

**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Thursday, September 10, 2015 3:39 PM  
**To:** Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: comp plan-request to be on record for September 10, 2015 meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

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**From:** RITA DIETRICH [<mailto:billritadietrich@outlook.com>]  
**Sent:** Thursday, September 10, 2015 3:18 PM  
**To:** Madore, David; Mielke, Tom; Stewart, Jeanne; Orjiako, Oliver  
**Subject:** comp plan-request to be on record for September 10, 2015 meeting

Dear Councilors and Planning Commission,

I would like to go on record to ask that the Dietrich Family Partnership's two 20 acre parcels be zoned 5 acres. The property is located in the SW 1/4 of Section 13, Township 3, Range 2 EWM. The tax parcel numbers are 194860-000 and 194841-000. Most all properties in the area are zoned 5 acres or smaller. We plan to keep these two parcels in some type of agriculture, but since this is a 20 year plan we want to be prepared for the future. If we only had a crystal to tell us what the future may bring.

Thank you for your consideration in this matter.

Sincerely,  
Rita Dietrich  
Dietrich Family Limited Partnership  
P.O Box 1055  
Brush Prairie, WA 98606  
360-892-3686

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Thursday, September 10, 2015 3:33 PM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Writers failed to realize importance of keeping ag & forestry viable

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and Kathy for the record. Please, include in the packet for this evening. We need to start another set of comments for the PC and BOCC as the comment period runs until September 17. Thank you.

Oliver

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**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Thursday, September 10, 2015 3:29 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Fw: Writers failed to realize importance of keeping ag & forestry viable

----- Forwarded Message -----

**From:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>  
**To:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>; Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**Sent:** Thursday, September 10, 2015 1:54 PM  
**Subject:** Writers failed to realize importance of keeping ag & forestry viable

The mistruths, and absent data in the draft SEIS are tools used to facilitate the downfall of alternative 4. These tools actually advance CCCU's values by exposing misconduct to the public eye and facilitating dialogue on issues of considerable public interest. "Who is really navigating public policy on land use issues?"

There are rules that apply when writing an EIS. If these rules aren't respected by the writers and consultants tasked with the job of writing an unbiased dseis for proper analysis, how are the councilors supposed to make important informed decisions? How are competing interests..in this case the private property rights of rural citizens, supposed to intervene and get our voices heard? CCCU is now tasked with going through the draft with a fine-tooth comb.

What are the motivations of the writers of the draft? By taking it upon themselves to provide their analysis, one would think that Alternative 4 proponents are vigilantes, invading marauders that only want to carve up the county, crowd the highways, deplete water resources..all for self serving purposes.

Purpose of the authors is a big factor for consideration, and interpretation. Motivation becomes really important in part of the decision of the County Councilors. The county's various comprehensive plans are lawfully supposed to serve the entire breadth of all county communities by facilitating positive changes. That has never happened for the rural communities. Needed changes in how the county comprehensive plans are developed needs to happen. The draft clearly illustrates the poor conduct of the writers, the process used, and a faulty report.. Unfortunately, this isn't uncommon for Clark County.

When engaged in an activity of the entire public's interest, private interests of the writers and consultants need to be set aside. The public's right to honest data outweighs purely private interests.

What the writers failed to realize is that farmers and foresters are operating businesses that are in the public's interest to keep viable. Many county's recognize this...in particular Chelan County. Chelan recognizes the needs of the resource based industries, the importance of options for private property, and the importance of property rights.

1. Getting a complete list of the additional lots that should be in Alternative
1. A description of a compromise that will satisfy the Cities concerns about a peripheral buffer around the cities that want one.
2. Should corrections/additions to the SEIS and a call for more analysis be submitted in wri

**Schroader, Kathy**

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**From:** Evan Marttila <evan@northern-ls.com>  
**Sent:** Thursday, September 10, 2015 8:17 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Support for alternative 4

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,  
i was unable to make it to the hearing tonight, but I would like to let you know that I support alternative 4.  
Thank you,  
**Evan Marttila**  
7215 NE 251st Street, Battle Ground, WA 98604  
Cell: 360-553-5992 | Email: [evan@Northern-LS.com](mailto:evan@Northern-LS.com)



## Schroader, Kathy

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**From:** Euler, Gordon  
**Sent:** Friday, September 11, 2015 8:26 AM  
**To:** Orjiako, Oliver  
**Cc:** Schroader, Kathy  
**Subject:** FW: For the record from Nathan Ek:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Oliver:

Interesting.

Kathy—for the index.

Gordy

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**From:** Stewart, Jeanne  
**Sent:** Thursday, September 10, 2015 5:51 PM  
**To:** 'Nathan Ek'  
**Cc:** Stewart, Jeanne; Euler, Gordon  
**Subject:** RE: For the record from Nathan Ek:

Dear Mr. Ek,

Thank you for the email, and yes, I distinctly remember you and a very productive conversation.

It is unclear to me why Planning staff did not include the FR80 issue and that feedback from property owners in creation of the options.

I am forwarding your email to them to include into the record and for consideration.

Thank you for letting me know about the issue.

Best regards,  
Jeanne E Stewart, Councilor  
Clark County Council

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**From:** Nathan Ek [<mailto:nathan@ekengineering.net>]  
**Sent:** Thursday, September 10, 2015 4:09 PM  
**To:** Stewart, Jeanne  
**Subject:** For the record from Nathan Ek:

Dear Commissioner Stewart,

it was a pleasure to meet you at the open house at Ridgefield. You may remember we discussed my Grandpa and the history of my family at Battle Ground Lake, as well as my Dad's involvement with sponsoring the salmon creek site for WSU.

We also briefly touched on my property in the Yacolt Mountain area. The planning staff apparently decided on their own to exclude the areas zoned as FR80 when collecting feedback from property owners. We, too as property owners feel we should have a say in our futures.

I would like to go on record as supporting Alternative 4 proposal of the comprehensive plan update.

Specifically, I own tax parcel # 230480-000 in the Yacolt Mountain area, and am in favor of changing the lot size to reflect FR10 zoning. Our property and a few others are proposed to be spot zoned on the current alternative 4 as FR40, which does not come close to undoing the wrong created when the zoning was changed from 5 acre lots prior to 1994. We all would like to be zoned similarly to those properties north and South of us which are proposed as FR10.

There are many technical justifications supporting this, including the now present public water at the property, as well as good county road access, etc. We also are surrounded on the south and west sides by 5 acre residential zoning. We understand that it may be difficult to get to 5 acre zoning, but as a second alternative, we wish to be included in the FR10 zoned areas.

Please consider the wishes of myself and my surrounding property owners when finalizing the alternative 4 map.

Thank you,

Nathan Ek  
35006 NE 178<sup>th</sup> Ave.  
Yacolt, WA 98675

FOR THE PUBLIC RECORD

To Clark county councilors Madore , Mielke, Stewart  
9-10-2015

*I urge you to support alternative 4 that was proposed by CCCU and restore some of the property rights that have been taken from the rural landowners.*

*This is also a request to have my property,  
parcel # 223272-000 included in the 2.5 acre zoning so that my daughter and her family  
can have a house in the country to raise cows and chickens*

*There is a real shortage of rural land for sale and I want to have the right to sell my  
children a parcel to build a home on.*

*Also, I request that you include parcel # 224507-000 which borders the proposed 2.5 acre  
re-zoned area. I am in the process of buying this land with the intention of dividing it  
into parcels that my children and grand children can have a parcel to build a home on in  
the future. It is currently in Ag. and I plan to continue that . My family wants to be able  
to raise animals and they need acreage to do that.*

Janine Lamberg

31606 NE 122 Ave.

98604

CCId= Arjiko  
Schroeder ✓

9-10-15  
Sydney  
Reisbick

Board of County Commissioners  
Clark County Planning Commission  
1300 Franklin St  
Vancouver, WA 98660

Sydney Reisbick  
PO Box 339  
Ridgefield, WA 98642  
September 10, 2015

Input for the Draft Supplemental Environmental Impact Statement (DSEIS), for the 2016 Growth Management Plan (GMP) Alternatives for the Comprehensive Plan, Second Hearing.

The bottom line points are that the Draft Supplemental Environmental Impact Statement (DSEIS) fails totally to discuss the quantitative effects of the alternatives on the environment and rural life. Because of the above this the DSEIS is not an adequate analysis for creating a Preferred Alternative. Finally, Alternative 4, with its countywide rezoning and changes in minimum lot sizes, violates the goals of the Growth Management Act and significantly changes the nature of rural character.

The DSEIS does not provide quantitative analysis of any of the alternative's impacts on water (streams, aquifers and wells), wildlife and fish habitat, resource lands (protection and use there of), infrastructure (traffic trips, utility services), human health (physical and mental), affordable housing, or transit. The DSEIS does not quantify these effects of the alternatives on Cities, rural centers or rural life. It states that mitigation is possible but does not define the necessary mitigations or give the effects or costs of mitigations.

Clearly, Alternative 1 will do the least damage to rural character. Current development has already added many wells. Even Alternative 1 will continue to affect rural water systems, ability to use resource lands, and habitat (see Dennis Dykes, submitted today).

Private land rights are only one of the many factors to balance within rural character and are not a Growth Management Hearings Board (GMHB) issue. The maintenance of rural character is. The courts have found Alternative 1 and its zoning consonant with both Growth Management and State law on land rights. (Input from Atty. David McDonald).

Again, the DSEIS fails quantitative analysis and it fails as an adequate basis for a final alternative. Alternative 4 violates the goals of the Growth Management Act.

cc'd= Ariako  
Schroeder

9-10-15

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

DSEIS - More Work is Needed

September 10, 2015  
For the Public Record


Dear Councilors,

Alternative 4 is the best choice of the alternatives offered in the DSEIS, but more work needs to be done. Authors of the Draft SEIS didn't go far enough in their analysis. Nor did they adequately portray 13 equal goals in 36.70A.020 of the GMA, particularly, protection of private property rights. Environmental impacts are biased and skewed against Alternative 4. GMA Comprehensive Land Use Planning, is to plan for housing, economic vitality and infrastructure, to accommodate growth for 20 years, not plan for no growth or prevent growth. A status quo plan is not realistic and a community will quickly fall behind in meeting GMA goals. According to CTED, this county grew by 15,000 people from 2013 to 2014, but is only planning for 6,431 now. That's less than half annual growth and is not acceptable.

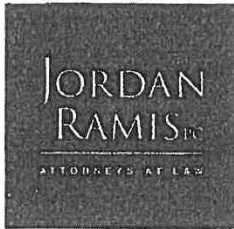
Michael Williams, Southwest Region Planning Manager, Washington State Department of Transportation, Vancouver office, states, "WSDOT's vision is to provide a sustainable and integrated multimodal transportation system." One assumes the major improvements to State Highway 502 was to meet that goal, for expected growth of 20 years and beyond. Clark County will likely continue the statistical trend of 15,000 new people annually and the state needs to plan for realistic growth. Alternative 4 does not drive increased population, as growth happened between 2013 and 2014 with status quo. Transportation has also been frozen with zoning, and the state is falling behind. Alt. 4, will simply recognize existing parcels in rural and resource areas. Transportation impacts from these lots already happened and have no effect on increased future impacts. As always, new parcels will pay for new impacts via policy and taxes.

Dividing potential Alt 4 lots by 20 years, equals only 620 parcels a year. With steep slopes and critical areas removed, the number would be much smaller. Alt.1 equals 354 and Alt 2 equals 411 parcels a year. Alternative 4 calls the land what it is, using predominant parcel size in an area. Alt 1 and 2 don't. It's good sense for the county to be realistic in evaluations. Some lots will be created, but environmental impacts are minimal as county code has protections for future environmental impacts. The Draft SEIS does not give analysis in this regard. The DSEIS simply makes statements, backed by limited scientific data. More work is needed in the draft to demonstrate true environmental impacts of all of the alternatives.

Soil Limitations to Septic Systems map Figure 2-3, says most the county is very limited to septic sewer systems, and yet agriculture and forest maps show most the county as prime or good soils. Septic systems need well drained soils, as do agriculture and forests. If soil is not conducive to septic systems, it is not conducive to resource land. The DSEIS does not demonstrate this. The Lagler Dairy Farm is being proposed for commercial and industrial development. Engineers say it is ideal for the proposed use, because the soil is excellent for percolation of septic sewer systems and storm water run off. Quantified prime and good soil is critical in the GMA. The 1980 Comprehensive Plan recognized this, but it's missing in the 2015-16 DSEIS. The county would do well to review other EIS documents to understand the necessity of getting it right. There is still much work to be done. Alternative 4 is a good start.

Sincerely, 

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



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Two Centerpointe Dr., 6th Floor  
Lake Oswego, OR 97035  
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9-10-15  
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VIA E-MAIL  
[COMP.PLAN@CLARK.WA.GOV](mailto:COMP.PLAN@CLARK.WA.GOV)  
[BOARD.COM@CLARK.WA.GOV](mailto:BOARD.COM@CLARK.WA.GOV)  
[DAVID.MADORE@CLARK.WA.GOV](mailto:DAVID.MADORE@CLARK.WA.GOV)

September 1, 2015

Community Planning  
EIS Comments – 2016 Comp Plan Record  
PO Box 9810  
Vancouver WA 98666-9810

Board of County Councilors  
PO Box 5000  
Vancouver WA 98666-5000

Chairman David Madore  
Board of County Councilors  
PO Box 5000  
Vancouver WA 98666-5000

Re: *GMA Draft EIS*  
Our File No. 51516-73506

Dear Chair Madore, Board of County Councilors and Community Planning EIS Comments:

Clark County needs to reset this process. The Draft EIS continues to ignore concerns expressed in my earlier letters. This GMA process continues to rely on plainly false assumptions regarding the population growth rate through 2035. We request that the Board consider asking for an extension from the state legislature in 2016 to get the planning assumptions in line with the present realities.

The background is that OFM and the county take the reduced growth rates of the recent recession and project them forward 20 years. But the recession was an aberration and in the last couple years the growth rate has returned to normal. As noted by the Brookings Institution, the recession years were an anomaly, and now popular metropolitan areas are returning to faster growth rates, especially our own. And of course for a 20 year plan, the data from a limited aberrant period cannot be expected to continue in the long term.

The 2012 OFM report, which is based on a November 2011 forecast, notes the reduced migration of the recession, and remarkably states: “[n]o attempt is made to predict the timing and magnitude of any significant migration rebound.” In other words, the data the county relies on presumes there will not be an economic recovery after 2011. But now the data through 2014 is in, which shows the in-migration is rebounding, and the annual overall growth rate is up to 1.67%. Obviously the 2012 report erred.

Of course the erroneous population assumption drives the erroneous conclusions about land needed and related long range planning metrics. Remember that our county has an influx of young adults for whom we will need surplus land for housing as they transition from apartments to houses. Young adults also drive the need for parks, employment and educational lands, as their children enter school and the parents settle into their careers. Our metro area is third highest in the entire country for in-migration of young adults aged 25-34. This data is consistent with OFM's 2013 Population Trends data which shows the percentage of senior citizens in Clark County is below the state average.



Board of County Councilors  
Community Planning, EIS Comments  
August 21, 2015  
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Instead of trudging forward with bad data that will lead us to messy litigation, the county should pause to reconsider the assumptions the Draft EIS is built upon. The OFM County Growth Management Study provides that "[i]f the county shows population dynamics that would invalidate the GMA projections before the next set of GMA projections is performed, the county may petition OFM to make changes to their forecast." The County should ask OFM to do just that.

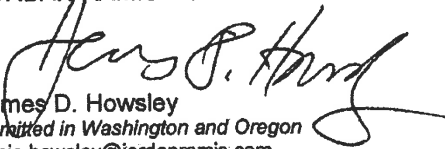
Reset Request

The County Board is on the cusp of an historic change, and will grow from 3 to 5 members in January, 2016. The current Board should not proceed with the controversial GMA update before the new commission takes office. We recognize that time is short, and suggest a postponement of further action on the GMA Update. The Board could go to the 2016 legislature for approval of a delay to allow the new board to learn about the update, and to allow OFM to revise the erroneous population numbers. The alternative is years of litigation which certainly will be slower and more expensive in the long run and may lead to a similar result.

This remains a problem that all of us need to work together to solve to make room for the next generation of families, and I look forward to working with you for that purpose.

Very truly yours,

JORDAN RAMIS PC



James D. Howsley  
Admitted in Washington and Oregon  
jamie.howsley@jordanramis.com  
WA Direct Dial (360) 587-3913  
OR Direct Dial (503) 598-5592

cc: Oliver Orjiako (via e-mail)

cc'd = Orjako, Schroeder

9/10/15  
P 11

From: Jacqueline Freeman friendly@emesis.us  
Subject: Land Use forum letter  
Date: September 6, 2015 at 2:36 PM  
To: Madore, David david.madore@clark.wa.gov, Stewart, Jeanne jeanne.stewart@clark.wa.gov, Mielke, Tom tom.mielke@clark.wa.gov, Alyssa Hoyt ahoyt@gmail.com

David Madore  
Jeanne Stewart  
Tom Mielke

We have owned our farm in Battle Ground since 2002. Originally it was a family farm and we have been able to continue to work the land in sustainable agriculture.

Many people ask us what we grow, and they do that with the expectation that we're going to give them one answer - like "apples" or "corn" or "sheep," but our answer is different. We are a family farm that is formed with the understanding that a farm works best when it has **DIVERSITY**. The entire system works to support itself with plenty of overlap of resources within the farm.

We have a ten acre farm and we lease eight more acres nearby for livestock pasture. On our land we have dairy and beef cows, dairy goats, broiler chickens, laying hens, seasonal turkeys and many honeybees. We grow orchard fruit - apples, pears, peaches, plums, grapes, gouda, seaberrys, thornless blackberries, currants, melons and cantaloupe, yellow and red raspberries. We raise squash, peppers, cucumbers, salad greens, beets, potatoes, carrots, broccoli, cauliflower and 44 varieties of tomatoes. We also grow a wide variety of herbs and flowers, and always try a few interesting things (this year we are growing peanuts!) to see how far we can expand our farm.

We have plenty of fruit shrubs and flowering bushes to provide forage for our very healthy honeybees. This last is a challenge for many beekeepers in Clark County who often rely on nature to feed the bees. We are proactive and plant heavily in the summer and fall so our bees have food when the season goes dry.

We make our own compost from animal manures and vegetation we cull from the land. We use this finished product to enrich the gardens and animal pastures. These days many people don't understand the value of composted manure and choose instead to use chemical fertilizers which leach into our local water with dire effects. Compost is more natural way which makes the soil stronger and the fruits and vegetables more resistant to pests and diseases.

Our system is successful and we have a bounty. We sell our food in Clark County and donate surplus to the Food Bank. Our system works because we have enough land to access each crop or livestock's unique aspects. The cows and goats provide milk, cheese and beef, and we feed the surplus to our chickens for extra protein. The goats are voracious browsers who keep the blackberries down. The cows and all our livestock donate tons of manure that is the primary ingredient in our soil enriching compost. Even apple trees are multi-faceted: they provide fruit, cider, shelter and food for our turkeys who in turn keep the trees free of bugs. Even damaged fruit gets re-purposed to livestock treats and then into compost piles.

**With a small piece of land, we would not be able to engage each of these farm components to their maximum use.** Animals take up a lot of space, especially when we rotate them through different pastures using principles of sound pasture management. The animals are a very important part of making sure we have nutrient dense soil for the food that we grow, which makes it healthier than conventional or imported food.

If larger parcels are broken down into smaller pieces, you won't find many people raising animals, yet animals are important to the health of the soil. Without animals on the land, the only choices are to supplement the ever-weakening soils with imported fertilizers and to put the water supply at risk.

