member citizen panel appointed by the Clark County Board of Commissioners (BOC). The BOC solicited participation of task force members through articles in the paper as well as selecting those individuals involved in the earlier process. The Agri-forest Task Force was created to review those land designated as Agri-Forest on the 1994 Comprehensive Plan The Agri-forest designation was originally adopted by Clark County as a component of the 1994 20-Year Comprehensive Plan It was upheld on appeal by the Western Washington Growth Management Hearings Board in 1995, but subsequently overturned in Clark County Superior Court, based on findings that the public process and supportive documentation used when the original designation was created were insufficient under the Growth Management Act (**Attachment 1**, Superior Court Findings)

The assignment to the Agri- Forest Task Force was to

- Determine which, if any, of these areas meet statutory designation for resource lands
- Decide how to designate lands that do not meet statutory requirements for resource lands

This was not to be a parcel by parcel review but rather the task force should look at general areas and consider other adopted portions of the Comprehensive Plan The area by area review was consistent with the work of the previous focus groups in the development of the 1994 plan This area review was also upheld by both the WWGMHB and Superior Court.

The task force was to develop an explanation of the rationale used to support their recommended modifications. The Board further directed the task force to limit its focus to the Agri-forest zone only, and to develop recommendations consistent with applicable criteria of the Growth Management Act as found in RCW 36 70A 030, WAC 365-190, and ESB 6094

The Board also instructed the task force not to consider designations with less than 5-acre densities, and that there would be no mandatory recombination of existing lots (**Attachment 2**) The deadline for completion of recommendations was originally establish for January 1998, and was subsequently extended to the end of March 1998 A letter was sent to the Hearings Board requesting the extension and was approved (**Attachment 3**, Request letter and Hearings Board decision)

This report is intended to illustrate how and why the task force developed its recommendations A listing of the full record of information generated by the task force review process, including summary minutes of all task force meetings, is contained in the attachments identified throughout this report as well as an index of the record

III. PROCESS

A public hearing in October kicked off the public process (**Attachment 4**, copies of comment sheets) The task force held a series of 17 public meetings from October 1997 through March 1998 in which they deliberated, received materials and heard presentations from the public. Meetings were facilitated by an outside consultant, and staffed by County Community Development Department and Prosecuting Attorney Office personnel Task force decisions were to be made by consent of at least 75% of members present Deliberation was otherwise generally informal, and not by structured protocol. Records were kept through audiotape and written summary minutes (**Attachment 5**, copies of Summary Minutes).

Initial meetings were spent reviewing the guidelines provided by the Board of Commissioners and developing additional criteria Maps and other background materials were also developed For the purposes of documentation, the task force used a series of six numbered maps, representing the southeast, mid-east, northeast, northwest, mid-west and southwest portions of the county. Within each of these maps, each contiguous grouping of agri-forest designated properties were assigned an individual number A single grouping typically contained several adjacent agri-forest properties. **Attachment 6** is a copy of the base map for each section and provides an indication of the numbering system

The decision making process began with task force members reviewing individual groupings, determining how properties within that grouping were or were not consistent with designation criteria, and making recommendation for new designations County legal staff advised task force members that the GMA did not require that they make individualized findings and analyses for each individual property within a contiguous agri-forest grouping of parcels However, as a matter of choice, the task force did frequently elect to divide contiguous groupings into smaller portions for the purposes of analysis and recommendations **Attachment 7** is a copy of the packet provided to the public during the public meetings and illustrates the various matrices utilized by the task force in reaching their individual initial recommendations

Individual task force member recommendations for each numbered grouping were recorded by tabular summaries, and then by visual maps, to allow group members to compare their respective positions These individual recommendations then provided the basis for lengthy group deliberations, which led to the production of the group recommended map The majority of the task force members also developed their individual countywide recommendation maps and these will be incorporated into the record for the Hearings Board

IV. CRITERIA FOR DECISIONS

The criteria used by the task force to make recommendations for new designations are contained in the table on the following page The majority of the criteria listed is prescribed by the state Growth Management Act and associated Washington Administrative Codes, as indicated Additional criteria was also provided from the Board of Commissioners charge and developed by the task force itself

The criteria are factors which must be considered if a parcel or group of parcels is to be changed to an agricultural, forest, or rural designation For properties which are to be designated resource (agriculture, forest, or mining) the GMA lists particular mandatory standards that must be met Parcels or groups that are to be designated resource must be primarily devoted to resource use, and must have long term commercial significance for resource use.. The task force did not reach consensus on the definition of commercial

significance but each incorporated it into their individual recommendations The final recommendation reflects this mixture in terms of defining economic viability [1]

The Task Force acknowledged that as long as one does not determine a property to be resource land a wide variety of rural densities may be considered Again, the task force used a 75 % consensus methodology when recommending whether an area was resource or to assign a particular rural minimum lot size

V. CRITERIA USED BY THE AGRI-FOREST TASK FORCE

CRITERIA FOR DESIGNATING AGRICULTURAL LANDS	CRITERIA FOR DESIGNATING FOREST LANDS	CRITERIA FOR DESIGNATING RURAL LANDS
Each of the following must be met:		
Primarily devoted to agricultural production (RCW 36.70A.030)	Primarily devoted to growing trees for long term timber production on land that can be economically and practically managed for such production (RCW)	
Has long term commercial significance for agricultural production (includes growing capacity, productivity, soils, in consideration with proximity to population areas and possibility of more intense uses) (RCW)	Has long term commercial significance (includes growing capacity, productivity, soils, in consideration with proximity to population areas and possibility of more intense uses) (RCW)	
The following must be considered:		
Quality Soils - Requires use of land capability classification system of Soil Conservation Service, with consideration to prime and unique soils. (WAC 365-190-050)	Quality Soils - Requires use of Department of Revenue private forest land grading system (WAC)	Edge Issues/Resource buffering (GMA, BOCC direction, task force)
The availability of public facilities and services (WAC)	The availability of public facilities and services conducive to the conversion of forest land (WAC)	Existing parcelizations (BOCC direction, task force)
Tax status (WAC)	Tax classification· property assessed as open space or forest land pursuant to RCW 84.33 or 84.34 (WAC)	Proximity to urban areas (GMA, BOCC direction, task force)

[1] Upon request, the task force received additional legal instruction from the County Prosecuting Attorneys Office advising that a range of interpretations of the term "long term commercial significance" were possible. Attachment 8 is a memo from both Rich Lowry and Glen Amster regarding this issue

Relationship or proximity to urban growth areas (WAC)	Proximity to urban, suburban or rural settlements: forest lands are located outside such areas (WAC)	Rural character as defined by ESB 6094 (GMA, BOCC direction, task force)
Predominant parcel size (WAC)	Parcel size: forest lands consist of predominantly large parcels (WAC)	Importance to ecosystem integrity (task force)
Land settlement patterns and their compatibility with agricultural practices (WAC)	The compatibility and intensity of adjacent and nearby land use and settlement patterns (WAC)	
History of land development permits issued nearby (WAC)	History of land development permits issued nearby (WAC)	
Land values under alternative uses (WAC)	Local economic conditions which affect the ability to manage timberlands for long term commercial production (WAC)	
Proximity to markets (WAC)	Parcel creation after 1990 (task force)	
Parcel creation after 1990 (task force)	Land values under alternative uses (task force)	
Importance to ecosystem integrity (task force)	Importance to ecosystem integrity (task force)	

Criterion sources are indicated in parentheses

VI. BACKGROUND INFORMATION USED

The task force considered a range of background information in applying the decision-making criteria. These included written and visual information requested from staff, or provided by individual members, public testimony, and the varied experience and perspectives of individual members Written information provided by staff and members ranged from census data and statistics on resource use in Clark County, to regional and national trends, and examples of relevant ordinances and legal histories on how resources have been protected elsewhere The group also utilized map sets which showed parcel specific information regarding agriculture or forest soil suitability, current and pre-GMA zoning designations, Current Use Taxation program status, aerial orthophotography, pending plat or requested segregation status, recent lot creation status, habitat areas, wetlands, steep slopes, and utility lines. One of the major sources was the document provided by the Department of Community, Trade and Economic Development entitled *Defining Rural Character and Planning for Rural Lands.*

The records index contains the listing of informational materials used by the task force (**Attachment 9**) Copies of the information provided by task force members can be found in **Attachment 10**.

VII. PUBLIC INVOLVEMENT

The Agri-Forest review process incorporated extensive public involvement, beginning with the task force itself, whose membership comprised a range of constituencies, including farmers, foresters, environmentalists, development interests, property rights advocates, and rural residents and neighborhood association representatives **Attachment 11** is the task force roster Outside public involvement began with the October 24, 1997 Town Hall Meeting in La Center, which was attended by approximately 200 persons and generated over 75 letters of comment Public testimony was taken at each of the 17 task force meetings, and written testimony received at or between meetings was circulated among the members A series of three open houses were held on March 3rd, 4th and 5th, in Ridgefield, Amboy, and Hockinson, to present the progress of the task force to date and solicit further input These open houses were attended by approximately 500 persons, and generated approximately 200 written comments which were incorporated into the record for task force review. **Attachment 12** is a copy of all the sign-in sheets from the task force meetings and the public open houses and the generated mailing list **Attachment 13** is a copy of all correspondence received during the task force work effort, the majority of which were the comments received from the public houses A preliminary summary table of the comments received has been attached to the beginning of the section of comments

The public process also included direct mailings to property owners with land designated as Agri -forest, notifying them of the initial public meeting at La Center High School, the open houses and the public hearings before the Planning Commission There were also a series of newsletters **(Attachment 14)** as well as press releases, advertisements in the Columbian, Reflector, Lewis River News and Camas Post Record and information on the county's web site The task force was responsible for integrating information from the public comments, the meetings, personal contacts outside the meetings, comment sheets and the GMA criteria, into these recommendations. Appendix A attached lists those individuals for which staff was able to determine the parcel specific request and the task force recommendation

VIII. FINAL RECOMMENDATIONS FOR REDESIGNATION

The recommendations developed by the task force for redesignation of agri-forest parcels are indicated in the map titled "Agri-forest Task Force Recommendations for Re-designation" **Attachment** 15 provides these recommendations broken down by the six map sections The recommended designations are the product of a lengthy process, and they represent compromise on the part of all group members to reach a general consensus [2]

Recommendations for particular parcels indicate the task force's consideration and weighting of GMA criteria as applied to the individual circumstances of the parcel or

[2] Some members of the Task Force expressed concerns regarding the final recommendations These concerns are outlined as minority reports. **(Attachment 16)**

group of parcels However, the final recommended designations reflect the following overall rationale.

- Generally recognize and maintain consistency with immediately surrounding lot sizes, referred to as "what is in task force deliberations.
- Recognize pre-GMA designations, and limit associated downzoning
- Generally utilize larger lot designations in the northern portions of county than in the southern portion
- Predominantly apply transitional designations, typically Rural 10, to properties which form a transition from resource designations to rural designations
- Predominantly apply a Rural 10 designate to parcels adjacent to urban growth boundaries, in recognition that CTED documents suggest 10 acres as the minimum parcel size which can be easily converted to future urban use.
- Avoid isolated small areas of spot zoning.
- Consider on site uses, topography, and natural conditions
- Avoid future land division on remainder lots from previous cluster developments

The table below represents the voting record of the Task Force The recommended designation represents a 75% consensus of the task force members present.

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
1	10 & 11	wetlands, critical lands, Camp Curry	9 support	10 acres	
1	12 (split)	mining overlay on southern part			
1	12 - mining overlay area		10 support	20 acres	
1	12 - south of creek, north of mining area		Full consensus	10 acres	
1	12 - north of creek		Split between 5's and 10's	Undecided	Yes
1	13		9 support	5 acres	
1	14 (split)				
1	14 - two parcels adjacent to river		Full consensus	10 acres	
1	14 - the rest		Full consensus	5 acres	
1	16		9 support	10 acres	
1	19		Full consensus	10 acres	
1	21		Full consensus	10 acres	
1	22		Full consensus	10 acres	
1	18		9 support	5 acres	
1	17		9 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
1	15		Full consensus	Rural 20	
1	20		9 support	10 acres	Yes (per John s request)
1 & 2	27 (split)				
1 & 2	27 - three interior parcels		10 support	10 acres - rural transition	Yes (for transition overlay)
1 & 2	27 - parcels adjacent to resource		9 support	20 acres	
2	4 (split)				
2	4 - east		10 support	10 acres (rural transition)	Yes (for transition overlay)
2	4 - west		9 support	20 acres – Agriculture	
2	6		9 support	5 acres	
2	8 (split)	headwaters for Salmon Creek			
2	8 - above line		Full consensus	5 acres	
2	8 - lower, inside border		Divided 7 votes for 10 acres, 3 votes for 20 acres		Yes
2	8 - small, surrounded by forest		Full consensus	5 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
2	8 - outside of border, 80 acres		Full consensus	10 acres	
2	9 (split)				
2	9 - north	current use timber, no structures, surrounded by lots of 5's	Divided 6 votes for 10 acres, 4 votes for 5 acres	Undecided	Yes
2	9 - south		Divided 6 votes for 10 acres	Undecided	Yes
2	9 - white area		Divided 5 votes for Rural 20	Undecided	Yes
2	14 (split)				
2	14 - SW part		Full consensus	5 acres	Yes
2	14 - Big piece	some segregated lots	8 support	Rural 20	
2	14 - knob				Yes
2	14 - 2 pieces adjacent to knob to the south		8 support	10 acres	
2	14 - next to agriculture	active in forest	8 support	Rural 20	
2	14 - 3 lots in between		8 support	Rural 20	
2	14 - long, thin section		11 support	5 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
2	13	some current use ag, subdivisions	8 support	5 acres	
2	15 (split)				
2	15 - west horseshoe	priority habitat/ wetlands, subdivisions	10 support	Rural 20	
2	15 - rest		8 support	5 acres to southwest/ 10 acres for the rest	
2	16	nonpoint source pollution	8 support	10 acres	
2	17 (split)				
2	17 - north of 299		10 support	5 acres	
2	17 - south of 299		Divided Split between 5's and 10's		Yes
2	18		Divided. 5 votes for 40/20 mix, 7 votes for 20 acres		Yes
2	21 (split)				
2	21 - between creek and road & uplands		9 support	5 acres between creek and road/10 acres for uplands	
2	21 - east of road		8 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
2	22 (split)				
2	22 - small piece		8 support	5 acres	
2	22 - rest		8 support	10 acres	
2 & 3	23 (split)				
2	23 - south of Fargo Lake Road		8 support	10 acres	
3	23 - south of Cedar Creek Road		8 support	10 acres	
3	23 - northern top knob, approx 65 acres		10 support	Rural 20	
3	23 - other		8 support	The large 40 acres as Rural 20, rest as 10 acres	
3	23 - east half of Courtney's property	mining overlay	8 support	Rural 20	
3	23 - NE corner		9 support	10 acres	
3	23 - Resource area		9 support	Rural 20	
3	5	surrounded by Forest Tiers 1 & 2	9 support	Rural 20	
3 & 4	4 (split)				
3 & 4	4 - eastern most edge		9 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
4	4 - between Forest Tier 2 areas		Full consensus	10 acres	
4	4 - larger pieces north of Cedar Creek		9 support	Rural 20	
4	4 - south of Cedar Creek and rest		8 votes for 10 acres	Undecided	Yes
4	4 - Cedar Creek area east of Goodnight Road		Full consensus	10 acres	
4	4 - south of Spurell Road		10 support	20 acres to the east/10 acres to the west	
4	4 - west of Goodnight Road - just large parcels	landslides	8 votes for 20 acres, 4 votes for 10 acres	Undecided	Yes
4	4 - east of Goodnight		Full consensus	10 acres	
4	4 - rest of; 9, 10, 11 (not including south of Lyons Road)	Lewis River pollution	5 votes for 20 acres; 7 votes for 10 acres	Undecided	Yes
4	9		Full consensus	10 acres	
4	11 - lower leg, south of Lyons Road		9 support	10 acres	
4	14 (split)				
4	14 - north		9 support	10 acres	
4	14 - south		11 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
4	13 (split)				
4	13 - north, 2 40 acre pieces		9 support	Rural 20	
4	13 - parcels to south, 3 20 acre pieces		9 support	Rural 20	
4	13 - rest		10 support	10 acres	
5	15 (split)				
5	15 - south triangle	Zimmerly Rock Pit	9 support	5 acres	
5	15 - upper, 80 acres		10 support	5 acres	
5	15 - 40 acres to the south		9 support	10 acres	
5	15 - north of 314th St. and west of 5's; & all of parcel 24		9 support	Rural 20	
5	15 - south knob		9 support	5 acres	
5	15 - south center section		10 support	Adjacent to ag land is 10 acres/rest is 5 acres	
5	15 - interior		9 support	Rural 20	
5	15 - triangle		9 support	Rural 20	
5	15 - Cardai Hill	surrounded by resource and 5 acres	9 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
4	22 - 5 40 acres pieces on Lockwood Creek	headwaters, surrounded by Tier 2 forest on 3 sides	9 support	Tier 2 Forest	
4	12 (split)				
4	12 - lower		Full consensus	10 acres	
4	12 - upper		9 support	10 acres	
4	12 - east of Jenny Creek Road, 3 large pieces	Tier 2 on 1 side, ag on other	9 support	Rural 20	
4	12 - east of Jenny Creek Road, west of 3 large parcels		9 support	10 acres	
4	12 - 60 acres to the immediate west of power line		11 support	10 acres	
4	7 - portion		11 support	10 acres	
5	22 (split)				
5	22 - NE piece		9 support	Rural 20	
5	22 - lower, 2 20's		9 support	Rural 20	
5	22 - rest of square		Full consensus	10 acres	
5	22 - north of township line to resource		Full consensus	10 acres	
5	22 - south of township line	headwaters, important to watershed	9 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
5	21 (split)				
5	21 - adjacent to refuge and urban boundary		11 support	10 acres	
5	21 - north extension: east side of "U"		10 support	5 acres	
4	4 - between Goodnight Road and northern incline of Cedar Creek Road	Cedar Creek drainage	Disagreement on whether the large parcels are resource (7 votes say they are)		Group decided to split area See below
4	4 - north of Spurrel Road and eastern part		9 support	Rural 20	
4	4 - south of Spurell Road (up to the section line)		10 support	10 acres	
4	4 - south of Cedar Creek and west of Goodnight Road		9 support	10 acres	
4	10 - north of Cedar Creek (Section 7)		9 support	Rural 20	
4	10 - south of Cedar Creek to the power line		9 support	10 acres	
4	10 - north of Cedar Creek, from power line to section line		9 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
4	10 - 80 acres south of Cedar Creek	current use agriculture; research needed to determine if area has already been divided (Jerri will find out)	9 support	Resource (forest) if not divided into 20's, if divided, then Rural 20	Research needed on whether land has been divided (revisited at the next meeting)
4	10 - rest		10 support	10 acres	
4	6 - between 379th and 399th along NE 94th Ave		9 support	10 acres	
4	11 - NE 12th to middle of Hayes Road between 12th and 9th Avenues		9 support	Rural 20	
4	11 - center, south of Hayes and east of 9th to the large parcels		9 support	10 acres	
4	11 - south of Hayes Road and north of Lyons, from 9th to end of 11	current use; tree farm	9 support	Rural 20	
4	11 - north of Hayes Road		10 support	10 acres	
4	25 - rest, north of 359		9 support	10 acres	
3	25 - "L" shape in corner	mining permit	9 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
3	25 - parcel to the north	mining permit; not an active pit	9 support	5 acres	
4	8 & 6 - 3 slivers	surrounded by resource	9 support	Resource 20	
4	13 - 1 sliver, approx 15 acres		10 support	5 acres	
4	10 - 80 acres south of Cedar Creek	current use agriculture; has been divided into 4 20's	9 support (vote from last meeting)	Rural 20	No - this is a revisit from the last meeting
5	18 - north		9 support	5 acres	
5	18 - south		9 support	10 acres	
5	17 - south		8 support	10 acres	
5	17 - north		8 support	10 acres	
5	17 - east corner of Moore Road and 299th		7 support	5 acres	
5	23 - east of 72nd Ave		8 support	10 acres	
5	23 - west, north 2 tiers		9 support	10 acres	
5	23 - strip of divided lots to the south		9 support	10 acres	
5	23 - south, except for large piece		10 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
5	23 - large piece to the west		3 votes for Forest Tier II: 7 votes for Rural 20	Undecided	Yes
5	25 - all but large parcel (80 acres) adjacent to resource		8 support	10 acres	
5	large parcel adjacent to resource		6 votes for Rural 20, 5 votes for 10 acres	Undecided	Yes
5	16 - 140 acre piece to the west		9 support	10 acres	
5	16 - center		9 support	10 acres	
5	16 - east of 95th Ave (except for small piece in the corner)		8 support	Rural 20	
5	16 - rest of east part		10 support	5 acres	
5	13 - NE; borders are 269th St. and 82nd Ave.		9 support	5 acres	
5	13 - north of 259th	floodplain	10 support	Rural 20	
5	13 - south of 259th		8 support	5 acres	
5	13 - west (except for top wedge)	Vern abstained from voting because he owns property in this area	9 support	5 acres	
5	13 - west wedge		8 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
5	8 - areas not decided previously	landslides, parent cluster	10 support	10 acres	
5	9 - adjacent to Urban Reserve and Industrial Urban Reserve, north of 199th		8 support	10 acres	
5	6 - cluster		9 support	Resource – Agriculture	
5	10 - 2 large parcels by 199th and 31st		8 support	10 acres	
5	10 - rest		8 support	5 acres	
5	12		8 support	10 acres	
5	3		11 support - full consensus	5 acres	
5	2 - north of 156th		9 support	5 acres	
5	2 - south of 156th	floodplain for Salmon Creek	9 support	10 acres	
5	1		8 support	5 acres	
2	1		9 support	10 acres	
2	5	wetlands, John expressed concern over previous proposal to spot-zone this area	10 support	10 acres	
2	7 - 1 40 acre parcel		8 support	10 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
2	12	Tukes Mountain, Ann abstained from voting due to conflict of interest - DNR property	8 support	10 acres	
5	14	encompasses E. Fork Lewis River, park, girl and boy scout camps	8 support	Rural 20	
2	17 - adjacent to the river		8 support	10 acres	
2	18		7 votes for 10 acres, 5 votes for Rural 20	Undecided	Yes
2	19		8 support	5 acres	
2	20 - either side of Gabriel Road		8 support	5 acres	
2	14 - 1 40 acre piece		8 support	Rural 20	
2	9 - south		7 votes for 5 acres	Undecided	Yes
2	9 - north		7 votes for 10 acres	Undecided	Yes
2	8 - south; 217th Ave & 169th St.		8 support	5 acres	
2	8 - Erickson Road around Finn Hill		8 support	5 acres	
2	28		8 support	Rural 20	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
2	29 - single parcel		9 support	5 acres	
2	10	The group recognized that there are 5 acre lots surrounded by resource land	6 votes for Tier II Forest; 4 votes for 5 acres; 3 votes for Rural 20	Undecided	Yes
2	11	The group recognized that there are 5 acre lots surrounded by resource land	6 votes for Tier II Forest; 4 votes for 5 acres	Undecided	Yes
1	5 - north side of 4th Plain	may be a remainder parcel	9 support	10 acres	
1	6	bordered by UGB and ag	6 votes for 10 acres, 5 votes for 5 acres	Undecided	Agreed to disagree
1	7		Full consensus (11 votes)	10 acres	
1	8	surrounded by Forest Tier 2 and Rural Estate	9 support	10 acres	
1	9	includes SW side of Camp Bonneville	9 support	10 acres	
1	12 - north of creek		9 support	10 acres	
1	12 - north, top "cap" area		9 support	5 acres	

Map Section	Parcel(s)	Key concerns voiced	Vote Outcome	Recommended Designation	Flagged to revisit
1	24	nonconforming lots	9 votes	5 acres	
1	23	landslide areas on larger parcels	10 votes	5 acres for the top: 10 acres for the 3 lower, larger parcels	
1	25 - south of section line		Full consensus (12 votes)	5 acres	
1	25 - above section line		8 votes for 10 acres, 4 votes for 5 acres	Undecided	Agreed to disagree

These areas were flagged as a result of requests from members of the public as well as task force members They also include areas in which the group had not reached consensus during their first review.

Map Section	Parcel	Previous recom-mendation	Key concerns voiced	Vote Outcome	Recom-mended Designation
1	20	10 acres	Flagged to revisit per John's request	4 votes for Tier 2 Forest	Stays as 10 acres - marked with transition overlay
1 & 2	27 - three interior parcels	10 acres	Flagged to revisit for transition overlay		Stays as 10 acres - marked with transition overlay
2	4 - east	10 acres	Flagged to revisit for transition overlay		Stays as 10 acres - marked with transition overlay
2	9, 10, 11	Undecided	not creating nonconforming lots, maintaining uniformity of surrounding area	Group agreed not to revisit – too divided	Undecided
2	18	Undecided		9 votes	10 acres
1	10	10 acres	Jan said he thought this area should be Tier 2 Forest – contains Camp Curry, forest, wetlands Discussion emerged that the County may purchase this property The group agreed not to vote again on this area	Did not re-vote	10 acres

Map Section	Parcel	Previous recom-mendation	Key concerns voiced	Vote Outcome	Recom-mended Designation
2	18	Undecided		9 support	10 acres
2	27	Rural 20		10 votes	10 acres - transition overlay
5	11	Rural 20	includes wetlands west of Dollar Corner	4 votes for 5 acres, 7 votes for 10 acres	flag with transition overlay
5	24 - all	Rural 20		4 votes for 5 acres	Rural 20
5	24 - NW corner	Rural 20		6 votes for 10 acres	Rural 20 - flag with transition overlay
1	11	10 acres	Camas Lake, wildlife area	9 votes	keep as 10 acres. flag with transition overlay
5	21 - bottom	10 acres	wetlands	4 votes for 5 acres	10 acres

The table below provides the total number of acres and parcels by the recommended zoning designation A summary of the total acres and parcels that are non-conforming are also provided.

Zoning Class	Number Parcels	Acres	% of Total Ac w/o remaining	# Non-conforming	Acreage Nonconforming	Number Developed Parcels	Potential HH Growth
Rural Estate-5	807	4912	14 7 %	315	571	375	562
Rural-10	2884	21894	65 4%	2265	8133	1449	1821
Rural-20	468	6492	19.4%	345	1904	235	274
Forest Tier II	4	174	5%	3	94	2	2
Agriculture-20	2	15	1%	6	15	6	0
remaining AF 20	315	1892	33489			135	
Total	**4484**	**35379**	**100%**	**2934**	**10717**	**2202**	2659

IX. RECOMMENDATIONS FOR FURTHER ACTION

In the process of addressing plan and zoning map redesignations the task force developed several additional proposals for further policy action These sidebar measures are recommended as an important part of a larger strategy for addressing agri-forest issues, and are recommended to be incorporated as policy objectives within the County Comprehensive Plan document From a general standpoint the task force recommends that these and other approaches be pursued with the objective of increasing flexibility for landowners to further rural and resource conservation goals, and greater incentives to do so

The group voted and reached full consensus recommending that the Planning Commission and the Board of County Commissioners look further at the sidebar issues and assign another task force to work on their refinement.

1 **Density Transfers/Clusters**

a Issue

Greater flexibility for the size and placement of new lots should be permitted and encouraged within proposed land divisions, if resource protection is enhanced. Such measures are intended to add flexibility in the delineation and size of the new lots, but are not intended to result in increases in the number of lots permitted under the base zoning density The task force indicated that the priorities should be the protection of sensitive lands, maintaining rural character and making the best use of the land when evaluating the concept of density transfer/clusters The task force indicated that the remainder lots should remain in perpetuity through covenant or other means, and not be further divided or rezoned See proposed policy below which was unanimously approved To avoid potential conflicts, limitations should also be considered on the size differential between small and larger lots within the division

Policy 4 ??· *The parent parcel of a previously approved cluster land division shall not be further subdivided or reduced in size until incorporated into an urban growth boundary.*

2. Temporary family dwelling provisions.

a. Issue

Whether allowances for temporary dwellings for family purposes be increased, provided permanent land divisions or density increases do not result.

3. Right to Farm/Log Provisions

a. Issue

Whether the Right to Farm/Log code needs to be strengthened to recognize the ongoing resource activities and to reduce the circumstances under which agriculture and forestry activities may be considered a nuisance

4. Setbacks

a. Issues

Whether building setbacks should be established on properties abutting resource lands, in order to limit potential conflicts with farming or forestry activities Setbacks could also contain sufficient flexibility to avoid forcing placement of abutting structures in a manner which would be detrimental to the rural character or appearance of the surrounding area such as parks and the Columbia River National Scenic Area

5. Rural Character/Appearance

a. Issue

Modest standards for the design, placement or appearance of structures and lots should be explored in order to further rural character and values Such standards should not be overly prescriptive, but should recognize the role of scenic values and visual consistency in maintaining the character of rural and resource areas

6. Incentives

a. Issue

Increase or create tax incentives which encourage retention of larger parcels, such programs could include strengthening the Current Use Taxation program, Purchase of Development Rights, Transfer of Development Rights and other similar programs.

