



CP 16 # 0484

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

Board of Commissioners

In Case # 96-2-00080-2 Findings of Fact and Conclusions of Law, Honorable Edwin J. Poyfair states on page 3, line 18, "**Clark County issued a policy memo .....that previous Growth Management Board decisions appeared to prevent the County from allowing any growth in rural areas. Specifically, according to the 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.**" On page 6, line 11, he states, "**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. This formulaic view of the GMA requirement is fatally flawed. There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas are adequately sized and infrastructure in those growth areas is provided for. This Board decision, however, compelled the County to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements. The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character. While the GMA contains no restrictions on rural growth, it does require a variety of residential densities. By trying to comply with the Board's errant decision the County violated a GMA planning goal.**" In the same case, in the Order on Reconsideration, page 3, line 12, Honorable James D. Ladley states, "**The Boards requirement to, in essence, require a vacant buildable lands analysis for the rural area was erroneous.**"

In the Court of Appeals, Division II, Case # 22164-1-II. page 6, it states, "**As already observed, the GMA requires counties to use OFM's projections when planning for urban growth. It omits any reference to counties using OFM's projections when planning for non-urban growth. The implications are... (3) that the legislature decided not to require that counties use OFM's projections when planning for non-urban growth. ....Here, in our view, the Board misread the statues and exceeded it authority. If we were to defer to its ruling, we would perpetuate, not correct, its error. ....Based on the foregoing, conclude that the GMA does not require counties to use OFM's projections as a cap on non-urban growth. The Board exceeded its authority, and the trial court did not err by reversing the Boards ruling.**"

Rural areas have almost 100% non-conforming lots now, because an artificial ceiling or cap was illegally placed on the rural population when OFM population numbers were used. The county made a mistake in 1994 and has perpetuated that mistake for 20 years. Clark County Citizens United, Inc. ask the commissioners to make corrections that reflect what the courts have directed.

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