We also want to point out something that needs to be at the front of your minds as you make these choices about which plan to follow. As part of the ancient Willamette Valley floodplain, the lands that are here are some of the richest and best growing soils in the world. Every time some of this soil is turned into residential or commercial areas, that incredible soil is lost to agriculture forever.

We know you aren't farmers and that it's hard for you to understand what that loss of perfect soil means, but it makes a grown farmer cry to know this land will never again grow food for anyone, man or animal. In some parts of Clark County we have topsoil that is a dozen, even twenty feet deep. This is highly unusual and a tremendous resource for Clark County and should be protected to the hilt.

Alternatives 4 and 2 may look like good ideas but they will have a devastating effect on local agriculture because they will break up agricultural land into parcels too small to sustain a healthy and productive food system. Please look instead to ways that will allow MORE sustainable farming in Clark County and increase our access to healthy land and healthy food.



friendly food.

Jacqueline & Joseph Freeman

**Friendly Haven Rise Farm**  
20309 NE 242nd Ave  
Battle Ground, WA  
360-687-8384

*"Where Spirit and Nature Meet"*  
<http://www.FriendlyHaven.com>

Mary Ann Simonds  
17101 NE 40<sup>th</sup> Ave Vancouver, WA  
360 907-4591

cc'd to:  
Orliako  
Schroader

Sept 10, 2015

**Ref: Comments on Comp Plan updates and the Mill Creek Sub Area Plan**

Dear Commissioners:

Working on land use planning between here and Florida, I am always proud to use Clark County as an example of good planning and citizen participation. Tonight I would like to bring your attention to information that may influence the Boards decisions on updating the Comp Plan relating to two areas of concern: 1.) Involves an area that was brought into the UGB only because the BGSD requested to build a school and 2.) to considered the benefits of protecting, planning and zoning for a strong equestrian industry.

In 1994, the BGSD purchased a property adjacent to a rural residential community just North of WSU. (West of NE 50<sup>th</sup> Ave, South NE 174<sup>th</sup> St.) At the time, there was no public input from the surrounding landowners as we watched over 28 acres of a highly diverse ecosystem being clearcut. Neither DNR nor the County was alerted at the time, so no reclamation or reforestation plan was filed – a case of one agency thinking the other one was in charge of the permit. Part of the site was also listed under the state as “priority habitat” and it is still in effect today.

The neighborhood formed a “neighborhood association (Pleasant Valley Rural Ranch Association) and questioned the BGSD why they would purchase the property in the first place as it did not seem like a suitable property for a school. The BGSD indicated they were “looking ahead as it was difficult to find 40 acres near the UGB.

In 2005, the neighborhood in the area entered into an agreement with the County, the BGSD, WSU and the local landowners to develop a community plan for the area since the BGSD indicated they truly wanted to build a school. (See Appendix A). In the spirit of collaboration, we all worked together to build trust and good planning tenants even though most residents felt no need to change any zoning.

The group conducted several surveys of the residents, met regularly and developed planning recommendations submitted to the Board of County Commissioners on June 7, 2007. (See Appendix B) The County incorporated the recommendations into what they refer to as the Mill Creek Sub Plan. (See Appendix C- only the cover is attached due to the size of the document)

Although the majority of the residents did not want to come into the UGB, the Board of County Commissioners directed the group that the area must come into the UGB if a school was to be built. Currently zoning in the County did not reflect the Groups recommendation and it was understood we would continue to work with the County in future planning.

The Board also requested a letter from the BGSD indicating they did want to develop the property for a school to ensure they were not just requesting entrance into the UGB for “real estate development potential”. The County zoned the BGSD “Public Facility” on top of the zoning to protect it for a school.

Currently, the BGSD is wishing to sell the property, after determining it is “surplus lands”. This is very confusing and dis-heartening to us, as when asked by the County Commissioners at a

public hearing whether the BGSD was sure they wanted to build a school on the property, because the area was not going to have road access or sewer for perhaps 8-10 years, the BGSD response indicated they were looking ahead to 15-20 years and they had full intention to build a school. **In the spirit of good planning and collaboration we would like to see the planning in this area re-visited.**

**My recommendations and concerns were presented to the Board in June 6, 2007 and can read in Appendix D.**

**Key Point:** The only reason our area, which is limited in development potential because of numerous environmental issues as well as transportation (we have two dead end roads) was brought into the UGB was because the BGSD wished to build a school. If they now do not wish to build a school, I request the Board investigate whether it is appropriate to be in the UGB as we are a low density rural area that has more horses now than we did 20 years ago.

**Recommendations:**

**1. Either remove our area from the UGB and return our neighborhood to rural residential, or place an “equestrian district overlay” on us, which has been discussed and presented to the County with the equestrian task force and other community planning hearings “Factoid” – *horse properties in urban areas bring stable demographics and a large amount of tax dollars. Many areas such as Rancho Sante Fe or Wellington, Fl which have urban/rural horse farms have become some of the most desired and expensive places to live. Ten years ago 70 percent of horses owned lived in rural areas, today more horses owned live in urban areas.***

**2. The County purchases the property and develops it as a County Park and natural area as it backs up to WSU and can protect the Mill Creek Watershed. Investigate then a Sustainable Master Planned Community on the area that may be suitable for residential development if infill is needed**

**3. Incorporate Equestrian planning and zoning into the Comp Plan – See Appendix D for resources from the Equine Lands Conservation Resource.**

Thank you. I am happy to meet with County Commissioners and share more information about the economic advantages of equestrian planning and zoning or the documentation of the Mill Creek Planning efforts.

Kind Regards,

Mary Ann Simonds

17101 NE 40<sup>th</sup> Ave  
Vancouver, WA 98686  
360 907-4591

**Letter of Intent  
Mill Creek Area Community Plan**

**Purpose:** To initiate a cooperative planning process for the rural portion of Section 13, T3N, R1E, W.M. The planning area is generally bounded by NE 179<sup>th</sup> St. on the North, NE 50<sup>th</sup> Ave. on the East, NE 29<sup>th</sup> Ave. on the West, and the WSU Branch Campus on the South. This area may be subject to modification as the process proceeds.

**Vision:** As partners who share a common interest, we wish to maintain community and ecological values while providing for well planned sustainable development in the future.

**Mission:** As partners and concerned committed volunteers we agree to work together in a collaborative planning process to produce recommendations to the County for this area's future which balance community, ecological and development values. This pilot program will offer a model of integrated community-based planning for other communities to follow.

**Planning Tenets:**

The planning process will seek cooperative and creative planning approaches aimed at meeting the requirements and goals of the Growth Management Act and other legal requirements, while also fostering environmental concerns with safe and appropriate development and maintaining quality of life in the area and in the surrounding neighborhoods.

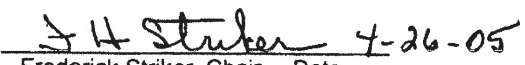
This planning process assumes that changes to zoning for the study area would become effective with the adoption of the next Comprehensive Plan update if the urban growth boundary expands to include this area.

It is assumed that participation in the planning process by as broad of a group of stakeholders as possible will be necessary for a successful outcome.

By signing this Letter of Intent, the undersigned agree to participate in (or delegate staff to participate in) and support the planning process, including attending meetings, reading materials and sharing ideas during the course of the project, which could last up to 5 years. No commitment of public funds is expressed or implied.

Signed.

  
Betty Sue Morris, Chair Date  
Clark County Board of Commissioners


 4-26-05  
Frederick Striker, Chair Date  
Battle Ground School District

 5-10-05  
Goral Mammenga, Vice-Pres Date  
Pleasant Valley Rural Ranch Association

 5/10/05  
Mark Hinton Date  
Hinton Development Co.

 5-10-05  
David Gilroy, Secretary Treasurer Date  
Mill Creek Forest HOA

 5-10-2005  
Blair Wolley Date  
Facilitator

 5-10-05  
Mary Ann Simonds Date  
Resource Consultant/Volunteer Coordinator

# Memo

**To:** Clark County Board of Commissioners  
**From:** Mill Creek Area Community Planning Group  
**Date:** June 6, 2007  
**Re:** Summary Report and Recommendations

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## Background

Many states include a community development plan process (CDP) as part of their Comprehensive Plan process, which allows the public to assist in planning the communities in which they live prior to development. This can save time and money because it involves the community in working together to plan a livable future. Washington does not have this process written into its Growth Management Act. At the suggestion of a concerned citizen and resource consultant, the Board of County Commissioners decided to implement a CDP process as a trial in the Mill Creek area.

The process was triggered because several of the land owners in the defined area had applied to the County to be brought into the urban growth boundary, while other rural land owners were very much against being brought into the UGB. Participation from key large land owners, neighborhood and home owner's associations, and developers was necessary in order to facilitate the process. Commitment of people to attend regular meetings at least once a month was also required. This was not a public process, but rather was a citizen-generated process. Although meetings were open to any interested party to observe, participation was limited to the representatives who committed to the process.

A diverse group of stakeholders began meeting in September, 2004 to explore creative alternatives for future land use patterns and design standards for the Mill Creek area. In May, 2005 a letter of intent was signed which committed the parties to participate in a cooperative planning process for the Mill Creek planning area, which was generally defined as NE 179<sup>th</sup> St on the north, NE 50<sup>th</sup> Ave on the east, NE 29<sup>th</sup> Ave on the west and the WSU-Vancouver campus on the south. Stakeholders included Battle Ground School District, Pleasant Valley Rural Ranch Association, Hinton Development Co., Mill Creek Forest HOA and Clark County. A facilitator and a resource consultant also signed the letter of intent and agreed to participate (Attachment 1).

## Mission

The stated mission of this stakeholder group was to work together to produce recommendations to the County for this area's future which would balance community, ecological and development values. This memorandum summarizes the group's process and progress toward fulfilling this mission.

## Process & Planning Tenets

The first tenet adopted in the letter of intent was that the planning process would seek cooperative and creative approaches to meeting the GMA requirements while fostering environmental quality, appropriate development and quality of life. It was clearly understood



that the role of the group was advisory, with no authority to regulate or impose conditions on future development.

Among the creative approaches explored were:

**Master planned development** – Most of the examples we examined of developments which were effective at preserving open space, protecting habitat and providing for a range of housing densities and community amenities were master planned communities. This type of master planning would be extremely difficult in the Mill Creek area given the number of parcels and owners. Hinton Development Co. talked with a number of property owners, but was not able to assemble enough land to make a master plan feasible at this time. With several large contiguous parcels in the area, land assembly for a successful master planned development may still be possible.

**Equestrian zoning**– The group did not spend much time exploring how this approach has been used in other jurisdictions. Most of the examples we found were in rural or semi-rural areas, however there is an equestrian-oriented sub area plan for an urban portion of Bellevue called Bridlewood that could be used as a model were there is strong support for protecting and enhancing equestrian facilities and uses.

**Overlays for additional environmental protection** – There are significant areas of wetlands, floodway and priority habitat within the planning area. The critical area ordinances were being developed and reviewed throughout the tenure of this planning study, making it difficult to know exactly what level of protection (e.g. buffer widths) would be afforded these areas when the new code was adopted. It did not appear likely that the Board would want additional code requirements that were specific to this relatively small area.

**Other Zoning concepts** – There was a proposal from the Mill Creek Forest HOA representatives that zoning designations follow contours and natural features rather than parcel lines. There may be some added difficulty in mapping the exact zoning boundaries and knowing which zoning regulations apply. The allowed density on split zoned parcels would be proportional to the area of each zone, such that a parcel that was 50% R1-10 and 50% R1-20 would effectively be R1-15.

The second planning tenet assumed that broad participation would be needed for an effective outcome. To that end, the Planning Group and homeowners associations helped organize an open meeting in the neighborhood on August 22, 2005 that was attended by 48 neighbors. Information was provided about the planning process and other issues related to growth and development. Meetings of the Planning Group were open to the public and several property owners attended and participated. The project had its own webpage as a County Long Range Planning Project of Interest which included maps and meeting notes.

A main outreach effort was a survey developed in early 2006 by the group and mailed to all property owners in the area. The survey focused on identifying the core values of residents regarding the future of the area. Of the 65 surveys mailed, 35 were returned (54%). Of these 35, 14 expressed opposition to bringing the area into the urban growth boundary, 10 supported being added to the UGA without reservations and 11 identified reservations or conditional support for coming into the UGA. (It should be noted that some responses were from the Mill Creek forest subdivision, which is already inside the Vancouver UGA.)

The survey results (Attachment 2) showed strong support for three core values: maintaining and enhancing a sense of community; providing safe, convenient transportation routes; and preserving green space and protecting wildlife habitat. Among the factors that a significant number of respondents (17 or more) thought would contribute to a sense of community were:

- Large areas set aside for wildlife and natural habitat

- Trails for walking, biking & horses within the neighborhood plus connections to WSU and other nearby destinations
- Neighborhood parks, open space & playgrounds
- Get-togethers between neighbors

There was strong support for creating a circulation plan for the neighborhood before growth occurs. This was seen as a priority because presently there is only one point of access into this neighborhood. Natural features (including steep slopes and creeks) combined with development patterns to the south and west make a future north-south street off of NE 179th St. the only practical location for a second road access. This access road will have to take into account existing housing, the BPA Power Lines and vertical curves on NE 179<sup>th</sup> Street.

There was moderate support (15 to 17 votes) for sidewalks along all streets, an off-street trail system and lighting along both.

Methods for preserving green space and protecting wildlife habitat that had strong support included:

- Creating natural buffers along streams
- Designing with the land
- Taking advantage of and preserving natural features
- Using trees and landscaping for cover

Other values mentioned more than once were that property values not be decreased, that a small planning group not be allowed to mandate development design and that large lots be allowed, particularly adjacent to existing homes.

### **Areas of Consensus**

While the group did not reach consensus on a zoning map, there were several areas of consensus:

1. This collaborative process was worthwhile. A diverse group came together to find common interests and some mutual understanding.
2. The group recommends that the core values identified in the survey be taken into account if this area is developed as part of the urban growth boundary and that the County continue looking for innovative planning tools to integrate the community values into the design process.
3. The group recommends low density residential zoning if this area is brought into the UGA with planned unit developments as an optional tool for clustering housing to protect sensitive and natural areas.

# **PC Work Session Community Planning Staff Report**

## **Mill Creek Sub-Area Plan**

January 15, 2009  
5:30 P.M.  
Public Service Center  
6<sup>th</sup> Floor Training Room #679



Appendix D

**From:** Mary Ann Simonds <enchantedkinship@yahoo.com>  
**Subject:** Mill Creek Sub Plan  
**Date:** June 6, 2007 5:33:31 PM PDT  
**To:** commplanning@clark.wa.gov  
**Cc:** Mary Ann Simonds <Enchantedkinship@yahoo.com>

Dear Commissioners:

A tremendous amount of work was done to bring residents, developers, the County and the BGSD together in a community planning process over a 2 year period. We dissolved fears and disagreements and finally worked together on a vision with values and planning objectives. This process had good neighborhood involvement and as a group we moved from various alienated interests and points of view to a compromised position of collaboration. However, toward the end of last summer as we were defining specific design and zoning suggestions, the BGSD choose to become uncommitted and abstain from comment and participation.

We as a group agreed that the "default zoning" should be Low Residential with no smaller lots than 7500 sq ft. This was a compromise for the developer Hinton who wanted smaller lots as it was for many existing residents who do not want to be brought into the UGB. But we agreed to trust and work together.

We support being brought into the UGB under the assumption the County would have a "District Zoning" that would allow a flexible and variable Low Density Zoning meeting the needs of the community values. Such Counties as Benton already have this where rural issues come together with residential concerns. The horse community in this area also encouraged an Equestrian Zoning overlay as some other states and counties have done.

We are concerned that neither our summary letter or the meeting process notes ever reached the commissioners as we thought, and that only the testimony from the BGSD and the developers have been heard.

We worked very hard to come together as a community and work out differences with the hope that the County would adopt a model "district zoning" for this area which would allow such things as PUDs, trails, and large residential lots mixed with higher densities and open space. The existing community is mostly large lots of 2.5 acres to 5 acre parcels with a few large land owners mixed in the area. It is currently land locked by streams and backed up to existing high density developments.

The GMA has provisions for counties to develop their own district zonings as Benton and other counties have done, why then has Clark County not investigated and at list suggested the opportunity to do this sustainable type of planning? A huge amount of information and examples of planning sustainable green communities was given to the group and it was assumed this information was passed on to staff and the Commissioners during work sessions.

We are very concerned about the ethics of the BGSD which at the time of purchasing the property was told by the community that this would not be a good property for a school. The BGSD indicated

they needed a school site in this area. We continued to be "good neighbors" to the BGSD despite their lack of good property management and ignoring any DNR requirements after they requested the owner clear cut before closing escrow with no public input. The BGSD's request to be brought into the UGB is one of the main reasons we began our community planning effort.

When the BGSD requested only "they" come into the UGB because they needed school sites, we questioned them as a community, but chose to support them because a school will be needed in this area as the area develops and this area is ideal for planning around a walkable school. We as a community with the BGSD reps met on several occasions with various Commissioners including Judy Stanton, Craig Pridemore and Betty Sue Morris. Each time the BGSD representative stated they want a school and felt it would be easier to develop if they were in the UGB. During our community planning we asked them directly if they intended to have a school, as our planning efforts would be re-directed if we are looking at residential lots instead of a school site. Their position from a cooperative stakeholder to a non-committal and withdrawn, rather secretive attitude has the community concerned about their underlying motives.

Staff has indicated that if the area is built to the 7500 sq ft lot allowable with all that would be removed for roads, etc, the area's density would require a school on their current site. This is an ideal site to use as a buffer and protect the quality of the dead end neighborhoods by using a district zoning. In order to have continued trust in the BGSD, we suggest that their site be zoned for a school facility and the rest of the area have a default zoning of 7500 sq ft lots not 6000sq ft lots.. We would hope that the district zoning possibilities could be investigated and that the County only adopt the area in the UGB and not zone any properties until there is a request for zoning. We have all lived with the the Urban Reserve zoning for the last 12-15 years, so moving to a Low Residential zoning with no designation of lot size until a project is proposed does not seem out of line.

We have worked hard as a community to honor and maintain the private rights of each property owner as well as supporting and compromising on all of our desires to help build a strong sustainable community. I think we dissolve a lot of fear and learned how to work together. It disturbs many of us that perhaps our process and the desire of the community's vision and objectives were not clearly articulated to the commissioners.

Thank you for time.