7. Allowable Uses

a. Issue

Whether to revisit the zoning provisions within the newly proposed district, the Rural Estate and Resource districts paying particular attention to permitted and conditional uses

Based on the work of one of the task force members, 10 task force members supported the inclusion of the following information when considering sidebar issues

- The importance of the area to the watershed County staff with the assistance of another task force should delineate critical areas to the watershed. This may prevent having to form a utility district to pay for run-off and stream reclamation Areas within critical watershed areas should be protected in large lots with incentives given to not clear cut large areas and the ability to parcel off a small acreage away from critical run-off areas
- Large acreage lots need to be protected not only for watershed purposes, but for future open space and parks. Incentives need to be developed for land owners to protect and hold onto these areas.
- Design standards need to be developed to allow "ecologically-sensitive" development in critical areas and buffers
- The county should develop a plan to protect and eventually purchase areas of local significance for wildlife, parks, watershed protection, and rural character
- Buffers need to established between rural areas and commercial farm and forest areas. Such that a 50 foot buffer with trees 20 feet or higher could buffer or a 100 foot buffer with shrubs and grass Incentives may include smaller buffer widths for more trees and height of trees. This could apply to all buffers Wildlife has more movement with better cover and the rural character of the county is protected
- Flexibility around transition zones around farm and forestry lands under appropriate circumstances should be allowed if landowners can develop ecologically sensitive development and submit a stewardship plan reviewed by a peer group. Cluster zoning may apply here to protect the resources and allow some development
- Cluster developments with ecologically sensitive design standards should be allowed in areas it best serves the land to do so.
- Develop a ecological development guidelines for developers and land owners and offer education and assistance to people Communicate new ways to work with the land and protect resources as well as rural character
- With the growing number of horse facilities and revenue from this agricultural industry in the county, the county staff should work with an equestrian/agriculture task force to delineate equestrian and "gentle" agriculture areas and zone them as such. Horse properties in this county are best suited to the grazing pressure with 10 acres or more Five acre parcels require more intensive farm management to minimize ecological

damage, but are possible Standards need to be developed to protect streams from all agricultural uses, including horses

X. POLICY CHANGES

With the changes recommended by the task force some of the existing policies in the comprehensive plan will be inconsistent Because of this a number of policies would need to be modified.

The background information found in Chapter 4 (Page 4-10) should be changed as follows

Rural Lands

A minimum lot size of one dwelling per five acres, 10 or 20 acres has been designated throughout the rural area based on existing lot patterns, preservation of rural character and continued small scale farming; and forestry

~~***Agri-Forest***~~

~~This designation is applied to those lands which have the characteristics of both long-term forestry and agriculture capability and, in many cases, where both types of activities are occurring on site The minimum lot size for these parcels is limited to one dwelling per 20 acres~~

Policy 4. currently addresses the density permitted within the Agri-forest district The recommendations of the task force differ from this policy and therefore the policy needs to be revised The proposed policy reflects the various densities that have replaced the agri-forest designation.

Existing policy		Proposed Policy	
4 1 9	Those areas with a Comprehensive Plan designation of Rural Estate shall have a residential density of one dwelling unit per 5 acres Those areas within the Meadow Glade sewer service area may have a density of one dwelling unit per acre if dwellings are provided with public sanitary sewer service	4 1 9	Those areas with a Comprehensive Plan rural designation ~~of Rural Estate~~ shall have a residential density of either one dwelling unit per 5 acres, 10 or 20 acres. ~~Those areas within the Meadow Glade sewer service area may have a density of one dwelling unit per acre if dwellings are provided with public sanitary sewer service~~
4 3 18	Designation of Agri-forest lands shall be those lands adjacent to designated resource lands that have the characteristics of both agriculture and forestry	~~4 3 18~~	~~Designation of Agri-forest lands shall be those lands adjacent to designated resource lands which have the characteristics of both agriculture and forestry~~
4 3 19	Within the Agri-forest category, one principal dwelling unit per 20 acres shall be allowed with the provision for an additional temporary dwelling	~~4 3 19~~	~~Within the Agri-forest category, one principal dwelling unit per 20 acres shall be allowed with the provision for an additional temporary dwelling~~

The adoption of the new zoning district and plan designations for the rural centers will require an amendment to the following table, adding the new district and designation

Table 2.4 Resource Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	AGRICULTURE	AGRICULTURE / WILDLIFE	FOREST TIER I	FOREST TIER II	AGRI-FOREST	PUBLIC FACILITY	AIRPORT
AG 20							
AGWL							
FOREST 30							
FOREST 40							
AGRI-FOREST 20							
AIRPORT (A)							

Table 2.5 Rural Lands Plan Designation to Zone Consistency Chart

PLAN/ZONE	RURAL ESTATE	RURAL-10	RURAL-20	RURAL COM.	RURAL IND.	URBAN RESERVE	INDUSTRIAL URBAN RESERVE	PUBLIC FACILITY
RURAL ESTATE								
RURAL-10								
RURAL-20								
CR 1								
CR 2								
HEAVY INDUSTRY (MH)								
AIRPORT								
URBAN RESERVE - 10								
URBAN RESERVE - 20								

XI. SEPA

An addendum to the Final Supplemental Environmental Impact Statement (FSEIS) was completed in order to comply with the SEPA requirements It was found that, with an addendum, the range of alternatives within the FSEIS covered the proposed action (**Attachment 17**) The FSEIS analyses four alternative which ranged from the pre-GMA comprehensive plan to a minimum of 10 acres or larger for all rural and natural resource lands The alternatives classified the subject 36,000 acres in a variety of minimum lot sizes including 1, 2 5, 5, 10, 15 and 20 or acres The recommendations of the Task Force are within this range of alternatives

XII. CONCLUSION

Based upon the discussion and justification contained within this report and the summary minutes of the task force meetings, the Agri-forest Task Force asks the Clark County Planning Commission to forward the recommended changes in land use designations and additions to the Clark County Comprehensive Plan to the Board of County Commissioners for adoption

The table below identifies those map areas in which the task force could not reach the necessary 75 percent consensus but the outcome of the vote has been provided

Map Section	Parcel(s)	Vote Outcome
1	6	6 votes Rural 10 5 votes Rural 5
1	25	8 votes Rural 10 4 votes Rural 5
2	9	North - 7 votes Rural 5 South - 7 votes Rural 10
2	10	6 votes Forest Tier II 4 votes Rural 5 3 votes Rural 20
2	11	6 votes Forest Tier II 4 votes Rural 5
5	23	3 votes Forest Tier II 7 votes Rural 20
5	25	6 votes Rural 20 5 votes Rural 10

APPENDIX A

Map 1 Agri-Forest Site-Specific Requests

Yellow Id	Area	Name	Request	Parcel Id	Task Force Recom
4	11	N Lacamas	5 Ac	177906000 177905000 178236000 178172000	10
4	11	N Lacamas	5 Ac	" " "	10
	11	Gehman	5 Ac	can't find	
2	12	Robson	5 Ac	142612000 142607000 142603000	20
5	25	Lovell	5 Ac	136848000	No recom

Map 2 Agri-Forest Site-Specific Requests

Yellow Id	Area	Name	Request	Parcel Id	Task Force Recom
		Larsson		can't find	
17	5	Dietrich	1-5 Ac	194781000 194785000 194817000	10
17	5	Dietrich	5 Ac	" " "	10
1	6	Uskoski	5 Ac	204024000 204018000 204156000	5
2	6	Ahola	5 Ac	204019000	5
3	7	Lang	5 Ac	194776000	10
22	10	Larwick	5-10 Ac	250989000	No recom
21	13	Unrath	5 Ac	236293000	5
4	13	Parthenay	5 Ac	235634000 236310000	5
5	17	Soderlind	5 Ac	223832000	10
5	17	Soderlind	5 Ac	223832000	10
5	17	Soderlind	5 Ac	223832000	10
19	17	Kennon	5 Ac	230695000	5
23	17	Hoffman	2 5 Ac	230784000	5
23	17	Hoffman	2 5 Ac	230784000	5
6	18	Kullberg	5 & 10 Ac	221250000 223657000 223619000 223620000 223609000 223610000 230694000	10
24	18	Mariner	5 Ac	230493000 221251000 221256000 230484000 230485000 230492000 230491000	10
7	20	Snelson	5 & 10 Ac	266983000	5
20	21	Hicks	5 Ac	231399000	10
10	21	Nyback	5 Ac	231574000	10
11	23	Lynch	5 Ac	279031000	10
12	23	Colangelco	5 Ac	279011000	10
13	23	Jones	2 5 & 5 Ac	278176000	10
18	27	Habel/ Forney	5 Ac	207367000	10
14	28	Stelter	5 Ac	207080000	20

15	27	DelGrosso	5 Ac	207361000 207325000	10
15	27	DelGrosso	5 Ac	" " "	10
16	28	McBain	5 Ac	206942000 206876000	20

Map 3 Agri-Forest Site-Specific Requests

Yellow Id.	Area	Name	Request	Parcel Id	Task Force Recomm
1	2	Rieger	5 or 10 Ac	274369000	10
2	23	Courtney	5 Ac	276614000	20
3	23	Currie	5 Ac - Assm	275488000	10
	23	Larson	5 Ac	can't find	
5	23	Farber	5 Ac	276171000	10
6	23	Rotschy	5 Ac	278008000	10
7	23	Williams	Tax rate according to zoning	276164000	10
	23	Swift	5 Ac	can't find	

Map 4 Agri-Forest Site-Specific Requests

Yellow Id	Area	Name	Request	Parcel Id.	Task Force Recom
	6	Peacock (Maxwell Harraden Property)	5 Ac	can't find	
12	10	Dunnigan	10 Ac	260850000	20
2	10	Folger	7 Ac	260873000	10
3	10	Moss	5 or 10 Ac	253106000	10
4	10	VanTassel	5 Ac	252873000	20
4	10	VanTassel	5 Ac	252873000	20
5	12	Bott	5 Ac	253513000	10
	10	Massie	10 Ac	can't find	
6	10	Kallio	5 Ac	253074000	10
7	11	Zumstein	5 Ac	253512000	10
8	11	Van Uchelen	5 Ac	253756000	20
9	12	Richmond	5 or 10 Ac	256496000 256548000	10
1	25	Olsen	5 Ac	264371000	5
10	25	Westrand	5 Ac	265285000 265295000	10
11	25	Olsen	5 Ac	264372000	5
11	25	Olsen	5 Ac	264372000	5

Map 5 Agri-Forest Site-Specific Requests

Yellow Id	Area	Name	Request	Parcel Id.	Task Force Recom
1	2	Riemer	2.5 Ac	196696000	10
1	2	Riemer	1 Ac	196696000	10
2	2	Brown	1.25, 2 5, 5	196687000	5
23	4	Everson	2 5 Ac	182381000	10
3	4	Rominger	Comm	182170000	10
4	5	D Schwarz	5 Ac	180814000	20
4	5	W. Schwarz	5 Ac	180837000	20
4	5	F Schwarz	5 Ac	180744000 180844000	20
4	5	V. Schwarz	5 Ac	"	20
4	5	J Schwarz	5 Ac	"	20
4	5	B Schwarz	5 Ac	"	20
5	5	Lee	5 Ac	180777000	20
29	7	Nye	Smaller lots	216242000	20
29	7	Nye	Smaller lots	216241000	20
30	4	Nye	Smaller lots	182392000	10
30	4	Nye	Samller lots	182378000	10
30	4	Nye	Smaller lots	182377000	10
6	7	Hinton	5-10 Ac	216251000	5
28	8	Roloff	10 Ac	215601000	10
7	8	Harrison	5 Ac	215602000	10
8	9	Johnson	10 Ac	179168000	10
8	9	Johnson	10 Ac	179168000	10
9	10	Landers/ Huster	5 Ac	178866000	10
10	11	Thomas	5 Ac	193069000	20
11	11	Jury	5 Ac	193050000	20
12	11	Ralph Veitenheimer	5 Ac	193059000 193057000	20
12	11	Gary Veitenheimer	5 Ac	193059000 193057000	20
13	12	Davie	Low Urban Density	192815000	10
32	13	Tjensvold	5 Ac	214704000	5
14	16	Johnson	5 Ac	224720000	10
15	16	Johnson	5 Ac	224763000	10
25	18	Bryant	10	211219000	10
22	21	Schumaker	5 Ac	219375000	10
24	22	Larkin	5 Ac	266154000	20
16	22	Hart	5 Ac	208841000	20
26	23	Temme	5 Ac	222327000	10
17	23	Lenius	10 Ac	222756000	10
18	24	Holling	5 Ac	222102000 222196000	20

Map 5 Agri-Forest Site-Specific Requests

Yellow Id	Area	Name	Request	Parcel Id.	Task Force Recom
31	25	Holcomb	5-10 Ac	266761000	no recom
31	25	Holcomb	5 Ac	266761000	no recom
19	25	Fuller	5 Ac	266562000 266567000	10
19	25	Fuller	5 Ac	266562000 266567000	10
20	25	Bakker	5 Ac	266568000	10
21	25	Hazen	5 Ac	265262000	10
21	25	Hazen	5 Ac	266755000	10

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#92

CLARK COUNTY
WASHINGTON

DEPARTMENT OF
COMMUNITY DEVELOPMENT
Planning Division

MEMORANDUM

TO: Clark County Planning Commission Members
Craig Greenleaf, Planning Director

FROM: Jerri Bohard, GMA Section Supervisor

SUBJECT: Growth Management Hearing Board Decisions Regarding Designation of Resource Lands

DATE: October 25, 1994

During recent deliberations questions have been raised regarding the designation of resource lands in the county and their relationship to the Minimum Guidelines provided by the State. I have provided below the minimum guidelines for both agriculture and forestry as well as some summary information regarding recent Growth Management Hearing Board decisions regarding these issues.

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

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

Quality soils is a primary factor. DCD requires that the land-capability classification system of the United States Department of Agriculture Soil Conservation Service be used in classifying agricultural resource land This system includes eight classes of soils published in soil surveys. Also, DCD provides 10 indicators to assess these factors:

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

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In a recent Growth Management Hearing Board for Eastern Washington decision (English et al v Board of Commissioners of Columbia County) the issue regarding the criteria for designation of agricultural lands was raised Part of decision included that the Department of Community Development guidelines shall be minimum guidelines that apply to all jurisdictions in designation agricultural lands. Also, stated in the decision with regards to using the classification of prime and unique soils is "If a county or city choose to not use these categories, the rationale for that decision must be included in its next annual report to department of community development" Because prime and unique soils are of high quality and productivity they need to be considered in the classification of agricultural lands.

Additionally the Hearings Board indicated that, "While there is opportunity for the exercise of local judgment and it is obvious that the local community understands its agricultural lands better than anyone else, the conclusions reached must be the product of a valid process. The record must show that the county considered the factors for determination of agricultural lands of long-term significance given in WAC 365-190-050(1) This record is insufficient to show that these factors were considered. (No 93-1-0002). The mapping of prime and unique soils is also identified as a method for designation of agricultural lands a reasoned approach in the discussion before *Save Our Butte Save Our Basin Society et al. v Chelan County* (#94-1-00015).

Forest Lands

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

The Washington State Department of Community Development provided counties and cities with guidelines to assist in classifying and designating resource lands. These guidelines specify criteria for identifying forest resource lands. Quality soils is a primary factor. According to DCD, the private forest land grading system of the state Department of Revenue should be used in classifying forest resource lands. Long-term commercially significant forest lands generally have a predominance of the higher private forest land grades.

DCD provides seven indicators to assess these factors.

1 The availability of public services and facilities conducive to the conversion of forest lands
2 The proximity of forest land to urban and suburban areas and rural settlements: forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.
3. The size of the parcels: forest lands consist of predominantly large parcels.
4 The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.
5 Property tax classification: property is assessed as open space or forest land pursuant to (chapter 84.33 or 84 34 RCW)
6. Local economic conditions which affect the ability to manage timberlands for long-term commercial production
7 History of land development permits issued nearby.

The conservation of forestry resource lands was also raised in the previously stated growth management hearing board decisions but the issue of forestry resources is more clearly stated in *Ridge, Kittitas Audubon Society et al. v. Kittitas County* (94-1-00017) In this case, the Board found that the use of the Washington State "Private Forest Land Grades" should be used in the definition of forest lands In this case, it was an area of approximately 7000 acres of which 60 percent of the land was in the top 17 percent in terms of growing capacity.

The Hearings Board also held in analyzing the issue of proximity to populations area that "Physical proximity, in and of itself, does not preclude designation The Growth Management Act places a high priority on conserving resource lands and reducing sprawl. [RCW 36.70A.020. Planning Goals 2 and 8] Designation of resource lands was the first required task. Indeed, forest lands of long-term commercial significance may be located within urban growth areas in certain circumstances [RCW 36.70A.060(4)] There must be good faith consideration and showing that the effects of proximity to population areas are significant and unduly burdensome to avoid designation.[1] Similarly, consideration of the possibilities of more intense use of the land must be based in real possibilities, sufficiently quantified to be considered in good faith."

The Land's Proximity to Population Areas. Clearly, if qualifying forest land is not proximate to population areas it should be designated. The reverse is not necessarily true. As noted above, forest lands of long-term commercial significance may, under limited conditions, be inside urban growth areas. The extent to which a population area impacts forest land is the determining factor. Thus, an 80 acre parcel that elsewhere in the state might be properly designated forest land, might not so qualify if it abutted the City of Seattle. It is the level of impact placed on the property, rather than its location that is determinative It is the burden of increased management and other costs that disqualifies the property. It was also noted in *Twin Falls Inc , Weyerhaeuser Real Estate Co. et al v. Snohomish County* (#93-3-0003 at 210) "Moreover, the mere possibility that a parcel might be more intensively used does not preclude its consideration for designation as forestry. The Board acknowledges that this is a departure from the past, however, a departure that is specifically signaled by GMA's directive to conserve the forestry resources "

Another of the issues raised in English et al. v. BOCC of Columbia County was that while the county could only benefit by public participation throughout its process. Public opinion cannot be used, however, to override a requirement of the GMA.

1 Ridge argues that proximity effects must be both real and unavoidable They distinguish between unavoidable and avoidable effects, those caused by the owners management practices While a property owner may choose to reduce "incursions" onto his or her property, this Board will not impose such a requirement

Honorable Edwin J. Poyfair
PRESENTATION: Friday, April 4, 1997, at 10:30 AM

FILED

APR 04 1997

JoAnne M..., ..., Clerk Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

CLARK COUNTY CITIZENS UNITED, INC.; MICHAEL ACHEN and CATHERINE ACHEN, husband and wife, et al., Petitioners and Additional Parties of Record, v. WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD, a Washington agency, Respondent.	NO. 96-2-00080-2 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

THIS MATTER came on for hearing before the above-entitled Court on October 16, 1996, upon the Petition for Review of Petitioners. Clark County Citizens United, Inc., Michael and Catherine Achen (collectively referred to herein as "Petitioners"), appearing by and through their attorneys of record, Lane Powell Spears Lubersky LLP and Glenn J. Amster; and Respondents, Western Washington Growth Management Hearings Board (hereinafter referred to as "WWGMHB"), appearing by and through the Office of the Attorney General and Marjorie T. Smitch, Assistant Attorney General; Clark County, appearing by and through the Office of

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the Prosecuting Attorney, and Richard S. Lowry, Chief Civil Prosecuting Attorney; additional parties of record Clark County Natural Resources Council, Vancouver Audubon Society, Loo-Wit Group Sierra Club, Coalition for Environmental Responsibility and Economic Sustainability and Native Footprints, appearing by and through their attorney, John S. Karpinski; David R. Becker and Joan Becker, et al.; appearing by and through their attorneys, Richard T. Howsley and Lisa M. Graham; William W. Saunders and Clark County Home Builders Association, appearing by and through their attorneys, Landerholm, Memovich, Lansverk & Whitesides, P.S. and Randall B. Printz; Rural Clark County Preservation Association, appearing by and through its representative Robert Yoesle, pro se; and W. Dale DeTour, appearing pro se; and the Court, having considered the complete record before the WWGMHB, and the pleadings and exhibits herein, having heard argument of counsel and taken the matter under advisement, and having rendered an oral decision on February 21, 1997, now enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. This case was brought before this Court on Petitioners' Petition for Review pursuant to the Growth Management Act ("GMA"), RCW 36.70A.300. Petitioners challenged several elements of the Clark County Comprehensive Plan, which was adopted by the Clark County Board of County Commissioners in December 1994. Petitioners brought this appeal following the Western Washington Growth Management Hearings Board's ("the Board") final decision on December 6, 1995, denying Petitioners' claim that the Clark County Comprehensive Plan violated the GMA.

2. Clark County began its comprehensive planning process, pursuant to the GMA, RCW Ch. 36.70A, in 1991. The County adopted County-Wide Planning Policies, under RCW 36.70A.210, and then a Community Framework Plan, to form a vision of Clark County's future. Following adoption of this Plan, the County formed a Rural and Natural Resource Committee ("RNRAC"). This committee was delegated the task of identifying lands within the County to

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be designated natural resource lands, as required by RCW 36.70A.050. The designated resource lands would become part of the County's 20-year growth plan, the Clark County Comprehensive Plan.

3. In addition to designating agricultural and forest resource lands, Comprehensive Plan adopted by Clark County designated 36,000 acres of "agri-forest" resource land. This classification was a hybrid of two GMA resource lands, agricultural and forest resource land. This hybrid resource category and the lands designated in this category were never considered by RNRAC.

4. The agri-forest lands were also not a part of the County's environmental review process completed in conjunction with the County's comprehensive planning. The County issued an Environmental Impact Statement ("EIS") prior to the release of the draft Comprehensive Plan in September 1994. However, none of the alternatives for planning addressed in the environmental review document discussed the 36,000 acres of agri-forest resource land.

5. The adopted Plan also eliminated an element of the Community Framework Plan, the concept of rural town centers, known as "villages" and "hamlets." These rural activity centers were focussed on identified pre-existing development patterns and designed to maintain the existing character of rural growth. The centers were eradicated and replaced with a county-wide uniform lot density in the final Comprehensive Plan. Clark County issued a policy memo stating that the reason the rural activity centers were removed from the plan was that previous Growth Management Board decisions appeared to prevent the County from allowing any growth in rural areas. Specifically, according to Board decisions, the sum of the urban and rural population was required to equal the population projection developed by the State Office of Financial Management (OFM). Given the population growth allocated to Clark County's urban growth areas, the Plan would violate this requirement if virtually any growth was allowed in the rural areas.

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6. Any Findings of Fact which is more properly a Conclusion of Law shall be deemed a Conclusion of Law.

CONCLUSIONS OF LAW

1. Jurisdiction. This Court has jurisdiction over this case pursuant to RCW 36.70A.300 and RCW 34.05.514.

2. Standard of Review. This Court reviews the Board's decision concerning questions of law de novo to determine whether the Board erroneously interpreted or applied the GMA. RCW 36.70A.320(1); RCW 34.05.570(3)(d). As for questions of fact, this Court reviews the entire record before the Board to determine whether its decision is supported by substantial evidence in the record. RCW 36.70A.270, .320; WAC 365-195-640(10); RCW 34.05.570(3).

3. Statutory Mandate. In reviewing Clark County's Comprehensive Plan, the Board was required to comply with the statutory mandates and guidelines set forth in the GMA. The legislature created the Board in the GMA. The Board is not above the law which gave it its existence. The Board must not only comply with express statutory mandates, but, in reviewing a County's record, must also assess whether the planning goals set forth in the GMA were utilized and consider those goals when deciding whether a county complied with the GMA.

4. Agri-Forest Lands. The agri-forest resource designations violate the GMA. Although it is arguably within a county's administrative discretion to create a new hybrid resource classification, Clark County's method of designating "agri-forest" resource lands does not comport with the definition of either agricultural or forest resource lands and is therefore invalid. The Board had an end in sight (restricting growth in rural areas), but failed to develop the factors from the record and the GMA necessary to support its decision. The Board erroneously interpreted and applied the GMA when it failed to require the agri-forest resource lands meet the statutorily mandated definitional criteria for resource lands. Furthermore, there

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is no substantial evidence in the record to support the designation of agri-forest lands as resource lands under the GMA.

Additionally, the failure to solicit meaningful public input for the agri-forest resource lands violated the public participation provisions of the GMA requiring early and continuous public participation in the development and adoption of comprehensive plans.

5. Agricultural Resource Lands. There is ~~not~~ substantial evidence in the record to support the County's designation of agricultural resource lands. ~~In particular, there is not substantial evidence to demonstrate how those lands designated satisfy the GMA definitional~~ criteria; that is, that those lands are primarily devoted to agricultural production and are of long-term commercial significance for the production of agricultural products. The only explanation provided regarding the designation of agricultural resource lands is contained in a staff report prepared after the RNRAC had completed its work which states, "soils was a critical factor." This is not to suggest the County was incapable of analyzing the required statutory criteria: the County undertook a comprehensive analysis of resource land designations in urban reserve areas when it was compelled by the Board to re-examine these designations. The County should have undertaken a similar analysis before designating any agricultural resource lands.

~~Because there is not substantial evidence in the record that satisfies the GMA's definitional criteria, the agricultural resource land designations are invalid.~~

6. Comprehensive Plan EIS. The Comprehensive Plan EIS issued by the County violates the State Environmental Policy Act ("SEPA"), RCW Ch. 43.21C. The agri-forest resource land designations were disclosed subsequent to the publication of the final Plan EIS and were not disclosed or discussed in any way in the EIS alternatives. The removal of rural activity centers also was not addressed in the EIS. The County did not require additional environmental review and did not solicit additional public comments. The County failed to comply with SEPA's requirement for additional environmental review when a proposal changes substantially from the one addressed in the initial EIS. The Board's decision to uphold the adequacy of the

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EIS absent additional environmental analysis regarding the agri-forest designations and changes to the pattern of rural development was clearly erroneous.

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

It is evident the rural land use density regulations were driven in part by earlier Growth Management Hearing Board decisions requiring urban population plus rural population to equal Office of Financial Management population forecasts. See Exhibit 5, p. 15 to Petitioners' Opening Brief, Box. No. 2 to Record, Clark County Exhibit No. 93. This formulaic view of the GMA requirements is fatally flawed. There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas are adequately sized and infrastructure in those growth areas is provided for. This Board decision, however, compelled the County to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements.

The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character. While the GMA contains no restrictions on rural growth, it does require a variety of residential densities. By trying to comply with the Board's errant decision, the County violated a GMA planning goal.

Through no fault of the County's, the Board had an end in sight and disregarded the GMA's mandate in applying an unauthorized formula to the review of the Clark County Comprehensive Plan's land use densities. The Board's interpretation was erroneous, and the

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

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY:

ORDERED, ADJUDGED AND DECREED that the Clark County Comprehensive Plan and Development Regulations adopted in Ordinance 1994-12-47 on December 20, 1994 are remanded to the Western Washington Growth Management Hearings Board with direction to enter a decision in accord with this Order mandating County action to correct the violations of the GMA identified herein; ~~and IT IS HEREBY:~~

~~FURTHER ORDERED, ADJUDGED AND DECREED that Petitioners shall be awarded costs against Respondent WWGMHB pursuant to RCW 34.05.566 and RCW 4.84.010 in the amount of $468.50, pursuant to the Cost Bill filed herein.~~

DONE IN OPEN COURT this 4th day of April, 1997.

The Honorable Edwin J. Poyfair
SUPERIOR COURT JUDGE

Presented by:

LANE POWELL SPEARS
LUBERSKY LLP

By _____
Glenn J. Amster
WSBA No. 8372
Attorneys for Petitioner Clark
County Citizens United, Inc. and
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BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

ACHEN, et. al.,	)	
	)	
Petitioners,	)	
vs.	)	No. 95-2-0067
	)	
CLARK COUNTY, et. al.,	)	FINAL DECISION
	)	AND ORDER
Respondents,	)	
	)	
and	)	
	)	
CLARK COUNTY SCHOOL DISTRICTS, et. al.,	)	
	)	
Intervenors.	)	
	)	

And so begins the tome.

During the last stages of the most recent ice age, some 12,000 to 14,000 years ago, the most significant catastrophic geological event in the history of the planet left its mark on eastern Washington and on Clark County. The Lake Missoula - Columbia River catastrophic flood events of that time deposited sand, gravel, and silt over the floor of Clark County, raising it to an elevation of 350 feet. During those events, millions of gallons of water flowed at 60 m.p.h. or more throughout eastern Washington to the mouth of the Columbia River. Flooding occurred from as far south as Eugene to an area north of Clark County. Volumes of water, one-half the size of Lake Michigan, would empty in a period of two days and wreak havoc throughout and around the course of the Columbia. While these catastrophic flood events, first discovered by Jay Harlan Bretz in the 1920's, affected eastern Washington to a greater degree, the geological impact to Clark County was significant and remains today.

Forty-one miles of the imposing Columbia River form the western and southern boundaries of Clark County. Its northern boundary follows the course of the Lewis River. The foothills of the Cascades form the only non-river boundary to the east. Approximately 110 miles inland from the

Pacific Ocean, at the confluence of the Willamette and Columbia rivers, lies the urban core of the Portland metropolitan area. The southern cities of Clark County adjoining the Columbia River form a quadrant of that metropolitan area, and are greatly influenced by it in terms of economic, transportation, and cultural factors. That metropolitan area constitutes the largest economic and population center on the west coast between San Francisco and Seattle. With a land area of 627 square miles, Clark County ranks 35th in the State, but as of 1990, ranked fifth in terms of population. As of 1990, only 30% of the population lived within the incorporated cities of Clark County (Ex. 77).

Not unlike the Missoula floods, an unprecedented volume of petitions began arriving at our office on February 28, 1995. Eighty-five different petitioners filed 61 separate petitions that challenged Clark County's comprehensive plan (CP) and development regulations (DRs) adopted December 29, 1994. Some of the petitions also challenged the comprehensive plans and development regulations adopted by the cities of Vancouver, Camas, Battle Ground and Ridgefield, which plans were adopted shortly before or after the action of Clark County. During the entire 3-year growth management planning process, all the cities and Clark County had worked together with the goal of achieving consistent CPs and DRs that would be adopted within the same general time frame.

Subsequent to the formal adoption of Clark County's comprehensive plan and development regulations, staff noted the presence of scrivener errors in the printed documents. Subsequently, a public hearing was held to correct the errors and resulted in a change of designation to what was originally intended in a portion of Clark County. Yet another petition was filed on April 3, 1995, which was within the 60-day period after publication of the corrected designation.

Ultimately, nine days of hearings on the merits were held in Vancouver. The hearings occurred over a 3 week period commencing June 19, 1995, and ending July 7, 1995. In the intervening months between the filings of the petitions and the hearings on the merits, weeks of prehearing conferences and motions hearings were held.

During the interlude between filing and hearings, Clark County acknowledged that some revisions to the CP and DRs were needed. Seven of the original 62 petitions were voluntarily

remanded by stipulation between the parties. Five other petitions were dismissed either voluntarily or by stipulation. During the motions portion of our process, we dismissed 3 other cases; one for filing beyond the 60-day period of RCW 36.70A.290(2), one because the petitioners failed to participate in either the prehearings or motions process, and one that involved plat covenants that were unaffected by the County's actions.

Forty-four different parties were granted intervenor status in various petitions. Of the original 85 petitioners, approximately one half involved property specific challenges while the remainder set forth more generalized issues. Intervenors consisted of entities such as all school districts in Clark County, the Clark County Homebuilders Associations, Vancouver Chamber of Commerce and various individuals and corporations. Most of the intervenors involved parties who supported the actions taken by the County and the various cities. A small number of intervenors were involved in the property specific challenges, generally in support of the actions of Clark County.

Over 20 attorneys represented different parties. While there was not a breath of conflict of interest from the multiple representations, there were occasionally some very interesting changes in the dynamics of arguments. Of the original 62 petitions, 23 were consolidated for purposes of argument. We declined to consolidate all cases prior to the hearings on the merits to avoid each petitioner having to serve pleadings on over 100 other parties. Ultimately, on July 19, 1995, after all the hearings had been completed, we did issue an Order of Consolidation for all pending cases for purposes of issuing one final order and dealing with any subsequent motions.

During the motions portion of the process, Clark County challenged the right of a number of petitioners to proceed with their cases. Of the approximately 35 *pro se* petitions, Clark County challenged most for the failure to serve a copy of the petition on the County. Some of the petitioners failed to serve a copy on any representative of Clark County, some failed to serve the Auditor, and some failed to serve the Auditor until weeks after filing the petitions. Clark County acknowledged that it suffered no prejudice as a result of these late or nonexistent services since all of the ones not served by a petitioner had been received from our office. By a series of orders we declined to dismiss any of the cases under the provision of WAC 242-02-230, since there was no showing of prejudice to the County. The City of Battle Ground filed a similar motion on a

petition challenging its comprehensive plan, which was also denied.

Clark County also moved to dismiss the State Environmental Policy Act (SEPA) challenges asserted in 5 different petitions. The County acknowledged that each of the petitioners had standing under the Act but asked that we impose a different standing requirement for SEPA challenges. By Order dated May 24, 1995, we declined to do so and held each of the petitioners had standing to challenge SEPA actions or nonactions.

The record ultimately presented to us consisted of designations from the record below of Clark County, Vancouver, Camas, Washougal, Battle Ground, and Ridgefield. Additionally, supplemental evidence requests were made by a number of parties, including many of the intervenors. Most of the requests involved matters that were part of the record and overlooked in the designations, or material that was available to the decision makers during the growth management planning process. Some, but very few, documents outside the record that were available prior to the December 20, 1994, decision of the Board of County Commissioners (BOCC) of Clark County, were admitted. No materials generated after December 20, 1995 were admitted.

One petitioner, Clark County Citizens United, Inc. (CCCU), requested that affidavit or testimonial evidence be presented concerning their challenge to the adequacy of the final supplemental environmental impact statement. We decided to wait until the completion of our review of the record and the hearings on the merits to rule on that request. By Order dated July 18th, 1995, we determined that further evidence supplemental to the record would not be of assistance or necessary for us to reach our decision. The motion by CCCU was denied.

During the prehearing conference process we encouraged each of the parties to coordinate briefing and argument such that duplication would be avoided. We specifically noted in each prehearing order that failure of a party to argue a specific issue would not constitute a waiver of that issue. We also discouraged intervention by an existing petitioner in other cases solely to protect later rights of appeal. The parties cooperated with this direction, and in our view, no party has waived any argument or position on any issue.

The planning process in Clark County began in October 1991. It involved staff from the eight

cities and towns and Clark County, as well as individuals, groups, special districts, other agencies, and utility providers. A process, known as the *Prospectives Program* included a steering committee of mayors and county commissioners and a staff-driven technical advisory committee, which included school districts, utilities, ports, and issue-based subcommittees. Nine newsletters were sent to every household in the County, which included two separate mail-in surveys. Three random sample telephone surveys were done. Eight specific issue papers were mailed to people who had indicated an interest. A toll free telephone hotline was established, as were speakers bureaus, a monthly cable television series, workshops, planning fairs, and open houses each Wednesday night. The public participation process culminated in a lengthy series of joint public hearings before the County Planning Commission and BOCC.

In July 1992, Clark County adopted its county-wide planning policies (CPP) (Ex. 1). The County then embarked on adoption of a more comprehensive policy that involved a community visioning process. A final environmental impact statement (FEIS) (Ex. 77) was issued March 5, 1993, and the County then adopted a "community framework plan" (CFP) some 60 days later (Ex. 2). The purpose of this subsequent CFP was stated in county brief number 1 at page 2 as follows:

> "...The Framework Plan provided policy direction for both the County and the cities in the development of the 20-Year Comprehensive Plan. The Community Framework Plan addressed the regional issues associated with the GMA process, while the County-Wide Planning Policies, for the most part, addressed process issues. . ."

During the 3-year planning process, numerous items of correspondence were received by the county. The various citizen advisory groups and technical advisory groups met at different times throughout the process. Interim Urban Growth Boundaries were established in September 1993 following public hearings before the Clark County Planning Commission and the BOCC.

A supplemental draft environmental impact statement (SDEIS) (Ex. 78) for the CP and the first draft of the CP were available in June 1994. A supplement final environmental impact statement (SFEIS)(Ex.79) for the CP was issued in early September 1994, along with an updated draft of the CP. Shortly before the first joint public hearing, the planning department staff published a recommended plan that added an "agri-forest" designation to the resource lands element and eliminated the concept of rural villages and hamlets that was included in earlier drafts.

The joint Planning Commission/BOCC public hearings commenced September 9, 1994, and continued through November 30, 1994. Some 23 public hearings were held during which members of the Planning Commission and BOCC were present. The BOCC listened to the public testimony, but were not present for the deliberation portions held by the Planning Commission. Verbatim transcripts of all public hearings were prepared and submitted as part of our record. Some 38 separate staff reports were prepared during the public hearing process.

When the Planning Commission had forwarded its recommendations, the BOCC held another public hearing on December 13, 1994, and continued deliberations on the CP and DRs for 5 days thereafter. On December 20, 1994, the CP and DRs were adopted.

Throughout this entire 3 year planning process, Clark County never complied with the mandates of RCW 36.70A.060 and .170 regarding classification, designation, and conservation of resource lands and protection of critical areas. Except for a new wetlands ordinance which was the subject of *Clark County Natural Resources Council, et. al., v. Clark County* (*Clark County 1*), #92-2-0001, the County relied upon previously adopted designations and zoning ordinances. Consistent with an earlier decision by the Central Puget Sound Growth Management Hearings Board, we recently held in *Friends of Skagit County v. Skagit County (Friends of Skagit County)*, #94-2-0065, (Dispositive Order dated May 26, 1995) that such reliance without formal action of the BOCC did not procedurally comply with GMA.

No challenge to Clark County's failure to comply was brought until September 8, 1994, when a petition was filed entitled *Rural Clark County Preservation Association v. Clark County*, #94-2-0014. Since the CP was about to be adopted, a stipulation was entered between the parties that dismissed the petition. The parties agreed that certain arguments would be preserved for presentation if an appeal was filed after adoption of the CP and DRs. Such an appeal was filed as part of this case. After a motions hearing in May, 1995, we determined that certain of those issues could be presented. They will be discussed later in this Order. We declined re-examination of our final order in *Clark County I*, that related to the Clark County wetlands ordinance that remained in effect.

With this general background of the actions of Clark County in adopting its CP and DRs, we turn

to the issues that were presented for resolution at the hearings on the merits. In order to facilitate readability we will generally refer to any or a portion of the petitioners as petitioners and specifically identify respondents Clark County and/or the individual cities. Intervenors will be referred to collectively unless specific identification is helpful to understanding the issues and/or the ruling.

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SEPA

A number of petitions raised SEPA challenges. In *Reading, et. al., v. Thurston County, et. al.* (*Reading*), #94-2-0019, we established the parameters of our EIS review as follows:

1. The scope of review is *de novo*;

2. The adequacy of an EIS is determined by the "rule of reason"; and

3. The governmental agency's determination that an EIS is adequate is entitled to "substantial weight".

We pointed to a provision of SEPA, WAC 197-11-442(4), relating to the scope of a non-project action which states:

> "The EIS's discussion of alternatives for a comprehensive plan,...shall be limited to a general discussion of the impacts of alternative proposals for policies contained in such plans,...and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures...."

The rule of reason directs us to determine "whether the environmental effects of the proposed action are sufficiently disclosed, discussed, and substantiated by supportive opinion and data." *Klickitat Cy. Citizens Against Imported Waste v. Klickitat Cy. (Klickitat Cy.),* 122 Wn.2d 619, 644, 860 P.2d 390, 866 P.2d 1256 (1993).

Petitioners contended that the adopted CP dramatically limited the amount of land available for residential use and instead designated it to resource activities. Therefore, the FSEIS did not adequately discuss any "probable negative environmental impacts" from more intensive agricultural practices relating to water quantity, e.g., irrigation, or water quality, e.g., increased use of fertilizers and pesticides.

The FEIS for the Community Framework Plan (Ex. 77) indicated that such "adverse" environmental impacts of agricultural practices would be later addressed. In the FSEIS (Ex. 79) this information was addressed albeit in summary form. However, as in *Klickitat Cy.*, the County here referenced its groundwater management plan (Ex. 912 volume 1 and 2) as authorized by WAC 197-11-640. Even assuming that petitioners presented sufficient evidence to substantiate their claim, the incorporation of the 850 page groundwater management plan sufficiently disclosed the possible environmental impacts from increased agricultural use.

Petitioners also claimed that the staff proposal of an agri-forest designation, which added some 36,000 acres to previous comprehensive plan drafts' resource designations, and the elimination of rural centers from the previous drafts, was beyond the scope of the alternatives discussed in the FSEIS. Petitioners pointed to Ex. 93 which stated the "permitted density of development on virtually all this additional acreage is substantially less than what the EIS discussed." Thus, according to petitioners, a supplemental EIS (a supplement to the supplement) or, at the very least, an addendum pursuant to WAC 197-11-600(4)(c), was required.

WAC 197-11-405(4)(a) directs that a supplemental EIS is to be prepared if there are "substantial changes to a proposal so that the proposal is likely to have *significant adverse environmental impacts*" (italics supplied). While we do not say that in every situation a reduction of residential development and replacement by a resource land designation could never have "significant adverse environmental impacts," the record here convincingly discloses that the agri-forest proposal did not have any significant adverse environmental impacts. There was no requirement to prepare another supplemental EIS. While an addendum would have been helpful and could have been prepared, the County did not violate SEPA in failing to do so. The same reasoning applies to the elimination of rural villages and hamlets from the CP.

Petitioners further contended that the FSEIS failed to address a "no action" alternative as required by WAC 197-11-440(5). The FSEIS noted that a continuation of the existing CP and zoning regulations had been evaluated in both the draft (Ex. 76) and final (Ex. 77) EIS for the community framework plan. This "no action" alternative was rejected in those documents for which exhibit 79 was the supplement, i.e. FSEIS. Further discussion was not required.

Finally, petitioners contended that the County failed to respond to comments on the DSEIS in developing the final statement. WAC 197-11-500(4) provides that responding to comments on a draft EIS is a "focal point" of the Act's commenting process. Here, the FSEIS responses were contained in section 5. The County chose a range of available responses under WAC 197-11-560 (3). As shown by section 5 at pages 22 and 23, the FSEIS did respond to the water quality issues raised.

GOAL SIX

Virtually every individual petitioner who challenged his/her comprehensive plan designation, as well as a number of general petitioners, relied upon Goal 6 (property rights) as one of the bases for Clark County's alleged noncompliance.

RCW 36.70A.020(6) states:

> "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions."

Actually, Goal 6 contains two separate and distinct goals; (1) takings and (2) protection from arbitrary and discriminatory actions. We have previously held in *Mahr v. Thurston County (Mahr)*, #94-2-0007 (Dispositive Order dated August 7, 1994) that our jurisdiction granted under the Act does not include resolution of violations of the U.S. and/or Washington State Constitution. *See also Gudschmidt vs. Mercer Island,* CPSGMHB #92-3-0006. Rather the "takings" prong of Goal 6 is to be reviewed to determine if adequate consideration of that prong has been given by the decision makers. The record in this case discloses that significant time and consideration was given to this prong throughout all levels of the decision-making process. Consideration started with the initial newsletter program in 1991, and continued through many of the reports. It was discussed in staff reports and at the Planning Commission hearings, during the BOCC hearings and deliberation, and was contained in the CP.

None of the petitioners alleging violation of this prong have sustained their burden of proof to show that Clark County had an obligation under the Act to go beyond what was done. We reject the request of petitioners to expand our jurisdiction to include a finding that a "taking" had

occurred. We are not authorized to do so under the Act, both for jurisdictional and practical reasons.

The second prong of Goal 6 relates to protection of "property rights of landowners" from "arbitrary and discriminatory action". As we noted in *Clark County I,* compliance with GMA involves both the goals and requirements of the Act. Our four-question analysis invokes a methodology of ensuring both procedural and substantive compliance. Since neither "property rights of landowners" nor "arbitrary and discriminatory actions" are defined in the Act we must discern legislative intent to reach a general definition that can apply throughout this and future cases.

In attempting to define "arbitrary and discriminatory" actions, we note first that the Legislature has used the conjunctive (and) rather than the disjunctive (or) form. This indicates a legislative intent that the protection is to be from actions which are together "arbitrary and discriminatory". The term arbitrary connotes actions that are ill-conceived, unreasoned, or ill-considered. The term discriminatory involves actions that single out a particular person or class of persons for different treatment without a rational basis upon which to make the segregation.

The term "property rights of landowners" could not have been intended by the Legislature to mean any of the penumbra of "rights" thought to exist by some, if not many, landowners in today's society. Such unrecognized "rights" as the right to divide portions of land for inheritance or financing, or "rights" involving local government never having the ability to change zoning, or "rights" to subdivide and develop land for maximum personal financial gain regardless of the cost to the general populace, are not included in the definition in this prong of Goal 6. Rather the "rights" intended by the Legislature could only have been those which are legally recognized, e. g., statutory, constitutional, and/or by court decision.

We conclude then that this prong of Goal 6 involves a requirement of protection of a legally recognized right of a landowner from being singled out for unreasoned and ill-conceived action. We will use this test to measure the claims of the various petitioners that are raised in this case. We note that in our four-question analysis question 3, concerning reasoned consideration of appropriate factors and avoidance of inappropriate factors, provides a nexus for determination of

this test.

REMANDS

Prior to the hearings on the merits, six different cases were remanded by agreement between Clark County and the petitioners involved. One other case was remanded that involved both Clark County and the City of Ridgefield. In each case, the local government acknowledged that it was necessary to revisit the action challenged. In order to forestall any question as to the effect of the remands, we note that in each case none of the particulars of the petition were presented for resolution by us. We therefore hold that in each instance of remand, any action or inaction by the local government if challenged would have to be the subject of a new petition. Since we have not issued any ruling on the merits of the petitions, we would not be in the position to adequately review the subsequent action of the local government by means of a compliance hearing.

RESOURCE LANDS

Primarily Devoted To

The foundational question raised regarding agricultural and forest designations involved both definitional sections of RCW 36.70A.030. Resource land that is "primarily devoted to" agriculture or forest is to be classified, designated, and conserved. Many of the petitioners maintained their property was not currently "primarily devoted to" either agricultural or forest uses.

Clark County countered that its obligation under RCW 36.70A.170 and WAC 365-190-050 and -060 was to classify and designate "land primarily devoted to" in the larger sense than contended by the individual petitioners. The "land" referred to in the Act, argued the County, was intended to be an area-wide description, rather than a specific individual parcel determination. It was upon this basis that Clark County focused its classifications and designations of agricultural and forest resource lands.

In classifying and designating agricultural and forest lands, Clark County not only considered WAC 365-190-050 and -060, but in fact used them exclusively. It was the contention of at least one petitioner that prior to the County's consideration of these guidelines required by RCW

36.70A.050, the County must first establish whether the resource land was "primarily devoted to" agriculture or forest production. While this interpretation has some facial appeal, a closer reading of the Act reveals the flaws in such a restrictive reading.

The driving force for the classification and designation scheme of RCW 36.70A.170 is found in the goals section of the Act. RCW 36.70A.020(8) states:

> "Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses."

We also note the significance of the findings section of Ch. 307, Laws of 1994, which changed the definition of forest land from the "primarily useful for" to the "primarily devoted to" criterion. Those findings by the Legislature reiterated the language of Goal 8 and in part stated that:

> "The legislature finds that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020 requires the conservation of a *land base sufficient in size and quality* to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible to the management of designated lands...." (emphasis added)

In view of these legislative declarations, it is clear that the "land" primarily devoted to resource production is intended to be viewed as an area-wide determination, rather than a site-specific analysis.

In *Olympic Environmental Council v. Jefferson County*, #94-2-0017, we addressed a resource land classification and designation scheme. We quoted with approval a March 9, 1994, DCTED memo which said in part:

> "[C]lassification and designation will be done on an area-wide basis in consideration of the overall character of the land and the Natural Resource Industries goal of GMA, as opposed to the specific characteristics of an individual parcel."

The use of an area-wide designation process for resource lands was an appropriate methodology for the County to employ.

CCCU challenged some of the area-wide agricultural designations as including land that was not "primarily devoted to agricultural use." It was petitioners' contention that some of the areas the County denominated "agricultural candidate areas" did not include even a majority of the land within the area in current agricultural uses.

After review of the record, we hold that CCCU has failed to sustain its burden of proof on this issue. Primarily and majority are not synonymous terms. While it may be possible, however unlikely, for a county to overly-designate resource lands, that has not been shown to be the case by this record.

Many individual petitioners whose property was designated contrary to their wishes complained that their "rights" were violated by the use of an "arbitrary and discriminatory" methodology and application of that methodology in the classification and designation process. None of those petitioners carried their burden of showing either a legally-recognized right or that they were singled out for unreasoned or ill-considered treatment.

Long-Term Commercial Significance

CCCU and many of the individual petitioners contended that much of the agricultural resource land classified and designated by Clark County did not meet the definition of "long-term commercial significance." Much of the support cited by petitioners for that contention came from a report (Ex. 181) issued by the Farm Focus Group. This group was a subcommittee of the Resource Lands Citizen Advisory Committee. It issued a report that agreed with the criteria used for initial agricultural land designations. However, a majority of the committee concluded that the commercially significant criterion could not be met in Clark County. A minority report found that agricultural resource lands were and would continue to be commercially significant for the long-term.

A close reading of the majority report does not support the conclusion asserted by petitioners. That report did not say that no commercially significant agriculture existed or would exist in the

long-term. It asserted that traditional large scale farming operations, such as dairy and large acreage crops, were no longer viable. The report acknowledged that different, and in some instances smaller scale, agricultural activities would continue to be commercially significant in the long-term. The report concluded that support of this other long-term, but smaller scale, commercially significant agriculture could be achieved without requiring 40-acre and 80-acre minimum lot sizes.

The long-term commercially significant aspect of the agricultural and forestry designations was a contentious and time consuming issue in the CP process. Hordes of information and testimony were presented to the decision makers in support of, or in dispute of, a determination of commercial significance for the long-term. Many people testified and submitted written evidence that it was impossible to "make a living" from an operation of the size involved in their holding of property. However, they often related that testimony to a lesser proposed minimum lot size than that recommended by staff and others. Other evidence showed that many farms were made up of several parcels of land, some of which was owned and some of which was leased. The 1992 agricultural census information disclosed that many farms nationally, and in Clark County, were operated by people who had considerable non-farm income.

Our review of the record finds significant support for the ultimate conclusion of the BOCC that the agricultural land and forestry land designations were lands of "long-term commercial significance." Petitioners have failed to carry their burden of proving the decision was an erroneous application of the goals and requirements of the GMA. The County chose a decision that was within the reasonable range of discretion afforded by the Act.

Agri-Forest

After publication of the draft CP and finalization of the Resource Lands Committee report, staff concluded more resource lands existed than had been recommended for designation. In part, the separation of the farm focus group from the forestry group had led on occasion to exclusions of some resource lands from each category because those lands were neither completely agriculture nor completely forest.

One week prior to the commencement of the joint Planning Commission/BOCC public hearings,

a staff report (Ex. 83) recommended adoption of a third resource land category entitled "agri-forest." This category involved an additional 36,000 acres of resource designation from that recommended by the CACs. Although a minimal amount of discussion about such designation had taken place during the resource group meetings, the record is clear that generation of this concept was primarily by planning department staff. The rationale for this additional resource land category was that:

> "...[T]his additional joint classification is recommended in order to account for lands which were originally overlooked from consideration for inclusion in either the agricultural or forestry category because they exhibited characteristics common to both, such as a property being used for both farm and forest activities, or a parcel suited to farming located adjacent to a group of forested lands."

This new category became one of the most vilified and thoroughly discussed aspects of the public hearings. It took up a large part of the deliberations of both the Planning Commission and BOCC. This category added 7% of the total acreage of Clark County to resource land designation. The CP explanation for this category was stated as:

> "[I]t 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 picked up as both farming and forestry activity was occurring on the site, with neither being the predominate use. Therefore, all the 'edges' of the resource areas were reevaluated. Through this process, the category of Agri-forest was developed which recognizes that both or either resource activity may be occurring in this area."

Various petitioners attacked this category as not allowed under GMA, unsupported by the record or violative of the public participation aspects of RCW 36.70A.140 and .020(11).

The GMA directs that classification, designation and conservation of agricultural and forest lands shall occur. CCCU contended that the Act's identification of specific classes (agriculture and forest) implied a legislative intent to exclude any other classes. We do not read the GMA as being so restrictive.

Goal 11 of the Act provides for maintenance, enhancement, and conservation of natural resource lands and industries. Along with the requirements of RCW 36.70A.060, it provides a logical basis for the proposition that a major concern of any comprehensive plan is the conservation of lands that are producing, and can be anticipated to produce, resource-based commodities for

commercial purposes. The designation of resource lands that do not precisely qualify as either agriculture or forest, but often have characteristics of each, is a choice that is within the reasonable range of discretion afforded to local decision makers under the Act.

CCCU also contended that evidence contained in the record did not support the County's use of the agri-forest category. Much of this argument focused on the CAC resource lands reports. That focus is too narrow. Regardless of the level of discussion by the resource lands subcommittees, the agri-forest category was extensively discussed subsequent to its presentation to the Planning Commission/BOCC. Sufficient evidence is contained in this extensive record to show that a wealth of information, discussion and written evidence existed to support the decision of the BOCC. Petitioners have failed to carry their burden of proof to overcome the presumption of validity that attached to the agri-forest category.

Various petitioners also attacked the use of aerial photographs by the County to specifically locate agriculture, forest, and agri-forest designations. Our review of the photographs, in conjunction with all of the record, discloses that the photos were a useful tool for providing specific information and were appropriately used by the County. What petitioners have overlooked in their complaints is that these photographs constituted only a piece of the entire collage and were not used as the exclusive means of designation. Public testimony, CAC recommendations, correspondence from property owners, and staff research were also used. The classification system took into account all of the criteria recommended by WAC 195-360-050 and -060. Only as part of the designation stage (mapping) did the County use aerial photographs. Their use was to implement the classification criteria.

A different group of petitioners, including Rural Clark County Preservation Association (RCCPA), contended that the County was required to classify every tract of land designated under the current use taxation scheme of RCW 84.34. Again, this contention focuses on too narrow a piece of the entire collage. The Act does not require such an automatic designation. Rather the benefits to landowners arising from the current use taxation scheme is only one of many considerations to be used. Clark County appropriately included it in that context.

We found disconcerting, however, the claims of individual property owners who challenged a

resource land designation on their property where the property was, and had long been, placed in the current use classification system. We did not find persuasive any of the site specific challenges to a resource land designation where the property was receiving special tax benefits under the current use classification. We found the arguments that the property was not currently being used for agricultural or forest production to be disingenuous where the property was currently in that tax classification.

The final claim made by many petitioners was that the public participation goals and requirements of the Act were violated by the infusion of the agri-forest category so late in the overall GMA process. We have previously held that public participation was violated in two cases involving changes occurring late in the GMA process, *Berschauer v. Tumwater (Berschauer)*, #94-2-0002 and *Moore-Clark Co. Inc., v. Town of LaConner (Moore-Clark)*, #94-2-0021. The circumstances and record in this case differ significantly from those cases.

The touchstone of the public participation goals and requirements of the Act involve "early and continuous" public involvement. As we said in *City of Pt. Townsend v. Jefferson County (Pt. Townsend)*, #95-2-0006, adequate and correct information must be available to both the public and the decision makers at the earliest opportunity in order to comply with the public participation aspects of the Act. Here, the agri-forest category was first proposed by staff on September 23, 1994. Over the next 3 months the category received extensive discussion and public participation. The ultimate decision on including the 36,000 acres as a resource designation was not made by the BOCC until December 20, 1994. While it may have provided better public confidence to have included this category at an earlier time, the entire concept of resource land designation classifications had been discussed since the beginning of the GMA process in 1991.

A close reading of both the *Berschauer* and *Moore-Clark* cases shows that in those cases the noncompliance arose because of a combination of the nature of the change, as well as the timing. In *Berschauer,* re-examination of the site specific designation arose as a result of neighborhood complaints near the end of the entire comprehensive plan process. Thereafter, a separate and distinct methodology was adopted for reconsideration of that neighborhood only. The subsequent CAC recommendation received only cursory review by the Planning Commission and city

council. The designation was also inconsistent with the remainder of Tumwater's comprehensive plan.