Regards,

Mary Ann Simonds  
Mill Creek Community Sub Plan founder and organizer

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[Equine Access to Private Lands \(https://elcr.org/conservation-resources/trails-access-and-other-issues/\)](https://elcr.org/conservation-resources/trails-access-and-other-issues/)

[Equine Access to Public Lands \(https://elcr.org/conservation-resources/liability-issues/\)](https://elcr.org/conservation-resources/liability-issues/)

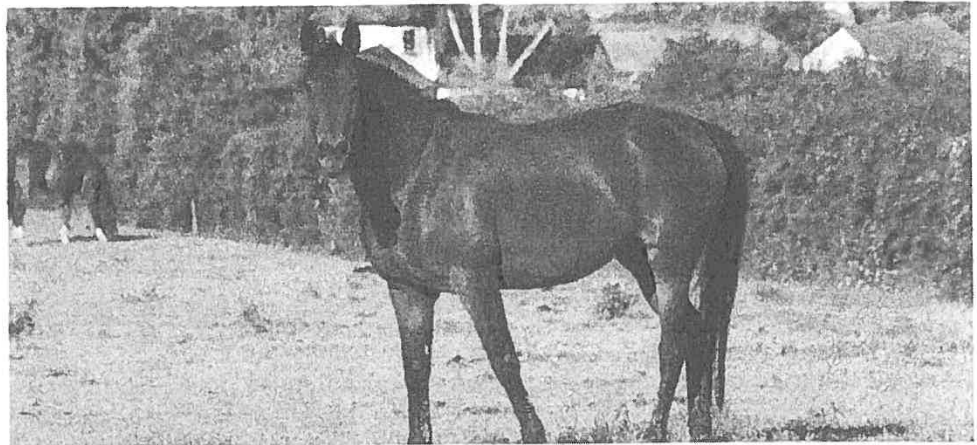
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# Planning for Horses in your Community



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## Creating Horse Friendly Communities

Planning and zoning decisions can affect how land is taxed, what it may be used for, and which standards and regulations are applied to it. These regulations determine not only whether individuals may keep horses on their own property, but also whether horses have access to community parks and trails. ELCR offers users the tools they need to understand land use planning, zoning ordinances, and their implications for horses and horse-related activities. In this section you will find a primer on terms and processes, sample letters, and tools to support involvement in planning and zoning in your community. Our website also provides tools for community planners to help them understand how to include horses and horse-related activities in their planning efforts.

### Introduction

[\(http://elcr.org/changing-economic-landscapes-impact-access-to-horses-future-of-horse-industry/\)](http://elcr.org/changing-economic-landscapes-impact-access-to-horses-future-of-horse-industry/) [Seven Steps to Influencing Horse-Friendly Planning for Horsemen \(http://elcr.org/seven-steps-to-influencing-horse-friendly-planning-for-horsemen/\)](http://elcr.org/seven-steps-to-influencing-horse-friendly-planning-for-horsemen/)

[Seven Steps to Planning for an Equestrian-Friendly Community for Community Leaders and Planners \(http://elcr.org/sevenstepstoplaning/\)](http://elcr.org/sevenstepstoplaning/)

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
 <http://www.elcr.org/three-words-every-equestrian-should-know/> A Jewel of the Pacific Northwest: Planning and Cooperation Benefit Both Government and Equestrians (http://elcr.org/ajewelofthepnw/)


 <http://www.elcr.org/three-words-every-equestrian-should-know/> Three Words Every Equestrian Should Know (http://elcr.org/three-words-every-equestrian-should-know/)


 <https://elcr.org/dontwaituntilitstoolate/> Don't Wait Until It's Too Late – Land Use Planning for Horsemen (https://elcr.org/dontwaituntilitstoolate/)

 <http://www.elcr.org/i-sin-california/> Community Planning for Horses in the West (http://elcr.org/i-sin-california/)

 <https://elcr.org/the-scoop-on-poop/> The Scoop on Poop (https://elcr.org/the-scoop-on-poop/)

 <http://www.elcr.org/changing-economic-landscapes-impact-access-to-horses-future-of-horse-industry/> Local Planning and Zoning Practices Related to Equine Facilities (https://elcr.org/wp-content/uploads/2015/02/Local-Planning-and-Zoning-Practices-Related-to-Equine-Facilities.pdf)

 [http://www.equestrianprofessional.com/public/Live-Webinar-What-Horse-Professionals-Need-to-Know-About-Land-Use.cfm?awt\\_l=NwZYl&awt\\_m=3VI3n3vNofa03f](http://www.equestrianprofessional.com/public/Live-Webinar-What-Horse-Professionals-Need-to-Know-About-Land-Use.cfm?awt_l=NwZYl&awt_m=3VI3n3vNofa03f) Maryland Horse Council Save The Horse Farms Campaign (http://mdhorsecouncil.org/STHFGuide.pdf)


 <http://www.elcr.org/changing-economic-landscapes-impact-access-to-horses-future-of-horse-industry/> Costs of Community Services (http://elcr.org/changing-economic-landscapes-impact-access-to-horses-future-of-horse-industry/)


 <http://www.elcr.org/open-and-green/> Open and Green (http://elcr.org/open-and-green/)

 <http://www.elcr.org/how-many-horses-can-i-keep/> How Many Horses Can I Keep? (http://elcr.org/how-many-horses-can-i-keep/)

 <http://www.elcr.org/driving-to-save-horse-country/> Driving to Save Horse Country (http://elcr.org/driving-to-save-horse-country/)

### Smart Growth Ideas

 <https://elcr.org/blendinglandconservation/> Blending Land Conservation with New Community Development (https://elcr.org/blendinglandconservation/)


 <https://elcr.org/usingsmartgrowth/> Using Smart Growth to Create Equestrian-Friendly Communities (https://elcr.org/usingsmartgrowth/)

 <http://www.elcr.org/rural-sprawl/> Rural Sprawl: Beyond the Edge (http://elcr.org/rural-sprawl/)


### Agriculture Planning and Zoning

 <http://www.elcr.org/785/> Agriculture Districts (/785/)

 <http://www.elcr.org/agricultural-horse-friendly-zoning/> Agricultural Horse-Friendly Zoning (/agricultural-horse-friendly-zoning/) 9/10/15, 8:11 PM


 [Protecting Horse Farms \(/protecting-horse-farms-by-organizing-and-communicating-effectively/\)](https://elcr.org/conservation-resources/community-land-use-planning/protecting-horse-farms-by-organizing-and-communicating-effectively/)


### Webinars


 [What Horse Professionals Need to Know about Land Use](http://www.equestrianprofessional.com/public/Live-Webinar-What-Horse-Professionals-Need-to-Know-About-Land-Use.cfm?awt_l=NwZY1&awt_m=3Vl3n3vNofa093f)  
([http://www.equestrianprofessional.com/public/Live-Webinar-What-Horse-Professionals-Need-to-Know-About-Land-Use.cfm?awt\\_l=NwZY1&awt\\_m=3Vl3n3vNofa093f](http://www.equestrianprofessional.com/public/Live-Webinar-What-Horse-Professionals-Need-to-Know-About-Land-Use.cfm?awt_l=NwZY1&awt_m=3Vl3n3vNofa093f))


### Videos

 [Stop the Sprawl: Basics of Land Use Planning Part 1](http://elcr.org/stop-the-sprawl-basics-of-land-use-planning-for-horse-men-and-women-runtime-3416/) (<http://elcr.org/stop-the-sprawl-basics-of-land-use-planning-for-horse-men-and-women-runtime-3416/>)

 [The Invisible Horse: Basics of Land Use Planning Part 2](https://elcr.org/theinvisiblehorsepart2/) (<https://elcr.org/theinvisiblehorsepart2/>)

 [Equestrian Planning Education Workshop: Tools and Strategies for Incorporating Horses into Community Planning](https://elcr.org/wellingtonworkshop/) (<https://elcr.org/wellingtonworkshop/>)

 [Chatahoochee Hills Transfer of Development Rights Program](http://elcr.org/chattahoochee-hills-transfer-of-development-rights-program/) (<http://elcr.org/chattahoochee-hills-transfer-of-development-rights-program/>)

 [Blending Land Conservation with Community Development](http://elcr.org/blendinglandconservation/) (<http://elcr.org/blendinglandconservation/>)

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The loss of open land is a great and urgent threat to the future of equestrian activities in the United States. The Equine Land Conservation Resource, or ELCR, was founded to address this threat and to preserve land for equestrian use. [Read More»](http://elcr.org/about-elcr/) (<http://elcr.org/about-elcr/>)

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- [The Basics of Planning and Zoning for Horse-Friendly Communities](https://elcr.org/planning-and-zoning-webinar/) (<https://elcr.org/planning-and-zoning-webinar/>) April 7, 2015
- [Landowner Relations – A Complex Issue Affecting Short and Long-Term Hunt Viability](https://elcr.org/landowner-relations-a-complex-issue-affecting-short-and-long-term-hunt-viability/) (<https://elcr.org/landowner-relations-a-complex-issue-affecting-short-and-long-term-hunt-viability/>) March 12, 2015

## Upcoming Events

There are no upcoming events at this time.

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# A Jewel of the Pacific Northwest: Planning and Cooperation Benefit Both Government and Equestrians

March 10, 2015, by ELCR

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By Jennifer M. Keeler for the Equine Land Conservation Resource (ELCR)

With the towering ridges of the Cascades mountain range, the refreshing salty air of Pacific seaways, and lush greenery of the temperate rainforest climate the Pacific Northwest region has long been renowned for its natural beauty. Both locals and visitors alike appreciate taking in the splendor the region by horseback.



The residents of Seattle and King County, in the state of Washington, are well known for their appreciation of the great outdoors. It is therefore not surprising that The King County Regional Trail System (KCRTS) is one of the nation's most extensive multi-use off-road systems with hundreds of miles of trails linking urban, suburban, and rural ar

reas. Thanks to long-term vision, effective planning, and cooperation between government agencies and the local horse community, equestrians today and in the future will also be able to enjoy all that this spectacular region has to offer. The KCRTS can serve as a model for equine friendly trails in and around urban areas in other parts of the country. This impressive network of shared-use paths has proven popular for a multitude of outdoor activities including bicycling, hiking, walking, skating, dog walking, and horseback riding.

King County Trails Coordinator, Robert Foxworthy, explained that the regional trail system provides another key advantage for local equestrians: convenient access to an even larger network of backcountry trails and land. The approximate 185 miles included in the backcountry trail system link more than 25 parks, working forests, and natural areas throughout King County, offering year-round accessibi

**Planning is Key**lity for multi user groups. King County has acquired forest conservation easements on over 200,000 acres of private and publicly owned forest lands along the trails over the last decade. Although not required to do so, many private landowners of the County's conservation easement properties have chosen to provide public access to hundreds of additional miles of trails for non-motorized recreational use.

Effective planning for inclusion of equestrians in the King County trail systems has been key to the continued availability of these lands for horseback riding. Because of the popularity of horses in the region, "it made sense to include equestrians in the mix of potential users when the regional trails were first planned, particularly on regional trails in more rural areas," said Foxworthy. "While some trails with heavy congestion in urban areas may not allow equestrians for safety reasons, in other instances trail planning has gone the extra mile to include horses."

The King County Comprehensive Plan and Open Space Plans highlights the County's recognition of the importance of maintaining equestrian trails and includes specific direction to implement that goal. Those policies call for the provision of equestrian facilities, adoption of land use regulations that support trail preservation and management of p

rograms that provide incentives for land owners to provide trail opportunities (such as the Public Benefit Rating System). Many of the trails that are protected through these provisions eventually become part of the King County Park System.

### A Spirit of Cooperation

King County also illustrates how cooperation between government agencies, various municipalities, and equestrian groups benefits all parties. "The regional trails are an ever-growing network of paths owned, developed, and managed by multiple agencies," said Foxworthy. "King County owns and maintains the largest part of the network but the Washington State Department of Transportation (WSDOT), Seattle, and other cities also have their own regional trails that add to the overall network. For more rural areas, King County Parks also created a Backcountry Trails Crew that focuses solely on maintaining and constructing the backcountry trails.



As advocated by the Equine Land Conservation Resource, in order to ensure continued access to land for equine use, horsemen and women must make their needs known in local land use issues. In King County, a strong rapport between government and area equestrian groups such as the King County Executive Horse Council (KCEHC) demonstrates how this relationship works well. Dedicated KCEHC officers and volunteers contribute in a variety of ways to the continued success of equestrian use of the trail system, including advocacy for the horse industry, equestrian way of life, and protection of land for equine use. The KCEHC keeps track of City, County and State legislation that will affect trails and the equestrian lifestyle, receives notices of pending development, and determines whether or not these developments will impact trails.

The spirit of cooperation goes beyond sharing the trails as Foxworthy reported that his staff are working with a local horse group interested in building an equestrian facility that could include such features as an outdoor arena with an obstacle course, cross-country jumping, access/amenities for disabled/therapeutic riding, a parking facility as well as a network of trails connecting to adjacent public land. Joint efforts such as this and others across the country illustrate even further how public private partnerships between equestrian groups and local government can expand opportunities for all equestrians while protecting public land for equine related activities.



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# Community Planning for Horses in the West

ELCR is wholly funded by charitable contributions and memberships. Your donation helps us to expand our outreach and grow awareness about conserving land for horses.

November 7, 2013, by ELCR

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## From Spanish Land Grant Ranchos to Equestrian Communities



(<https://elcr.org/wp-content/uploads/2013/11/85.jpg>) by Mary Ann Simonds, MA

As recently as 50 years ago, it was not unusual to drive from Southern California to Southern Oregon and see riders moving cattle or sheep across the golden hills. While the East Coast followed an "English" system for land use planning with "townships", California's land use stemmed from Spanish land grants which gave title to individuals to own and operate "ranchos" for the primary purpose raising cattle and sheep. The boundaries of these "ranchos" became the basis for California's land survey system, and can still be seen in modern maps.

**JOIN US**

ELCR works through our Conservation Members and Partners to raise awareness of issues driving loss of horse lands and to support local action to keep land open to horses. Please join us today.

West coasters developed the once large cattle ranches and Spanish land grants into communities that maintained a California "ranch style". A blend of Western and English riding disciplines came together offering both types of training at their community barns as well as trail riding and horse shows.

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The Southern California Lifestyle in the 70s conjured up images of riding, sailing, beach going, and enjoying outdoor activities. With the influx of affluent people desiring to buy "ranch homes" throughout communities including San Diego, Los Angeles and Orange County, these areas experienced tremendous growth in the 70s and 80s consuming what was left of the large Spanish ranchos. This trend resulted in the creation of small lot equestrian estates. Despite strong urban pressure, many of these horse communities have survived today thanks to the surge of equestrian planned communities in the 1970s, as well as restrictive land features such as landslides or faults which have prevented re-zoning and "in-fill".

Many of the Southern California horse communities have gained national attention for their affluent homes and lovely horse shows. Some of these include Rolling Hills, Rancho Santa Fe, San Juan Capistrano and Coto de Caza. However, one community has clearly defined itself as an affordable "Horse Town" USA... that being Norco, CA.

Located in Riverside County, Norco covers only 14 square miles but has over 100 miles of trails. Everyone from the mayor to the residents maintain a strong vision to keep their horse history and plan for horses in their future.

Although having primarily a western town flavor, Norco offers a good equestrian planning model for urban development. With a strong and clear vision to continue to provide "animal-keeping and equestrian lifestyle in a city", Norco will no doubt define itself as a unique

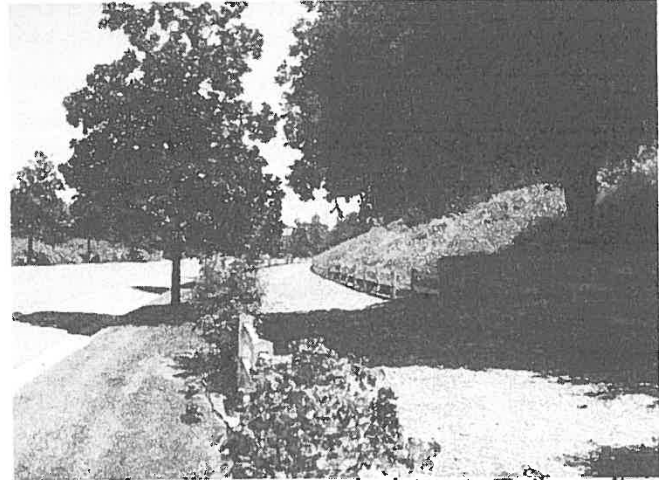
9/10/15, 8:09 PM



Community Planning for Horses in the West : ELCR  
equi-tourism town as they continue to develop and support equine events and facilities.

<https://elcr.org/i-5in-california>

Norco planner Steve King commented "Everything we do in Norco from downtown planning to residential planning is based around keeping horses." While surrounding areas have small lots and big houses, Norco has 20,000 sqft. lot minimums with supportive building codes and ordinances all designed for safe and sustainable horse keeping. Their strong vision to create a horse friendly town has earned them the name "Horse Town USA". And with only about 21,000 people and 17,000 horses, they deserve the name.



<https://elcr.org/wp-content/uploads/2013/11/Trail-1-credit-Mary-Ann-Simonds.jpg>

Photo Courtesy of Mary Ann Simonds

### **High Taxes and Land Values Force Migration North**

Surrounded by higher density developments, other communities such as Thousand Oaks, Diamond Bar, Yorba Linda, Orange Hills, and Bridle Path have all fought to keep their equestrian roots. Horse trails blend with sidewalks and shopping centers in some cases, but urban horse communities continue to survive. Planners have found the horse folks "hard to get rid of", as one planner in Orange County commented. When fires broke out in the Orange Hills, an unexpected but valuable benefit was realized when the equestrian trails provided much needed access to fire trucks and acted as a firebreak.

As land prices, people, and property taxes increased, a natural migration to the north took place for many horse folks seeking a greater abundance of less expensive land and greener pastures for horses. Those existing Southern California horse communities protected by limiting land features such as earthquake faults or landslides remained and thrived. And horse folks being one of the most stable demographics, don't move often, so housing prices have continued to soar for the limited Southern California horse properties.

Along with vineyards, horse farms began dotting the hillsides north of the Los Angeles area including Ventura and Santa Barbara County. And many of the most prestigious equestrian estates in this area can be found in the lovely Santa Ynez Valley. What was left of the Southern California Coastal range and old Spanish Ranchos have been filled with mixed agricultural and equestrian facilities.

Today, a new wave of equestrian estates are being developed along the central coast of California with equestrian master planned communities in the planning stages near Paso Robles, CA. Both Western and English equestrian lifestyles mix around the shared vision of keeping horses in pastures and having riding trails through the "golden hills".

Inland, east of the central Valley at the base of the Sierra foothills, equestrian planned communities continue to thrive as well as attracting retirees with horses wanting open

9/10/15, 8:09 PM

: ELCR spaces, trails and mixed recreational opportunities. While golf courses and equestrian activities jointly have been a common theme, some communities have combined boating, which draws a new blend of outdoor sport enthusiasts.

Acting as a major north-south artery for California, the I-5 corridor serves equestrian communities to the east concentrating in the foothills around Sacramento and to the

West all through the Bay Area extending north of San Francisco into the Napa Valley and south through Santa Cruz. Many land use planners in Northern California are well aware of the need to plan for and manage equestrian communities in their long range planning models. While landslides and earthquake faults have limited higher density urbanization of some horse communities in Southern California, water supply and watershed protection are key factors in Northern California as well as earthquake faults. The Bay Area, with high density housing in many areas, has retained private equestrian communities for their land use values.

Offering land protection for wildlife, recreation, watershed, and visual quality, Northern California equestrian communities such as Walnut Creek, Danville and Woodside have fought to protect equestrian rights and worked with local governments to show the value of maintaining large lots and open spaces. Instead of moving, residents have worked to increase trails by working in collaboration with local, regional and state agencies to create inter-connective trail systems where possible, as well as maintained open spaces and parks. Trees and trails provide wildlife corridors in much needed congested areas. Thus, the horse communities provide a buffer between higher density neighborhoods and open space.

Citizen groups have formed to protect trails and open spaces and worked collaboratively with both private land owners and governments throughout Northern California. Groups such as the Bay Area Barns and Trails provide small grants to groups for land conservation.

Traveling north of the San Francisco Bay Area, many horse owners are leaving California and migrating to the northwest areas of Oregon and Washington, again seeking larger and greener pastures at affordable prices. And with all the northwest rain, they will certainly be greener, but will they be "horse friendly"? We will see.