In *Moore-Clark* the town council adopted a 1% population projection near the conclusion of its comprehensive plan process. We found a lack of authority by the Town to make that determination. Additionally, we held that adequate notice had not been provided for the decision. In combination with the reversal of the long-used 2.9% population projection, a violation of public participation was shown. In neither of those cases, however, did we hold that no changes could be made at the later stages of the GMA process. Here, the change that was adopted to include the agri-forest land area was not as dramatic or substantial as the changes made in *Berschauer* and *Moore-Clark.* Additionally, a very thorough discussion was made by both the public and the decision makers as to the reasons, impacts and necessities of the agri-forest designations. There was no violation of public participation in adopting the agri-forest category.

RCCPA and others contended that the total resource land designations for the County were insufficient and that resource land minimum lot sizes were inadequate. As to these issues, petitioners have failed in their burden of proof to show noncompliance. The Act provides a difference between interim resource land designations and DRs, and those involved in a comprehensive plan decision. While interim designations need to err on the side of over-inclusion, comprehensive plan designations and development regulations for resource lands involve a wider range of discretion and balancing of competing interests. The County's decision to set minimum lot sizes of 80 acres for some forest land, 40 acres for other forest land and 20 acres for agriculture and agri-forest districts, under the record presented here, was based upon appropriate information consideration and involved a reasonable range of discretion allowable under the Act. Likewise, the decision of Clark County to include golf courses as a conditional use in agriculture districts was within the discretion afforded under the Act.

The County did concede during the hearings on the merits that CP policies 6.2.2 and 6.2.3 regarding public water extensions and required hookups in rural and resource areas were internally inconsistent with policy 6.2.7 and with the CFPs which provided generally that extension of water service to rural areas should be discouraged. In a specific case challenging the

water hookup provisions of the CP and DRs, the County stipulated to a remand. If the internal inconsistency was not resolved by that remand, it must be done by this one.

The 1980 Clark County Comprehensive Plan provided for "clustering" of residential development on resource lands as long as approximately three-quarters of the land remained for resource use. In adopting the Community Framework Plan, the County adopted policy 3.2.7 to review that clustering concept "to ensure these developments continued to conserve agriculture or forest land." That review was made and the County determined that the goal of conserving resource lands was not being achieved by the clustering concept. The record disclosed that the clustering concept as used in Clark County over the last 15 years had had exactly the opposite effect. This continued loss of resource land to clustering ended with the BOCC adopting an emergency moratorium regarding cluster subdivisions on April 19, 1993. The moratorium was later renewed.

Petitioners claimed that the omission of a clustering option from the 1994 CP violated Goal 6 of the Act. None of the petitioners showed any "property right" that was violated by the County's decision, nor did they show that the BOCC acted in an "arbitrary and discriminatory" manner. Ironically, one petitioner even claimed that the remaining portion of a clustered property should not have been designated as a resource land because of the proximity of residential development emanating from the cluster options used under the old plan. Given the record in this case, we find that the County is in compliance by eliminating the cluster development provisions and may well have been out of compliance had those provisions been retained.

Mineral Lands

Clark County adopted a "mineral resources map" as part of its CP process. The map was based upon information submitted by the Mineral Focus Group, a subcommittee of the Natural Resources Advisory Committee. The land classification methodology was based upon DCTED guidelines. Tier 1 lands (readily identified as capable of long-term aggregate production) and Tier 2 (based upon criteria analyzed from a matrix adopted as part of the CP) were designated. The focus group also recommended a policy, later incorporated into the CP, that prohibited mining activities within any 100-year floodplain. Two landowners challenged the exclusion of 100-year floodplain areas from mineral resource designation.

The record reveals that the reasons for the exclusion were "the general fragile character of these areas and some concern about how to manage mining areas over the long term." While the record reveals what was done, it reveals nothing of why. There was no review or analysis of the effect of mining within a 100-year floodplain constrained by the Shoreline Management Act (SMA), SEPA, and/or the Surface Mining Act (RCW 78.44).

The property owned by petitioners met the criteria established in the matrix of Table 4.4 of the CP to an even higher degree than many of the designated sites. Clark County has on many occasions dating back to *Clark County 1* argued that SMA, SEPA, and other statutes provided adequate authority for protection of critical areas. The County did not examine either why that statutory authority would not apply in the instant case or why the 100-year floodplain was "fragile" only to mining but nothing else. The exclusion of these mining designations under the record before us does not comply with the Act.

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Buffers

RCW 36.70A.060 requires a county to adopt development regulations that "assure that the use of *lands adjacent* to agricultural, forest, or mineral resource lands *shall not interfere*" with the continued use of such agricultural, forest, or mineral lands (italics added). This statutory provision forms the basis for a mandate to provide adequate buffering between resource lands and incompatible uses. CFP policy 3.2.10 directs that the County establish buffers for natural resource lands to "lessen potential impacts *to* adjacent property" (italics supplied). Because this issue continues to surface in all cases in our jurisdiction where resource lands are at issue, we take this opportunity to once again state what this statute clearly directs.

The required development regulations are not intended to protect development from the resource, but are to be designed to protect the resource from incompatible encroachments. Clark County adopted "right to farm" and "right to log" ordinances, and a vicinity resource activity plat notification ordinance. Clark County dealt with the edge issues of resource lands and provided minimum lot sizes as an attempt to comply with .060. Nonetheless, we find that Clark County has not complied with this requirement to buffer resource lands from incompatible uses.

While plat notification and right to farm and log ordinances are essential first steps, their objectives are often lost under the barrage of complaints from adjoining residential neighbors. Dealing with edge issues on resource land designations furthers the requirements of .060. Those steps by themselves are not sufficient to comply with the mandate. Minimum lot sizes in rural designations do not fulfill the requirements of .060. After remand Clark County must consider additional mechanisms to avoid the single most destructive reason for elimination of resource lands; adjoining incompatible land uses.

RURAL ISSUES

An understanding of Clark County's rural element can not be had without a review of the events that occurred over the 3 years preceding adoption of the CP. The unprecedented number of petitioners and intervenors in this case dramatically demonstrates an unusually high level of involvement in the GMA process. The actions of many citizens of Clark County over the 3-year period prior to adoption of the CP dramatically demonstrates an unmatched level of sophistication. The evidence of these actions is derived from a stipulation between Clark County and RCCPA, staff reports, the FSEIS, and other exhibits.

The sophisticated actions began shortly after the passage of the Growth Management Act and commencement of Clark County's planning process under it. In the decade of the 80's, cluster subdivision applications and resource lands segregations averaged approximately 6 per year. In 1990 and each year thereafter, the rate more than doubled to 13.3 per year. General subdivision applications in 1992 were the highest ever recorded and in 1993 increased an additional 27%. In May and June of 1992, approximately 40 new "rural" lots were created. In May and June of 1994, over 270 new lots were created. Overall in 1993, the planning department received an average of 135 permit applications per month, an increase of 17% from 1992.

Large lot subdivisions (between 5 and 20 acres) allowed as "segregations" by the previous comprehensive plan and zoning ordinance totaled 117 for the year 1989. In 1990, the number jumped to 789. In April of 1993, prior to adoption of an emergency moratorium there were applications for segregations of 407 parcels, an 800% increase from the previous month and more than the entire year of 1992. At the time of adoption of the emergency moratoria on clusters, subdivision planned unit developments, and large lot developments in April of 1993, an estimated

19 square miles of segregations had occurred since May 1, 1990. Ultimately in November 1994, one month prior to adoption of the CP, yet another emergency moratorium on all new developments less than 20 acres had to be adopted by the BOCC. The segregations and subdivisions applied for prior to the moratoria presumptively vested under current Washington law.

Within this backdrop the County adopted a rural designation and provided that *all* rural lands would have a minimum lot size of 5 acres. The rural designation applied to approximately 83,500 acres of Clark County's roughly 500,000 acre total. We find this decision and minimum lot size, under the facts of this case, to be inconsistent with both the GMA and the County's own policies as reflected in the CFPs and CP.

While rural lands may be the leftover meatloaf in the GMA refrigerator, they have very necessary and important functions both as a planning mechanism and as applied on the ground. One of the most important symbiotic relationships is the one between rural and resource lands. Properly planned rural areas provide necessary support of and buffering for resource lands. Early in the planning process, the Farm Focus Group established what became known as the "rural resource line." South and west of this resource line, the focus group, staff, and the Planning Commission recognized that segregations and parcelizations had occurred involving thousands of lots ranging from 1 to 2.5 acres. However, north of the "resource line", less parcelization had taken place. Much of the prime resource areas were found in that location. The focus group concluded that south of the line a 5 acre minimum lot size was appropriate for rural lands but that north of the line a 10 acre minimum would further the CFP and CP policies of providing large minimum lot sizes for residential development in rural areas to maintain the rural character. (CFP 4.2.3)

The FSEIS stated that a 5/10 split for alternative B was not as good as the "environmentally preferred" 10/15 acre split for alternative C. The planning department recommended a 5/10 split while the Planning Commission was unable to agree. Some members agreed with the planning department's recommendation while others favored a uniform 10 acre minimum lot size throughout the County. The record contained significant evidence concerning the relationship of minimum lot size to current resource activity and the necessity for buffering. A major omission that the BOCC made in establishing a 5-acre minimum lot size for all rural areas was ignoring the

differences that existed north and south of the "resource line".

A secondary aspect of a proper rural element planning involves the preservation of a rural lifestyle. A "rurban sprawl" has the same devastating effects on proper land uses and efficient use of tax payer dollars as urban sprawl. Uncoordinated development of rural areas often involves greater economic burdens than in urban areas. Infrastructure costs for rural development are, by definition, more inefficient than for urban.

The population projection issue is more thoroughly discussed in the urban section of this Order. Nonetheless, it is important here to recognize that in its initial planning stages the County allocated 15,000 of the population projection number for non-urban growth. While the Act does not require a land capacity analysis for rural areas similar to that necessary for UGAs, it does not allow existing and future conditions to be ignored. There was ample evidence in this record to show that sufficient lots existed as of December 1994 to accommodate the allocated 15,000 population increase in the rural areas. The FSEIS stated that if all existing vacant parcels were developed with single family residences over the next 20 years, the 15,000 population allocation would be exceeded. An October 13, 1994 staff report based on tax lot information indicated there was an excess of 13,500 preexisting undeveloped tax lots. At an average of 2.33 persons per household (used in the CP), there would be more than twice the number of lots available to house the allocated 15,000 population projection, even without additional divisions of land that would likely occur over the next 20 years. Clark County asserted that it would be impossible for each lot or tax lot to develop, and with that we agree. Nonetheless, the County candidly acknowledged that no different figures were reviewed or analyzed other than those noted above.

The usefulness of population projections is destroyed if an arbitrary allocation number is picked that has no basis in reality and which is not considered in relationship to the total picture. Contrary to the assertion of CCCU, the population allocations for urban areas plus the population allocations for non-urban areas must total the population projection. Population projections and allocations are interdependent and are not solely for use in urban areas. There are available lots which were presumably made for residential purposes that far exceed the rural population allocation. A failure to recognize those conditions necessarily skews the appropriate allocations for urban areas. Exacerbation of this problem by placing only 5 acre minimum lot sizes for what

unsegregated rural areas remain in the County renders that determination not in compliance with the GMA.

CCCU and other petitioners contended that the 5 acre minimum lot size throughout the County violated the GMA provision requiring a "variety of densities." Petitioners' argument was that the BOCC must specifically provide a variety of densities at the time of adopting the CP rather than allowing the variety to occur by "default." The Act does not require a particular methodology for providing for a variety of densities. Given the evidence in this case, more variety of densities has occurred in rural Clark County since 1990 than was ever envisioned in the Act. There has been no violation of the Act regarding this issue.

Likewise, we do not find a violation of the public participation goals and requirements of the Act simply because the decision on county-wide 5 acre rural lot size was made by the BOCC near the end of their 5-day deliberative process. Many petitioners contended that there was no specific consideration, study, or recommendation for such a county-wide 5 acre minimum prior to the BOCC decision. The record reveals that many different suggestions and recommendations were made as to appropriate minimum lot sizes for rural areas. The FSEIS alternative A involved a 2 1/2 minimum lot size. Much public comment recommended 1 acre minimums. The mere fact that a different decision than that recommended by staff, the Planning Commission, or the CAC was reached does not *ipso facto* show a violation of public participation.

Rather, the flaw in the BOCC decision for a uniform 5 acre minimum lot size is shown by reference to questions 3 and 4 of our four-question analysis. The BOCC did not give appropriate consideration to the evidence contained in their own record concerning the need for greater levels of buffering for resource lands, particularly north of the resource line. They did not appropriately consider the impacts of the parcelizations and segregations that had occurred since 1990. Regardless of fault, blame, or reasons why, the extraordinary number of divisions in resource and rural lands allowed since 1991 lessened the reasonable range of discretion normally afforded to local decision makers under the Act.

Before we began writing, we decided that each of the site-specific challenges would be individually addressed in this Order. Many of the petitioners had expressed frustration at the

County process. They felt that their individual complaints and concerns were lost in the morass of information and issues that accompanied the incredible scope of the County's efforts. We empathized with those frustrations while understanding the need of the County staff and elected officials to proceed the way they did.
To facilitate our desire to respond to each individually, we reviewed the briefs, arguments, evidence, and petitions of the site-specific claims. They involved a wide range of complaints about designations as resource lands or rural lands, property right violations, arbitrary and discriminatory action and public participation violations.

Once we reviewed these site-specific claims, we determined that logic dictated we first decide and articulate our reasons for the generalized issues that were presented. When we had completed that portion, we returned to the information regarding the site-specific claims. As we rereviewed the site-specific information, we realized that all of the answers to those claims were provided by the answers to the generalized issues. Taking into account that this Final Order already neared 75 pages, we reevaluated the value of adding 20 more pages to repeat the same conclusions already stated. In the end, the drawbacks of adding 20 pages outweighed the benefit of demonstrating to each petitioner that we thoroughly reviewed his/her case.

We understand the expressed frustration that many of the site-specific petitioners had towards the predicament in which they found themselves. Those who did not take advantage of the County's benign neglect between 1991 and 1994 now see their neighbors allowed unencumbered rights to load the landscape with incompatible uses. There are implementation measures the County could take to level this playing field and reinject some fairness into the situation. Aggregation of the segregated lots, restrictions on lots under 5 acres in the vicinity of resource lands, and other vehicles are available. Whether the BOCC will adopt such measures remains to be seen. If they do not, the unfair position that many of these site-specific petitioners find themselves in will be perpetuated.

Urban Reserve

Under Clark County's Comprehensive Plan the concept of "urban reserve" involved a designation for lands not classified as resource areas that were located on the fringe of urban growth boundaries and thus available for possible future additions to urban growth areas. The purpose of

the urban reserve designation was to "protect the area from premature land division and development that would preclude efficient transition to urban development." The designation consisted of two components: "urban" (residential) and "industrial". Urban reserve areas for the cities of Battle Ground, Camas, La Center, Ridgefield, Washougal, and Vancouver involved 10 acre minimums for residential urban reserves and 20 acre minimums for industrial urban reserves. Actual acreage involved ranged from a low of 27 acres surrounding Camas to a high of 6,400 acres surrounding Vancouver.

Some petitioners complained that the concept violated the GMA. We do not agree. Long range planning for a time-frame in excess of 20 years does not violate the GMA and is a laudable planning achievement. We take official notice that other states with longer histories of GMA planning than we, are experiencing problems with the proliferation of 5 acre or less lots adjacent to urban growth boundaries when the time for expansion of the UGA arrives. Contrary to some petitioners' assertions, GMA does not require all planning to stop at the end of the 20 year period. We commend Clark County for use of what appears to be an "innovative technique" for long range planning purposes.

We do share some of petitioners' concerns about the application of the designations and the lack of standards for future uses. The standards issues will be discussed later under the urban section of this Order. The record is unclear as to whether any land that would have otherwise been designated resource lands has been included in the urban reserve area. If so, such inclusion would constitute a violation of the County's own policies as well as the GMA.

CRITICAL AREAS

In an Order entered May 24, 1995, we declined petitioners' invitation to revisit our decision in *Clark County 1*. The County has acknowledged that it failed to comply with the provisions of RCW 36.70A.060 (3) to review its wetland ordinance to assure consistency with its comprehensive plan. As we noted in *North Cascades Audubon Society v. Whatcom County* (*North Cascades*), #94-2-0001, a critical area ordinance is not "interim" since the Act does not require adoption of new designations and DRs in the comprehensive plan process as is the case with resource lands. The statute does, however, require a local government to review its critical area ordinance for consistency, and this Clark County has not done. As this noncompliance is a

procedural one, once that review has taken place by the County, a person with standing who wishes us to review that action as to its substance, must file a new petition.

As we noted in *Clark County 1*, the wetlands ordinance constitutes only a portion of the critical area protection requirements of the Act. Other areas that must be protected by development regulations include areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. At the time of our review of Clark County's wetlands ordinance, these other areas had neither been designated nor protected.

Subsequent to September 1, 1991, Clark County did not take any action to adopt DRs as required by RCW 36.70A.060. Rather, the County relied upon its existing regulations as compliance. Reliance on pre-GMA designations and regulations without public participation and new legislative action does not comply with the Act, *Friends of Skagit County.*

Regardless of its failure to act during the time between September 1, 1991 and adoption of its CP, Clark County did adopt Ordinance #94-12-53 as part of its development regulations requirements. Section 28 of that ordinance is entitled "Existing Ordinances" and is cited by Clark County as compliance with the critical area requirements of the Act. The language of section 28 is often obscure. What is clear is that it does not rise to the status of compliance with the Act.

While the most technical of notices of the impending adoption of these preexisting ordinances was published, a review of this record disclosed that no adequate notice as required by the Act was provided. There was never a hearing concerning critical areas or implementing ordinances, nor was there any discussion by the BOCC. The only reference in any part of the record about critical areas involved a question of one Planning Commission member to the planning director about why the critical areas were not being covered or discussed. The response from the planning director essentially said that not enough time remained to completely deal with the topic. His answer, of course, did not cover a reason for their omission since 1991.

While it is tempting to comment specifically on some of the substantive issues presented by the

pre-GMA ordinances, we will not. Since the County on at least 3 separate occasions specifically requested us to "tell them what is necessary to adopt," we make the following general observations. We are not unmindful of the irony of a local government requesting precise and directive requirements. The County's position here seems totally antithetical to both the protection of a local government's land use authority and the direction of the GMA. The County candidly acknowledged that this request was based in part upon feared financial ramifications of Initiative 164. This seems nothing more than the old political twist of trying to "put the turtle in another's pocket." We will not accept this snapper. Suffice it to say that the GMA does not yet have a provision for a local government to avoid its responsibilities because of fear of Initiative 164.

We also note that section 114 of ESHB 1724 emphasizes the need for integrated planning between GMA and SEPA. It would appear difficult for a local government to properly integrate SEPA into GMA if the GMA process is ignored with sole reliance being placed on pre-GMA SEPA ordinances.

AND NOW FOR SOMETHING COMPLETELY DIFFERENT

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URBAN

(Nan Henriksen did not participate in hearing or deciding the urban portion of this Order)

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Population Projections

In its initial planning stages, Clark County adopted population projections that were a conglomerate of Office of Financial Management (OFM) figures and projections issued by Metro (Multnomah, Washington, and Clackamas Planning Agency) and IRC (Clark County Intergovernmental Resource Center). The figures were projected to the year 2010 and Clark County thereafter used a straight line interpolation to year 2012. These figures exceeded the OFM projection, although the County contended that the difference was only approximately 3,000 people. In August of 1994, the planning director issued a memorandum (Ex. 93) that stated the County was required to use the OFM figures under recent Growth Management Board

decisions. The County then decided to abandon use of the conglomerate Metro projections and to strictly use the OFM 2012 projections. As so often happens, the plan was good but the execution was lacking. During the hearing on the merits, the County conceded that the original Metro population projections continued to be used through the CP process.

We held in *Port Townsend*, that the OFM projections must be used unless convincing evidence for a different figure was presented. In this case, Clark County did not even attempt to present evidence that the Metro figures should have been used because the County decided to use the OFM projections. Unquestionably, if the OFM projections are the proper ones then those exact figures must be used. The County's failure to do so results in noncompliance with the GMA.

The County and many intervenors contended that the difference of 3,000 people over a 20-year period was *de minimis* and should not require a remand. The first answer to that contention is that the record is not at all clear that only a 3,000 population projection difference resulted. Remand is also required because there are other instances of noncompliance within the UGA and population projection panorama. As noted earlier in this Order, the arbitrary assignment of 15,000 additional population to the rural areas was not based on sustainable evidence. The record showed that even if Clark County imposed a 20-year moratorium on division in rural areas for residential purposes, there would still be significantly more than a 15,000 person influx into the rural area. The County must analyze the reality of the preexisting lot sizes in some manner and correlate that reality with OFM population projections.

As pointed out by CCNRC, the County had a planning expiration date of 2012 when it adopted its CP in December 1994. When readjusting the projection in August 1994, the County failed to take into account the 3-year population influx since 1991. This had the effect of implanting projections that were not based on OFM numbers, for a 20-year population into a 17-year plan. This action does not comply with the GMA.

In order to comply with the GMA the County must (1) use the OFM 2012 projection, (2) deduct from that number the population increase in the County since 1991 and (3) make an allocation of projected rural growth that is reasoned and reasonable considering existing conditions. The remaining number must then be allocated to the various cities and towns before urban growth

boundaries are determined. We are aware of recent legislation, ESB 5876, that allows the County to use a projection within a range rather than an exact number. This would perhaps affect step 1 but does not have any relationship to steps 2 and 3.

Lest there be any question about the scope of our ruling as to Clark County's UGA decisions, the necessity for this remand is a result of two factors. The first is Clark County's nonuse of the correct OFM population projections. Were it not for that noncompliance, we would not be requiring reallocation of steps 2 and 3 above. In *Port Townsend*, we recommended challenging OFM projections by petition rather than ending up as Clark County has here.

We are also concerned about the impact of changing the 15,000 rural allocation figure. It is not our intention to promote sprawl and somehow "reward" the County for its allowance of these parcelizations and segregations during the 3 year planning process. It is our intention to not have the sprawl problem exacerbated by the addition of overly large UGAs. Our decision here reflects some very unusual circumstances presented by this record.

Because the proper defining of an UGA involves more that just population projections, we address the remaining issues raised in this case to facilitate the County's ultimate decision after remand.

Vacant Lands Analysis

Many petitioners challenged the Vacant Lands Analysis (VLA) prepared by Clark County and used as one of the bases to determine the proper UGAs. The attacks centered not on the methodology of the VLA but rather upon the assumptions that went into it. After reviewing this record and listening to hours of argument, it is clear to us that the assumptions used by Clark County, with the exception of the market factor discussed in the next paragraph, were all well within the range of discretion afforded to the local decision maker under the Act. We reaffirm our oft-stated precept that our review is not to determine whether a better planning strategy exists but rather to determine whether the goals and requirements of the GMA have been achieved.

In the assumption phase of the VLA the County used a market factor of 25% for residential areas and 50% for commercial and industrial areas. This market factor was applied to land to ensure a

viable continuing market that would not be artificially inflated by an overly restrictive land base. The use of a market factor was generally consistent with DCTED guidelines in place at the time of the adoption of the CP. Those guidelines, however, recommend only a 25% increase for industrial and commercial areas.

The other two Boards have had occasion to rule on the issue of the use of a market factor and have held that the GMA authorizes such a consideration. We take this opportunity, our first, to agree with those decisions. In any event, all questions about the use of a market factor were clarified by EHB 1305. The problem that arises in this case is not the use of a market factor but rather its use in conjunction with the establishment of urban reserve areas and the lack of standards for implementation.

As noted earlier, the noncompliance in Clark County's use of urban reserve areas is because of a lack of criteria for conversion of the urban reserve area to urban growth area. In conjunction with that flaw, the use of a 25 or 50% market factor in setting the initial UGA in effect "double-dips" the land area under consideration. In its CP the County established an annual review of the factors used to establish the urban growth boundary. The purpose of this annual review was to determine whether the location of the boundary "is working" or whether it needed to be expanded or contracted. The effect is to have a fluid UGA with inadequate infill provisions that does not achieve the anti-sprawl cornerstone of the Act.

While an urban growth boundary does not have to be cast in concrete, it must have liberal applications of superglue. The County must make a choice on remand between the use of a market factor in the vacant lands analysis and the use of urban reserve areas. The County's concept of incremental movement of the urban growth boundary to always have a 20-year planning horizon is not in compliance with the GMA.

To a large extent, the reason for that noncompliance is because of the lack of standards for moving the boundary into the URA and the lack of strong DRs from the County and/or the affected city to implement tiering and infill. These omissions distinguish this case from *Reading*.

Urban Holdings/Contingency Zoning

As part of its concurrency requirement, Clark County adopted policies in its comprehensive plan

for "urban holding districts" and "contingent zoning" provisions. At page 12.4 of the CP, these concepts were explained as follows:

> "The comprehensive plan map contemplates two land use methods to assure the adequacy of public facilities needed to support urban development within urban growth areas (1) Contingent Zoning which applies an "X" suffix with the urban zone and (2) applying an Urban Holding District combined with urban zoning."

The stated goal of these two concepts was to prohibit urban growth within the urban growth area until sufficient infrastructure was in place or assured, or until annexation took place. Clark County used these two concepts within the UGA to support the concurrency goals and requirements of the Act and to provide a mechanism for tiering of urban growth.

Petitioner CCNRC contended that the urban holding district was invalid because the Act prohibits allowing an area to be included in the UGB that is not able to be served with public facilities and services in the 20-year planning period. Secondly, CCNRC pointed out, annexation of these urban holding areas would not necessarily resolve the problem of lack of concurrent public facilities and services. Petitioner Holsinger contended that the contingent zoning area was applied in an "arbitrary and discriminatory" manner to the 179th Street/I-5 area where his property is located.

The urban holding residential areas have minimum lot sizes of 1 du/10 acres. Industrial urban holding zones have a minimum lot sizes of 1 du/20 acres. Unlike the urban reserve areas, which are located outside the UGA, the urban holding areas are definitionally located within the boundary. Each holding area is identified in the CP at page 12.5 and 6 for each individual city. Each area is required to maintain the "holding" designation until the city can assure adequate provisions are in place or will be made if the area is to be annexed. While we are unsure of how the County could enforce such a requirement if annexation did occur, we do not find a violation of the GMA on the basis of that possibility alone. The concept of the urban holding area within an urban growth area furthers the concurrency goals and requirements of the Act. The use of such a concept is in the discretion afforded to local decision makers.

It is accurate to say that the CP provides for contingent zoning restrictions only in the 179th

Street/I-5 area as petitioner Holsinger claims. It is also true that that area provides the most significant reason for the adoption of the contingent zoning concept. In order to show a violation of Goal 6, a petitioner must first show that a "right" of a landowner has been violated. This has not been done by Holsinger. We do not perceive that there exists a recognizable "right" to develop property for the maximum profit regardless of the short-term and/or long-term impact to the taxpayer. Nor has petitioner shown that even if such a "right" existed that the mere fact this area is the only one burdened by the contingent zone concept is in and of itself an arbitrary and discriminatory decision. The record is clear that the area in question, of which petitioner owns but a small portion, has significant inadequacies in public facilities. The correction of these deficiencies prior to further urbanization follows exactly what GMA requires. We find no violation.

Industrial Designations

As an integral part of the economic development element of its CP, Clark County relied heavily on background work done by the Technical Advisory Committee and by Columbia River Economic Development Council (CREDC). Working together, those groups developed a report dated March 12, 1993 (Ex. 613) which included an extensive parcel-by-parcel industrial land survey. Recognizing the regional nature of economic development, the groups surveyed both county and city industrial land areas. The report concluded that approximately 12,000 acres were designated or zoned industrial land throughout the county. Some 4,800 acres were currently in use. Only 1,200 acres of the vacant industrial land were determined to be "prime". The remaining 6,000 acres were categorized as marginal or poor. The 3 categories of prime, marginal or poor were chosen after reviewing the "key factors" of parcel size, sensitive lands and utilities. Adjoining land use was also taken into account in the categorization process.

To answer the question of the amount of industrial land needed over the planning cycle, the report looked at 3 separate methodologies. The first was a forecast based upon historical industrial land absorption of 100 acres per year. The resulting figure of 2,000 (although only a 17-year planning cycle was used by the County) was then multiplied by a 50% market factor. A projected need for 3,000 acres of *prime* industrial land was thus determined.

The second methodology involved a cooperative inventory with the Washington State

Department of Employment Security to estimate industrial land densities. Determining that an average employee per acre ratio of 8 existed, the needed acreage was estimated to be 1,739. Again, a 50% market factor was added to reach a total of 2,609, which was then converted in the report "with a slight cushion" to be 3,000 acres.

The final methodology involved a 1984 study conducted by the Stanford Research Institute (SRI) for the Portland metropolitan area. That 1984 report indicated that 3,000 acres of industrial land were necessary for an adequate 20-year supply. The SRI report apparently did not segregate "prime" from other industrial lands.