<https://elcr.org/wp-content/uploads/2013/11/Trails-3-credit-Mary-Ann-Simonds.jpg>

Photo courtesy Mary Ann Simonds

CC'd = BOCC  
Planning Comm.  
Orjako  
Schroader

Friends of Clark County  
P.O. Box 513  
Vancouver, WA 98666  
friendsofclarkcounty.org

September 10, 2015

Clark County Planning Commission,  
Community Planning Comprehensive Plan Alternatives  
Clark County Councilors  
PO Box 9810 Vancouver, Washington 98666-9810

Dear Sirs and Madams:

Please submit these comments to the record.

**Subject: Comments on the DSEIS 2016 Comprehensive Growth Management Plan Update Alternatives.**  
comp.plan@clark.wa.gov

I am a rural resident of Clark County. I own 65 acres, much of which is timberland. I have been raising organic vegetables and fruits for many years, selling produce in the farmers' markets and directly from the farm. I have 4 wells on the property. One puts out an adequate supply of water for my food production for now, one has dried up completely, 1 is very marginal, meaning they run out of water easily, and one is adequate for residential use.

Although I own many acres, only 4 are suitable for food production. Food production requires relatively flat land, electricity available for processing, roads for harvest and transport, and sunlight. Soil is also a major factor, but modern agriculture can

amend many soils by means of organic compost and cover crops.

As most people realize, ample water is essential for food production here. Farmers cannot afford to buy water from a utility and expect to remain in business very long. Their well water is essential. Many studies reveal that the water table in Clark County is very limited. Here is a statement from Focus on Water Availability *Lewis River Watershed, WRIA 27* p. 1 (Publication Number: 11-11-031 August 2012) accessed on Nov. 12, 2014 at: <https://fortress.wa.gov/ecy/publications/summarypages/1111031.html>:

**“Factors affecting water availability**

There is limited water available for new uses in WRIA 27, especially given that river levels need to be maintained to ensure adequate water quality and fish migration. Additionally, Pacificorp has senior water rights to maintain reservoir levels in Lake Merwin and Yale Lake, and as a result, much of the water in the Lewis River Watershed has already been spoken for. Increased demands from population growth, low summer and early fall streamflow levels, and impacts from climate change add to the challenge of finding new water supplies in WRIA 11, especially during the summer months.”

The attached is a cross section of the aquifers that Clark County residents use for their water sources, available at <http://www.clarkpublicutilities.com/clarkpublicutilities/assets/File/crossSection2008.pdf>

I’m concerned that this is not being given adequate consideration when the county is planning to add more residential lots to rural areas.

I heard one argument submitted by Carol Levanen, of Clark



County Citizens United, that water availability is not an issue in Clark County since “PUD supplies 93% of water to county residents already. I have looked into this matter since it didn’t seem to ring true to me. The figures I have gathered indicate that Clark PUD supplies water to about 18% of Clark County Residents. Here is my information:

Clark Public Utilities has 185,000 meters in Clark County. We can assume that that means approximately the amount of residences and businesses that use electricity. They supply water to 33,000 customers. Adding up water supplied by the cities, Washougal, 5000, Camas, 7,652, Ridgefield, 2081, Battleground, 5500, La Center, 1014, and Vancouver, 68,000, that comes to 122,247 on public water systems. The remaining 62,753 must be private wells.

It’s those private wells that will be in jeopardy if the county allows as many as 10,000 more wells to rural areas. Who will be responsible when the wells start to go dry? How will farmers grow food for our community?

Water availability is certainly the most important problem that adding more home sites to rural Clark County will bring.

I’ve also heard Clark County Citizens United claim that Clark PUD will supply water hookups free for residents in need of water. That too is incorrect. Here are the current fees for hookup: →

The DSEIS does not address the water issues in any depth, in spite of the fact that water is an essential need. Nor does it discuss septic issues, also essential for protection of our ground water supply.

The DSEIS does not address the potential number of additional road trips that will occur under Alts. 2 and 4 nor does it examine



## WATER SERVICES

### INSTALLATION FEES – EFFECTIVE 07/14/15

#### Meter Set Only

(Lots in subdivisions that currently have boxes)

Size	Current Charge	(Breakdown)
5/8 x 3/4	\$3,255	\$355 meter + \$2,900 SD
3/4"	\$4,540	\$370 meter + \$4,170 SD
1"	\$7,890	\$460 meter + \$7,430 SD
1 1/2"	\$17,380	\$670 meter + \$16,710 SD
2" Meter	\$30,820	\$1,130 meter + \$29,690 SD
3" Meter	\$68,290	\$1,480 meter + \$66,810 SD
4" Meter	\$121,110	\$2,320 meter + \$118,790 SD
6" Meter	\$271,030	\$3,760 meter + \$267,270 SD

#### Meter Set and Service (\$2,200 for 5/8, 3/4, & 1)

(1 1/2" & larger = time and materials)

(Land without meter box but water main in the street)

Size	Total Charge
5/8 x 3/4 Meter	\$5,455 total cost
3/4" Meter	\$6,740 total cost
1" Meter	\$10,090 total cost
1 1/2" Meter	\$17,380 plus T & M
2" Meter	\$30,820 plus T & M
3" Meter	\$68,290 plus T & M
4" Meter	\$121,110 plus T & M
6" Meter	\$271,030 plus T & M

x

#### Hydrant Meter Fees

Installation	\$75.00
Daily Charge	\$4.00
Consumption	\$1.85 per 100 cubic feet

EFFECTIVE 08/01/06 OWNERSHIP AND OPERATION OF THE LA CENTER SEWER SYSTEM WAS TRANSFERRED TO THE CITY OF LA CENTER

the effects of stormwater from additional rural homesites that will affect rivers and streams or the impacts on resource lands. As a board member of Friends of the East Fork, I am extremely concerned about the health of our rivers, especially the East Fork Lewis River.

Poor county road maintenance is another...already many roads are not wide enough to stripe so that residents can see the center line in winter months.

The schools, especially in Battle Ground, are already stretched to their limits with added students, with no plans to house the new influx of children. The Columbian ran an article about that: <http://www.columbian.com/news/2014/nov/17/crowded-classrooms-growing-battle-ground-district/>

Alternatives 2 and 4 are violating the terms of the Growth Management Plan and will be challenged if adopted, thus adding a huge financial burden to the taxpayers of Clark County. We deserve better.

Tim Trohimovich of Futurewise has submitted a letter explaining many other reasons for limiting rural expansion. I hope you will take his advice seriously and choose to stay with Alternative 1 – no action.

Thank you,

A handwritten signature in black ink, appearing to read 'Val Alexander', with a long horizontal flourish extending to the right.

Val Alexander, Board member, Friends of Clark County

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Friday, September 11, 2015 8:48 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Open Public Forum - Public testimony For the Public Record

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and Kathy for the comp plan index record. Thank you.

Oliver

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**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Friday, September 11, 2015 1:03 AM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Open Public Forum - Public testimony For the Public Record

Dear Councilors,

For the record I would like to voice concern over Attorney, Christine Cook trying to stop me from giving testimony at the Joint Clark County Planning Commission/Clark County Councilor hearing, scheduled on September 10, 2015. As I approached the microphone and began to speak, she interrupted me to say that I gave testimony last week and I was allowed only one chance to give testimony, claiming Councilor Madore set that rule at the last hearing. I said I was representing an organization (which represents approximately 6,000 members and supporters) and she countered it was Clark County Citizens United and I spoke last week. or similar comments. I told her the information I was giving was different than last week, but she continued to counter. To make matters worse, Councilor Stewart sided with Ms. Cook and said it wasn't fair that I should speak again when there were others who might have wanted to speak, but didn't think they could. I then said legally she could not stop me from speaking. I proceeded with testimony, but by then some of my 3 minutes of time had been used, and I was unable to give my whole testimony verbally. This exchange from county staff and councilor was degrading and embarrassing to me. It made me look as if I was trying to be treated differently than other citizens, which certainly wasn't the case. This all happened in a public forum with an audience. I understood from the last hearing of September 3, 2015 that there were two opportunities to speak to that forum. Since I do not generally attend the Planning Commission hearings, I wanted to take advantage of having two opportunities to state different positions and comments within the combined 6 minutes of allowed testimony.

I went back to listen to exactly what was said on September 3, 2015, by Councilor Madore, as I understood it differently than Ms. Cook. The following is verbatim quotations;

*"The purpose of this evening is to make sure that we receive testimony from you. It's our turn to hear from you. There are two opportunities for citizens to make sure you have been heard. This is one of two meetings. September 3. If you testify here, you have an opportunity to speak for three minutes." "There will be another opportunity September 10 at the same time, same location here at 6:00P.M. as well. If you testify tonight, the idea is that you have been heard..... It's not an election. What we're doing is making sure that each issue, each point, each insight that you can offer us will be heard. There are two opportunities for verbal testimony...."*

Clearly Councilor Madore did not limit testimony to only one night. Certainly the Councilors would want to hear all of the testimony presented by the public regarding the Draft SEIS in as many forums as possible to get the whole picture. I understood the purpose for the joint meeting was so that people didn't have to repeat their testimony twice to commissioners and councilors and have to attend two meetings, as well. Regardless, it was not appropriate for Ms. Cook to attempt to censure my testimony in an open public forum. This speaks to the open public process requirements of the Growth Management Act as it regards public input and outreach. As a county attorney representing the councilors, Ms. Cook should have known better. Perhaps a public apology is in order.

Sincerely,

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



**Schroader, Kathy**

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**From:** Steve Foster <stevefoster5093@gmail.com>  
**Sent:** Friday, September 11, 2015 9:32 AM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Comprehensive Plan Update

I request that this opinion in support of Alternative 1 to the Comprehensive Plan Update be submitted to the Public Record.

The Growth Management Act provides for development to occur in urban growth areas where adequate public facilities and services exist or can be provided in an efficient manner. The GMA also is designed to protect the rural and agricultural character of the rural element as previously defined. My understanding is that all cities in Clark County have agreed that all of the projected growth can, and should, occur within the current urban areas.

It is also my understanding that much of the many acres made available in 2007 (Comprehensive Plan Update) for urbanization and development went unused as a result of the ensuing recession. There is sufficient acreage available in defined urban clusters to meet the population growth numbers expected in the next 7 years.

Alternative 4 seems to be pandering to the special interests of a few. Public policy should not be rewritten based upon the demands of a few citizens who are crying because they cannot realize a return on the investment in land generations ago. Wouldn't it be wonderful if each of us who has invested in the stock market, a 401K, a retirement plan could have some guarantee that local officials would change existing laws in order for me to realize my investment in such plans.

In addition, I oppose Alternative 4 because it would decrease agricultural production capacity and impinge on current and future farm viability. Parcelization reduces the profitability of agricultural operations in many ways.

Sincerely,

Steve Foster

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Friday, September 11, 2015 11:51 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Farmgate data

FYI and for the record. Thanks.

---

**From:** susan rasmussen [mailto:sprazz@outlook.com]  
**Sent:** Friday, September 11, 2015 9:42 AM  
**To:** Madore, David; Stewart, Jeanne; Mielke, Tom; Orjiako, Oliver  
**Subject:** Re: Farmgate data

CCCU recently attended the land use forum presented by the Clark County Food Systems Council. Mr. Tom Trohimovich, the attorney representing Futurewise, was one of the speakers. He said that the agricultural industry contributed \$52 million dollars to the local economy, and there are 1,929 farms. However, he failed to elaborate and recognize a trend. The historical perspective tells a different story.

According to the latest USDA Census of Agriculture (2012), Clark County does have 1,929 farms and the main agricultural operations include milk, fryers, and berries. The farmgate value is the total value of crops and livestock produced in the county.

The farmgate value of agriculture in Clark County is \$51.8 million from the 2012 Census, but in the 2002 Census of Agriculture it was \$54.4 million...this figure describes the trend. Dips also occurred in associated area counties. Cowlitz was \$29 million in 2012, and \$30.5 million in 2002. Skamania was \$6 million in 2012, but \$11.5 million in 2002.

By comparison; Yakima County had \$843.8 million in 2002, but increased to \$1.65 billion in 2012.

In the associated food processing sector of food; Clark County's 2013 state Dept. of Revenue reported gross sales of \$357 million.

Please be so kind as to include this in the comments for the draft SEIS.  
Thank you,  
Susan Rasmussen for CCCU, Inc.  
Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 9:42 AM  
**To:** [susan rasmussen](#)

Sent from Windows Mail

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**From:** [susan.rasmussen](mailto:susan.rasmussen)

**Sent:** Friday, September 11, 2015 9:27 AM

**To:** [david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov), [tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov), [jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov)

Sent from Windows Mail

Testimony of September 10, 2015

Kindly include in the comments for the draft SEIS

The mistruths and absent data in the draft SEIS are tools, used by the writers, to facilitate the downfall of alternative 4. These tools actually advance CCCU's values by exposing misconduct to the public eye and facilitating dialogue on issues of considerable public interest. "Who is really navigating public policy on land use issues?"

There are rules that apply when writing an EIS. If these rules aren't respected by the writers and consultants tasked with the job of writing an unbiased draft for proper analysis, how are the Councilors supposed to make important informed decisions? How are competing interests..in this case the private property rights of rural citizens, supposed to get our voices heard? CCCU is now tasked with going through the draft with a fine-tooth comb.

What are the motivations of the writers of the draft? By taking it upon themselves to provide their analysis, one would think that Alternative 4 proponents are vigilantes that only want to carve up the county, crowd the highways, deplete water resources..all for self serving purposes. On the other hand, you have the cities all wanting to lay claim to the future designs of our large lot properties that they have locked up and secured for their future use. Where do private property rights enter into the equation?

Purpose of the authors is a big factor for consideration, and interpretation. Motivation becomes really important in the decision-making process of the County Councilors. The county's various comprehensive plans are lawfully supposed to serve the entire breadth of all the diverse communities. That has never happened for the rural communities. For nearly two years, CCCU has literally been here week after week demanding attention to insure inclusion. The draft clearly illustrates the poor conduct of the writers, an exclusive process collaborating with the cities, and the environmental communities. The end result is a draft riddled with gaps and faults. Unfortunately, the writers have employed this practice before. CCCU's court decision speaks directly to the faulty process.

When engaged in an activity of the entire public's interest, private interests of the writers and consultants need to be set aside. The public's right to honest data outweighs purely private interests. .

What the writers failed to realize is that farmers and foresters are operating businesses that are in the public's interest to keep viable. Many counties recognize this...in particular, Chelan County. Chelan recognizes the needs of the agricultural industries, the importance of options for private property, rural culture, and the importance of property rights. Their ordinances enable the county to maintain an economically viable agricultural industry.

Clark County Citizens United respectfully requests that the Clark County Board of Councilors take control of this comprehensive plan.

Thank you for your consideration,  
Susan Rasmussen for CCCU, Inc.

1.

**Schroader, Kathy**

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**From:** Ronald Homola <ronald.homola@pipermechanical.com>  
**Sent:** Friday, September 11, 2015 9:44 AM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Draft SEIS Comments

Dear County commissioners and staff,

After participating in the meeting on Sept. 10th and hearing all the testimonies, I better understand all the issues you are faced with when making this decision. Thank you for all your work on this and for listening to the citizens of rural Clark County.

I believe Option # 4 is a big step in the right direction to freeing up the sanctions imposed on Rural Clark County in 1994. The fears of the Option #1 proponents are just fears and are not valid issues that outweigh the loss of a property owners rights.

Let us welcome the population growth that we have in Clark County and plan for it. We have a bright future here in Clark County with this valuable resource of young minds and new innovation. They just want to be able to live in a place they can call their own and raise their children away from the corruption that runs rampant in the city. Do not allow selfishness to rule when making this decision.

**CHOOSE OPTION #4!**

Ronald Homola  
PO Box 61  
Brush Prairie, WA 98606  
360-980-2198

Ronald Homola  
Piper Mechanical  
360.980.2198



## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Friday, September 11, 2015 11:58 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Writers failed to realize importance of keeping ag & forestry viable

FYI, and for the record. Thanks.

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**From:** susan rasmussen [<mailto:sprazz@outlook.com>]  
**Sent:** Friday, September 11, 2015 10:05 AM  
**To:** Orjiako, Oliver  
**Subject:** Fw: Writers failed to realize importance of keeping ag & forestry viable

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 9:42 AM  
**To:** [susan rasmussen](#)

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 9:27 AM  
**To:** [david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov), [tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov), [jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov)

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Testimony of September 10, 2015  
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Clark County Citizens United respectfully requests that the Clark County Board of Councilors take control of this comprehensive plan.

Thank you for your consideration,  
Susan Rasmussen for CCCU, Inc.

1.

## Schroader, Kathy

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**From:** Harry <fj40red@hotmail.com>  
**Sent:** Friday, September 11, 2015 10:24 AM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Alternate 4

I've lived and worked in Clark Co. my whole life. I've watched and have been part of the growth process. To be fair to the large landowners Alternate 4 is the only way to go. I've worked with tree farmers my whole life. They are true stewards of the land, true environmentalists that strive to protect and get the most out of the land. They have never been treated fair for there hard work. The county and state always have one hurdle after another for the tree farmers, but they struggle and remain strong. Most of them will not split there places, but they need options. Life doesn't always work out as planned and emergencies come up. Death, sickness, loss of income all can happen real quick. We need to have the option to sell off a piece of land to survive or for our kids to be able to have a country life. As far as infrastructure, the building permits and impact fees are suppose to support growth. also tax revenue goes up on small parcels compared to open space or timberland revenue. We need new schools in north co. The only way you can fund them is to cell some rural lots and build houses and the funded will come from increased revenue. Alternate 4 may need some adjusting ,but is needed to keep young families futures healthy. The people that live in town and are opposed can go buy a big piece of ground and preserve it. that's there right, just like splitting off a small parcel of our big parcels should be our right. City folks should not control country folks. I hope extra time can be given to work this plan out to where it benefits everyone. It shouldn't be rushed because it effects the next 20 years. Please consider giving the large owners some options and rights for all there hard work. Thank You Sincerely. Harry Wiebold 360-607-9988

## Schroader, Kathy

---

**From:** Karen Wood <kwood@pacifier.com>  
**Sent:** Friday, September 11, 2015 12:11 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Draft SEIS Comments

In my previous comments on the 2016 Comprehensive Plan, I have expressed my concerns about Alternative 2 and Alternative 4. Now that more detail has been provided in the Draft SEIS, I am even more concerned about the proposed reduction of minimum lot sizes in rural, agriculture, and forest zones, which will result in more subdivision of parcels outside of the urban growth areas. With over 7,000 new rural lots in Alternative 1-No Action, there is already ample opportunity for development outside urban growth areas. I see no need for the additional lots proposed in Alternative 2 and 4, nor do I see anything in the Draft SEIS that explains why this is necessary. The planning assumptions in the Draft SEIS, such as 90% of new population growth in urban areas and 10% in rural areas and the number of new dwelling units, and the principles and values adopted by the Board of County Councilors do not support the increase in rural area development. I have also not heard any reason other than “we want to be able to sell some of our property” in comments by others who support Alternative 2 and 4.

I understand the desire of some of the County Councilors to be responsive to those who think they are not being allowed to do what they want to with their land. But at what cost to most Clark County residents in higher taxes or reduced services, environmental impacts, and quality of life? As stated in the Draft SEIS, the infrastructure cost for transportation could be prohibitive. Costs to utilities, cities, and school districts to provide service to the surrounding rural development will also increase. I’m concerned about the impact on water quantity and quality of more rural wells and septic tanks, and more impervious surfaces (roads, driveways, etc.). There also will be significant impacts to resources that are required to be protected, such as agricultural land, fish and wildlife, and other natural resources if the lot size reductions in Alternative 2 and 4 are approved.