Based upon these methodologies, the report recommended that the CP include a prime industrial land base of 3,000 acres. Clark County and the cities agreed. The report did not recommend any increase to, or even retention of, the 6,000 acres that had been categorized as marginal or poor.

The "3,000 prime acres" became engulfed by exuberance and seemed to take on a "mystical" quality. It is commendable, laudable, and important for a county and its cities to designate sufficient areas to facilitate economic growth. The workings of CREDC and the Land Use Committee in determining the appropriate level of those goals were thorough. There are however, two matters that require remand and re-examination.

The most obvious flaw in the CP designations involves the change in the rallying cry for "3,000 acres" to the policy of "3,000 *new* acres." The existing 1,200 acres of prime industrial land somehow was forgotten. In the context of the exhaustive planning process undertaken by Clark County it is easy to understand how that occurred.

The less obvious flaws involve the methodology used to arrive at the 3,000 acres. Clark County adopted industrial urban reserve areas outside UGAs. These URAs were not invested with any standards for the timing of, or criteria for, conversion from outside to within an urban growth area. These URAs were designated in addition to the 50% market factor used to estimate need. The historical forecast programmed for 20 years rather than the 17 years of the CP, and then used a straight 50% addition for projected need. The density requirement methodology not only contained a 50% market factor, but also projected an additional 15% cushion. The third

methodology, the 1984 SRI study, did not provide any supporting rationale or even segregated "prime" from other classifications.

The record before us is cloudy as to exactly the amount of industrial land classified by the County and the cities and how much of it was "prime." The amount of acreage in the industrial urban reserve area is unknown. Exhibit 2, a list of various acreages for the urban growth areas, designates "light" and "heavy" industrial acreages. These designations are not of assistance in reviewing the amount of "prime" acreage. We were unable to find any corresponding chart for the URA acreage. On remand, the figures used and the results must be more clearly set forth and must be within the limits provided by the Act as set forth in the preceding 2 paragraphs.

A second stated purpose for industrial URA was to provide large acreage areas outside the UGA for potential "emergency" use if a significant employer became available and public facilities and services issues could be resolved. This strategy was designed to keep small scale industrial and commercial uses out of the areas and preserve them for major industrial capabilities. If a user did appear on the scene, the URAs could be converted into the urban growth area at a later time after resolution of concurrency issues. Again, it is unclear from this record whether these large scale URAs were considered part of the "prime" 3,000-acre industrial areas.

Whatever question may have been involved at the time of adoption of these industrial URAs concerning the necessity for siting them within an urban growth area has been resolved by recent amendments found in ESB 5019. The 1995 Legislature has clearly directed that industrial growth outside of urban areas can occur under specified criteria. In conjunction with the reanalysis of the industrial land siting issues noted above, the County must reconsider the viability of industrial URAs in light of ESB 5019. If the URA designations are to continue, the criteria for their conversion must coincide with those set forth in the legislation. One of the standards that should be strongly considered is a prohibition of conversion of "prime" industrial designation to any other use.

Additional urban issues were raised with regard to the proper designation of the UGA by Clark County, as well as challenges to the comprehensive plans and development regulations of individual cities. We will address those issues by means of identification of the city involved with the issues involving them and their urban growth areas.

Vancouver

We initially note that Vancouver asserted there were some 5,562 acres of vacant, industrially-designated land in its urban area. Of that amount, only 530 acres have been identified as "prime." The remaining 5,000 were designated as either secondary (marginal) or tertiary (virtually useless) (VLA Ex. 161). Prior to the County establishing an appropriate UGA, the City of Vancouver must determine what uses are to be made of these 5,000 acres that are concededly no longer useful as industrial lands.

Another major determination that has not been resolved by this record is the impact of the Vancouver Transit Overlay Ordinance. During the early stages of this case, the challenge to that ordinance was stipulated by Vancouver and Clark County to require a remand. Most of Vancouver's infill policies and implementation measures revolve around the success of high density transit corridors, which in turn are primarily dependent upon an effective transit overlay ordinance. Since that ordinance, and its accompanying high density aspects, is not presently before us, we have no alternative but to find the remaining infill and density portions of Vancouver's CP inadequate and not in compliance with the Growth Management Act. The City has conceded that other implementation measures to fulfill density and infill requirements under the CFP and GMA were in process but had not been adopted at the time of these appeals. The successful completion of those ordinances will be necessary to show compliance.

Vancouver adopted a "sensitive lands ordinance" in 1992 pursuant to the requirements of GMA relating to critical areas. Unlike Clark County, the City of Vancouver has had development regulations in place since 1992 relating to critical areas protection. We have no authority at this late date to review petitioners' challenges to the substance of those ordinances, *North Cascades*. The City conceded that it did not complete the consistency review required by RCW 36.70A.060 (3). In this regard, the City of Vancouver, like Clark County, is not in compliance with the goals and requirements of the Act. This review must be completed in order for the City to achieve compliance. Any changes made from that review or any challenges concerning the consistency of the ordinance with Vancouver's CP would be the subject for a new petition after the review has been completed.

Petitioners, particularly CCNRC, raised other challenges to the Vancouver CP. The initial

challenge involved a failure of Vancouver to include the 10-year traffic forecast required by RCW 36.70A.070(6)(b)(iv). Submission of the information to CTED does not comply with the statute. It must be included in the comprehensive plan. *Reading*. The CP is not in compliance with the GMA in this respect.

The Capital Facilities Plan adopted by Vancouver, its concurrency system with established levels of service (LOS) and financial projections were all challenged. In all those challenges petitioners failed to meet their burden of proof of showing noncompliance.

The City established LOS standards for many public services including transportation and parks. The Act requires that these LOS standards be established but invests local governments with wide discretion as to their level. Petitioners have not shown that the Act was violated simply because a national park study LOS standard was not adopted or because the LOS standard for roads in some instances was established at a "failing" level. Vancouver has established concurrency requirements for transportation and other public facilities and services. Petitioners have not shown that these requirements are inadequate to the point of noncompliance with the Act.

Petitioners challenged the funding aspects of Vancouver's Capital Facilities Plan. Again, petitioners failed to show a violation of the Act. Local decision makers are directed to review potential revenue avenues, determine if projected funding will meet the needs set forth in the Capital Facilities Plan, and prioritize those projects to serve areas where growth is to be channeled. Vancouver has done this, albeit with more optimism than petitioners believe is likely. The decisions shown in this record are well within the discretion afforded by the Act. Vancouver has also complied with the Act by providing for alternative actions if revenues fall below projected levels.

Within the UGA of Vancouver petitioner Wade's property was designated as light industrial. Petitioner did not demonstrate that a violation of the GMA occurred simply because the County chose to limit further commercial expansion in the vicinity of that property. Nonetheless, the petition is remanded for further consideration in light of our finding that all the industrial area designations need to be reevaluated.

Camas

Clark County's CFP, adopted in conjunction with each city in accordance with RCW 36.70A.210, provided that urban density must average between 6 and 10 du/acre. Camas contended that it objected and continued to object to the imposition of this CFP policy. Under the provisions of RCW 36.,70A.210(6), the time for challenge to that policy has long since past. Camas also adopted a 75% single family to 25% multi-family ratio in contravention of the CFP. The FSEIS, Camas CP, and an acknowledgment by Camas at the hearing on the merits demonstrate that even at a minimum of 6 du/acre, under any conceivable rational population allocation, Camas would not have to expand its municipal boundaries for the next 20 years. Thus, there can be no justification for an UGA beyond the Camas municipal boundaries. There is no need for residential urban reserve areas surrounding Camas under the record that exists here.

Petitioners also challenged the critical area DRs adopted by Camas. We do not have authority to review the substantive portions of these regulations because they were adopted in August 1991. Our role at this stage is to determine whether such DRs are consistent with the CP.

Camas pointed out that its CP contains numerous references to critical area regulations "that facially demonstrate that the comprehensive plan was drafted in consideration of and to be consistent with the existing development regulations." This facial demonstration, however, does not comply with the requirement to review these DRs to achieve consistency with the CP. Local decision makers must be aware of the critical area DRs, the provisions of the CP and must allow an opportunity for the public to comment upon, and be involved in, the review process. There was no such action that took place here. The issue is remanded for procedural compliance. Any dissatisfaction with the result of that compliance would be the subject for a new petition.

As with Clark County and Vancouver, petitioners challenged the capital facilities plan, LOS standards and concurrency aspects of Camas' CP and DRs. Petitioners have failed to meet their burden of proof.

The challenges of petitioners to the public services and facilities aspects of the Camas CP appeared to be almost an afterthought to the Clark County and Vancouver challenges. Our

review of the record shows that Camas developed a number of background studies and plans for its capital projects for parks, water, sewer, streets, transportation, etc. LOS standards were adopted for transportation and, in addition, for parks, open space, police, fire, wastewater, and drinking water. Proposed expenditures were based upon these incorporated plans and studies. Major sources of funding were identified and an annual review process was instituted to make adjustments for changes in financial projections. Local governments have a wide range of discretion under the Act in developing funding sources and projections. The Act does require contingency plans if funding sources are later found insufficient. Camas has complied with the Act in these regards.

In reviewing Petitioners' challenges to water issues, this record showed that Camas met most of the goals and requirements of the Act. A 1994 Water System Plan update was made. It included an inventory of existing facilities and a projection of future needs and proposed improvements to the waste water system. Camas conceded, however, that its land use element did not comply with the stormwater drainage aspects of RCW 36.70A.070(1) that provides in part:

> ". . . [W]here applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute the waters of the state, including Puget Sound or waters entering Puget Sound."

This matter is remanded to Camas for compliance.

Two additional petitions challenged the actions of Clark County regarding the Camas UGA. In the first, *North Lackamas, et. al.*, contended that their property was incorrectly designated as agricultural, forest or agri-forest and that SEPA provisions were violated. Those issues were answered in the resource lands portion of this Order. The petition also contended that the property was incorrectly left out of the Camas UGA. The necessity for the Camas UGA to be located at municipal limits shown above makes further consideration of that claim unnecessary. We note, however, that the fact that water and sewer services are or could be made available does not direct that an area must be included in an UGA. Availability of public facilities does not in and of itself define an area as "characterized by urban growth." We have consistently held that public facility availability cannot be the sole criterion for inclusion within an UGA. *Reading.*

The other petition was brought by Sun Country Homes, Inc. and alleged that its property within the Camas UGA was incorrectly designated by the BOCC as light industrial. Many of the arguments concerning the inappropriateness of an industrial designation to this property dovetail with and provide support for our decision to require reevaluation of all industrial designations. The property does not appear to be consistent with the CP emphasis on "prime" industrial land. Because of the necessity to establish the Camas UGA at the municipal limits and because petitioner's property is located between the Vancouver and Camas UGA, the County must assign a designation that more properly fulfills the goals and requirements of the GMA. That designation must include a recognition of the impact on the Fisher Quarry mining site located nearby.

Washougal

Various petitioners challenged the Washougal UGA on the grounds previously set forth in the Clark County UGA portion of this Order. Additionally, Friends of the Gorge challenged the decision by Clark County to place a portion of the UGA within the Columbia River Gorge National Scenic Area. The rational for the BOCC action was to "support" the efforts of Washougal to have the area eliminated from coverage under federal law. By dispositive motion we dismissed the claim of Friends of the Gorge that the action of the BOCC violated the federal statute. We held that we had no authority to rule on such a claim.

However, we did review this matter as part of the hearings on the merits because of the alleged violation of GMA. Under the situation shown by this record, we find that GMA has been violated and that there is no basis for the BOCC to place part of an urban growth area within the confines of the National Scenic Area. The Gorge Commission has the authority to establish densities at that location. One residence for every 2 acres is the maximum allowed. Obviously 1 du/2 acres is not an urban density. Until that density is changed, the GMA does not allow Clark County to impose an urban growth area there since it is not, nor could it be, urban.

Battle Ground

Much of petitioners' challenges to the Battle Ground CP involved the designation of the UGA. Clark County must reevaluate and reestablish the UGAs for all cities and towns, with the exception of Yacolt, and size them appropriately. This record is clear that the area established for

Battle Ground is too large, particularly in light of Battle Ground's failure to comply with the community framework plan and the GMA.

Battle Ground acknowledged that it does not have any "infill" policies, but instead relied upon "concurrency" policies for appropriate phasing of its urban growth. The assumption made by Battle Ground was that until public facilities and services were available on a cost-efficient basis, the market place would necessarily preclude inefficient sprawl. The invalidity of this assumption is shown by many examples, both within Clark County and throughout the State of Washington. Much of the need for the Growth Management Act was a result of prior reliance on this assumption.

Concurrency is not the same as infill. Both have separate and distinct purposes. Infill relates to the phasing of growth. Its primary purpose is to avoid the inefficient use of the land resource, i. e., sprawl. Concurrency is intended to ensure that at the time of new development, public facilities and services are in place or are adequately planned. Its primary purpose is to avoid the predicament of development after development decreasing levels of service to complete failure with no funding relief in sight. Ultimately, the failure occasioned by added development becomes a burden on the public taxpayer of the city or county involved.

The lack of appropriate infill policies and DRs is exacerbated by the City's failure to adhere to the CFP ratio of 60% single family to 40% multi-family in order to provide appropriate densities for urban development. Battle Ground adopted a 75/25 ratio in its CP, which is a violation of the CFP and therefore of the GMA.

One purpose of the 60/40 ratio is to achieve affordable housing goals. Battle Ground did not adopt any adequate policies, nor implementing development regulations for affordable housing. In order to achieve compliance, Battle Ground must adopt a 60/40 ratio and implement policies and DRs for infill and affordable housing.

Petitioners also contended that Battle Ground failed to review and/or adopt adequate drainage, flooding, and stormwater strategies and policies as required by RCW 36.70A.070(1). Battle Ground accurately pointed out that existing facilities were noted in its Capital Facilities Plan and

CP. However, there was a failure by Battle Ground to adopt drainage and stormwater goals, policies, strategies, and regulations. Merely listing existing facilities and stopping there does not fulfill the mandate of RCW 36.70A.070 (1).

Petitioners further contended that Battle Ground failed to provide groundwater protection because its wetland ordinance exempts class II wetlands from coverage. Other than making conclusory statements, petitioners did not carry their burden of proving that this exemption amounted to a failure to protect groundwater supply.

Petitioner Barner complained that the designation of her property adjoining the UGA of Battle Ground to a 5-acre minimum violated the GMA. Her complaint alleged a violation of RCW 36.70A.110 requiring urban growth to be located in areas characterized by urban growth which also have existing public facility and service capabilities. She contended that her property provided a natural physical boundary to the ultimately decided UGA of Battle Ground and that the existing road systems serving her property were "sufficient for development under 1-acre zoning" thus satisfying the goals of minimizing infrastructure costs.

This record provides ample support for the County decision to exclude this property from the Battle Ground UGA. While an area cannot be included in an UGA unless it is, or is adjacent to, an area characterized by urban growth, the reverse is not necessarily so. Existing urbanization does not always dictate UGA inclusion. In light of our earlier discussion concerning the reduction of the Battle Ground UGA, there is no reason to remand this case for further consideration.

Ridgefield

As with the cities of Camas and Battle Ground, the CP for Ridgefield adopted a 75/25 ratio for single-family to multi-family designations. Ridgefield is not in compliance with the Act unless and until it adopts the 60/40 ratio and implements the same with appropriate DRs.

Because Ridgefield's UGA must be reevaluated, we will review the industrial lands decisions in order to provide guidance for the re-examination.

The Ridgefield city limits are located some 3 miles west of the 179th street junction with I-5. Known to all as the "junction," this undeveloped, agriculturally-based area was seen as the last virgin industrial territory available within 30 minutes of the Portland metropolitan area. In the 1980's, the Port of Ridgefield acquired and improved acreage at the junction for industrial purposes. As an accommodation for this industrial growth, the City assisted in obtaining funding to build a pressurized sewer line from the junction to the City's sewage treatment plant. This pressurized line was dedicated for industrial purposes only and was not to be used for any residential growth along its length. Currently the area around the junction has a low residential occupancy, small commercial and industrial uses and, like Alex Rodriguez, vast potential as yet unrealized. Recognizing this potential and the need for higher wages than those provided by service industries, Clark County and Ridgefield determined that the area around Ridgefield should be planned as a regional employment center. The UGA for Ridgefield was established with this regional employment center concept as the forerunner.

The County was confronted with two difficulties under the GMA in achieving its purpose of tying Ridgefield and the junction together. The first involved provisions of RCW 36.70A.110(3) that urban government services are to be provided by cities and are not to be provided in rural areas. The second was the prohibition of siting urban uses, such as industrial designations, outside of urban growth areas. In order to resolve these conflicts and ultimately allow the building of a gravity flow sewer and water system to the junction area from the City, the County established a circular "bell" around the City and a smaller "bell" augmented with urban reserve areas around the junction. The two "bells" were then connected by a wide "bar". In order to accomplish this gerrymandered UGA, the County committed thousands of acres of land that would have otherwise been designated as resource lands (Ex. 77).

While the regional employer concept is laudable and achievable, particularly under recent amendments to the GMA, the methodology chosen by the County is not in compliance with the Act. The use of 3 miles of resource lands to connect the "bells" and provide a topographical feature for a later to be installed gravity flow sewer and water system does not comply with the Act under the record shown here. As noted by both the City and the County, the area around the junction is not and never will be an urbanized residential area. The only urbanization involves the hope that some day a major employer will view the site as "econotopia".

On remand the County will want to consider the use of amendments found in ESB 5019 (Ch. 190, Laws of 1995) and the amendment to RCW 36.70A.110(4) implemented by EHB 1305 (Ch. 400, Laws of 1995) to accomplish its goals for the Ridgefield area while still achieving compliance with the Act. If the County decides to retain the industrial urban reserve area designation, it too could provide a vehicle to achieve the regional employment center goal. The County might also consider an expanded presence by the Port of Ridgefield. The record here does not contain information on the relationship of the Port to the junction area and the use that that relationship could be put to.

LaCenter

Petitioner Beck alleged that his property should have been included in the LaCenter UGA as being adjacent to urban growth. The property has been designated agricultural since 1980 and is so designated in the current CP. It is under agricultural current use tax deferral status and does not have any current urbanization. The same situation exists as to the Woverton petition, except the prior zoning was rural estates and the 1994 CP designated the property agri-forest. It too is in the current use tax deferral program as agricultural property. The petitioners in those two cases have not carried their burden of proof of showing a violation of the GMA by exclusion of their property from the LaCenter UGA. There is no need to remand that decision to the BOCC even though re-examination of LaCenter's UGA is necessary.

ISSUES FOR WHICH WE COULD NOT FIND A CONVENIENT CATEGORY

Open Space Corridor

Given that the UGA of Camas must be maintained at the municipal boundaries in order to comply with the Act and that re-examination of Vancouver's UGA is in order, petitioners' contention that RCW 36.70A.160 required an open-space corridor between the two UGAs is not strictly an issue for resolution. However, it is clear from the language of the statute that such an "open-space corridor" need only be identified "within and between urban growth areas." The

statute adds that such identification cannot be used to designate the area as agriculture or forest for the sole purpose of maintaining the land as a corridor unless a local government purchases development rights.
The land between Vancouver and Camas includes an area called Fishers Swale, which should be reviewed by the County as it adopts a critical areas ordinance to determine consistency with its CFPs and with RCW 36.70A.160.

LOS Standards

Many petitioners challenged the traffic and road LOS decisions of the County. The record reveals that the County reviewed and analyzed the various options available in establishing these LOS standards. There is wide discretion afforded to a local government in establishing LOS standards. There was no violation of the GMA, shown by this challenge.

The transportation element of the CP does not include a traffic forecast as required by RCW 36.70A.070(6)(b)(iv). Clark County argued that the information was contained in various other documents. The Act requires that it be contained in the CP. Referencing other documents is not in compliance with the GMA. *Reading*.

Water, Sewer and Storm Water

As part of its CP, Clark County adopted "direct" concurrency requirements for a number of public services including water. At p. 6-4, the CP provided that:

> "...While the *GMA* requires direct concurrency only for transportation facilities, this plan extends the concept of direct concurrency to cover other critical public facilities of water, sanitary sewer and storm drainage."

While Clark County has been involved in a significant study of its water issues through its water plan (Ex. 912), it has failed to adopt any of the strategies contained in the plan for implementation measures. Having adopted a "direct" concurrency requirement through its CP, the GMA requires that implementing DRs be imposed that prohibit new development from reducing established levels of service. Clark County has not done this and thus is not in compliance with the Act.

Clark County also contended that since it owns no sanitary sewer or water systems, it was not

required to comply with RCW 36.70A.070(3) which requires a CP to include a capital facilities plan element that consists of:

> "(a) An inventory existing capital facilities *owned by public entities*, showing the locations and capacities of the capital facilities (italics added);
> (b) a forecast of the future needs for such capital facilities;
> (c) the proposed locations and capacities of expanded or new capital facilities;
> (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
> (e) a requirement to reassess the land-use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent."

The language of that statute involves facilities owned by "public entities" and does not limit capital facilities planning to only those facilities owned by the County. Public facilities that are owned by cities and are covered in a different comprehensive plan do not need reiteration in a County's plan. Other facilities owned by "public entities" do need to be included in order to adequately assess and fulfill the requirements of RCW 36.70A.070(3). Clark County's failure to take this action was a violation of GMA.

Clark County further argued that if such a requirement existed it would merely incorporate the capital facilities plans of other public entities. This argument misses the point. The overall purpose of the capital facilities element of a comprehensive plan is to see what is available, determine what is going to be needed, figure out what that will cost, and determine how the expense will be paid. A simple incorporation of some other entity's plan without then reviewing the entire program in a coordinated manner to ensure consistency and achieve the goals and requirements of the Act would not be in compliance.

Petitioners also contended that Clark County's stormwater ordinance was insufficient compliance with the requirement of RCW 36.70A.070(1) to "provide guidance for corrective actions to mitigate or cleanse" stormwater runoff. The FSEIS (Ex. 79) at Ch. 5, p. 22 stated that:

> "Currently, most streams in the southern half of the County fail to meet water quality standards. The major source of pollution is runoff from development. The Clark County Storm Water Control Ordinance...will not correct pollution problems caused by existing development." (emphasis in original)

The CP at page 6-8 discussed the existing and future problems associated with stormwater drainage. County documents continually referred to basin plans and strategies contained therein. In order to comply with the Act, the County must implement these strategies through DRs. The County adopted no policies nor DRs to provide solutions to the existing and future problems of stormwater drainage. The County failed to comply with the requirements contained in RCW 36.70A.070(1).

Archeological and Historic Preservation

RCW 36.70A.020(13) provides:

> "*Identify* and encourage the *preservation of lands*, sites, and structures, that have historical or archaeological significance." (italics added)

Clark County and the cities have adopted CFP 13.2.3 and 13.2.4 which requires the establishment of criteria and programs to identify archeological and historic resources, to protect those resources, and to establish a process for resolving conflicts between preservation of the resources and development activities.

Various petitioners challenged the compliance of Clark County, Vancouver and Camas with these provisions. Clark County adopted a "historic archaeological and cultural preservation element" in its CP as did Vancouver (Ex. 651). Camas did not reference this issue in its CP.

Camas contended that since RCW 36.70A.070 does not require an archaeological and historic preservation element in the comprehensive plan, it had no obligation to address the issue. The argument, as far as it went, is correct. However, it overlooks two essential matters. First, the CFPs referenced above direct that cities will recognize and plan for archaeological and historic preservation. Secondly, we have held from our very first case, *Clark County I*, that the goals of the Act have substantive authority and must be considered and incorporated into all GMA actions. Camas has not complied with the CFP nor with the Act's archaeological goal and therefore is not in compliance.

Both Clark County's and Vancouver's CPs recognized the necessity for archaeological and historic preservation. Both also recognized the need for an updated and comprehensive inventory

of the area's cultural and historic resources. The last inventory by Clark County was in 1979 and by Vancouver in 1980. Both plans recognized the crucial role played by the Heritage Trust of Clark County, a public non-profit organization chartered in 1982 by Clark County. Both plans also acknowledged the need for regulatory action. At page 53 of Vancouver's CP, implementation measure 1 provided in part:

> "...Based on this inventory, develop and implement a comprehensive preservation and management plan and regulations...."

Policy 9.3.3 of Clark County's CP provided:

> "Revise the zoning ordinance to include provisions to permit the review of individual development, redevelopment and demolition plans to ensure protection and minimize the impacts on cultural, historic and, *particularly archaeological* resources." (italics added)

This record reveals that none of the actions provided in the CPs were taken. No inventory was initiated, no regulations were reviewed, and the only action taken subsequent to the adoption of the CPs was the disbanding of the Heritage Trust Board.

Vancouver did not address these issues in its brief. Clark County raised the specter of Initiative 164. As we stated in the critical areas section of this Order, the GMA does not exempt counties and cities from compliance because of Initiative 164.

Clark County and Vancouver are not in compliance with the GMA by their failure to adopt implementing mechanisms as required by their own CPs, the CFPs and the GMA. GMA fundamentally changes the planning concepts previously used in this state. One of those changes is that a comprehensive plan is no longer a binder full of pages that is placed on a shelf, the sole purpose of which is to give someone the responsibility of dusting. If it is in the plan, it must be implemented.

<u>Airports</u>

The challenges brought by various petitioners under this category involved both a specific designation complaint and more generalized "essential public facilities" issues. The specific designation issue involved a decision by the BOCC to classify land known as the "Clark Aerodrome" as a light industrial area. Petitioners desired a "public facility" designation.

The property is located outside the Vancouver city limits but within its UGA. The airport is privately owned but was available for public use. Before the 1994 public hearings were completed, the owner had closed the airport. This closure was acknowledged by the Federal Aviation Administration. The Vancouver Planning Commission, City Council and Clark County Planning Commission had recommended that the property receive a public facilities designation. The basis upon which the BOCC decided to designate the area light industrial is best summarized at page 2 of the intervenor property owner's brief as follows:

> "The property has been surrounded by encroaching urban development. The designation is wholly consistent with the practical application of the land. It has an industrial park to the north, an active mine to the south and residential to the west and east of the site (within the former flight path). The property immediately to the east (owned by the Intervenor) received approval for a preliminary plat, known as Cedar View with a condition that a "Covenant Running with the Land" be placed on the subject property forever to prohibit use of the property for airport purposes."

After review of this record we find that petitioners have not sustained their burden of proof as to this issue. A local government, whether it is a county or a city, has a wide range of discretion in determining specific designations within an UGA under the Act. The GMA establishes many standards as to the establishment of an UGA but provides no goals nor requirements for specific designations within it. Resource lands and even rural areas have particular goals and standards not found for the area within a properly established UGA.

Petitioners' generalized issues challenged compliance with GMA requirements for public facilities and the County's CPPs. In accordance with RCW 36.70A.070(6)(b)(i), the CP included an inventory of air transportation facilities and services to define existing capital facilities and travel levels "as a basis for future planning." In addition to that requirement, RCW 36.70A.210 (3) requires that the CPPs address county-wide siting of essential public facilities. The County fulfilled both of these requirements.

RCW 36.70A.200(1) requires that a comprehensive plan "shall include a process for identifying and siting essential public facilities." Airports are contained within the definition of that statute as an essential public facility. Clark County's CP policy 3.3.21 directed that a "Clark County Airport Analysis" study be undertaken. The scope of that future study was to include some 6

different matters, one of which was completion of the *1984 Airport Systems* planning effort. The other matters included determining whether to establish airport advisory committee, developing forecasts investigating current and planned land uses, etc. Essentially, the study would be used to decide whether more studies ought to take place and, amazingly, whether the 1984 study ought to be completed. This does not qualify as a process for siting essential public facilities. Clark County is in violation of RCW 36.70A.200(1).

Additionally, RCW 36.70A.200(2) provides that neither a comprehensive plan nor a development regulation "may preclude the siting of essential public facilities." Clark County is not in compliance with the GMA because, as to airports, it has violated this subsection.

The CP allows an airport as an outright use within urban areas. Regardless of the questionable reality of such a provision, we note that the plan goes no further in restricting incompatible uses surrounding current or future airport sites. As can readily be seen in the quote from intervenor's brief referenced above, the Clark Aerodrome closed largely because of the County's failure to properly regulate the surrounding area. During the hearings on the merits we were provided with an illustration of the Evergreen Airport flight path showing surrounding urbanization which will likely lead to the same death knell as befell the Aerodrome.

The concept of "siting" involves future applications but also, particularly in the case of airports, requires efforts towards maintenance of current facilities. Development regulations are an appropriate vehicle to prevent the encroachments that make siting and maintenance of existing public facilities so difficult. On remand Clark County must re-examine its approach to the areas surrounding existing airports.