Clark County has made a lot of progress in how land is developed in the past twenty years, resulting in reduced costs and impacts, and I do not want to see that progress reversed by allowing more development on rural lands outside of the urban growth areas. Some argue that because others nearby were able to subdivide their property prior to the Growth Management Act they should be allowed to do the same. But the Growth Management Act was passed to stop exactly that type of expensive development outside of cities and the resulting sprawl and parcelization of rural and resource lands. Allowing smaller lot sizes as proposed in Alternative 2 and 4 does not meet the goals or requirements of the Growth Management Act.

Tables showing new parcels/acreage affected are helpful in understanding the impact of the alternatives but they need to be cleaned up so the “potential acreage affected” totals are calculated and displayed correctly (Table 3-2 and 3-4 for example).

I strongly support Alternative 1 since there is no need to increase the number of lots available to develop in Clark County based on the current population and job projections. I accept that some of the changes in Alternative 2 to city urban growth areas and in Alternative 3 that were requested by the cities may be necessary, assuming those changes can truly be justified and are not on resource lands of long-term commercial significance, such as prime soils. I strongly disagree with the proposals in Alternative 2 and Alternative 4 to reduce minimum lot sizes.

Karen Wood  
14910 NE 46th St

Vancouver, WA 98682



**Schroeder, Kathy**

---

**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Friday, September 11, 2015 2:18 PM  
**To:** Cnty 2016 Comp Plan  
**Cc:** Carol Levanen  
**Subject:** Fw: Citizen Participation and Coordination

Please be so kind as to include this comment in the draft SEIS.  
Thank you,  
Susan Rasmussen, CCCU, Inc

Sent from Windows Mail

---

**From:** [susan rasmussen](#)  
**Sent:** Thursday, September 10, 2015 12:13 PM

Dear Councilors,

Clark County's public participation element has not been optimal. This isn't new. The county has always employed an inclusive policy with the jurisdictions, and the environmental communities. However, according to the Dept. of Commerce, Citizen participation and coordination is valued; it helps to ensure the respect for private property rights.

"The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision." Thank you,  
Susan Rasmussen



Citizen Participation and Coordination

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Citizen-Participation-and-Coordination.aspx>

Sent from Windows Mail



## Citizen Participation and Coordination

*The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision.*

Meaningful citizen participation in local land use planning processes is well worth the time and money.

### Public participation:

- Enhances the quality of planning by incorporating a wide variety of information and perspectives.
- Allows communities to make decisions based on shared values and engages citizens in the ownership of local land use challenges and solutions.
- Educates and empowers citizens
- Supports swift and efficient project implementation.
- Ensures that good plans remain intact over time
- Fosters a sense of community, and trust in government



The Growth Management Act (GMA) requires "early and continuous public participation" in the development and update of local comprehensive plans and regulations. Local governments must establish and broadly disseminate procedures and assure that a broad variety of citizens can learn about, become engaged in and influence decisions about local actions. As decisions are made, a record of public participation should be kept as part of the record.

### Example Public Participation Plans for Comprehensive Plan Updates

- Seattle Comprehensive Plan update (2011)
- Whatcom County (2010)
- City of Bremerton (2005)
- Clallam County (2004)
- City of Portland OR Public Participation Manual (2007)

### Commerce Guidance

- Citizen Participation and Community Visioning Guide, Commerce, 2008
- Citizen Participation: Short Course on Local Planning, Commerce, 2009
- WAC 365-196-600 Public Participation

### GMA Laws and Rules

- [RCW 36.70A.020](#) GMA Goal 11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- [RCW 36.70A.035](#) Public Participation Notice Provision
- [RCW 36.70A.140](#) Comprehensive Plans, Ensure Public Participation

### Growth Management Planning Topics

- [Buildable Lands](#)
- [Citizen Participation and Coordination](#)
- [Climate Change and Energy](#)
- [Critical Areas and Best Available Science](#)
- [Economic Development](#)
- [Environment](#)
- [GMA Periodic Update](#)
- [Historic Preservation](#)
- [Housing](#)
- [Natural Resources Industries](#)
- [Parks, Open Space, and Recreation](#)
- [Permit Process](#)
- [Property Rights](#)
- [Rural Lands](#)
- [School Planning](#)
- [State Environmental Policy Act](#)
- [Transportation](#)
- [Urban Growth Areas](#)

### Related Links

- [Effective Communication and Citizen Involvement \(MRSC\)](#)
- [Citizen Participation/Public Relations \(MRSC\)](#)
- [Open Public Meetings Act \(MRSC\)](#)

### GMA Laws And Rules

- [RCW 36.70A.020 GMA Goal 11](#)
- [RCW 36.70A.035](#)
- [RCW 36.70A.140](#)

### Contact Information

Anne Fritzel  
[anne.fritzel@commerce.wa.gov](mailto:anne.fritzel@commerce.wa.gov)  
360-725-3064



**Business Assistance**

- [Choose Washington](#)
- [Export Washington](#)
- [Innovation Partnership Zones](#)
- [Small Business Assistance](#)
- [State Small Business Credit Initiative](#)
- » All Business Services**

**Community Services & Public Safety**

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- [Low-income Home Energy Assistance](#)
- [Office of Crime Victims Advocacy](#)
- [Crime Victims Services](#)
- » All Community Services**

**Energy & Technology**

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- [Research Services](#)
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- [Energy Efficiency Grants](#)
- » All Energy & Technology Programs**

**Housing**

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## Schroader, Kathy

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**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Friday, September 11, 2015 2:16 PM  
**To:** Cnty 2016 Comp Plan  
**Cc:** Carol Levanen  
**Subject:** Fw: Property Rights

**Please be so kind as to include this comment in the draft SEIS**

Sent from Windows Mail

---

**From:** [susan rasmussen](#)  
**Sent:** Thursday, September 10, 2015 12:52 PM  
**To:** [Carol Levanen](#), [tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov), [jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov),  
[david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov), [Jim Malinowski](#)

Hello Councilors,

Private property rights is one of the 13 primary goals spelled out in the GMA. All carry equal weight. Without question, all of the County's comprehensive plans, to date, have had little or no regard for private property rights. Respect for private rights was one of the top six planning goals stated by county citizens in the public outreach that was conducted when writing the Planning Policies, and the Community Framework Plan in 1977-79, and the 1992-94 plan. The 1977 Community Framework Plan and Policies was supposed to have a lifespan of 50+ years. Somehow, this important planning element was eliminated, and it disappears from any county comprehensive plan since 1994. The 1994 plan was heartily contested and 64+ landowners filed actions with the Growth Management Hearings Board. When private property rights are not allowed respect, unbalanced plans may result with most of the burdens of impacts placed directly on the rural landowners. The rural landowners deserve to be recognized and their needs heard and addressed this time around.

Thank you, Susan Rasmussen for CCCU, Inc.

Property Rights

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Property-Rights.aspx>

Sent from Windows Mail



## Property Rights

One of the goals of the Growth Management Act is to ensure that private property is not taken for public use without just compensation, and the property rights of landowners must be protected from any government action that is "arbitrary and discriminatory".

The Office of the Attorney General is directed under the Growth Management Act ( RCW 36.70A.370 ) to advise state agencies and local governments on an orderly, consistent process that better enables government to evaluate proposed regulatory or administrative actions to assure that these actions do not result in unconstitutional takings of private property. For more information on Regulatory Takings, please see the state Attorney General website, which includes a copy of the advisory memorandum entitled "Avoiding Unconstitutional Takings of Private Property".

**RCW 36.70A.020(6)**

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.

### Growth Management Planning Topics

- [Buildable Lands](#)
- [Citizen Participation and Coordination](#)
- [Climate Change and Energy](#)
- [Critical Areas and Best Available Science](#)
- [Economic Development](#)
- [Environment](#)
- [GMA Periodic Update](#)
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- [Permit Process](#)
- [Property Rights](#)
- [Rural Lands](#)
- [School Planning](#)
- [State Environmental Policy Act](#)
- [Transportation](#)
- [Urban Growth Areas](#)

### Contact Information

Paul Johnson  
[paul.johnson@commerce.wa.gov](mailto:paul.johnson@commerce.wa.gov)  
360-725-3048

### Resources

#### Washington State

- [Washington State Attorney General - Regulatory Takings, Advisory Memorandum: "Avoiding Unconstitutional Takings of Private Property" \(2006\).](#)
- [Municipal Research and Services Center \(MSRC\) – Regulatory Takings \(Overview of regulatory takings issues in Washington State, including statutes and constitutional provisions, selected court decisions, and reference documents\).](#)

#### Federal/National

- [General Accounting Office \(GAO\) – Regulatory Takings: Implementation of Executive Order on Government Actions Affecting Private Property Use \(2003\).](#)
- [" Takings Law in Plain English " – Duerksen/Roddeewig](#)



<a href="#">Export Washington</a>	<a href="#">Community Services Block Grant</a>	<a href="#">Research Services</a>	<a href="#">Housing Trust Fund</a>	<a href="#">Bond Cap Allocation</a>
<a href="#">Innovation Partnership Zones</a>	<a href="#">Low-income Home Energy Assistance</a>	<a href="#">Electric Vehicles</a>	<a href="#">Low-income Home Energy Assistance</a>	<a href="#">Bond Users Clearinghouse</a>
<a href="#">Small Business Assistance</a>	<a href="#">Office of Crime Victims Advocacy</a>	<a href="#">Energy Efficiency Grants</a>	<a href="#">Lead-Based Paint Program</a>	<a href="#">Community Capital Facilities</a>
<a href="#">State Small Business Credit Initiative</a>	<a href="#">Crime Victims Services</a>	<b>» All Energy &amp; Technology Programs</b>	<a href="#">Weatherization</a>	<a href="#">Community Economic Revitalization Board</a>
<b>» All Business Services</b>	<b>» All Community Services</b>		<b>» All Housing Programs</b>	<a href="#">Community Development Block Grant program</a>
				<a href="#">Public Works Board</a>
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## Schroader, Kathy

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**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Friday, September 11, 2015 2:13 PM  
**To:** Cnty 2016 Comp Plan  
**Cc:** Carol Levanen  
**Subject:** Fw: Clark County has always supported small scale agriculture

Please be so kind as to include these comments in the draft SEIS for the 2016 comprehensive plan update

Sent from Windows Mail

---

**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 2:01 PM

Clark County has traditionally supported small-scale agriculture activities by ensuring a variety of various parcel sizes. The 1994 county Comprehensive Plan changed that policy.

Large scale commercial agricultural operations continue to decline, however, changes in agriculture activities to vineyards, nurseries, berries, organic produce and equestrian facilities have been evolving. In the 1970's, Clark County was home to over 300 dairy farms. In 2015, the county has 4-5. Dairy farms require a large mass of land. The migration of the dairies out of the county was already happening when the 1994 plan was being proposed. By 1994, the county was down to ~ 20 dairies. Our resource lands haven't ever been adjusted to accommodate this shift in a major agricultural industry. Lewis County (2007) successfully recognized the massive migration of the dairy industry out of the county in their comprehensive plan. The Courts supported the county in recognizing the, "needs of the industry," and, "not all land is capable of being farmed."

This agricultural shift reflects the larger changes happening throughout the entire state. Many of the new agricultural activities can and are occurring on smaller parcels (reference Census of Ag., 2012). Indeed, Clark County has always been a haven supporting small-scale farming (Census of Ag., 1950). The long-term changes in agricultural operations will be influenced in large part by the economic and market demands (per 2012 Census).

It is Clark County's tradition to provide for a wide variety of farming opportunities whether they be commercial, hobby farms, or equestrian related activities. Clark County has the distinct title of being #1 in the state for the horse population. The Clark County Fair demonstrates a vital and robust 4-H community that supports many youth programs from alpacas to robotics. A variety of various parcel sizes ensures this tradition carries forward.

In 2006, the Washington State Supreme Court clarified the definition of "agricultural land":

"...It was not "clearly erroneous" for Lewis County to weigh the industry's anticipated needs above all else. If the farm industry cannot use the land for agricultural production due to economic, irrigation, or other constraints, the possibility of more intense uses is heightened."

Lewis County v. WWGMHB, 157 Wn.2d 488, 503, 139 P.3d 1096 (2006)

Farming profile of Clark County: per USDA Census of Ag. 2012

74,758 acres were farmed in 2012, down from 78,359 in 2007.  
28,986 acres total cropland, 24,099 harvested cropland, 3,721 irrigated acres  
44% of the 1,929 farms have 1-9 acres (851 predominance of small farms)  
1,780 farms (92%) had sales values below \$24,999  
\$2,398 net cash farm income of operation  
\$1,243 average per farm  
1,247 (65%) of the farm operators relied on non-farm occupational income

Thank you for your attention,  
Susan Rasmussen for CCCU, Inc.  
Sent from Windows Mail

---

**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 10:05 AM

CCCU recently attended the land use forum presented by the Clark County Food Systems Council. Mr. Tom Trohimovich, the attorney representing Futurewise, was one of the speakers. He said that the agricultural industry contributed \$52 million dollars to the local economy, and there are 1,929 farms. However, he failed to elaborate and recognize a trend. The historical perspective tells a different story.

According to the latest USDA Census of Agriculture (2012), Clark County does have 1,929 farms and the main agricultural operations include milk, fryers, and berries. The farmgate value is the total value of crops and livestock produced in the county.

The farmgate value of agriculture in Clark County is \$51.8 million from the 2012 Census, but in the 2002 Census of Agriculture it was \$54.4 million...this figure describes the trend. Dips also occurred in associated area counties. Cowlitz was \$29 million in 2012, and \$30.5 million in 2002. Skamania was \$6 million in 2012, but \$11.5 million in 2002.

By comparison; Yakima County had \$843.8 million in 2002, but increased to \$1.65 billion in 2012.

In the associated food processing sector of food; Clark County's 2013 state Dept. of Revenue reported gross sales of \$357 million.

Please be so kind as to include this in the comments for the draft SEIS.  
Thank you,  
Susan Rasmussen for CCCU, Inc.  
Sent from Windows Mail

---

**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 9:42 AM  
**To:** [susan rasmussen](#)

Sent from Windows Mail

Sent from Windows Mail  
Testimony of September 10, 2015  
Kindly include in the comments for the draft SEIS

The mistruths and absent data in the draft SEIS are tools, used by the writers, to facilitate the downfall of alternative 4. These tools actually advance CCCU's values by exposing misconduct to the public eye and facilitating dialogue on issues of considerable public interest. "Who is really navigating public policy on land use issues?"

There are rules that apply when writing an EIS. If these rules aren't respected by the writers and consultants tasked with the job of writing an unbiased draft for proper analysis, how are the Councilors supposed to make important informed decisions? How are competing interests..in this case the private property rights of rural citizens, supposed to get our voices heard? CCCU is now tasked with going through the draft with a fine-tooth comb.

What are the motivations of the writers of the draft? By taking it upon themselves to provide their analysis, one would think that Alternative 4 proponents are vigilantes that only want to carve up the county, crowd the highways, deplete water resources..all for self serving purposes. On the other hand, you have the cities all wanting to lay claim to the future designs of our large lot properties that they have locked up and secured for their future use. Where do private property rights enter into the equation?

Purpose of the authors is a big factor for consideration, and interpretation. Motivation becomes really important in the decision-making process of the County Councilors. The county's various comprehensive plans are lawfully supposed to serve the entire breadth of all the diverse communities. That has never happened for the rural communities. For nearly two years, CCCU has literally been here week after week demanding attention to insure inclusion. The draft clearly illustrates the poor conduct of the writers, an exclusive process collaborating with the cities, and the environmental communities. The end result is a draft riddled with gaps and faults. Unfortunately, the writers have employed this practice before. CCCU's court decision speaks directly to the faulty process.

When engaged in an activity of the entire public's interest, private interests of the writers and consultants need to be set aside. The public's right to honest data outweighs purely private interests. .

What the writers failed to realize is that farmers and foresters are operating businesses that are in the public's interest to keep viable. Many counties recognize this...in particular, Chelan County. Chelan recognizes the needs of the agricultural industries, the importance of options for private property, rural culture, and the importance of property rights. Their ordinances enable the county to maintain an economically viable agricultural industry.

Clark County Citizens United respectfully requests that the Clark County Board of Councilors take control of this comprehensive plan.

Thank you for your consideration,

Susan Rasmussen for CCCU, Inc.

1.



**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:21 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Court actions in rural areas - For the public record

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI.

---

**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Friday, September 11, 2015 3:08 PM  
**To:** Stewart, Jeanne; Madore, David; Mielke, Tom; Orjiako, Oliver  
**Subject:** Fw: Court actions in rural areas - For the public record

Rural lands - resource lands - see pages 11, 12, 13, 14, 22, 26  
Critical lands - see pages 17, 18, 20, 21, "Protection of critical areas does not require enhancement or improvement

----- Forwarded Message -----

**From:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>  
**To:** Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**Sent:** Friday, September 11, 2015 10:40 AM  
**Subject:** Reader

Critical area buffers, Sandy Mackie

<http://www.lawseminars.com/materials/07GMAWA/gmawa%20m%2012%20Mackie%2011-12.ppt.pdf>

Sent from Windows Mail

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:19 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Property Rights - For the Record

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and the record. Thanks.

---

**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Friday, September 11, 2015 3:11 PM  
**To:** Mielke, Tom; Madore, David; Stewart, Jeanne; Orjiako, Oliver  
**Subject:** Fw: Property Rights - For the Record

----- Forwarded Message -----

**From:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>  
**To:** "[comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov)" <[comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov)>  
**Cc:** Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**Sent:** Friday, September 11, 2015 2:15 PM  
**Subject:** Fw: Property Rights

**Please be so kind as to include this comment in the draft SEIS**

Sent from Windows Mail

---

**From:** [susan rasmussen](mailto:susan.rasmussen@clark.wa.gov)  
**Sent:** Thursday, September 10, 2015 12:52 PM  
**To:** [Carol Levanen](mailto:Carol.Levanen@clark.wa.gov), [tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov), [jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov), [david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov), [Jim Malinowski](mailto:Jim.Malinowski@clark.wa.gov)

Hello Councilors,  
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Thank you, Susan Rasmussen for CCCU, Inc.  
Property Rights

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Property-Rights.aspx>

Sent from Windows Mail

## Schroader, Kathy

---

**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:20 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Citizen Participation and Coordination - For the Public Record

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

More for your information and our record. Thanks.

---

**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Friday, September 11, 2015 3:14 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Fw: Citizen Participation and Coordination - For the Public Record

----- Forwarded Message -----

**From:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>  
**To:** "comp.plan@clark.wa.gov" <[comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov)>  
**Cc:** Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**Sent:** Friday, September 11, 2015 2:18 PM  
**Subject:** Fw: Citizen Participation and Coordination

Please be so kind as to include this comment in the draft SEIS.  
Thank you,  
Susan Rasmussen, CCCU, Inc

Sent from Windows Mail

---

**From:** [susan rasmussen](mailto:susan.rasmussen)  
**Sent:** Thursday, September 10, 2015 12:13 PM

Dear Councilors,

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"The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision." Thank you,  
Susan Rasmussen

Citizen Participation and Coordination

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Citizen-Participation-and-Coordination.aspx>

Sent from Windows Mail



**Schroader, Kathy**

---

**From:** Cheryl Georgioff <cdbgeo@tds.net>  
**Sent:** Friday, September 11, 2015 5:59 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Conserve farmland and strengthen the farm economy

Dear Board of Clark County Commissioners,

Add my name to the many that want Clark County to be farmer friendly and have policies that help increase the amount of Clark County grown food.