This inattention to surrounding areas was dramatically illustrated by a portion of case #95-2-0057 (Sadri/Mill Plain property). The property under challenge in that case was designated residential in the CP. As noted by that petitioner, the property is "directly in the flight path of Clark County's busiest private airport" with the main air strip approximately 100 yards west of petitioner's land. Property north of this airport was being developed as multi and single-family residential, and high density apartment units were being built to the south and east. On remand the BOCC must reconsider this residential designation in light of RCW 36.70A.200(2).

Effective Notice and Public Participation

Petitioners complained that the effective notice requirements of RCW 36.70A.140 were violated because no specific notice (direct mailing) of proposed designations was made. The GMA does not require a particular methodology of providing for early and continuous public participation. An abundance of information was distributed early and continuously by Clark County (see page 5). Petitioners have failed to show that a violation of the GMA occurred by the failure to directly mail notices to affected property owners.

Public participation challenges were also made concerning the joint Planning Commission/BOCC hearings. Each hearing between September and December 1994 imposed restrictions on oral statements. A 3 minute limitation for each speaker was established, each speaker was allowed only one opportunity to speak and restrictions as to the content of the oral presentation were imposed. We do not find a violation of the GMA public participation goals and requirements because of these restrictions.

The 3 minute limitation on oral presentations was softened by the availability of unlimited written submissions. In light of the tremendous scope of the CP and DR adoptions, we do not find that the County was required to allow more time to each participant. Although many attorneys complained about the restriction of only one appearance per meeting when multiple representations were the norm, the County was within its discretion, particularly as unlimited written presentations were allowed.

At one public hearing, an attorney began his presentation by disputing the County's authority to limit the content of the presentation. The BOCC Chairperson indicated that no oral presentation concerning the imposed restrictions would be allowed and prevented further discussion of this issue. It would have been in keeping with the public participation goals and requirements of the Act to allow a presentation of why the restrictions were inappropriate. However, the County's failure to do so under the circumstances that existed in this record is not a violation of the GMA. RCW 36.70A.140 provides that errors in exact compliance shall not be the basis for invalidation if the "spirit of the procedures is observed". This one minor instance of violation of public participation is not sufficient to remand the entire CP.

As part of its public participation process, Clark County invited any property owner to submit written comments (objections) to his/her designation established in the draft CP. Over 250 individual objections were registered with the County. Many of those property owners became petitioners in this case.

Various summaries of the individual objections were compiled by planning staff. Some of the objections were accepted and became part of the recommended final draft of the CP. Others were disputed. During its deliberative process, the Planning Commission expressed frustration at the inability to individually deal with each of these objections because of time constraints. Ultimately, the Planning Commission recommended that a special hearing examiner be appointed and a hearing be allowed on each complaint. The BOCC determined that there was sufficient information before them to make a determination on these objections.

We find no violation of the Act from the BOCC decision not to appoint a special hearings examiner and/or otherwise provide a hearing on each of these disputes. The record before us reveals that the BOCC had the information available, discussed the information, and exercised appropriate discretion as to the particular method of obtaining and resolving the facts presented by the objections. None of the petitioners sustained their burden of showing that the BOCC failed to comply with the public participation goals and requirements of the Act.

Commercial Designations

As noted previously, the GMA does not establish goals or requirements for specific designations within a properly established UGA. The scope of discretion to choose from a range of reasonable options is very wide when dealing with this issue. We have carefully reviewed the record with regard to the claims of misdesignations that either allowed or did not allow commercial locations presented by petitioners Ratermann, Sadri (except as noted in the airport section) and the North Salmon Creek Neighborhood Association. In none of the cases have petitioners sustained their burden of showing a violation of the GMA. The designations of these areas by Clark County were well within its range of discretion. The GMA does not allow us to substitute a "better choice." We deal only with whether a choice violates the goals and requirements of the Act.

ORDER

We have spent many pages of this Order discussing features and decisions found to be not in compliance with the Act. What must not be overlooked is the incredible scope of decisions that were made by the County and the cities that were correctly done. The record continually showed dedication, hard work and intelligence from citizens, staff and elected officials. While there are improvements that can be made, the overall quality of the work is excellent. We acknowledge the efforts of all who participated in this GMA process in Clark County.

In order to comply with the Act, the following actions must be taken:

A. By Clark County:

1. Resolve the inconsistency in CP Policies 6.2.2, .3, and .7;

2. Eliminate the prohibition of mining within the 100-year floodplain or adopt an analysis which substantiates the prohibition;

3. Adopt techniques to buffer resource lands in accordance with the CFP and GMA. Strong consideration must be given to aggregation of nonconforming lot sizes as well as other techniques to reduce the impact of the parcelizations that occurred between 1991 and 1994. Adopt development regulations that prevent incompatible uses from encroaching on resource land areas;

4. Increase the minimum lot sizes of rural areas located north of the "rural resource line";

5. Eliminate areas that would have otherwise been designated as resource lands from inclusion in an urban reserve area;

6. Adopt DRs that protect critical areas in addition to the existing wetland ordinance and review them for consistency with the comprehensive plan;

7. Review the existing wetland ordinance for consistency with the comprehensive plan;

8. Adopt the OFM population projection. Revise the number in light of current

information over the preceding, now, 4-year period to coincide with the year 2012 expiration date. Reevaluate the rural allocation based upon updated analysis of the effect of prior segregations. Analyze an appropriate relationship between the concept of urban reserve areas and market factors. Restrict the UGA of the City of Camas to its municipal boundary. Eliminate the UGA in the Columbia River Gorge National Scenic Area. Strongly consider allocating a larger population figure for areas surrounding Vancouver which are already characterized by urban growth, rather than areas surrounding other cities which are only adjacent to areas characterized by urban growth and which have resource lands that require buffering;

9. Reevaluate and appropriately designate the areas between the UGAs of Vancouver and Camas;

10. Specifically identify, after recalculation, the amount of acreage designated as prime. Eliminate the barbell effect of the Ridgefield UGA and the use of resource lands within the UGA. Analyze and evaluate the impact of ESB 5019 on the industrial urban reserve areas and adopt the criteria set forth therein. Strongly consider adoption of development regulations that prohibit the conversion of prime industrial area designations to other uses;

11. Place a 10-year traffic forecast in the comprehensive plan;

12. Comply with the requirements of RCW 36.70A.070(3) in the capital facilities element of the comprehensive plan;

13. Adopt DRs that implement concurrency requirements for potable water supply;

14. Adopt appropriate DRs to implement the strategies and policies for stormwater drainage issues;

15. Follow the direction of the CFP and GMA in adopting implementation mechanisms for archeological and historic preservation;

16. Comply with the requirements of RCW 36.70A.200 for airport siting and reevaluate the residential designation of the Sadre/Mill Plain property;

B. By Vancouver:

1. Review the critical area ordinance for consistency with the comprehensive

plan;

2. Include a 10-year traffic forecast in the comprehensive plan;

3. Adopt implementation mechanisms that implement the archeological and historic preservation policies of the comprehensive plan;

4. Determine appropriate designations for the 5,000 acres of land currently designated industrial which is not suited for that purpose;

5. Adopt appropriate infill DRs to include a transit overlay ordinance;

C. Camas:

1. Adopt a 60/40 ratio of single family to multi-family housing in order to comply with the CFP. Adopt appropriate development regulations to implement that policy;

2. Review the critical area ordinance for consistency with the comprehensive plan;

3. Adopt appropriate implementation mechanisms for archeological and historic preservation;

4. Comply with the stormwater drainage requirements of RCW 36.70A.070(1);

D. Battle Ground:

1. Adopt a 60/40 ratio of single family to multi-family housing in order to comply with the CFP. Adopt appropriate DRs to implement that policy;

2. Adopt appropriate DRs for infill requirements;

3. Adopt DRs for affordable housing requirements;

4. Adopt appropriate policies and DRs for stormwater drainage and flooding as required by RCW 36.70A.070(1);

E. Ridgefield:

1. Adopt a 60/40 ratio of single family to multi-family housing in order to comply with the CFP. Adopt appropriate DRs to implement that policy;

2. Adopt implementing development regulations to further affordable housing

requirements.

Because the work necessary to achieve compliance is exhaustive and interrelated, we extend the full 180 day period to the County and cities in order to complete these tasks.

This is a Final Order under RCW 36.70A.300 for purposes of appeal.

So ordered this 20th day of September, 1995.

_____
William H. Nielsen
Presiding Officer

_____
Les Eldridge
Board Member

_____
Nan A. Henriksen (Except Urban Section)
Board Member

CLARK COUNTY
WASHINGTON

DEPARTMENT OF
COMMUNITY DEVELOPMENT
Planning Division

MEMORANDUM

TO: Clark County Planning Commissioners

FROM: Craig Greenleaf, Planning Director

SUBJECT: Rural and Natural Resource Element

DATE: October 13, 1994

A. Resource Designations

How does the designations for resource lands differ from those proposed by the Rural and Natural Resource Advisory Committee?

The recommendations differ in two principal ways. First, there is a designation of Agriculture/Forestry which was discussed, but not in detail by the committee. Second, certain of the tiers recommended by the committee were combined The work of the Advisory Committee was based in large part on the minimum guidelines required by the growth management legislation (see Appendix H) A critical aspect of the minimum guidelines for resource designation is soil classifications. Provided below is information regarding the classification of soils for both agriculture and forestry.

Agricultural Soil Suitability

Agricultural land is defined by the Growth Management Act as "lands primarily devoted to the commercial production of horticulture, viticulture, floriculture, diary, apiary, vegetable, or animal products of berries, grain, hay, straw, turf, seed, Christmas trees.. or livestock, and that has long term commercial significance for agricultural production " Soils are important factors in considering the land for agricultural uses. Soils have been rated by the Soil and Conservation Service into Land Capability Classes. Capability groupings range from I to VII and show the suitability of soils for most kinds of field crops. The soils are grouped according to the limitations of these soils when used for field crops, the risk of damage when used, and the way they respond to treatment. Traditionally, Capability Classes I and II have been used to classify "prime" soils and Capability Class II is generally good soils The SCS has further refined its rating of soils beyond the Capability Classes into categories of Prime and Unique". Prime farmland soils are those with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, etc. Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. Based on SCS soil designations for prime and unique soils, Appendix F, Figure 46 highlights the locations of such soils within Clark County. The Growth Management Hearing Board (#93-1-0002), English et al v Board of Commissioners of Columbia County states that if a county or city chooses not to use the classification of prime and unique soils a rationale for that decision must be included. A similar issue was raised in the Growth

Management Hearing Board decision of *Save Our Butte Save Our Basin Society et al v. Chelan County* (#94-1-0015) in which the use of prime and unique soil classifications was viewed as a factor in the designation of agricultural lands

Forest Lands Soil Suitability

The Growth Management Act defines "forest lands" as land primarily used for growing trees including Christmas trees subject to the excise tax imposes under RCW 84.33100 through 84.33 140, for commercial purposes and that has long term commercial significance for growing trees commercially. The classification system to define soils suitable for timber production is based on the Forest Land Grades. The Washington Department of Revenue, in concert with the Department of Natural Resources, has developed a classification system to identify "forest lands of long term commercial significance". This classification system considers the growing capacity, productivity and composition of the soil and the soils are rated from 1 to 5. The Douglas Fir was used as the indicator species for Clark County. Prime forest soils are Land Grades 1 and 2 Good forest soils are Land Grade 3 There are approximately 215,800 acres of Forest Land Grade 1 & 2 and approximately 118,000 acres of Forest Land Grade 3 (See Map in Appendix F). The acreage amount indicates that nearly 80 percent of the soils in Clark County are capable of supporting forest lands. In the Growth Management Hearings Board's case of Ridge et. al v. Kittitas County et. al (94-1-0017) there was a determination that lands that met the definition of forest lands because the majority of such lands contained land grades suitable for classification as forest lands

Forestry Types

Within Clark County common species include Douglas Fir, Western Hemlock, Grand Fir and Western red cedar and red alder. The Douglas Fir is the principal commercial harvest species. However, other forestry types are harvested in the county and may be conducive to some of the smaller woodlot management. For example, the red alder is a widely distributed hardwood type. Alder grows quickly with seedling growing to 3 feet more in the first year; they may obtain 30 feet by age 5 and more than 80 feet by age 30. At least to age 25, the growth of red alder surpasses that of any confer or other hardwood species in the Pacific Northwest, with the exception of cottonwood on its best sites. Studies have shown that for managed stands, pulpwood-size trees can be produced in 10 to 15 years and sawlog and veneer log size trees can be grown in 25 to 35 years with yields estimated at 170 to 210 cubic feet per acre.

Based on the minimum guideline information and the classification of soil types within the County, the Agriculture/Forestry designation was added because

- The committee separated the selection process into independent determinations of agriculture and forestry characteristics, leaving some land inappropriately considered.
- The farm focus group did not include heavily forested lands. (Report page 2) However, some of the more heavily forested sites are commingled with agricultural lands and therefore were overlooked by both focus groups
- Additionally, the committee sought to define areas in as numeric a way as possible In this search for objectivity factors which are not objective tended to carry less weight. (e.g. settlement patterns and their compatibility with agricultural practices.(Report page 1.))
- The forest focus group discounted the role of soils as factor because they were found to be uniformly of high quality.

- The farm focus group's failure to agree on the fundamental requirement of the GMA, "long term commercial significance" lead to severe difficulty in defining agricultural lands on a consensus basis. This serve to narrow the committee's outcome to those things over which agreement was reached

The full Rural and Natural Resources Advisory Committee began the process for designating agri-forest for areas north of the East Fork of the Lewis River during the development of the Draft Supplemental Environmental Impact Statement. A portion of this work was completed in time to be incorporated into the Final Supplemental Impact Statement and those lands identified by the committee can be found in Appendix F, Figure 45. This process begun by the committee was completed by staff for other areas, especially areas adjacent to the Forest Tier I areas and south of the East Fork of the Lewis River. Those areas identified as agri-forest have high quality soils for the growing and harvesting of timber They also have a mix of tree cover and agricultural practices on the same or adjacent sites as determined by reviewing aerial photographs.

The staff recommendation holds intact the majority of ingredients on which the committee reached agreement For example, the designation (location on the map) of Agriculture Tiers I/II are those designated by the committee regardless of position. It was the treatment and meaning of these designations in which there was disagreement.

Planning Commission Deliberations
October 13, 1994
Staff Report 4

B. Minimum Lot Size

1. What were the criteria used in determining minimum lot size in resource areas?

It is important to understand what the role of minimum lot size is in promoting the retention of land for continued resource production. The creation of new lots is unnecessary for the continuation of agricultural or forestry activities. No land divisions are typically necessary to start new resource management activities. Those who argue on behalf of smaller minimum lot sizes do so because of the development opportunities which these smaller lots provide, not because the smaller lots will somehow better retain lands for resource purposes

Research on this point makes the contrary conclusion Smaller lot sizes threaten the ongoing management of the land for resource purposes This happens for several reasons:

- Smaller lots introduce increased conflicts with continued resource management.
- Smaller lots reflect more residential value per acre rather than larger lots decreasing the likelihood of resource management.
- Smaller lots destabilize the climate for resource management reducing the investment in the site for resource purposes.

Lot size minimums were selected which were capable of providing for economically efficient farm and forestry operations. Because the county already contains a large number of smaller lots few new lots need to be created to encourage, promote or foster opportunities for new agricultural activities.

A letter received as comments to the Draft Environmental Impact Statement from the Department of Natural Resources provides recommendations as to the minimum lot sizes for agricultural, forestry and mining. With regards to agriculture, DNR recommends the blocking up of areas into 300 acres or more with a minimum density of 40 acres within this zone. They further recommend providing a zoning buffer with a minimum of 10 acres around such zones For forestry, DNR recommends the largest possible parcel size for zoning forest lands, with 80 acres as a minimum recommendation for the protection of such lands DNR also recommends that future lott sizes be a minimum of 80 acres

2. What is the implication for these minimum lot sizes in the resource areas?

These minimum lot sizes affect those owners who seek to divide their property. They have little implication for others. Many people confuse the issue of minimum lot size in a resource environment as a measure of a full farm or forestry operation. This is not a correct understanding about the how minimum lot sizes relate to farm or forestry operations. Minimum lot size is more reflective of a field size or a portion of a forestry operation. One does not typically expect to relate the minimum lot size to that of an entire farm, for example. We heard considerable testimony that people could not make a living from an operation of X acres and then related that figure to the proposed minimum lot size. Most farms are made up of several parcels of land owned or leased generally in reasonably close proximity to one another Additionally, many persons both in Clark County and across the state work of the farm or forest operation for a large percentage of their time. Many farms nationally and in Clark County are farmed by persons gaining considerable non-farm income. Because a person is unable to make the entire livelihood from the farm or forest management of the property does not translate in a reasonable expectation that some level of entitlement to further land division is appropriate

These facts are borne out by the 92 Agricultural Census Information For example.

* 44% of all farm operators statewide report 100+ days of off farm work
* 34% of all farm operators statewide report 200+ days of off farm work
* 43% of all farm operators in Clark Co. report 200+ days of off farm work
* This is fewer than the 46% of all farm operators in Clark Co. who reported 200+ days of off farm work in 1987

What this demonstrates is that both statewide and in Clark County significant numbers of people report large numbers of days worked off farm. It is also important to note that there are many more employment opportunities in the Clark County area than in many other areas of the state which would tend to push these numbers higher regardless of the resilience of the farm economy.

With regards to forestry, information from the University of Washington timber-supply study of private and public lands in Western Washington (the Fall 1992/Winter 1993 Forest Stewardship Notes) indicates that private owners control 60 percent of timber lands in Western Washington and produce 70 to 75 percent of the harvest. The study also indicates that the main thing keeping overall supplies relatively stable is the volume expected from private lands Intensive management of forest lands designated for timber could mean a supply of logs that could shrink by less than 5 percent over the next 100 years The key factor behind these relatively stable supply projections is the volume expected from private lands.

According to information provided by the Employment Security Department regarding the timber industry, in 1990, timber harvests in the county totalled 124 million board feet (MBF) with 113 MBF from privately-owned land and 11 MBA from state land This harvest provided jobs from about 200 loggers. Potentially this timber generated jobs for between 500 and 1000 mill workers, in addition reforestation employed 170 works Total estimated direct jobs supported by local timber were 670 and 970,with total annual payrolls estimated at $16 to $20 million dollars The Employment Security Depart estimates that with multiplier impacts there are an additional 800 to 1200 jobs generating an additional $15 to $22 million dollars in payroll.

3. *What flexibility is allowed for additional family dwellings?*

The plan proposed to allow for the building of an additional dwelling on resource lands, including Agri-Forest This would allow for the building of an additional dwelling on resource lands (depending on the minimum lot size) for use primarily for family members or the management assistance of the resource The additional home would be part of the "parent parcel" and not segregated from the parcel. The siting of such a parcel would be based on maintaining the integrity of the parcel for resource use This would allow the property owner some flexibility to address the need to provide additional housing for either a family member or assistance in managing the resource.

4. What was the criteria used in determining minimum lot sizes in rural areas?

No single attribute describes the rural landscape Instead a combination of characteristics which are found in rural settings impart the sense of what we commonly describe as rural These factors are cumulative and the more of these factors that are present influence are feeling of whether or

not a particular area is rural In many cases these characteristics are subjective and frequently not all of them are found in each area. 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
* no common understanding for the difference between rural and resource
* undeveloped nature of the landscape
* wildlife and natural conditions predominate
* closer relationship between with nature
* personal open space
* a sense of separation from intense human activity
* a sense of self sufficiency
* a sense of differing needs for and levels of government regulation
* rural commercial supporting rural area population rather than drawing from the urban areas

Additionally, rural lot sizes providing for primarily residential development must be considered in light of the County's ability to properly serve such sites. Some commenters have suggested that because a road passes the property, water is available, and the land is capable of sustaining a sewage disposal that all service questions have been answered. The larger the number of lots that are created or built upon the greater the consequence of the service implications for the County This is especially true for transportation impacts. Rural residents contribute to the congestion in urban areas and the expense of resolving that congestion at key intersections and along significant routes throughout the county.

In the work of the Forest Focus group, the delineation of the a Rural Resource line was developed to recognize the difference in the character of the two areas. Less parcelization has occurred in the area north of the East Fork and aerial photos also illustrated that much of the parcelization shown on the map did not actually have buildings constructed. Based on this work and the need to support the population projections forecasted for the rural areas, staff recommends a minimum lot size of five areas south & west of the Rural Resource line and a ten acre minimum north and east of the Rural Resource line. Recent Growth Hearing Board decisions in which the Office of Financial Management forecasts were determined to be both a floor and ceiling and impact the need for additional lots within the rural area The applied lot size minimums accommodate all of the anticipated rural population expected under these estimates.

5. Why have the recommendations for residential development within the Rural Centers changed?

The ability to increase residential densities within the proposed rural centers was revisited for a number of reasons This included the ability to provide the necessary public services to those centers which would be needed as densities increased as well as the impact increased densities would have on both the rural character and the ability to support resource activities in surrounding areas with this increase in density. Also, because of the existing parcelization that already exists within the rural and resource areas of the County, the need for additional residential parcels is not necessary. There is a need however, to provide some commercial opportunities for individuals residing in these areas and therefore commercial and some industrial sites are identified within these centers.

Recent Growth Management Hearing Board Decisions (Tacoma, Milton, Puyallup and Sumner v Pierce County (94-3-0003)) have raised concerns in which increased densities within these centers may violate the GMA prohibition against urban growth in rural areas.

C. Legal Lot Issue

What lots are legal under the proposed plan and what implications does the proposed ordinance on legal lot determination have for this plan?

The plan includes recognition of lawfully created lots which are smaller than proposed minimum lot size requirements, as has been county policy in the past. However, a new ordinance is being developed to guide the process of determining legality and granting recognition. A draft of this ordinance has been attached as an appendix. The proposed ordinance is consistent with the statutory directions in RCW 58.17.210

The proposed ordinance establishes both the process and sequence of making these determinations. Essentially, determining if the lot is consistent with zoning and/or platting requirements that were in place at time of creation. The criteria that will be applied at each step will be more clear to both the applicants and the County. The proposed ordinance will more carefully separate the zoning issues from the platting issues and will identify under what circumstances a lot should be recognized as being in the public interest.

The proposed zoning code for the proposed land use designations within the rural and resource lands recognizes a single-family dwelling on a legal, preexisting lot of record. Therefore the issue of nonconforming is based on the size of the lot and not on the use. So a home could be built or rebuilt provided it is a preexisting lot of record.

What strategies will be explored regarding the parcelization that already exists in the rural and resource lands in support of the minimum lot sizes being proposed?

Below is a matrix identifying the various approaches being proposed to address the issues of rural area development Also included in the matrix is the page identifying the page and policy or strategy that highlights the approach. Also included within the matrix in the proposed time for completion of the project For the those identified in the short term phase, they will be completed in conjunction with the Comprehensive Plan. After the matrix there is a brief description of each of the strategies being proposed

Planning Commission Deliberations
October 13, 1994
Staff Report 9

RURAL STRATEGIES MATRIX

STRATEGIES	PLAN REFERENCE	SHORT TERM in 1994	MED.TERM in 1995	LONG TERM in 1996
1 Minimum lot size	Pg. 132-135 Pg. 136.4.1.9; 4 1 10, 3 2.8	X		
2 Resource Designation	Pg 140: 4 3 16; 4.3.17, 4 3.19, 4 4.17	X		
3 Right to Farm/Log	Pg 140, 142. 4 3 14, 4 4.15 Pg 144 Strategy #1		X	
4 Water Service Policies	Pg. 213 - 215, See Policies	X		
5 Dwelling Approval Criteria	Pg 139, 4 3 12 Pg 145 Strategy #7			X
6 Vegetative Clearing Ord	Pg 72. 2 4 10, 2 4.13	X		
7 Fish and Wildlife Habitat Ordinance	Pg 144 Strategy #2; P 71 2 4 3		X	
8.Road Standards	Pg. 109 3 4.1, 3 4.2, 3 4 3	X		
9.Density Transfer	Pg. 145 Strategy #8		X	
10.Rural Zoning Criteria	Pg 13, 141, 4.3 12; 4.4.12 Pg. 144 Strategy #6		X	
11 Family Compound	Pg. 140: 4 3 16, 4 3 17, 4.319; 4.4 17	X		
12 Rural Handbook	Pg. 145 Strategy #9			X
13.Current Use Taxation	Pg. 145 Strategy #10; Pg. 139 4 3 7			X
14.Conservation Easements	Pg. 144 Strategy #5	X		

Planning Commission Deliberations
October 13, 1994
Staff Report 10

STRATEGIES	PLAN REFERENCE	SHORT TERM in 1994	MED TERM in 1995	LONG TERM
15 Life Estate Dwellings	Pg 144 Strategy #5	X		
16 Impact Fees- for rural areas a Transportation b.Parks c Open Space	 Pg 105, 3 2 Pg. 283 Pg. 144; Pg 136 4.1.13		 X X	 X
17 Purchase of Development Rights	Pg. 144 Strategy #4			X
18.Transfer of Development Rights	Pg 144 Strategy #4			X
19 Conservation Futures	Pg 283	X		

1 Minimum Lot Size

The minimum lot sizes in the plan will be one of the primary policies that the plan will carry forward As we chose lot sizes for resource lands we need to select lot sizes that will allow resource management to continue, to reduce the threat from incompatible activities, to ensure that lands are not fragmented into small sizes that will make costly and unsustainable public facilities necessary Larger minimum lot sizes are more conducive to the long term protection of land for resource purposes. As lot sizes are reduced the price per acre generally rises reflecting the home building site value as a larger and larger component of the price Resource managers have difficulty competing in a market where land values include the equivalent of several home site values in the land price As a result of this competition the long term sustain ability of resource management is placed in jeopardy. To fail to address this issue means the plan will fail to meet growth management objectives. Residential and resource conflicts are reduced by larger minimum lot sizes.

2 Resource Designation

The identification of these areas is complex and the committees sought to have as objective a means to identify these as was possible The county has excellent soil and climatic conditions for growing trees. Many areas have had some history of cultivation for various agricultural crops or for pasture. Even though the county has had in place zoning and a comprehensive plan for several years the majority of the county's development, particularly land division, has occurred without the benefit of a plan or land use regulation. This means that where there are physical soil properties and climatic conditions are present to support resource use that there is a commingling of smaller and larger parcels Each of these parcels will be authorized to be used for resource uses including farm or forest use The benefits that come from more extensive areas of designation are policy based rather than being determined by existing conditions. This policy base allows different standards to be applied which can be differentiated from other areas of the county. Resource managers will be able to make choices which have higher level of confidence.

3 Right to Farm/Log

This ordinance represents an attempt to protect farmers/foresters from liability claims based on their use of agricultural or forestry techniques in areas where suburban sprawl has encroached on resource operations This makes it more difficult for homeowners to claim their property rights are being infringed upon by a nearby resource operation. This ordinance will allow the farmer/forester to continue to either farm or log as an accepted use for lands designated as either resource or in the Current Use Taxation program for farm or forestry. The types of activities associated with resource activities will be emphasized and notification of such resource activity will be placed on all plats This will also alert potential home buyers within the vicinity that such resource activity is taking place and will therefore change the expectations as to how surrounding lands will be utilized

4 Water Services Policies

A satellite public water system is one that is not connected to another public water system but operated by a major water purveyor. Satellite public water systems should be encouraged as an alternate to private water systems or individual private wells. Clark Public Utilities will continue to be recognized as the Satellite System Management Agency for the county, as a matter of policy Under current policy, CPU may operate satellite water systems within its own service territory and the service areas of other public water purveyors, which are currently cities and towns within the county. Existing policy should be amended to require new satellite water systems to be built to the standards of the water purveyor in that area.

In addition, existing policy allows property owners to drill individual wells if they are further than 1000 feet from an existing public water system. Water service policies should be amended to require connection to a public water system if the property is within 2000 feet of an existing public water system.

The basic philosophy behind the Satellite System Management Program is that it is best for existing and new developments in the unincorporated area developments which require a level of water service provided only by a public water system to be served by an experienced water purveyor. The overriding objective of the program is to discourage the creation of small, fledgling water systems. Poorly maintained wells operated by these unsophisticated systems pose the risk of contaminating the aquifer, one that serves as the water supply for a larger area.

5. Dwelling Approval Criteria

This strategy would tie the authorization to build a new residence to a finding that the occupant had demonstrated an intent to manage the property in concert with a resource zoning district. For example, if the property were located in the forest zone the applicant would be required to restock the site with appropriate species, at the appropriate density of plantings to assure reasonable chances of survival before issuing the building permit. This approach would enforce and encourage owners living in resource designated areas to engage in the resource management of these lands Higher levels of production could be maintained and resource management conflicts are likely to occur.