I DO NOT support Alt 2 or Alt 4's removing AG-20 nor the creation of R-1 and R2.5 outside of the Rural Centers. Alt 2 and Alt 4 fuel the speed of fragmenting agricultural land and increasing rural residential parcels reduces the amount of land available for farming and will threaten local food security. It will undermine our agricultural heritage and weaken the economic viability of farming in Clark County.

Thank you for giving full consideration and support to Slow Food Southwest Washington's position statement on the Comprehensive Plan and conserve farm land and strengthen the farm economy.

Sincerely,

Cheryl Georgioff  
PO Box 1000  
La Center WA 98629

**Schroader, Kathy**

---

**From:** S <pnworbust@gmail.com>  
**Sent:** Friday, September 11, 2015 9:21 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** plan alt one!

Hi

Wish I could have made it to a meeting.

I hope you are truly sincere when you say an email is worth the same attention as standing up in person. A lot of us can't attend meetings.

My comment is to please consider Alternative One!

And please avoid Alternative Four.

Thank you!

Sarah Scott  
po box 1615  
Ridgefield, Wa 98642

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:22 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Court and Hearings Board actions in rural areas - For the public record

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

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**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Friday, September 11, 2015 9:36 PM  
**To:** Stewart, Jeanne; Madore, David; Mielke, Tom; Orjiako, Oliver  
**Subject:** Fw: Court and Hearings Board actions in rural areas - For the public record

Clark County Planning Commission - Board of Councilors - For the public record - Comprehensive Plan 2016 - DSEIS

Rural Lands - Variety of Densities - 1-10 acres considered rural See pages 26, 27, 28, 29,

<http://www.lawseminars.com/materials/07GMAWA/gmawa%20m%2012%20Mackie%2011-12.ppt.pdf>

**Schroader, Kathy**

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**From:** boyntogs@aol.com  
**Sent:** Sunday, September 13, 2015 10:30 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Comments on the GMA Alternative

Sept. 11, 2015  
La Center Farms  
PO Box 958  
31215 NE 40th Ave.  
La Center, WA. 98629

Dear Counselors and Planning Commission,

We support Alternative 1 and 3. Alternative 1 is consistent with RCW 36.70A, the Growth Management Act (GMA), is adequate for the 20 year projected growth and was the preferred option of the DSEIS. We suggest we retain Alternative 1 until all members of the council are seated next year to give better representation to the community. There is no reason to rush into a decision that will affect us all for the next twenty years. Any rush will indicate an attempt to steamroll cutting up our agriculture and timber lands.

We are against Alternatives 2 and 4 as it goes against the RCW 36.70A and the GMA. It will adversely affect our community. Counselor Madore appeared to have a bias in favor of the group supporting Alternative 4. He allowed about 4 people to testify twice at both the September 3rd and 10th meeting. We attended both meetings and Counselor Madore explicitly told the September 3rd gathering that a person can testify only once for both meetings and could not testify at each meeting. He also appeared to allow the group supporting Alternative 4 to continue on much longer than 3 minutes until there was an objection from the attending members.

**RCW 36.70A.011 FINDINGS:**

Finally, the legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.

**GROWTH MANAGEMENT ACT PROTECTS OUR PROPERTY RIGHTS**

What about our rights? Most of the land owners came here for the open space and we expect the RCW 36.70A and GMA to protect us from urban sprawl. We have a 27 acres farm that is zoned AG20. Our neighborhood would be changed to AG10 under Alternatives 2 and 4. This

will adversely affect us and our neighbors by raise taxes, increase congestion, increase traffic and threaten existing wells.

We all knew the acreage limitations when we purchased our farm or forest lands. Now a small group of disgruntle landowners want to disregard the RCW, Growth Management Act and their neighbors in order to turn a quick profit. The few cases where a person's property rights have been hurt can be remedied on a case by case basis. There is no need to trample on the other rural land owners.

#### THE MAJORITY OF RURAL LAND OWNERS ARE AGAINST ALTERNATIVE 2 & 4

We believe most rural land owners are against subdividing the rural lands. I spoke to about 30 neighbors and farmers and almost all were against Alternative 4. I spoke at the La Center Grange earlier this month. The Grange was filled with local land owners. Their positive response to my comments showed they did not want agriculture land split into smaller parcels.

Clark County United representatives claim that they represent the vast majority of local land owners but they do not. We have never heard of them and neither have our neighbors. Any person can call themselves an organization and make unfounded claims. We suspect they represent a small group of landowners out to make a quick buck splitting up their lands. This is at the expense of the Growth Management Act and the local community.

### ADVERSE AFFECTS OF ALTERNATIVE 2 AND 4

#### ELIMINATION OF AGRICULTURE, TIMBER LANDS AND OPEN SPACE

RCW 36.70A.011 states a goal is to "help preserve rural-based economies and traditional rural lifestyles" and "foster the private stewardship of the land and preservation of open space." It also states the goal is to promote "rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses." These goals are in jeopardy for the following reasons:

##### 1. Farm & Timber Lands Require Large Acreages

Farming and forest production requires large acreages in order to make it worthwhile and economically feasible. Farm equipment and activities are expensive and not cost effective on a small acreage.

A stand of Douglas Fir timber takes 40-45 years to grow until it is ready for harvest. Loggers require a minimum of 3-5 timbered acres to make it profitable due to move in, transportation and clean up costs. Therefore splitting timberlands into 20 acre parcels results in one harvest every 7-10 years. That is a long time to go between paychecks.

Agriculture lands also require large acreages as usually irrigation is not feasible. It is very difficult for a farmer to be granted water rights. Production per acre without irrigation goes down so only large parcels are economically feasible. An example is haying. A person will charge you money to "mow" your 1-2 acre lawn but may hay it for free if it is over two acres. That same person will be willing to pay you to hay larger acreages.



2. Property Values Rise Making Farming Unaffordable

Changing the zoning creates the potential to develop the land. Property values rise for the potential to build even if you do not divide the land. Most of the cost of a parcel is for the building site. Instead of buying 20 acres with one building site, you would have to buy four 5 acre parcels and a total of four building sites at a much higher price. This makes it economically unfeasible to use this much higher-priced land for either farming or timber production.

3. Property Taxes Rise Making Farming Unprofitable

Increased taxes make farming economically unfeasible and farms close. Rezoning and creating small 1-5 acre parcels often results in creating mini "estates" thus raising property values and property taxes of adjacent parcels.

In addition, smaller acreages must show a larger income from farming to have agriculture deferred property taxes. Twenty acre parcels do not have the burden of showing a profit whereas five acre parcels must produce \$7,500/yr to qualify for deferred taxes. The five acre scenario is hard to do with dry land farming.

4. Rural and Urban are Incompatible Forcing Farms Out

Urban people move to the country for the open area but often do not understand nor want what comes with adjacent agriculture and timber operations. Complaints include noise and dust from logging operations, odors from livestock and soil improvement activities and concerns about using herbicides for crop production. These complaints put pressure on farmers and foresters and force them out of the area.

5. Pressure to Reduce Parcel Size Will Result In The Urbanization of the Rural Area

Pressure is placed on local government to keep reducing the size of parcels eventually leading to the loss of farms, timber and open space. Farming resources such as farm labor, tractor rentals and farm equipment become increasingly scarce as farms close. Farmers can't get the resources they need to make a living and are forced to sell. Homes then become the last "cash crop" as productive farm soil becomes covered in cement, asphalt and mini-estates with expansive landscaping.

It took 50 years to cover much of the crop lands in southern California. Oregon's Washington County has been covered in the past 30 years. Clark County will soon look like these places if Alternatives 2 or 4 are adopted.

PROPERTY TAXES WILL RISE FOR EVERYONE

RCW 36.70A.011 states one goal is to "encourage the economic prosperity of rural residents." Higher property taxes are detrimental to the communities' economic prosperity.

Rural Residents Subsidize the Urban Areas

Rural areas pay for much of the urban area's services. Rural areas receive 51 cents of service for each \$1 paid thereby contributing to a 49 cent subsidy for the urban areas of the county. Urban areas received \$1.25 in public services for every \$1 paid in taxes. Taxes will rise as urbanization increases. Loss of taxes from agriculture and timber activities will have to be made up from the existing tax payers.

### Smaller Zonings Increases Property Taxes

The County's tax assessor has stated the properties will be taxed on their potential use. As an example, rezoning Ag 20 into Ag 10 increases its potential development value and therefore the property tax. Peter Van Nortwick, our tax assessor said "The potential is what people are paying for ... people buy lots because of the potential to buy a home. If the market value of their land increases, under state law we have to (assess) it at 100 percent of market value."

### Government Expenses Increase To Pay For Services

Keeping urban areas small allows the cities to concentrate their resources and keep the cities vibrant. Subdividing the rural lands spreads county services throughout the county which is inefficient. New roads will have to be built and existing ones must be improved to handle the increased traffic. Additional school and services will need to be provided and maintained.

### **ELIMINATION OF OPEN SPACE AND LOSS OF THE QUALITY OF LIFE**

RCW 36.70A.011 states the goals of "preservation of open space" and "enhance the rural sense of community and quality of life." These will be lost.

People are attracted to our area due to the open spaces we enjoy. With more homes in rural lands there will be less open space for both urban and rural people to enjoy. Congestion will increase along with increased traffic and commute times. Look at what has happened to Washington County in Oregon.

### **THREAT TO THE AQUIFER & WATER SOURCE**

More homes and wells will threaten the public's drinking water. There could be 12,400 new wells tapping into the Troutdale aquifer which supplies drinking water to 95% of Clark County population. Each well increases the chance of contamination. New wells may compete with neighboring wells causing one or more to go dry. North County, particularly in the foothills, already tends to have more than its share of low producing wells. Sometimes these wells must be supplemented with 1,000 gallon holding tanks in order to make the home site usable. In some areas such as La Center the water is heavily mineralized. With these limitations we need to be careful with the impacts of Alternatives 2 and 4.

The aquifer will not be replenished as urbanization occurs. Rain water will be diverted into storm drains rather than be absorbed through soil.

### **INCREASE FLOODING**

The potential for flooding increases as soil is covered up with cement and asphalt. Urban areas have more flooding than rural areas. I responded to massive flooding in 1996 in Tualatin as a fire fighter and in Portland as a Coast Guard reservist.

## **ALTERNATIVE 1- SUPPORT AGRICULTURE, TIMBER AND OPEN LANDS**

## LONG TERM ECONOMIC IMPACT

RCW 36.70A.011 goals includes "help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses." Alternative 1 does these things whereas Alternative 2 & 4 adversely affects these goals.

Long term wealth requires money to flow from outside sources and into the community. Splitting and developing the land only produces short term income and long lasting maintenance issues. Government services do not produce wealth as it takes from local resident's taxes to pay for itself. Longer term wealth is created through timber, agriculture, tourism and manufacturing. We will lose the first 3 income and tax sources if we cut up the farm and timber lands.

Timber is a significant source of income and jobs in Clark County. Timber is Washington's second largest manufacturing sector. 79% of Washington's timber is on privately- owned lands and 20% is on state and federal lands. About 80% of the timber supplies local sawmills thus providing local jobs and products. 20% of the harvested timber is exported primarily to Japan.

Agriculture products alone contribute \$50.8 million to the local economy. We produce Christmas trees, hay, wine and other crops. Livestock include goats, sheep, chickens, horses, cattle, mules, alpacas, llamas and other animals. Products include wool, mohair, milk and eggs. Farming also supports other businesses related to farming.

Agriculture tourism is also a large contributor to the local economy. We have wineries, Pumpkin Patches, and U-Cut Christmas Trees farms to name a few.

## SUSTAINABLE LAND USE

Planning small cities surrounded with green space of farm and timber lands between each city allows for long term stability. Cities are limited in size and are self- contained for housing & jobs. Keeping cities a manageable size allows for a more efficient use of resources. Farms and timber lands provide cities with local sources of food, timber and recreational opportunities. It also protects the valuable farm soils.

## PROTECT DRINKING WATER AND AQUIFER

Fewer wells mean less chance of contamination. The aquifer is replenished as rain is absorbed through the soil rather than running off into storm drains. Creeks and streams are protected since they are not the direct recipients of storm drain water that is potentially contaminated with road oils, herbicides, fertilizers and other contaminants. This allows for a better habitat for fish and wildlife.

## QUALITY OF LIFE

RCW 36.70A.011 states it's goal as the "preservation of open space" and to "enhance the rural sense of community and quality of life." These are maintained with Alternative 1. Open space provides for less congestion, recreation and a higher quality of life. These qualities are why

most of us came here. Local farms and forests allow people to get away from the cities easily and enjoy the country.

#### ENVIRONMENTAL

Wildlife Habitat- RCW 36.70A.011 goals include to "be compatible with the use of the land by wildlife and for fish and wildlife habitat." Most wildlife need open space to survive. Cutting up the parcels into small areas will destroy their habitat, ability to migrate and eventually cause their elimination. Our farm is the home of deer, rabbits, fish, beaver, porcupines, raccoons, coyotes and various birds. Our farm is also on the Pacific Flyway which makes for some wonderful wildlife viewing!

Flood Control- Flooding is reduced as water percolates into the soil

Moderate Weather- The trees and vegetation moderates temperatures with their shade, help block the winds and filter the air of particulates. This is one reason people enjoy going to parks, forests and rural areas.

Please call us at 573-8965 if you have any questions or comments.

Sincerely,

Stephen and Lissa Boynton

## Schroeder, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:19 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroeder, Kathy  
**Subject:** FW: Lewis County Supreme Court Decision - For the Public Record and the DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the record. Thanks.

---

**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Saturday, September 12, 2015 9:29 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver; Carol Levanen  
**Subject:** Lewis County Supreme Court Decision - For the Public Record and the DSEIS review

(25) In conclusion...we reverse the Boards decision that Lewis County may not designate agriculture lands based on local farm industry farm needs. If the State wants to conserve all alnd that is capable of being farmed, without regard to it's commercial viability, it may buy the lands.

### 157 Wn. 2d. 488, Aug. 2006 Lewis County v. W. Wash. Growth Mgmt. Hearings Bd.

[No. 76553-7. En Banc.]

Argued November 10, 2005. Decided August 10, 2006.

LEWIS COUNTY , *Appellant* ,

v.

THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD ET AL ., *Respondents* .

[1] Counties - Land Use Controls - Growth Management Act - Administrative Review - Growth Management Hearings Board - Local Compliance With Act - Clearly Erroneous Test. A growth management hearings board may invalidate a local comprehensive plan provision or development regulation under the clearly erroneous standard of RCW 36.70A.320 (3) if, after reviewing the entire record and considering the goals and requirements of the Growth Management Act (chapter 36.70A RCW), the board has a firm and definite conviction that a mistake was made.

[2] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Appellate Review - Board Record. When reviewing a growth management hearings board decision, an appellate court sits in the same position as the superior court and applies the review standards of RCW34.05.570 (3) directly to the record created before the board.

### Aug. 2006 Lewis County v. W. Wash. Growth Mgmt. Hearings Bd. 489

157 Wn. 2d. 488

[3] Counties - Land Use Controls - Growth Management Act - Construction - Deference to Hearings Board. While a growth management hearings board is required by RCW 36.70A.3201 to defer to a county's or city's planning choices that are consistent with the Growth Management Act (chapter 36.70A RCW), the board itself is entitled to deference in determining what the Growth Management Act requires; i.e., a court must give "substantial weight" to the board's interpretation of the act.

[4] Administrative Law - Judicial Review - Standard of Review - In General. Under RCW 34.05.570 (3), a court shall grant relief from an agency's adjudicative order if the order fails to meet any of the nine standards delineated in the statute.

[5] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Burden of Proof. The burden of demonstrating that a growth management hearings board erroneously applied the law or failed to follow prescribed procedures is on the party asserting error.

[6] Administrative Law - Judicial Review - Question of Law - Standard of Review. An issue of law in an administrative adjudication is reviewed by a court de novo under the error of law standard of RCW 34.05.570 (3)(d).

[7] Administrative Law - Judicial Review - Mixed Question of Law and Fact - Standard of Review. A court reviews a mixed question of law and fact in an agency adjudication by independently determining the law and then applying the law to the facts as found by the agency.

[8] Counties - Land Use Controls - Growth Management Act - Agricultural Land - Designation - Factors - Development Prospects. Under RCW 36.70A.170 (1)(a), which requires counties to designate as agricultural land those lands not already characterized by urban

growth and having long-term significance for the commercial production of food or other agricultural products, and under RCW 36.70A.030 (10), which defines "long-term commercial significance" to include the growing capacity, productivity, and soil composition of land for long-term commercial production in consideration with its proximity to population areas and the possibility of more intense uses thereof, counties must do more than simply catalogue lands that are physically suited to farming. They must consider development



**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:17 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Essential nexus - Rough proportionality For the Public Record and the DSEIS Review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the record. Thanks.

---

**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Saturday, September 12, 2015 10:03 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Essential nexus - Rough proportionality For the Public Record and the DSEIS Review

**146 Wn.2d 685, Benchmark Land Co. v. City of Battle Ground**

[No. 70659-0. En Banc.]

Argued September 13, 2001. Decided July 11, 2002.

THE BENCHMARK LAND COMPANY, Respondent, v. THE CITY OF BATTLE GROUND, Petitioner.

686 Benchmark Land Co. v. City of Battle Ground July 2002  
146 Wn.2d 685

JOHNSON, J., concurs in the result only; SANDERS, J., concurs by separate opinion.

July 2002 Benchmark Land Co. v. City of Battle Ground 687  
146 Wn.2d 685

W. Dale Kamerrer (of Law, Lyman, Daniel, Kamerrer & Bogdanovich), for petitioner.

Le Anne M. Bremer (of Miller Nash, L.L.P.) and Ronald A. Franz, for respondent.

Bob C. Sterbankon behalf of Washington Association of Washington Attorneys and Washington State Association of Municipal Attorneys, amici curiae.

Brent D. Boger, Timothy M. Harris, Robin L. Rivett, and Russell C. Brookson behalf of Pacific Legal Foundation, amicus curiae.

Greg Overstreet, Jodi C. Slavik, John M. Groen, and Charles A. Klingeon behalf of Building Industry Association of Washington, amicus curiae.

Pamela B. Loginskyon behalf of Washington Association of Prosecuting Attorneys, amicus curiae.

Roger D. Wynne, and Douglas T. Kendallon behalf of Association of Washington Cities, amicus curiae.

IRELAND, J. - The City of Battle Ground sought review of the Court of Appeals' decision that the City unconstitutionally took property belonging to Benchmark Land Company

688 Benchmark Land Co. v. City of Battle Ground July 2002  
146 Wn.2d 685

by requiring Benchmark to make improvements to an existing street bordering its proposed subdivision as a condition to approving its plat application.

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:16 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Court actions in rural areas - For the public record and DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI.

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**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Saturday, September 12, 2015 10:32 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Fw: Court actions in rural areas - For the public record and DSEIS review

Information for the Clark County Councilors and the Clark County Planning Commission for the DSEIS

----- Forwarded Message -----

**From:** Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**To:** Jeanne Stewart <[jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov)>; David Madore <[david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov)>; Tom Mielke <[tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov)>; Oliver Orjiako <[oliver.orjiako@clark.wa.gov](mailto:oliver.orjiako@clark.wa.gov)>  
**Subject:** Fw: Court actions in rural areas - For the public record

Rural lands - resource lands - see pages 11, 12, 13, 14 ,22, 26

Critical lands - see pages 17, 18, 20, 21, "Protection of critical areas does not require enhancement or improvement

----- Forwarded Message -----

**From:** susan rasmussen <[sprazz@outlook.com](mailto:sprazz@outlook.com)>  
**To:** Carol Levanen <[cnldental@yahoo.com](mailto:cnldental@yahoo.com)>  
**Sent:** Friday, September 11, 2015 10:40 AM  
**Subject:** Reader

Critical area buffers, Sandy Mackie

<http://www.lawseminars.com/materials/07GMAWA/gmawa%20m%2012%20Mackie%2011-12.ppt.pdf>

Sent from Windows Mail

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:15 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Whatcom County rural lands policy - 5 acres and smaller - For the Public record and DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the PC and the record. Thanks.