6 Vegetative Clearing Ordinance

The Vegetation Clearing Management Ordinance was adopted by the Board of Commissioners and became effective on May 26, 1994. Generally, the ordinance applies to the clearing of trees, brush and ground cover within the unincorporated area under the following circumstances: a) clearing within priority environmentally critical areas, b) clearing in preparation for site development in conjunction with the division of land and other developments typically requiring SEPA compliance, and c) clearing related to forest practices that are subject to local jurisdiction, principally those followed by conversion of the site to another use.

7 Fish and Wildlife Conservation Ordinance

A Fish and Wildlife Habitat Conservation Ordinance provides a means to assure compatibility between land uses, development and fish and wildlife habitats Such an ordinance would provide a means of identifying priority habitat areas and provide a structure for dealing with mitigation from the potential impacts from land uses and development activity. The ordinance should specify development standards within some habitat areas. It could suggest mitigation specifically or establish a process for land owners to develop mitigation, if necessary. This ordinance primarily addresses the problem of the conservation of the County's habitat areas, but has an additional impact on the preservation of the rural character of the County.

Currently fish and wildlife habitat issues are addressed through SEPA review with comment from citizens and the Washington Department of Fish and Wildlife.

8. Road Standards

In April, the County updated the road standards and coordinated the revisions with other jurisdictions. All arterial roadways are now consistent between jurisdictions although considerable differences are still apparent at the local, or neighborhood, street level. A key rural issue was ensuring that private roads were capable of allowing passage for emergency service equipment while restricting roadway widths as much as possible. Roads serving more than eight (8) dwellings were required to meet higher construction standards and be made public. Newly constructed private roads serving 4-8 dwelling units are now required to meet construction standards and are required to be at least 20 feet wide to allow access for emergency services. Access requirements have been stiffened to retain roadway capacity

9 Density Transfer

In areas where prior parcelization has occurred there may be other ways to allow the same total number of lots with a design which will have less impacts on the site or on surrounding lands. This could be done by authorizing and encouraging areas which have prior development approvals to shift density around on the site to achieve better design. This concept would not allow the creation of more total lots.

This would allow areas which have natural features, steep slopes, habitat, wetland, or other desirable features to not develop homesites in these areas, but instead keep them in an undeveloped condition This may allow a reduction in the total amount of roads created. Other

benefits may include configuring larger lots along a boundary shared with resource lands, allowing greater setbacks from these managed lands. This approach is likely to have its most important benefits in areas where the lots created have been by being from land division review It will be of less significant benefit in areas developed under the cluster provisions or where rural PUDs have been approved

10 Rural Zoning Criteria

This would provide for the development of specific design standards within the rural area which may be based on whether the lot is conforming or nonconforming to the new minimum lot requirements. The types of design issues to be addressed could include the need for special setbacks depending on the size of the lot; and requirement of a sprinkler system for the house

The design standards would minimize the visual impacts associated with development in the rural area and would require that greater thought be put into the siting of structures on a parcel. It may be possible to development such a program so that the more "conforming" the parcel became the less need for design regulations. These standards could differently treat conforming and non conforming lots thereby encouraging lots to be recombine.

11 Family Compound

This would allow for the building of an additional dwelling on resource lands (depending on the minimum lot size) for use primarily for family members or the management assistance of the resource The additional home would be part of the "parent parcel" and not segregated from the parcel The siting of such a parcel would be based on maintaining the integrity of the parcel for resource use This would allow the property owner some flexibility to address the need to provide additional housing for either a family member or assistance in managing the resource

12. Rural Handbook

This handbook would serve as an educational tool to persons living in the rural area with regards to the types of activities occurring in the area be it farming, forestry, etc. It would also provide information regarding various critical lands including wetlands, floodplains, steep slopes, water quality concerns and wildlife habitat. The emphasis would be on how the property owner could be a good steward of the land and where additional information could be found. This could include existing county ordinances to where to go to inquire about additional information.

Both existing residents and future residents could benefit from the information provided in this handbook Emphasizing what an individual can do to achieve the overall goal of understanding what it means to be a property owner This would also strengthen the expectations of what the rural lifestyle is all about both in the expectations of what should occur on the individuals land but surrounding rural/resource areas as well as the individual managing his or her land.

13 Current Use Taxation

Clark County's current use taxation program provides tax reductions to land holders in return for maintaining their land in an undeveloped condition. The program derives its authority in the 1970 Washington Open Space Taxation Act (RCW 84 34, 458-30 WAC), which establishes procedures for tax deferments for agricultural, timber, and open space lands Owners of such lands may apply to be taxed according to current use, rather than true market value--a considerable

difference in some cases. When the property is removed from the program, the tax savings realized by the land owners for a period dating back up to seven years, plus interest, are collected

The current use taxation program recognizes the benefits received by the general public for keeping land in production or for open space. This programs gives tax relief to those mostly rural properties which are under the program The County should change the structure of the Open Space Current Use Taxation based on a public benefit rating system. This kind of approach is used in Thurston County Additionally, the County needs to create and enforce the program's requirements. Although the County will receive no net increase in revenue the burden for taxes is being inappropriately shifted from unqualified rural residents who are not maintaining their properties in accord with the requirements of the law to mostly urban residents who are being unfairly penalized.

14. Conservation Easements

The county could encourage preservation of lands through a conservation easement program that provides restrictions on property usage. The county could either acquire the easements, seek donations of easements, or encourage local non-profits to utilize conservation easements. Conservation easements are recorded deed restrictions, with the right to enforce the restriction given to a government agency or a tax exempt charitable organization. The conservation easement generally allows one to continue current uses, such as agriculture or forestry, while restricting future real estate development. These easements can also protect habitat, open space, or scenic values.

Conservation easements can restrict property development while providing tax benefits to the landowner that might improve the viability of agriculture, forestry, and rural land uses in Clark County The County benefits through ensuring that future land uses are consistent with the 20-year plan. The property owner benefits through retaining ownership of the property and the ability to manage it in its current use, through decreased property values and therefore decreased property taxes, and, if the easement is acquired by the county, through a one-time cash windfall. If the easement is donated to the county or a private non-profit, then the property owner receives income tax and estate tax benefits.

15. Life Estates

Life estates are a means to authorize someone to live on a property, particularly someone who has managed the property for an extended period of time, without creating an additional lot Instead a life estate is created and a second dwelling is authorized on the site for the lifetime of the occupants without creating a new lot. Instead of creating new lots these persons can live in the home where they have been living The property can be converted to an asset available to them. This does not mean that a new lot is created every time someone retires.

16. Impact Fees

a. Transportation

Rural trips, as a whole, often have significant impacts on urban and regional transportation facilities A county wide traffic impact fee structure would capture the increased costs of providing rural facilities (rural facilities are less cost-effective than urban due primarily to density and distance) and the cost of urban facilities used by rural dwellers. The resulting impact fee structure

would be more reflective of the true cost of rural dwelling and marginally alleviate some public subsidies of urban roadways and services Rural impact fees would necessarily be higher than urban as the cost of rural facilities would be spread across fewer developments.

b Parks - Regional

Regional parks are used by both urban and rural residents. The need to provide regional parks will increase with increased populations. The structure of such a Impact Fee Program would effect both urban and rural development

Impact fees programs link facilities costs with those creating the need for additional service or facility This will provide a funding mechanism for potentially acquisition and development of regional parks, which will become more of a component of the county's overall park program as the county transitions out of urban park acquisition and development.

c Open Space

Develop an Open Space Impact which would require nonconforming lots to participate in the acquisition of open space in the rural area. This could include either acquisition of open space along corridors already identified by the Open space Commission or the acquisition of easements along certain rights-of-way in order to minimize the visual impacts associated with rural development.

This should reduce the impacts to the "rural character" associated with development of nonconforming lots and would provide for acquisition of open space within the rural/resource area. The first idea is that the density in the area would serve as the Level of Service. This impact fee would be different than the Regional Park Impact Fee as it would be assessed only within the rural area. This program is one where it may be possible to allow for the recombination of lots rather than paying the impact fee

17 Purchase of Development Rights

This program involves the purchase of a deed restriction on farmland which precludes its use for development or for non-agricultural purposes. The deed restriction is permanent. The land remains in private use and ownership (It may be possible to use Conservation Futures monies)

Because the acquisition of these rights tends to be fairly expensive relative to actual number of acres protected, it has not been used extensively in the state or elsewhere in the United States. King County has used the program to some extent. One of the major benefits is that it keeps land in farm use in a permanent way

18. Transfer of Development Rights

The transfer of development rights (TDR) is an incentive-based planning tool which allows land owners to trade the right to develop property to its fullest extent in one area for the right to develop beyond existing regulations in another area. Local governments may establish the specific areas in which development may be limited or restricted and the areas in which development beyond regulation may be allowed Usually, but not always, the "sending" and "receiving" property are under common ownership Some programs allow for different ownership,

which, in effect, establishes a market for development rights to be bought and sold

The benefits are detailed in the more complete report that the County has prepared on this subject. These include a more permanent policy to protect certain areas, and benefits to some landowners which are difficult to create through regulation alone. The County should focus its program in priority areas where appropriate balance can be achieved.

19. Conservation Futures

The Conservation Futures levy is provided for in Chapter 84 34 of the Revised Code of Washington. Counties may impose (by BOCK resolution) a property tax up to six and one-quarter cents per thousand dollars of assessed value for the purpose of acquiring interest in open space, farm, and timber lands. Clark County adopted the maximum allowable levy in October 1985. Conservation Futures funds may be used for acquisition purposes only, and may include acquisition of conservation easements. The statute prohibits the use of eminent domain to acquire property
A proposal to increase local Conservation Futures taxing authority to ten cents per thousand dollars of assessed valuation was submitted to the state legislature in 1993, and is likely to be proposed again in 1994 The additional three and three-quarter cents per thousand would have generated approximately $472,000 in 1994

Conservation Futures is an existing, stable, growing funding source that has successfully protected about 1,200 acres of high priority open space in just 8 years. By acquiring the land, the county is ensuring full control over future land uses.

What are the number of lots within each of the proposed rural and resource land use designations?

Information for the Geographic Information System is based on the number of tax lots. It is not possible to separate out which parcels are legal nor if they are buildable. However, the table below should provide adequate information for determining the number of tax lots, total acreage, parcels developed within each of the proposed land use designations. These numbers are also premised on the use of Alternative C boundaries for the urban growth areas of all the cities As the discussion of these boundaries has not yet occurred, the numbers will change. Again, the numbers should provide you with an indication of lots within each land use designation

Not included in the acreage total are DNR lands within the Yacolt Burn area, USES, water bodies, right-of-ways, schools as well as parks and wildlife refuges, and public facilities.

Forest Tier I (80 acre min.)	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -9.49 ac	297	1235	56	212
9.5 - 18 99 ac	68	829	10	123
19 -38 ac	158	3989	14	393
38 01 - 80 ac	191	10444	12	721
greater 80 ac	208	56363	14	2898
TOTAL	922	72826	106	4346

Planning Commission Deliberations
October 12, 1994
Staff Report 17

Forest Tier II (40 ac min)	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -9 49 ac	1386	5547	478	1745
9 5 - 18 99 ac	276	3452	65	809
19 -38 ac	326	7878	100	2438
38 01 - 80 ac	162	7758	43	2165
greater 80 ac	33	3677	9	1043
TOTAL	2183	28312	695	8201

Ag Tier I/II (40 ac min)	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -9 49 ac	1636	6046	673	2198
9 5 - 18 99 ac	343	4472	135	1757
19 -38 ac	377	9571	187	4811
38 01 - 80 ac	251	13176	152	8034
greater 80 ac	48	6199	30	3903
TOTAL	2655	39463	1177	20703

Agri-Forest (40 ac min)	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -9 49 ac	2932	11559	1251	4862
9.5 - 18.99 ac	476	5994	226	2836
19 -38 ac	338	8527	151	3830
38 01 - 80 ac	177	8589	75	3714
greater 80 ac	11	1246	5	555
TOTAL	3874	35916	1708	15797

Rural 10	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -2 37 ac	3052	3898	1779	2561
2.38 - 4 74 ac	2393	7744	1466	4609
4.75 -9 49 ac	3019	16995	1460	8225
9.5 -18.99 ac	500	5857	265	3132
greater 19 ac	148	4378	82	2418
TOTAL	9112	38870	5052	20944

Planning Commission Deliberations
October 12, 1994
Staff Report 18

Rural 5	Total Parcels	Total Acres	Parcels Develop	Acres Develop
0 -2 37 ac	4571	5397	3225	3962
2 38 - 4.74 ac	2032	6867	1288	4273
4 75 -9.49 ac	2651	14991	1488	8523
9 5 -18 99 ac	490	5787	308	3608
greater 19 ac	189	6268	93	3470
TOTAL	9933	39311	6402	23835

The following table provides information on gross acreage for each of the land use designations or categories. These numbers differ from the tables above because there are no public lands removed from the calculations.

Category	**Total Acreage**
Rural 10	40986
Rural 5	42503
Forest Tier I	128646
Forest Tier II	29334
Ag Tier I/II	40260
Agri-Forest	37551
Ag-Wildlife	2489
Parks/Wildlife	8740
Rural Industrial	212
Rural Commercial	345
UGA "C"	71188
Water	17838
Total	420099

Planning Commission Deliberations
October 12, 1994
Staff Report 19

D. Why and when was the 60-day notice to the Department of Community, Trade and Economic Development given and what are the implications of such a notice?

There is a copy of the letter sent to DCTED and the response received in Appendix E. RCW 36.70A 106 requires each county and city proposing adoption of a comprehensive plan or development regulations to notify the department of its intent to adopt such a plan at least sixty days prior to final adoption State agencies including DCTED may provide comments to county on the proposed plan or development regulations during the public review process prior to adoption The county is than required to transmit a completed and adopted Comprehensive Plan to DCTED within 10 days after final adoption.

DCTED was sent a letter on August 24, 1994 to show the intent of Clark County to adopt a comprehensive plan They were provided a earlier version of the Proposed Comprehensive Plan without any maps with similar information being provided to a variety of state agencies as required by DCTED. DCTED will review the plan and compile the comments received from each of the agencies and will be forwarding those comments back to the county. County staff has not received written comments from DCTED at this time.

In discussions with staff from DCTED concerning the County's Comprehensive Plan it appears that the comments will be prioritized as to those that are a major concern to those of a lesser concern Should some of major issues raised by DCTED not be revised or corrected in the final adopted plan it is conceivable that DCTED will appeal the county's plan the Western Washington Growth Management Hearings Board

E. Site Specific Recommendations

South of the Rural Resource Line

Battle Ground Lake Planning Area

Staff Recommendation: This planning areas is characterized by Rural 5 lands with an area of resource lands to the north of Battle Ground Lake State Park. Although the total amount of resource lands in this planning area comparatively small compared to other areas when looked at in conjunction with the contiguous resource lands to the north of the East Fork of the Lewis River it becomes a fairly substantial area that is large enough to be sustainable Staff recommends a Rural 5 designation for rural lands as it is south of the Rural Resource line. This is compatible with existing land uses and parcelization.

Brush Prairie Planning Area

Staff Recommendation: This area between the Battle Ground and Vancouver urban growth areas contains a large amount of agricultural land designated by the committee. Staff included a small amount of Agri-Forest lands in addition to the committees recommendation. The two areas of agricultural lands south of 119th street are being proposed as Urban Reserve by the Vancouver Planning Commission. County staff believes these areas should remain agricultural. The lands not designated as resource would have a Rural 5 designation as this planning area is south of the Rural Resource line The Rural lands are already heavily parcelized although there are a number of parcels that would be able to further divide. This area will be impacted by the decisions made regarding the Urban Growth and urban reserve areas of Vancouver and Battle Ground The Meadow Glade Village has a number of issues surrounding the future designation of the area The main issue is the presence of the sewer system which was installed due to the failure of many septic systems. Hook-ups were sold and the lines installed to serve the area at current zoning which is predominately RS (1 acre) but does contain some 2 1/2 and 5 acre zoning The staff recommends changing the boundary to the existing Meadow Glade service boundary with a Rural 5 designation Those property owners who have purchased hookups will be allowed to develop their property into as many lots as the amount of hookups they have. Changing the minimum lot size to five acres may leave some property owners with more hookups than zoning allows. All the letters and testimony received in this area are requesting inclusion into the boundary except for the Columbia Adventist Academy.

Duluth Planning Area

Staff Recommendation- This area between the Battle Ground and Ridgefield Urban Growth areas contains a significant amount of agricultural resource lands to the north, along the Lewis River and south of the Dollars Corner Village. There are a number of areas staff has recommended be included as Agri-Forest. One significant area is approximately 240 acres near the Ridgefield junction that is currently used as a farm but was not included in the committee's recommendations The Rural 5 designation would cover the rural lands which is appropriate because it is south of the Rural Resource line Inside this area is the Dollars Corner Village The Duluth Hamlet was identified in the 3 alternatives, but was omitted because it lacked the same intensity as other rural centers and did not have the same historical smaller lot patterns.

Planning Commission Deliberations
October 12, 1994
Staff Report 21

Lacamas Lake Planning Area

Staff Recommendation- This area is to the north and west of Lacamas Lake. It contains a significant amount of resource lands in the Lacamas Creek drainage and in the east end of the planning area Staff has added some additional Agri-Forest land beyond the committees recommendations at the Northwest tip of the lake, on the edges of the agricultural lands and directly north of the lake The rural lands are designated as Rural 5 as it is south of the Rural Resource Line. The Fern Prairie area was identified as a Hamlet on the alternative maps but staff is recommending that this not be a designated Rural Center. It lacks the historical small lot pattern and intensity of uses of the other Rural Centers We are recommending to keep the existing commercial designation in the area.

Ridgefield North Planning Area

Staff Recommendation- This planning area is north of Ridgefield and west of Interstate 5. The majority of this area is designated as resource lands located along the interstate and around Mud Lake. In conjunction with the resource lands across the Interstate in the Duluth area it constitutes a large area of agricultural resource lands The decision regarding the Ridgefield Junction area will have an impact on the amount and viability of the resource lands in this area. The Rural 5 designation is appropriate for this area. It is south of the Rural Resource line and is consistent with the existing parcel sizes.

Sara Planning Area

Staff Recommendation- This planning area has both intense rural residential parcelization and large resource based parcels. The Sara area with its historical small lot pattern was considered for a rural center in initial review but was not recommended as one Staff has recommended a very small Rural Commercial designation in the Sara area to recognize the historic commercial use there. The Rural 5 designation applied to the rural lands in this area is appropriate as it recognizes existing lot patterns and is south of the Rural Resource line. The primary use of the resource lands in this area is agriculture. There are no designated mining or forestry lands. The resource capability of this area may be impacted by decisions regarding the Ridgefield Urban Growth boundary and Vancouver urban reserve areas. The inclusion of some Agri-Forest lands by staff has served to connect designated resource areas identified by the committee.

Washougal Planning Area

Staff Recommendation- This planning area is unique in that half of it is within the Columbia River Gorge Scenic area Nearly all lands within the gorge boundary are proposed to have a resource designation. There are three main issues for this planning area. Currently the Gorge Commission regulates land use within Clark County. If the county fails to adopt regulations consistent with scenic area requirements the Gorge Commission will continue to regulate land uses within the county. Another issue is the availability of federal funds for a gorge interpretive center on the Steigerwald Lake National Wildlife Refuge contingent upon the county adopting consistent regulations. Another unresolved issue affecting this area is the proposal from the City of Washougal to amend the gorge boundary. The city wishes to include 155 acres east of town to their urban growth area. Although these issues remain unresolved the proposed land use designations are consistent with the Gorge

Planning Commission Deliberations
October 12, 1994
Staff Report 22

North of The Rural Resource Line

Hockinson Planning Area

Staff Recommendation - This area is characterized by heavy parcelization down to 2.5 acres in the west with resource land on the eastern border. There is a small area identified as resource lands to the west The majority of the requests were located in the southern portion of the area where some resource lands are surrounded by Rural 10 lands. Staff believes these areas contain enough land to make resource activities feasible. The Hockinson Village is within this planning area and the Brush Prairie area Staff has recommended the village be designated as Rural 5 including the portion within the Hockinson planning area.

LaCenter Planning Area

Staff Recommendation - This area contains a large amount of resource land There are few residential areas to interfere with the resource activities that may take place on these lands. The addition of Agri-Forest lands serves to block more resource lands and reduce the conflicts between residential and resource activities. Because this area has not seen the same development activities as some of the other planning areas the resource lands in this area are especially important and viable for the county to retain.

Livingston Planning Area

Staff Recommendation- This area is characterized by existing 5 acre parcels in the south and large parcels of forest lands to the north. The area of existing smaller parcels have been included in the Rural 10 designation. Some areas of existing parcelization have been included within resource lands because they are surrounded by identified resource lands. The designation given to the 2 requests received in this planning area are Rural 10. This designation is suitable because of existing patterns throughout the planning area.

North Lewisville Planning Area

Staff Recommendation- There was a large volume of testimony and letters received regarding this area. The area is characterized by heavy parcelization along both sides of the Lewisville highway with additional heavy parcelization stretching to the west These areas were identified with a Rural 10 designation. Resource lands nearly surround the Rural 10 lands in the center. There was a number of requests from the area just north of Heisson where staff identified smaller parcels as Agri-Forest. The parcelization in this area is significant but the majority of the area has not been built upon and could be utilized as productive resource lands.

Venersborg Planning Area

Staff Recommendation - This area has much the same character as the Hockinson Planning Area to the South. It has smaller residential parcels to the east with forest lands on the eastern and northern edges. The area in vicinity of the Venersborg was identified in initial work as a rural center but staff did not believe it had the same intensity as the other rural centers however the commercial designation is retained.

Planning Commission Deliberations
October 12, 1994
Staff Report 23

Yacolt Planning Area

Staff Recommendation - This planning area covers a lot of territory from Dole Valley to Green Mountain The only large industrial site outside of urban growth areas is at the Old International Paper sawmill in Chelatchie. There were a number of requests from the Dole Valley area asking for the retention of the current 5 acre minimum zoning. Staff recommends that this entire area have a resource designation The designation of residential lands deep within resource lands would only serve to increase the conflicts between residential and resource uses and make the resource lands more susceptible to residential encroachment and conversion Staff feels that the designations given are suitable and no change is recommended. There are areas where staff has included what appears to be heavily parcelized areas as Agri-Forest These areas may be parcelized but many have not been developed and can be used as productive resource lands.

F. Error and Omissions

Through are continued work there have been a number of errors and omissions found on our proposed map

1 Chelatchie Hamlet- Parcel #3 of Section 7 T5R4E is currently zoned MH in conjunction with the International Paper site. When designating the Hamlet boundary we followed a survey line which splits one parcel into two sections. A portion of the parcel was left out of the Hamlet and given a resource designation while the section inside the boundary was given a Rural Industrial designation. Staff recommends that the entire parcel be designated Rural Industrial on the Comprehensive plan. This designation is compatible with the surrounding land use and the mineral overlay on the site and will correct the split zoning issue.

2 Section 30 in Vancouver- during the mapping process for mineral resource lands eight parcels zoned AG-S were not designated as mining lands. Staff recommends that the parcels be designated with the mining overlay. The designation is consist with surrounding land uses and the historical use of the property.

3 Washougal Planning area- There are 3 separate parcels north of Highway 14 in Sections 10 and 15 of T1NR4E that constitute one tax parcel. The property currently has a 30 acre section with a surface mining zone in place and is actively being mined This property is in the Columbia River Gorge Scenic area and has permission to mine all 3 parcels by the Gorge Commission. Staff recommends the designation of all 3 parcels as mining lands. This is consistent with the surrounding lands use, scenic area policies and would correct a split designation on the parcel.

G. Other Implementation Measures

The following table provides a brief overview of the implementation measures that have been completed prior to adoption, are in the process and those which will occur after adoption of the Comprehensive Plan

IMPLEMENTATION STATUS

CLARK COUNTY	Short Term in 1994	Med Term in 1995
Road Stand.	X	
Mobile Home Ord		X
Code Enforcement		X
Dev Rev. Process	X	
Land Div	X	
Site Plan	X	
Transit Overlay District	X	
Mixed Use	X	
Revisit Wetlands Ordinance		X
Ag, Forest, Zoning	X	
Interlocal Agreements with cities		X
Aquifer Prot.		X
Airport Prot		X
Surface Mining		X

CHAPTER 365-190 WAC
MINIMUM GUIDELINES TO CLASSIFY
AGRICULTURE, FOREST, MINERAL LANDS AND CRITICAL AREAS

PART ONE
PURPOSE/AUTHORITY

NEW SECTION

WAC 365-190-010 AUTHORITY. This chapter is established pursuant to RCW 36.70A.050.

NEW SECTION

WAC 365-190-020 PURPOSE. The intent of this chapter is to establish minimum guidelines to assist all counties and cities statewide in classifying agricultural lands, forest lands, mineral resource lands, and critical areas. These guidelines shall be considered by counties and cities in designating these lands.

Growth management, natural resource land conservation, and critical areas protection share problems related to governmental costs and efficiency. Sprawl and the unwise development of natural resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life. It is more costly to remedy the loss of natural resource lands or critical areas than to conserve and protect them from loss or degradation. The inherent economic, social, and cultural values of natural resource lands and critical areas should be considered in the development of strategies designed to conserve and protect lands.

In recognition of these common concerns, classification and designation of natural resource lands and critical areas intended to assure the long-term conservation of natural resource lands and to preclude land uses and developments which are incompatible with critical areas. There are qualitative differences between and among natural resource lands and critical areas. Not all areas and ecosystems are critical for the same reasons. Some are critical because of the hazard they present to public health and safety, some because of the values they represent to the public welfare. In some cases, the risk posed to the public by use or development of a critical area can be mitigated or reduced by engineering or design; in other cases that risk cannot be effectively reduced except by avoidance of the critical area. Hence, classification and designation of critical areas are intended to lead counties and cities to recognize the differences among these areas, and to develop appropriate regulatory and non-regulatory actions in response.

Counties and cities required or opting to plan under the growth management act of 1990 should consider the definitions and guidelines in this chapter when preparing development regulations which preclude uses and development incompatible with critical areas (see RCW 36.70A.060). Precluding incompatible uses and development does not mean a prohibition of all uses or development. Rather, it means governing changes in land uses, new activities, or development that could adversely affect critical areas. Thus for each critical area, counties and cities planning under the act should define classification schemes and prepare development regulations that govern changes in land uses and new activities by prohibiting clearly inappropriate actions and restricting, allowing, or conditioning other activities as appropriate.

It is the intent of these guidelines that critical areas designations overlay other land uses including designated natural resource lands. That is, if two or more land use designations apply to a given parcel or a portion of a parcel, both or all designations shall be made. Regarding natural resource lands, counties and cities should allow existing and ongoing resource management operations, that have long-term commercial significance, to continue. Counties and cities should encourage utilization of best management practices where existing and ongoing resource management operations that have long-

term commercial significance include designated critical areas. Future operations or expansion of existing operations should be done in consideration of protecting critical areas.

PART TWO
GENERAL REQUIREMENTS

NEW SECTION

WAC 365-190-030 DEFINITIONS. (1) Agricultural land is land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(2) Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

(3) "City" means any city or town, including a code city.

(4) Critical areas include the following areas and ecosystems:

(a) Wetlands;

(b) Areas with a critical recharging effect on aquifers used for potable water;

(c) Fish and wildlife habitat conservation areas;

(d) Frequently flooded areas; and

(e) Geologically hazardous areas.

(5) Erosion hazard areas are those areas containing soils which, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

(6) Forest land is land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

(7) Frequently flooded areas are lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

(8) Geologically hazardous areas are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

(9) Habitats of local importance include, a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

(10) Landslide hazard areas are areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

(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 land's proximity to population areas, and the possibility of more intense uses of land.

(12) Minerals include gravel, sand, and valuable metallic substances.

(13) Mine hazard areas are those areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.

(14) Mineral resource lands means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

(15) Natural resource lands means agricultural, forest and mineral resource lands which have long-term commercial significance.

(16) Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(17) Public services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(18) Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

(19) Species of Local Importance are those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

(20) Urban growth refers to growth that makes intensive use of land for the location of location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(21) Volcanic hazard areas shall include areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

(22) Wetland or wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

PART THREE
GUIDELINES

NEW SECTION

WAC 365-190-040 PROCESS. The classification and designation of natural resource lands and critical areas is an important step among several in the overall growth management process. Together these steps comprise a vision of the future, and that vision gives direction to the steps in the form of specific goals and objectives. Under the growth management act, the timing of the first steps coincides with development of the larger vision through the comprehensive planning process. People are asked to take the first steps, designation and classification of natural resource lands and critical areas, before the goals, objectives and implementing policies of the comprehensive plan are finalized. Jurisdictions planning under the growth management act must also adopt interim regulations for the conservation of natural resource lands and protection of critical areas. In this way, the classification and designation help give shape to the content of the plan, and at the same time natural resource lands are conserved and critical areas are protected from incompatible development while the plan is in process.

Under the growth management act, preliminary classifications and designations will be completed in 1991. Those planning under the act must also enact interim regulations to protect and conserve these lands by September 1, 1991. By July 1, 1992, counties and cities not planning under the act must bring their regulations into conformance with their comprehensive plans. By July 1, 1993, counties and cities planning under the act must adopt comprehensive plans, consistent with

the goals of the act. Implementation of the plans will occur by the following year.

(1) Classification is the first step in implementing RCW 36.70A.050. It means defining categories to which natural resource lands and critical areas will be assigned.

Pursuant to RCW 36.70A.170, natural resource lands and critical areas will be designated based on the defined classifications. Designation establishes, for planning purposes: the classification scheme; the general distribution, location and extent of the uses of land, where appropriate, for agriculture, forestry, and mineral extraction; and the general distribution, location, and extent of critical areas. Inventories and maps can indicate designations of natural resource lands. In the circumstances where critical areas (e.g., aquifer recharge areas, wetlands, significant wildlife habitat, etc.) cannot be readily identified, these areas should be designated by performance standards or definitions, so they can be specifically identified during the processing of a permit or development authorization. Designation means, at least, formal adoption of a policy statement, and may include further legislative action. Designating inventoried lands for comprehensive planning and policy definition may be less precise than subsequent regulation of specific parcels for conservation and protection.

Classifying, inventorying, and designating lands or areas does not imply a change in a landowner's right to use his or her land under current law. Land uses are regulated on a parcel basis and innovative land use management techniques should be applied when counties and cities adopt regulations, to conserve and protect designated natural resource lands and critical areas. The department of community development will provide technical assistance to counties and cities on a wide array of regulatory options and alternative land use management techniques.

These guidelines may result in critical area designations that overlay other critical area or natural resource land classifications. That is, if two or more critical area designations apply to a given parcel, or portion of a given parcel, both or all designations apply. For counties and cities required or opting to plan under chapter 36.70A RCW, reconciling these multiple designations will be the subject of local development regulations adopted pursuant to RCW 36.70A.060.

(2) Counties and cities shall involve the public in classifying and designating natural resource lands and critical areas.

(a) Public Participation

(i) Public participation should include at a minimum: landowners; representatives of agriculture, forestry, mining, business, environmental and community groups; tribal governments; representatives of adjacent counties and cities; and state agencies. The public participation program should include early and timely public notice of pending designations and regulations.

(ii) Counties and cities should consider using: technical and citizen advisory committees with broad representation, press releases, news conferences, neighborhood meetings, paid advertising (e.g., newspaper, radio, T.V., transit), newsletters, and other means beyond the required normal legal advertising and public notices. Plain, understandable language should be used. The department of community development will provide technical assistance in preparing public participation plans, including: pamphlet series, workshops, and a list of agencies available to provide help.

(b) Adoption process. Statutory and local processes already in place governing land use decisions are the minimum processes required for designation and regulation pursuant to RCW 36.70A.060 and 36.70A.170. At least these steps should be included in the process:

(i) Accept the requirements of chapter 36.70A RCW, especially definitions of agricultural lands, forest lands, minerals, long-term commercial significance, critical areas, geologically hazardous areas, and wetlands as mandatory minimums.

(ii) Consider minimum guidelines developed by department of community development under RCW 36.70A.050.

(iii) Consider other definitions used by state and federal regulatory agencies.

(iv) Consider definitions used by the county and city and other counties and cities.

(v) Determine recommended definitions and check conformance with minimum definitions of chapter 36.70A RCW.

(vi) Adopt definitions, classifications, and standards.

(vii) Apply definitions to the land by mapping designated natural resource lands.

(viii) Establish designation amendment procedures.

(c) Intergovernmental coordination. The growth management act requires coordination among communities and jurisdictions to reconcile conflicts and strive for consistent definitions, standards, and designations within regions. The minimum coordination process required under these guidelines may take one of two forms:

(i) Adjacent cities (or those with overlapping or adjacent planning areas); counties and the cities within them; and adjacent counties would provide each other and all adjacent special purpose districts and special purpose districts within them notice of their intent to classify and designate natural resource lands and critical areas within their jurisdiction. Counties or cities receiving notice may provide comments and input to the notifying jurisdiction. The notifying jurisdiction specifies a comment period prior to adoption. Within forty-five days of the jurisdiction's date of adoption of classifications or designations, affected jurisdictions are supplied a copy of the proposal. The department of community development may provide mediation services to counties and cities to help resolve disputed classifications or designations.

(ii) Adjacent jurisdictions; all the cities within a county; or all the cities and several counties may choose to cooperatively classify and designate natural resource lands and critical areas within their jurisdictions. Counties and cities by interlocal agreement would identify the definitions, classification, designation, and process that will be used to classify and designate lands within their areas. State and federal agencies or tribes may participate in the interlocal agreement or be provided a method of commenting on designations and classifications prior to adoption by jurisdictions.

Counties and/or cities may begin with the notification option ((i) of this section) and choose to change to the interlocal agreement method ((ii) of this section) prior to completion of the classification and designations within their jurisdictions. Approaches to intergovernmental coordination may vary between natural resource land and critical area designation. It is intended that state and federal agencies with land ownership or management responsibilities, special purpose districts and Indian tribes with interests within the jurisdictions adopting classification and designation be consulted, and their input considered in the development and adoption of designations and classifications. The department of community development may provide mediation services to help resolve disputes between counties and cities that are using either the notification or interlocal agreement method of coordinating between jurisdictions.

(d) Mapping. Mapping should be done to identify designated natural resource lands and to identify known critical areas. Counties and cities should clearly articulate that the maps are for information or illustrative purposes only unless the map is an integral component of a regulatory scheme.

Although there is no specific requirement for inventorying or mapping either natural resource lands or critical areas, chapter 36.70A RCW requires that counties and cities planning under chapter 36.70A RCW adopt development regulations for uses adjacent to natural resource lands. Logically, the only way to regulate adjacent lands is to know where the protected lands are. Therefore, mapping natural resource lands is a practical way to make regulation effective.

For critical areas, performance standards are preferred, as any attempt to map wetlands, for example, will be too inexact for regulatory purposes. Standards will be applied upon land use application. Even so, mapping critical areas for information, but not regulatory purposes, is advisable.

(e) Reporting. Chapter 36.70A RCW requires that counties and cities annually report their progress to department of community development. The department of community development will maintain a

central file including examples of successful public involvement programs, interjurisdictional coordination, definitions, maps, and other materials. This file will serve as an information source for counties and cities and a planning library for state agencies and citizens.

(f) Evaluation. When counties and cities adopt a comprehensive plan, chapter 36.70A RCW requires that they evaluate their designations and develop regulations to assure they are consistent with and implement the comprehensive plan. When considering changes to the designations or development regulations, counties and cities should seek interjurisdictional coordination and public participation.

(g) Designation amendment process. Land use planning is a dynamic process. Procedures for designation should provide a rational and predictable basis for accommodating change.

Land use designations must provide landowners and public service providers with the information necessary to make decisions. This includes: determining when and where growth will occur, what services are and will be available, how they might be financed, and what type and level of land use is reasonable and/or appropriate. Resource managers need to know where and when conversions of rural land might occur in response to growth pressures, and how those changes will affect resource management.

Designation changes should be based on consistency with one or more of the following criteria:

(i) Change in circumstances pertaining to the comprehensive plan or public policy.

(ii) A change in circumstances beyond the control of the landowner pertaining to the subject property.

(iii) An error in designation.

(iv) New information on natural resource land or critical area status.

(h) Use of innovative land use management techniques. Resource uses have preferred and primary status in designated natural resource lands of long-term commercial significance. Counties and cities must determine if and to what extent other uses will be allowed. If other uses are allowed, counties and cities should consider using innovative land management techniques which minimize land use incompatibilities and most effectively maintain current and future natural resource lands.

Techniques to conserve and protect agricultural, forest lands and mineral natural resource lands of long-term commercial significance include the purchase or transfer of development rights, fee simple purchase of the land, less than fee simple purchase, purchase with lease-back, buffering, land trades, conservation easements, or other innovations which maintain current uses and assure the conservation of these natural resource lands.

Development in and adjacent to agricultural and forest lands of long-term commercial significance shall assure the continued management of these lands for their long-term commercial uses. Counties and cities should consider the adoption of right-to-farm provisions. Covenants or easements that recognize that farming and forest activities will occur should be imposed on new development in or adjacent to agricultural or forest lands. Where buffering is used, it should be on land within the development unless an alternative is mutually agreed on by adjacent landowners.

Counties and cities planning under the act should define a strategy for conserving natural resource lands and for protecting critical areas, and this strategy should integrate the use of innovative regulatory and non-regulatory techniques.

NEW SECTION

WAC 365-190-050 AGRICULTURAL LANDS. (1) In classifying agricultural lands of long-term significance for the production of food or other agricultural products, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Soil Conservation Service as defined in agriculture handbook no. 210. These eight classes are incorporated by the United States Department Agriculture into map units described in published soil surveys. These categories incorporate consideration of the

growing capacity, productivity, and soil composition of the land. Counties and cities shall also consider the combined effects of proximity to populated areas and the possibility of more intense uses of the land as indicated by:

~~(a)~~ The availability of public facilities;
(b) Tax status;
~~(c)~~ The availability of public services;
(d) Relationship or proximity to urban growth areas;
~~(e)~~ Predominant parcel size;
~~(f)~~ Land use settlement patterns and their compatibility with agricultural practices;
~~(g)~~ Intensity of nearby land uses;
~~(h)~~ History of land development permits issued nearby;
(i) Land values under alternative uses; and
~~(j)~~ Proximity of markets.

(2) In defining categories of agricultural lands of long-term commercial significance for agricultural production, counties and cities should consider using the classification of prime and unique farmland soils as mapped by the Soil Conservation Service. If a county or city chooses to not use these categories, the rationale for that decision must be included in its next annual report to department of community development.

(3) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include consultation with the board of the local conservation district and the local agriculture stabilization and conservation service committee.

These additional lands may also include bogs used to grow cranberries. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

NEW SECTION

WAC 365-190-060 FOREST LAND RESOURCES. In classifying forest land, counties and cities should use the private forest land grades of the department of revenue (WAC 458-40-530). This system incorporates consideration of growing capacity, productivity and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominately higher grades need not preclude designation as forest land.

Each county and city shall determine which land grade constitutes forest land of long-term commercial significance, based on local and regional physical, biological, economic, and land use considerations.

Counties and cities shall also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

~~(1)~~ The availability of public services and facilities conducive to the conversion of forest land.

(2) The proximity of forest land to urban and suburban areas and rural settlements: forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.

~~(3)~~ The size of the parcels: forest lands consist of predominantly large parcels.

~~(4)~~ The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.

~~(5)~~ Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW.

(6) Local economic conditions which affect the ability to manage timberlands for long-term commercial production.

~~(7)~~ History of land development permits issued nearby.

NEW SECTION

WAC 365-190-070 MINERAL RESOURCE LANDS. Counties and cities shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.

(1) Classification criteria. Areas shall be classified as mineral resource lands based on geologic, environmental and economic factors, existing land uses, and land ownership. The areas to be studied and their order of study shall be specified by counties and cities.

(a) Counties and cities should classify lands with long-term commercial significance for extracting at least the following minerals: Sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate.

(b) In classifying these areas, counties and cities should consider maps and information on location and extent of mineral deposits provided by the Washington state department of natural resources and the United States Bureau of Mines. Additionally, the department of natural resources has a detailed minerals classification system counties and cities may choose to use.

(c) Counties and cities should consider classifying known and potential mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded.

(d) In classifying mineral resource lands, counties and cities shall also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

(i) General land use patterns in the area;
(ii) Availability of utilities;
(iii) Availability and adequacy of water supply;
(iv) Surrounding parcel sizes and surrounding uses;
(v) Availability of public roads and other public services;
(vi) Subdivision or zoning for urban or small lots;
(vii) Accessibility and proximity to the point of use or market;
(viii) Physical and topographic characteristics of the mineral resource site;
(ix) Depth of the resource;
(x) Depth of the overburden;
(xi) Physical properties of the resource including quality and type;
(xii) Life of the resource; and
(xiii) Resource availability in the region.

NEW SECTION

WAC 365-190-080 CRITICAL AREAS. (1) Wetlands. The wetlands of Washington state are fragile ecosystems which serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction or impairment may result in increased public and private costs or property losses.

In designating wetlands for regulatory purposes, counties and cities shall use the definition of wetlands in RCW 36.70A.030(17). Counties and cities are requested and encouraged to make their actions consistent with the intent and goals of "protection of wetlands," Executive Orders 89-10 and 90-04 as they exist on September 1, 1990. Additionally, counties and cities should consider wetlands protection guidance provided by the department of ecology including the model wetlands protection ordinance.

(a) Counties and cities that do not now rate wetlands shall consider a wetlands rating system to reflect the relative function, value and uniqueness of wetlands in their jurisdictions. In developing wetlands rating systems, counties and cities should consider the following:

(i) The Washington state four-tier wetlands rating system;
(ii) Wetlands functions and values;
(iii) Degree of sensitivity to disturbance;

(iv) Rarity; and
(v) Ability to compensate for destruction or degradation.
If a county or city chooses to not use the state four-tier wetlands rating system, the rationale for that decision must be included in its next annual report to department of community development.

(b) Counties and cities may use the national wetlands inventory as an information source for determining the approximate distribution and extent of wetlands. This inventory provides maps of wetland areas according to the definition of wetlands issued by the United States Department of Interior - Fish and Wildlife Service, and its wetland boundaries should be delineated for regulation consistant with the wetlands definition in RCW 36.70A.170(3).

(c) Counties and cities should consider using the methodology in the federal manual for identifying and delineating jurisdictional wetlands, cooperatively produced by the United States Army Corps of Engineers, United States Environmental Protection Agency, United States Department of Agriculture Soil Conservation Service, and United States Fish and Wildlife Service, that was issued in January 1989, and regulatory guidance letter 90-7 issued by the United States Corps of Engineers on November 29, 1990 for regulatory delineations.

(2) Aquifer recharge areas. Potable water is an essential life sustaining element. Much of Washington's drinking water comes from groundwater supplies. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.

The quality of groundwater in an aquifer is inextricably linked to its recharge area. Few studies have been done on aquifers and their recharge areas in Washington state. In the cases in which aquifers and their recharge areas have been studied, affected counties and cities should use this information as the base for classifying and designating these areas.

Where no specific studies have been done, counties and cities may use existing soil and surficial geologic information to determine where recharge areas are. To determine the threat to groundwater quality, existing land use activities and their potential to lead to contamination should be evaluated.

Counties and cities shall classify recharge areas for aquifers according to the vulnerability of the aquifer. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability is indicated by land uses that contribute contamination that may degrade groundwater, and hydrogeologic conditions that facilitate degradation. Low vulnerability is indicated by land uses that do not contribute contaminants that will degrade ground vater, and by hydrogeologic conditions that do not facilitate degradation.

(a) To characterize hydrogeologic susceptibility of the recharge area to contamination, counties and cities may consider the following physical characteristics:

(i) Depth to groundwater;

(ii) Aquifer properties such as hydraulic conductivity and gradients;

(iii) Soil (texture, permeability and contaminant attenuation properties);

(iv) Characteristics of the vadose zone including permeability and attenuation properties; and

(v) Other relevant factors.

(b) The following may be considered to evaluate the contaminant loading potential:

(i) General land use;

(ii) Waste disposal sites;

(iii) Agriculture activities;

(iv) Well logs and water quality test results; and

(v) Other information about the potential for contamination.

(c) Classification strategy for recharge areas should be to maintain the quality of the groundwater, with particular attention to recharge areas of high susceptibility. In recharge areas that are highly vulnerable, studies should be initiated to determine if groundwater contamination has occurred. Classification of these areas

should include consideration of the degree to which the aquifer is used as a potable water source, feasibility of protective measures to preclude further degradation, availability of treatment measures to maintain potability, and availability of alternative potable water sources.

(d) Examples of areas with a critical recharging effect on aquifers used for potable water, may include:

(i) Sole source aquifer recharge areas designated pursuant to the federal safe drinking water act.

(ii) Areas established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and chapters 173-100 and 173-200 WAC.

(iii) Areas designated for wellhead protection pursuant to the Federal Safe Drinking Water Act.

(iv) Other areas meeting the definition of "areas with a critical recharging effect on aquifers used for potable water" in these guidelines.

(3) Frequently flooded areas. Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas should include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Counties and cities should consider the following when designating and classifying frequently flooded areas:

(a) Effects of flooding on human health and safety, and to public facilities and services;

(b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs.

(c) The future flow floodplain, defined as the channel of the stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow at build out without any measurable increase in flood heights.

(d) The potential effects of tsunami, high tides with strong winds, sea level rise resulting from global climate change, and greater surface runoff caused by increasing impervious surfaces.

(4) Geologically hazardous areas.

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential or industrial development is sited in areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided. This distinction should be considered by counties and cities that do not now classify geological hazards as they develop their classification scheme.

(a) Areas that are susceptible to one or more of the following types of hazards shall be classified as a geologically hazardous area:

(i) erosion hazard;

(ii) landslide hazard;

(iii) seismic hazard; or

(iv) areas subject to other geological events such as coal mine hazards and volcanic hazards including: mass wasting, debris flows, rockfalls, and differential settlement.

(b) Counties and cities should classify geologically hazardous area as either:

(i) known or suspected risk

(ii) no risk.

(iii) risk unknown - data are not available to determine the presence or absence of a geological hazard.

(c) Erosion hazard areas are at least those areas identified by the United States Department of Agriculture Soil Conservation Service as having a "severe" rill and inter-rill erosion hazard.

(d) Landslide hazard areas shall include areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect,

structure, hydrology, or other factors. Example of these may include, but are not limited to the following:

(i) areas of historic failures, such as:

(A) those areas delineated by the United States Department of Agriculture Soil Conservation Service as having a "severe" limitation for building site development;

(B) those areas mapped as class u (unstable), uos (unstable old slides), and urs (unstable recent slides) in the department of ecology coastal zone atlas; or

(C) areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published as the United States Geological Survey or department of natural resources division of geology and earth resources.

(ii) Areas with all three of the following characteristics:

(A) Slopes steeper than fifteen percent; and

(B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(C) Springs or groundwater seepage;

(iii) Areas that have shown movement during the holocene epoch (from ten thousand years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;

(iv) Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

(v) Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;

(vi) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;

(vii) Areas that show evidence of, or are at risk from snow avalanches;

(viii) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;

(ix) Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

(e) Seismic hazard areas shall include areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:

(i) the magnitude of an earthquake;

(ii) the distance from the source of an earthquake;

(iii) the type of thickness of geologic materials at the surface; and

(iv) the type of subsurface geologic structure.

Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density typically in association with a shallow groundwater table.

(f) Other geological Events:

(i) Volcanic hazard areas shall include areas subject to pyroclastic flows, lava flows, debris avalanche, inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

(ii) Mine hazard areas are those areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts, or air shafts. Factors which should be considered include: proximity to development, depth from ground surface to the mine working, and geologic material.

(5) Fish and wildlife habitat conservation areas. Fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some

cases, intergovernmental cooperation and coordination may show that it is sufficient to assure that a species will usually be found in certain regions across the state.

(a) Fish and wildlife habitat conservation areas include:

(i) Areas with which endangered, threatened, and sensitive species have a primary association;

(ii) Habitats and species of local importance;

(iii) Commercial and recreational shellfish areas;

(iv) Kelp and eelgrass beds; herring and smelt spawning areas;

(v) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

(vi) Waters of the state;

(vii) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; or

(viii) State natural area preserves and natural resource conservation areas.

(b) Counties and cities may consider the following when classifying and designating these areas:

(i) Creating a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces;

(ii) Level of human activity in such areas including presence of roads and level of recreation type (passive or active recreation may be appropriate for certain areas and habitats);

(iii) Protecting riparian ecosystems;

(iv) Evaluating land uses surrounding ponds and fish and wildlife habitat areas that may negatively impact these areas;

(v) Establishing buffer zones around these areas to separate incompatible uses from habitat areas; and

(vi) Restoring lost salmonid habitat.

(c) Sources and methods

(i) Counties and cities should classify seasonal ranges and habitat elements with which federal and state listed endangered, threatened and sensitive species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(ii) Counties and cities should determine which habitats and species are of local importance. Habitats and species may be further classified in terms of their relative importance.

Counties and cities may use information prepared by the Washington department of wildlife to classify and designate locally important habitats and species. Priority habitats and priority species are being identified by the department of wildlife for all lands in Washington state. While these priorities are those of the department, they and the data on which they are based may be considered by counties and cities.

(iii) Shellfish areas. All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Counties and cities should consider both commercial and recreational shellfish areas. Counties and cities should at least consider the Washington department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination. Shellfish protection districts established pursuant to chapter 90.72 RCW shall be included in the classification of critical shellfish areas.

(iv) Kelp and eelgrass beds; herring and smelt spawning areas. Counties and cities shall classify kelp and eelgrass beds, identified by department of natural resources aquatic lands division and the department of ecology. Though not an inclusive inventory, locations of kelp and eelgrass beds are compiled in the puget sound environmental atlas, volumes 1 and 2. Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-260, and the puget sound environmental atlas.

(v) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat.

Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years duration) and landscape amenities. However, naturally occurring ponds may include those

artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

(v) Waters of the state. Waters of the state are defined in Title 222 WAC, the forest practices rules and regulations. Counties and cities should use the classification system established in WAC 222-16-030 to classify waters of the state.

Counties and cities may consider the following factors when classifying waters of the state as fish and wildlife habitats:

(A) Species present which are endangered, threatened, or sensitive, and other species of concern;

(B) Species present which are sensitive to habitat manipulation;

(C) Historic presence of species of local concern;

(D) Existing surrounding land uses that are incompatible with salmonid habitat;

(E) Presence and size of riparian ecosystems;

(F) Existing water rights; and

(G) The intermittent nature of some of the higher classes of waters of the state.

(vi) Lakes, ponds, streams, and rivers planted with game fish. This includes game fish planted in these water bodies under the auspices of a federal, state, local, or tribal program or which supports priority fish species as identified by the department of wildlife.

(vii) State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established and managed by the department of natural resources.

Clark County Comprehensive Plan 2016 Update

Planning for growth 2015 – 2035

SEPA Scoping – Issue Paper 5

Purpose

This memorandum provides a basic framework and starting point from which the county and its cities will launch the environmental impact review process under the State Environmental Policy Act (SEPA). This process will be used to inform the public about three proposed growth alternatives, advertise the county's intent to prepare a Supplemental Environmental Impact Statement (SEIS), and provide an opportunity to comment on the scope of impacts to be examined in the SEIS.

Background

In July 2013, Clark County began updating its Comprehensive Growth Management Plan to meet the 2016 periodic update requirement of RCW 36.70A.140. Community Planning prepared the following issue papers to help the Board of County Commissioners make decisions about the update:

- Issue Paper 1 - Comprehensive Plan Overview: A summary of the county's Planning Assumptions, 2013 vacant and buildable lands model (VBLM) inventory and population and employment projections.
- Issue Paper 2 – Population and Job Projections: Background information for a discussion with the cities and the town of Yacolt on population and job planning assumptions for 2015-2035. On Jan. 21, 2014, the Board adopted the state Office of Financial Management's (OFM) medium population projection of 562,207 for the 20-year period ending 2035 (Res. 2014-01-09).
- Issue Paper 3 – Employment forecast based on input from Washington Employment Security Department (ESD). It was revised as Issue Paper 3.1 to include the 2014 VBLM information. On April 29, 2014, the Board adopted the high employment forecast of 91,200 net new jobs for the 20-year period ending 2035 (Res. 2014-04-01).
- Issue Paper 4 – Population and Job Allocation: On June 24, 2014, the Board identified the methodology for allocating growth by UGA and adopted preliminary allocations for initial review (Res. 2014-06-17).

This issue paper, Issue Paper 5, will discuss the environmental impact review process under the State Environmental Policy Act (SEPA) and seek Board direction on development of alternatives.

SEPA Process

Enacted in 1984, the State Environmental Policy Act (SEPA) requires local governments to evaluate environmental impacts that could result from actions they approve or undertake. The most common evaluation is to discuss potential impacts of a proposed development on various resources and qualities of the environment listed on the SEPA checklist. There also are non-project actions that are reviewed, such as adoption of code language or a new plan or policy. The completed checklist is shared with federal, state and local agencies, Indian tribes, neighborhood organizations and interested parties.

Large development projects, such as an asphalt plant, and certain non-development projects, such as expansion of an urban growth area, require a more in-depth SEPA review, including, 1) identification and analysis of potential project-related impacts, and 2) consideration of possible alternatives to the proposed action. An environmental impact statement (EIS) is prepared, discussing any potential impacts. The county prepared an EIS in 2007, issuing both a draft EIS (DEIS) and a final EIS (FEIS). Comments on alternatives presented in the draft were used to determine a preferred alternative that was the focus of analysis in the FEIS.

For the 2016 update, the county is proposing to add to the 2007 environmental analysis, as needed, by preparing a supplemental EIS (SEIS). Under SEPA, analysis of a plan's impacts is not required to be site-specific, but rather give an overview of impacts that could be expected under the alternatives.

The EIS process under SEPA begins with a scoping process. That is when the county seeks public input and Board direction to define issues related to the comprehensive plan update that will be addressed in the draft SEIS. The preferred alternative studied in the final SEIS and eventually adopted by the Board will reflect local jurisdictions' input, Board directives, guiding principles and values and countywide planning policies. The SEIS and comprehensive planning process will end with adoption of an updated comprehensive growth management plan for Clark County.

Methodology

Since Clark County's 2007 Comprehensive Growth Management Plan update, conditions in the county, as well as state and federal laws, have changed, requiring corresponding changes to the plan. The Board has adopted planning assumptions and principles and values that provide policy direction for reviewing and updating the county's growth management plan by June 2016.

As stated above, preparation of an EIS must include alternatives, including a 'no action' alternative that maintains the status quo. Possible alternatives for review in the EIS are listed below.

Alternative 1: No Action Alternative. This alternative is the adopted Comprehensive Plan as amended in July 2014, with the current urban growth boundaries, planning assumptions, policies and implementation ordinances.

Alternative 2: County-Initiated Actions.

a) Urban growth areas adopted in July 2014.
b) Rural Land amendments to the Zoning Map, such as AG-20 to AG-10, FR-40 to FR-20 and R-20 to R-10, where needed.
c) Washougal UGA amendments to the Zoning Map to reflect county zoning and application of Urban Holding.
d) Vancouver UGA amendments to the Zoning Map to remove the Three Creeks Overlay.
e) Removal of Urban Holding in the Vancouver UGA area known as Fisher's Swale.
f) New Public Facility zone.
g) Eliminate Comprehensive Plan Chapter 1 Table 1.6, Mixed Use footnote and subsequent Comprehensive Plan and Zoning changes.
h) Streamline commercial zones from three to two.

i) Zoning Map changes to include property owner site-specific requests, particularly within the Salmon Creek and Discovery planning areas.
j) Zoning Map cleanup of Urban Reserve application consistency, UR-10, UR-20 and UR-40; Comprehensive Plan and Zoning Map cleanup of Urban Holding application consistency.
k) New Arterial Atlas Map for bicycles.
l) At the request of property owners, sites that meet Board directives and other criteria The new planning assumptions, policy direction, principles and values defined by the commissioners will be used in this alternative.

Alternative 3: City-Requested Actions.

a) Urban growth areas adopted in July 2014.
b) Expansion areas proposed by cities in July 2014.

After the scoping process, land use alternatives will be developed based on technical analysis, input from cities, the Board's principles and values and results of the environmental scoping and analysis. From the DSEIS, a preferred alternative will emerge, providing a 20-year land supply and meeting the 2014 planning assumptions and policy directions.

NEXT STEPS

During four open houses in August, the public is invited to comment on the scope of impacts to be examined in the Supplemental Environmental Impact Statement. All open houses will be 7 - 8:30 p.m. Here are the open house dates and locations:

Tuesday, Aug. 19	Fort Vancouver Community Library, 901 C St., Vancouver
Wednesday, Aug. 20	Lacamas Lake Lodge, 227 N.E. Lake Rd., Camas
Wednesday, Aug. 27	Ridgefield Community Center, 210 N. Main Ave., Ridgefield
Thursday, Aug. 28	Battle Ground Community Center, 9123 E. Main St., Battle Ground