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**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Saturday, September 12, 2015 11:44 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Whatcom County rural lands policy - 5 acres and smaller - For the Public record and DSEIS review

Please see:

#23 - On September 9, 2011, the GMHB order following remand from the Supreme Court...found retention of rural zoning with density of one dwelling per 2 acres was compliant with the GMA because it was limited to areas which similar densities had already been established.

RCW 36.70A.115 does not impose....a needs or capacity analysis for areas outside UGAs - WWGMHB

#30 - ...does not require a rural lands analysis - Case # 07-2-0025c

# 32 - ...limited to neighborhoods that have already been substantially developed, this will not lead to the "inappropriate conversion of undeveloped lands into sprawling, low density development.... WWGMHB # 072-0018c Nov. 3, 2009

#33 - Washington State Supreme Curt - .....cannot base...rural densities on a "bright line" rural density of one dwelling unit per five acres. 164 Wn 2d 329 190 P. 3d 38 2008

<http://www.whatcomcounty.us/DocumentCenter/View/4376>

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:18 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Washington Supreme Court decision - Preserving Prime Soil most important - For the Public Record and the DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the record.

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**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Saturday, September 12, 2015 9:46 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Washington Supreme Court decision - Preserving Prime Soil most important - For the Public Record and the DSEIS review

Preserving the **prime** soil most important - Clark County has not done this in previous Comprehensive Plans when allowing urban growth areas to consume Clark County prime soil. Refer to 1980 maps and lists in Appendix C of 1979 Clark County Comprehensive Plan of determined prime soil. Soil has not changed since that time. Agricultural soils are incorrectly designated in the current 2007 Clark County Comprehensive Plan.

Argued May 31, 2000. Decided December 14, 2000.

KING COUNTY, RESPONDENT, V. CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, DEFENDANT, UPPER GREEN VALLEY PRESERVATION SOCIETY, ET AL., Appellants, JUN AKUTSU, et al., Defendants, NORTHSHORE YOUTH SOCCER ASSOCIATION, ET AL., Respondents.

[1] Appeal - Record on Appeal - Evidence Not in Record - Judicial Notice. Although ER 201 states that certain facts may be judicially noticed at any stage of a proceeding, RAP 9.11 restricts appellate consideration of additional evidence on review.

[2] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Statutory Provisions. Judicial review of a growth management hearings board decision is governed by RCW 34.05.570(3).

[3] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Appellate Review - Board Record. An appellate court reviews a judgment entered by a superior court on judicial review of a growth management hearings board decision by applying the review standards of RCW34.05.570(3) directly to the record created before the board.

[4] Administrative Law - Judicial Review - Question of Law - Standard of Review. Under the error of law standard of RCW 34.05.570(3)(d), judicial review of a conclusion of law entered in an administrative adjudication is de novo, although the agency's interpretation of a law it is charged with administering is entitled to substantial weight.

[5] Administrative Law - Judicial Review - Findings of Fact - Substantial Evidence - What Constitutes. For purposes of the substantial evidence standard of RCW34.05.570(3)(e) for reviewing a finding of fact entered in an administrative adjudication, substantial evidence is evidence of a sufficient quantity to persuade a fair-minded person of the truth or correctness of the finding.

[6] Statutes - Construction - Authority - Final Authority - Supreme Court. On questions of statutory interpretation, the Supreme Court is the final arbiter.

[7] Statutes - Construction - Question of Law or Fact - Review. The interpretation of a statute is a question of law that is reviewed de novo.

[8] Statutes - Construction - Legislative Intent - In General. The primary goal in interpreting a statute is to ascertain and give effect to the Legislature's intent.

**544 KING COUNTY v. HEARINGS BOARD Dec. 2000**

**142 Wn.2d 543**

[9] Statutes - Construction - Legislative Intent - Statutory Language - In General. When ascertaining the legislative intent of a statute, a court first looks to the plain language of the statute and the ordinary meaning of the words used therein.

[10] Counties - Land Use Controls - Growth Management Act - Agricultural Land - Recreational Uses - Validity. Inasmuch as counties subject to the Growth Management Act (chapter 36.70A RCW) are required by RCW 36.70A.020(8), .060(1), and .170 to designate

agricultural lands of long-term commercial significance and to protect and conserve such lands in order to maintain and enhance the agricultural industry, and insofar as counties are required by RCW 36.70A.020(9), .150, and .160 merely to identify lands useful for recreation and to encourage the development of recreational opportunities, active recreational uses generally may not be permitted on lands located within a designated agricultural area.

[11] Statutes - Construction - Considered as a Whole - In General. A statute must be considered as a whole with effect given to all the language used. All provisions are considered in relation to each other and, if possible, harmonized to ensure the proper construction of each.

[12] Counties - Land Use Controls - Growth Management Act - Agricultural Land - Nonagricultural Uses - Innovative Zoning Techniques - Applicability. A county may encourage nonagricultural uses of land located within a designated agricultural area by means of the innovative zoning techniques authorized by RCW 36.70A.177.

[13] Counties - Land Use Controls - Growth Management Act - Planning Policies - Discretion - Limitation. The broad discretion allowed to local governments under the Growth Management Act (chapter 36.70A RCW) to draft comprehensive plans and development regulations tailored to local circumstances is limited by the requirement that final plans and regulations be consistent with the mandates and goals of the act.



**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:17 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: 30 per cent set aside open space as condition of approval not legal - For the Record and DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI.

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**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Saturday, September 12, 2015 10:20 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** 30 per cent set aside open space as condition of approval not legal - For the Record and DSEIS review

The government cannot require 30% open space set aside for a condition of approval of land development

**146 Wn.2d 740, Isla Verde Int'l Holdings, Inc. v. City of Camas**

[No. 69475-3. En Banc.]

Argued September 5, 2000. Decided July 11, 2002.

ISLA VERDE INTERNATIONAL HOLDINGS, INC., et AL., Respondents, v. THE CITY OF CAMAS, Petitioner.

July 2002 Isla Verde Int'l Holdings, Inc. v. City of Camas 741  
146 Wn.2d 740

742 Isla Verde Int'l Holdings, Inc. v. City of Camas July 2002  
146 Wn.2d 740

July 2002 Isla Verde Int'l Holdings, Inc. v. City of Camas 743  
146 Wn.2d 740

744 Isla Verde Int'l Holdings, Inc. v. City of Camas July 2002  
146 Wn.2d 740

JOHNSON, J., concurs by separate opinion; SANDERS, J., and ALEXANDER, C.J., dissent in part by separate opinion; CHAMBERS and OWENS, JJ., did not participate in the disposition of this case.

July 2002 Isla Verde Int'l Holdings, Inc. v. City of Camas 745  
146 Wn.2d 740

W. Dale Kamerrer(of Law, Lyman, Daniel, Kamerrer & Bogdanovich), for petitioner.

Le Anne M. Bremer(of Miller Nash, L.L.P.), for respondents.

Bob C. Sterbankon behalf of Washington State Association of Municipal Attorneys, amicus curiae.

Timothy M. Harrison behalf of Pacific Legal Foundation and Building Industry Association of Washington, amici curiae.

MADSEN, J. - This is an action brought under the Land Use Petition Act by a developer challenging the legality of conditions imposed by the City of Camas for approval of a preliminary plat for a residential subdivision. The challenged conditions include a 30 percent "open space" set aside and provision of a secondary limited access road into the proposed development for emergency vehicles. The Clark County Superior Court ruled on constitutional and statutory grounds that both conditions are unlawful. The Court of Appeals affirmed as to the open space requirement, holding that it constitutes an unconstitutional taking, but reversed as to the secondary access road, upholding this condition. We affirm the Court of Appeals, although in part on different grounds. We conclude that the open space set aside condition violates RCW 82.02.020, and thus do not reach arguments respecting the constitutionality of this requirement. We hold that the developer has failed to establish unconstitutionality or other invalidity of the secondary access road condition.

#### FACTS

In March 1995, the developer, Isla Verde International Holdings, Inc., and Connaught International Holdings, Inc.

746 Isla Verde Int'l Holdings, Inc. v. City of Camas July 2002

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:14 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: There is sufficient evidence in the record and the courts to support Alternative 4 - For the Public Record and DSEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the public record. Thanks.

---

**From:** Carol Levanen [<mailto:cnldental@yahoo.com>]  
**Sent:** Sunday, September 13, 2015 12:59 AM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** There is sufficient evidence in the record and the courts to support Alternative 4 - For the Public Record and DSEIS review

Dear Planning Commission Members and Board of Councilors,

Clark County Citizens United, inc. believes there is sufficient evidence in the record and court decisions to support choosing Alternative 4 as the preferred alternative in the DSEIS. CCCU has forwarded numerous Hearing Board and Washington state Supreme Court decisions in the record, that demonstrate compliance and allow Clark County to adopt such a policy for the rural and resource areas of the county.

At the September 10, joint CCPC and CCBOC hearing, two parties gave testimony stating that considering Alternative 4 would be illegal under the GMA. But, the HB decisions and court decisions do not confirm that statement. Deference is given the counties over particular circumstances unique to the individual county that allows flexibility when designating rural and resource lands. In the case of Alternative 4, it simply demonstrates what is on the ground and what was on the ground, prior to adoption of the 1994 Comprehensive Plan. This is a realistic way for the county to keep a legitimate record of what the rural and resource areas of the county are comprised of. Simply making the zone lot size smaller, does not reduce the ability of the lands to continue to be prime soil. Five and 10 acre agriculture land is more than adequate to preserve prime soils for farm land. Likewise, 10 acres is more than adequate to preserve forest soils for forestry.

Currently, the zoning does not reflect the reality of the rural and resource lands of small farms and rural lots in Clark County, and corrections need to be made. By zoning land in large lot zoning, the county cannot magically create that size parcel. If it is a five acre parcel of rural or resource land, it should be zoned 5 acre rural or resource. If some parcels are surrounded by such parcels, because they were once zoned as such, then to prevent isolated spot zoning, they should logically be included in the area wide designation. This formula is the basis for Alternative 4 in the rural and resource areas of the county. Numerous counties in Washington state, as well as the GMA, have also used the predominant parcel size criteria as well. Those counties using that formula have not been challenged or overturned in the courts. Alternative 4 is based on many of those policies adopted by other counties.

Alternative 3 has a component that allows three cities to include lands into their UGAs. CCCU believes this portion of Alt 3 is appropriate and ask that just those inclusions of lands requested by the cities be included into Alternative 4. We see that Alternative 2 consideration of 10 acre agriculture and 20 acre forest has already been incorporated into the Alternative 4 proposal and therefore Alt 2 has already been incorporated into Alt 4. The remaining cities, or possibly all of the cities have suggested that a one mile parameter of land be preserved around each city. In review of Alt 4 maps, one can see that has been done, already. Those lands have been proposed for 10 acre zoning, even though parcels within the zones are smaller than 10 acres. Therefore, what has been done in Alternative 4 is a composite of Alt 2, 3, and city requests. Alternative 1 changes nothing and should not be the preferred choice because it does not help to meet the housing needs of the future. Alternative 4 looks at including a cluster and TDR provision, to give landowners the option of future preservation of land, as well as meeting housing needs. Alternative 4 allows for more affordable land for the purposes of resource activity. None of the other alternatives have that provision.

Since 1950 the records show that rural and resource lands in Clark County consisted of small lot farms and large rural homesites. Alternative 4 is in keeping with the historical trends, cultural trends and rural character of lands outside the UGAs and should be considered as the most appropriate alternative to be chosen by the Planning Commission and the Board of Councilors within the DSEIS.

Sincerely,

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

**Schroeder, Kathy**

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**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Sunday, September 13, 2015 8:57 AM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Fw: There is sufficient evidence in the record and the courts to support Alternative 4 - For the Public Record and DSEIS review

This is to be submitted for the record of the draft SEIS.

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Sunday, September 13, 2015 8:57 AM  
**To:** [Carol Levanen](#)

Sent from Windows Mail

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**From:** [Carol Levanen](#)  
**Sent:** Sunday, September 13, 2015 1:00 AM  
**To:** [jeanne.stewart@clark.wa.gov](mailto:jeanne.stewart@clark.wa.gov), [tom.mielke@clark.wa.gov](mailto:tom.mielke@clark.wa.gov), [david.madore@clark.wa.gov](mailto:david.madore@clark.wa.gov), [Orjiako, Oliver](#)

Dear Planning Commission Members and Board of Councilors,

Clark County Citizens United, inc. believes there is sufficient evidence in the record and court decisions to support choosing Alternative 4 as the preferred alternative in the DSEIS. CCCU has forwarded numerous Hearing Board and Washington state Supreme Court decisions in the record, that demonstrate compliance and allow Clark County to adopt such a policy for the rural and resource areas of the county.

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Currently, the zoning does not reflect the reality of the rural and resource lands of small farms and rural lots in Clark County, and corrections need to be made. By zoning land in large lot zoning, the county cannot magically create that size parcel. If it is a five acre parcel of rural or resource land, it should be zoned 5 acre rural or resource. If some parcels are surrounded by such parcels, because they were once zoned as such, then to prevent isolated spot zoning, they should logically be included in the area wide designation. This formula is the basis for Alternative 4 in the rural and resource areas of the county. Numerous counties in Washington state, as well as the GMA, have also used the predominant parcel size criteria as well. Those counties using that formula have not been challenged or overturned in the courts. Alternative 4 is based on many of those policies adopted by other counties.

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Since 1950 the records show that rural and resource lands in Clark County consisted of small lot farms and large rural homesites. Alternative 4 is in keeping with the historical trends, cultural trends and rural character of lands outside the UGAs and should be considered as the most appropriate alternative to be chosen by the Planning Commission and the Board of Councilors within the DSEIS.

Sincerely,

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



## Schroader, Kathy

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**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Sunday, September 13, 2015 12:28 PM  
**To:** Cnty 2016 Comp Plan  
**Cc:** Carol Levanen  
**Subject:** Fw: Importance of Citizen Participation

For the public record of the Draft, SEIS

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Sunday, September 13, 2015 12:27

The public participation element is an important part of building this comprehensive plan. I am forwarding, for your review, what the Dept. of Commerce has written on the subject.

*"The term "public participation" implies that those affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision."*

Please recall Gordy's opening comments for the hearing Sept. 10. He spoke about the planner's early collaboration with the jurisdictions; *"Work with our partners, the cities."* Clark County's planning process has been an exclusive one with the jurisdictions, and the environmental communities. This elite partnership is on-going. The County's public process requires much improvement to make it an inclusive with the rural communities.

When the 1994 plan was being composed, Clark County sent a request to John Karpinski for his recommendations. Mr. Karpinski was the attorney for Friends of Clark County, Clark County Natural Resource Council. Mr. Karpinski wrote the "Green Alternative." For the most part, this plan became the foundation for the county's present plan. This letter has been entered into the public record.

Thousands of acres were downzoned from 1, 2.5, 5 acres, to 20, 40, and 80 acre densities. This was done without any consideration of the realities of the patterns of development that were already existing. For the most part, those parcelized lots were created as a result of rural cultural practices that have endured over generations. The practice supported the economic viability of the farms, prevented the fragmentation of families, and ensured the continuity of the farm. The 1994 plan decimated the rural communities and destroyed our way of life. This was a demonstration of one culture exerting dominance over another. There is no balance. This is wrong. This is why Carol and I are there week after week.

The GMA was passed in 1990. Private property rights were listed as one of the thirteen planning elements. All of the planning elements carry equal weight. That hasn't changed. Recognition of the importance of private property rights is written in comprehensive plans throughout the state. Kindly take a look at Chelan County's plans.

It is unfortunate that CCCU is compelled to be present week after week to insure rural voices are heard and recognized. It is unfortunate that property rights haven't ever been considered important

enough to recognize in any of the county comprehensive plans. The citizens voiced importance in the 1977-79 Community Framework Plan and Policies, and again in the 1992 scoping process for the 1994 plan. Somehow, this planning element was erased in Clark County.

Thank you,  
Susan Rasmussen for  
Clark County Citizens United, Inc.

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 2:19 PM

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Thursday, September 10, 2015 12:13 PM

Dear Councilors,  
Clark County's public participation element has not been optimal. This isn't new. The county has always employed an inclusive policy with the jurisdictions, and the environmental communities. However, according to the Dept. of Commerce, Citizen participation and coordination is valued; it helps to ensure the respect for private property rights.

"The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision." Thank you,  
Susan Rasmussen



## Citizen Participation and Coordination

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Citizen-Participation-and-Coordination.aspx>

Sent from Windows Mail

**Schroader, Kathy**

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**From:** NoReply@Clark.Wa.Gov  
**Sent:** Sunday, September 13, 2015 7:55 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: Comp Plan Revision

Comments:

Commissioners,

Please support Alternative 1 for the new growth management plan. I live in the rural area of the County outside Ridgefield. I believe Alt 1 provides the best quality of rural life. The numbers developed in the original plan will accommodate realistic projected rural growth. I do not want the creation of many additional building lots within the rural area. Please support Alternative 1. Thank you,

Submitted by:

Jim Byrne

Email: [marybyrne\\_10@q.com](mailto:marybyrne_10@q.com)

Address:

28501 NW 7 Ave.

Ridgefield, WA

**Schroader, Kathy**

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**From:** NoReply@Clark.Wa.Gov  
**Sent:** Sunday, September 13, 2015 7:57 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** 2016 Comp Plan comments submitted

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Parcel No:

Subject: Comp Plan Revision

Comments:

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Submitted by:

Jim Byrne

Email: [marybyrne\\_10@q.com](mailto:marybyrne_10@q.com)

Address:

28501 NW 7 Ave.

Ridgefield, WA

**Schroader, Kathy**

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**From:** Mary Byrne <marybyrne\_10@q.com>  
**Sent:** Sunday, September 13, 2015 8:07 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Growth Plan revisions

Commissioners,

Please support Alternative 1 for the new growth management plan. I live in unincorporated Ridgefield. I believe Alt 1 will maintain the best qualities of rural life. The numbers developed in the original plan will accommodate realistic projected rural growth into the future. Please support Alternative 1. Thank you,

Mary Byrne

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:11 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Importance of Citizen Participation - For the Public Record and the DSEIS review

FYI, and for the record. Thanks all!

---

**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Sunday, September 13, 2015 8:13 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver; McCauley, Mark  
**Subject:** Fw: Importance of Citizen Participation - For the Public Record and the DSEIS review

Please forward this information the Councilors and the Planning Commission.

----- Forwarded Message -----

**From:** susan rasmussen <sprazz@outlook.com>  
**To:** "kaitlin.gillespie@columbian.com" <kaitlin.gillespie@columbian.com>  
**Sent:** Sunday, September 13, 2015 11:03 AM  
**Subject:** Fw: Importance of Citizen Participation

Hello Kaitlin,

The public participation element is an important part of building this comprehensive plan. I am forwarding, for your review, what the Dept. of Commerce has written on the subject.

*"The term "public participation" implies that those affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision."*

Please recall Gordy's opening comments for the hearing Sept. 10. He spoke about the planner's early collaboration with the jurisdictions; *"Work with our partners, the cities."* Clark County's planning process has been an exclusive one with the jurisdictions, and the environmental communities. This elite partnership is on-going. The County's public process requires much improvement to make it an inclusive with the rural communities.

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Thank you,  
Susan Rasmussen for  
Clark County Citizens United, Inc.

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Friday, September 11, 2015 2:19 PM

Sent from Windows Mail

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**From:** [susan rasmussen](#)  
**Sent:** Thursday, September 10, 2015 12:13 PM

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"The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision." Thank you,  
Susan Rasmussen

[Citizen Participation and Coordination](#)

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Pages/Citizen-Participation-and-Coordination.aspx>

Sent from Windows Mail

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:13 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Sunday reporting on Sept 10 hearing - For the public record and the SEIS review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI, and for the index. I have more for the record. Thanks.

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**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Sunday, September 13, 2015 10:15 AM  
**To:** Madore, David; Mielke, Tom; Stewart, Jeanne; Orjiako, Oliver; McCauley, Mark  
**Subject:** Fw: Sunday reporting on Sept 10 hearing - For the public record and the SEIS review

----- Forwarded Message -----

**From:** Carol Levanen <cnldental@yahoo.com>  
**To:** Kaitlin Gillespie <kaitlin.gillespie@columbian.com>  
**Sent:** Sunday, September 13, 2015 10:08 AM  
**Subject:** Sunday reporting on Sept 10 hearing - For the public record

Hello Kaitlin,

Thanks for the fairly accurate account of the confrontation I received from Clark County Attorney, Christine Cook. The part you were inaccurate on was the statement that Councilor Madore set "rules" that prevent the public from speaking. In open public hearings, such as these, no rules can be set that prevent the public from speaking, regardless of how many times they have spoken at other hearings. In addition, this was the only opportunity for the public to discuss the alternatives before the Planning Commission and the Councilors at the same time, before verbal testimony was closed. Although Councilor Madore didn't explain it very well, those of us at the Sept 3 hearing took it to mean that those who said something at one hearing, didn't have to come to the other to give the same information. This seems fair, especially for site specific requests, which we believe he was thinking of. But, in your desire to degrade Councilor Madore, you took it out of context. It would not have been legal for Councilor Madore to prevent public testimony at these hearing, and he did not set "rules" to do so. But, your article clearly shows the Columbian bias against Councilor Madore and the open public process, when it comes to the overall agenda of the Democrat party. Both of these hearings demonstrated support for Alternative 4, which CCCU expected to happen.

I have attached the verbatim conversation of Councilor Madore which clearly says one has the opportunity to speak twice. I would have thought you would have reviewed that video, before writing this article.....or perhaps you did.

Best Regards, Carol Levanen, Ex. Secretary, CCCU, Inc. P.O.Box 2188, Battie Ground, Wash. 98604

Open Public Forum - Public testimony For the Public Record  
People

- Carol Levanen
- 
- Sep 11 at 1:03 AM

To

- Jeanne Stewart
- Tom Mielke
- David Madore
- Oliver Orjiako

Dear Councilors,

For the record I would like to voice concern over Attorney, Christine Cook trying to stop me from giving testimony at the Joint Clark County Planning Commission/Clark County Councilor hearing, scheduled on September 10, 2015. As I approached the microphone and began to speak, she interrupted me to say that I gave testimony last week and I was allowed only one chance to give testimony, claiming Councilor Madore set that rule at the last hearing. I said I was representing an organization (which represents approximately 6,000 members and supporters) and she countered it was Clark County Citizens United and I spoke last week. or similar comments. I told her the information I was giving was different than last week, but she continued to counter. To make matters worse, Councilor Stewart sided with Ms. Cook and said it wasn't fair that I should speak again when there were others who might have wanted to speak, but didn't think they could. I then said legally she could not stop me from speaking. I proceeded with testimony, but by then some of my 3 minutes of time had been used, and I was unable to give my whole testimony verbally. This exchange from county staff and councilor was degrading and embarrassing to me. It made me look as if I was trying to be treated differently than other citizens, which certainly wasn't the case. This all happened in a public forum with an audience. I understood from the last hearing of September 3, 2015 that there were two opportunities to speak to that forum. Since I do not generally attend the Planning Commission hearings, I wanted to take advantage of having two opportunities to state different positions and comments within the combined 6 minutes of allowed testimony.

I went back to listen to exactly what was said on September 3, 2015, by Councilor Madore, as I understood it differently than Ms. Cook. The following is verbatim quotations;

*"The purpose of this evening is to make sure that we receive testimony from you. It's our turn to hear from you. There are two opportunities for citizens to make sure you have been heard. This is one of two meetings. September 3. If you testify here, you have an opportunity to speak for three minutes." "There will be another opportunity September 10 at the same time, same location here at 6:00P.M. as well. If you testify tonight, the idea is that you have been heard..... It's not an election. What we're doing is making sure that each issue, each point, each insight that you can offer us will be heard. There are two opportunities for verbal testimony...."*

Clearly Councilor Madore did not limit testimony to only one night. Certainly the Councilors would want to hear all of the testimony presented by the public regarding the Draft SEIS in as many forums as possible to get the whole picture. I understood the purpose for the joint meeting was so that people didn't have to repeat their testimony twice to commissioners and councilors and have to attend two meetings, as well. Regardless, it was not appropriate for Ms. Cook to attempt to censure my testimony in an open public forum. This speaks to the open public process requirements of the Growth Management Act as it regards public input and outreach. As a county attorney representing the councilors, Ms. Cook should have known better. Perhaps a public apology is in order.

Sincerely,

Carol Levanen, Ex. Secretary  
Clark County Citizens United, Inc.  
P.O. Box 2188

## Schroader, Kathy

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**From:** Brian Clarke <brianclarke1121@aol.com>  
**Sent:** Sunday, September 13, 2015 10:37 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** Alternate 4

I own a small tree farm in North of Battle Ground. I have been trying to keep up on the Clark County Comprehensive Plans. I will not say I truly understand it all but I do request Alternate 4 be considered/passed.

I would like to state that tree farmers as a "grouping" of people; are true stewards of the land (i.e. planting trees, water management, weed control, etc.). If we do not care for the land our trees will not grow. Additionally many of us allow the public to use our lands.

We, (my wife and I) have no plans on developing our lands. Our plans are to pass this property off to our children and future generations. However that is our choice. The choice of development or not should be that of the land owner. It is our property. It is our risk. What I mean by risk is, as I see it, people in Vancouver do not want us to develop "our" lands (for their personal reasons). I bought this property as an investment and something to pass on to my children. If I lose this investment and investment opportunity(s); for example by wild fire or by not being able to develop; will the people in Vancouver reimburse me for my loss?

If individuals or groups of individuals want to preserve large plots of land, I know of a few tree farms for sale they can buy and place into land trusts. That would be really really cool and I would personally thank them, for "putting their money where their mouth is". But that is their choice. Please allow me to make my choice for my land and my family.

Brian Clarke  
PO Box 2485  
Battle Ground, WA 98604

**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 8:10 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: FOCC Comments for CP Update and DSEIS  
**Attachments:** FOCC SDEIS & CP Comments-150914.pdf

FYI, and for the record. Thanks.

Oliver

---

**From:** David McDonald [<mailto:david@mcdonaldpc.com>]  
**Sent:** Monday, September 14, 2015 7:58 AM  
**To:** Orjiako, Oliver  
**Cc:** Cook, Christine; Sydney Reisbick  
**Subject:** FOCC Comments for CP Update and DSEIS

Mr. Orjiako:

Please find FOCC comments for inclusion in the record. Please confirm that you have received these comments for the record and if I need to provide 9 hard copies for the Councilors and Members of the PC.

Thank you for your continued assistance in this matter.

Best Regards,

David T. McDonald

FRIENDS OF CLARK COUNTY  
PO BOX 513  
VANCOUVER, WASHINGTON 98666  
[friendsofclarkcounty@tds.net](mailto:friendsofclarkcounty@tds.net)

September 14, 2015

Board of County Councilors  
Planning Commission Members  
% Mr. Oliver Orjiako, Director  
Clark County Community Planning  
1300 Franklin Street  
3<sup>rd</sup> Floor  
Vancouver, Washington 98660

Via pdf and e-mail to [Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov) and via hand delivery

Mr. Orjiako:

This letter is to respond to the letter in the record from Carol Levanen dated August 4, 2015 and the e-mail from Carol Levanen dated August 31, 2015 and correct the inaccuracies in her two submissions. I am submitting these comments on behalf of Friends of Clark County.

Both of Ms. Levanen's submissions wrongfully suggest that the County failed to comply with the rulings in Case 96-2-00080-2<sup>1</sup>. The majority of the contents of

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<sup>1</sup> In her August 31, 2015 e-mail she states the following:

"This WWGM Hearings Board Remand demonstrates that all of Judge Poyfair's orders were not followed. Instead, the Board isolated the remand to just Agri-Forest and Rural Centers and ignored action on the other orders handed down by the Superior Court. 'They' timed this remand decision to happen just after the Court of Appeals decision of 1999, counting on CCCU's attorney not being available to protest the remand action. CCCU believes that the Clark County 1994 Comprehensive Land use Plan was the most corrupt process of any in the state except perhaps Seattle. The Plan in place today, is the same plan that was adopted in the rural and resource land in 1994. It has never been changed and after over twenty years, legitimate changes must be made."

In her letter dated August 4, 2015 she makes three assertions: 1) Clark County is not in compliance with Judge Poyfair's ruling because it never did a SEPA analysis of the Agri-Forest Lands, 2) The County never complied with "the Court orders or the Order of Remand".. "No progress reports can be found and the Hearing Board only conducted a few compliance hearings for agri-forest and rural centers. 'They' failed to assure the County complied with *all* of the court orders which also included items 3) Statutory Mandate, (4) Agri-Forest Lands (6) Comprehensive Plan EIS, and (7) Rural Land Densities. This resulted in the 36,000 acres of Agri-Forest Land and the rural centers never having an EIS to support changes that did occur



these two documents is simply not supported by the record and/or totally misrepresents or obfuscates the reality of Judge Poyfair's decision and the other related legal actions.

The simple truth is that Ms. Levanen and Ms. Rasmussen, who herald themselves as the preservers of rural life despite many farmers and foresters who object to their positions, more than achieved their goals in 1990s to reduce lot sizes in the rural zone, eliminate the Agri-Forest zone, implement Rural Centers and reduce development regulations that would have provided more protective regulations of the environment.

In order to understand the claims that Ms. Levanen is wrongfully asserting, one must go back and follow the record from the filing of the first appeals that challenged the County's 1994 Comprehensive Plan to the last Compliance Order issued by the WWGMHB in 2006.

#### History of the *Achen* Appeal and *Poyfair* Remand

In 1994, after work by multiple task forces, input from thousands of citizens, scores of public hearings and intermediary and interlocutory legal actions, our County adopted our first Comprehensive Plan. A myriad of parties appealed the Comprehensive Plan to the WWGMHB. While the appeals were being litigated, Clark County executed a stipulation in WWGMHB Case No. 94-2-0014 stating that the County failed to enact interim development regulations designed to designate and protect critical areas and natural resource lands. Instead, the County relied on various combinations of existing non-GMA ordinances and zoning, which it admitted failed to meet the identification, designation or protection requirements of state law. Therefore, the County agreed to go back to the public process on their development regulations.

In September 1995, The WWGMHB issued a Final Decision and Order (FDO) in the case commonly known as *Achen et al* case of which CCCU was a Petitioner. There were 16 separate motions filed on reconsideration and the WWGMHB subsequently ruled on each of those and issued an Order on Reconsideration on December 6, 1999. Several appeals were taken from the WWGMHB FDO. However many issues of non-compliance found by the WWGMHB were not appealed and those issues were remanded to the County for compliance.

The appeals from the WWGMHB FDO and Order on Reconsideration were assigned to Clark County Superior Court Judge Poyfair. Judge Poyfair subsequently issued an opinion that reversed the WWGMHB Final Decision and Order (FDO) on several grounds and held the following: 1) The Agri-Forest designation violated GMA; 2) the County's failure to solicit meaningful public input for the Agri-Forest designation violated the public participation provisions of the GMA requiring early and continuous public participation in the development and adoption of the comprehensive plans; 3) The county failed to ensure a variety of densities in the rural area because it removed the

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later"; and 3) Some claim that some writings (no citations to the articles are provided so it is impossible to know which articles to which she refers) misconstrue the 1999 Court of Appeals opinion regarding the use of OFM numbers. (One appeal was taken from Judge Poyfair's rulings and that was an appeal by CCNRC challenging the portion of Judge Poyfair's ruling regarding the county's assertion that they were mandated to use the OFM number in determining rural population allocation).

designation of rural centers from its Community Framework Plan; 4) determined the rural population allocation based upon the use of the selected OFM number and 5) the EIS was inadequate because it failed to include the Agri-Forest designation in its analysis.

Judge Poyfair also issued an Order on Reconsideration denying various motions for reconsideration and clarification and affirming the Findings of Fact, Conclusions of Law and Order issued on April 4, 1997 with one exception, which dealt with the issue of variety of rural densities. He found that the eradication of the centers violated the planning goal of requiring a variety of rural densities and reaffirmed that the WWGMHB erred by mandating that the County use OFM projections for allocation of rural population. *See* Order on Reconsideration (June 5, 1997)<sup>2</sup>.

One piece of Judge Poyfair's ruling that CCCU continues to ignore, and most important to the current process, is that Judge Poyfair found there *was substantial evidence in the record to support the County's designation of agricultural resource lands*. CCCU did *not* appeal that portion of the Poyfair decision and it remains valid to this day.

Procedurally, Judge Poyfair remanded the case to the WWGMHB who, in turn, issued a Remand Order in August 1997 that remanded all the issues from the Poyfair decision to the County. The Remand Order stated:

Therefore, it is ordered that Clark County is not in compliance with the Growth Management Act as to those matters set forth in the separate appeals and the matter is remanded to Clark County to achieve compliance consistent with earlier orders of the Board *as modified by the Superior Court orders referenced above which are incorporated herein*. Because of the unusual scope and complexity of the issues, under the provisions of Chapter 429, Laws of 1997, Section 14(3)(b), compliance shall be achieved by March 2, 1998. The County shall submit a report on the progress it is making toward compliance by December 15, 1997.

*See WWGMHB #95-2-0067 dated August 11, 1997 (emphasis supplied).*

This remand is known as the "Poyfair Remand". As can be seen by the language of the Order, the WWGMHB remanded all issues in Judge Poyfair's ruling to the County, including the issue subsequently appealed by CCNRC. After the remand, Clark County went back to work on all of the issues ordered to be remanded to the County.

While the Poyfair Remand was being dealt with at the County level, CCNRC appealed one issue--whether or not the County was *required* to use the OFM number in determining a cap on rural population allocations. The appellate court ruled that, although GMA did not *require* the county to use OFM's projections as a cap on non-urban

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<sup>2</sup> Both the April 4, 1997 Findings of Fact, Conclusions of Law and Order and the June 5, 1997 Order on Reconsideration were drafted and submitted by CCCU's attorney.

growth, it *could* use the OFM projection number if doing so would otherwise meet the goals of the Act. Specifically, the court stated:

Without so holding, we assume that the GMA *permits* a county to use OFM's population projections when planning for lands outside its urban growth areas.

*Clark Cnty. Natural Res. Council v. Clark Cnty. Citizens United, Inc.*, 94 Wash. App. 670, 676, 972 P.2d 941, 944 (1999)(emphasis in the original)

Thus, as set forth by Judge Poyfair, GMA allows for the County to use a variety of tools for population allocation, including the OFM numbers. but does not mandate that those tools be utilized. The Court of Appeals issued its opinion on March 12, 1999. CCNRC filed a petition for review with the Washington Supreme Court but that Petition for Review was denied in November 1999.<sup>3</sup>

In addition, while the matter was pending in front of Judge Poyfair (his hearing was held on October 16, 1996), other actions were being taken on the *Achen* case. The County was attempting to comply with the portions of the WWGMHB's original FDO and Order on Reconsideration where the County was found to be non-compliant with the GMA but those findings of noncompliance were not appealed and were not in front of Judge Poyfair. Thus the process had now become bifurcated with some of the non-compliance issues being appealed to the Superior Court (Poyfair) and some of the issues being remanded to the County.

On October 1, 1996, the WWGMHB issued a Compliance Order and Order of Invalidity regarding multiple issues that had been remanded to the County pursuant to the original FDO and Order on Reconsideration that were not a part of the appeal in front of Judge Poyfair. In that October 1, 1996 Compliance Order and Order of Invalidity, the WWGMHB found the County non-compliant on a number of issues that had been remanded. One such issue involved growth in the rural area. The WWGMHB found that the work on the population allocation, and zoning and designations, in the rural areas regarding rural, resource lands and urban reserve areas to be invalid. See <http://www.gmhb.wa.gov/LoadDocument.aspx?did=866> (Compliance Order and Order of Invalidity dated October 1, 1996). This Order covered multiple areas of the County's Comprehensive Plan.<sup>4</sup> Some of those Findings and Conclusions of this new October 1,

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<sup>3</sup> The correct legal citation for the Court of Appeals' decision in *Clark County Natural Resources Council v. Clark County Citizens United, Inc.*, 94 Wash.App. 670, 677, 972 P.2d 941, *review denied*, 139 Wash.2d 1002, 989 P.2d 1136 (1999)

<sup>4</sup> 1. Include all property of the Ridgefield municipal boundaries within the UGA;

2. Eliminate the new "redesignated" UGA of the City of Camas and redesignate the area between Camas and Vancouver;

1996 Compliance Order and Order of Invalidity were appealed to the Clark County Superior Court and the appeals were assigned to Judge Nichols (Nichols I). CCCU participated in these appeals.

While the appeals were pending before Judge Nichols, the WWGMHB held another compliance hearing in October 1997 on issues where the county had been found to have been non-compliant with the GMA but which had not been appealed from the WWGHB and assigned to Judge Nichols<sup>5</sup>. So, now the original FDO and Order on

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3. Adopt appropriate criteria to determine if and/or when UGA boundaries need to be moved;
  4. Determine the proper designation of "non-prime" industrial lands outside the Vancouver UGA;
    5. Eliminate all non-prime industrial designations within the urban reserve area;
    6. Adopt development regulations to prohibit the conversion of prime industrial land to other uses;
  7. Clarify or eliminate the "no net loss" industrial policy concerning both "prime" and "non-prime" industrial lands;
  8. Eliminate any and all resource lands from the urban reserve area and place appropriate resource designations on the properties;
  9. Adopt and implement a public participation process that complies with the Act for the commercial code;
  10. Adopt techniques to buffer resource lands in accordance with the CFP and GMA. Strong consideration must be given to aggregation of non-conforming lot sizes, as well as other techniques to reduce the impact of parcelizations that occurred between 1991 and 1994. Adopt development regulations that prevent incompatible uses from encroaching on resource land areas;
  11. Increase the minimum lot sizes of rural areas located north of the "rural resource line";
  12. Adopt effective implementing DRs for existing stormwater pollution.
  13. Analyze and make appropriate changes to the capital facilities element taking into consideration the incorporated plans, the completed Vancouver capital facilities element and the increase population projection.

In order to comply with the Act, Ridgefield must take appropriate action to correctly designate and analyze all property within its boundaries.

<sup>5</sup>So, as a result of the *Achen et al* appeal to the WWGMHB, some issues were appealed (Poyfair) and some were remanded for the County to come into compliance. At a subsequent Compliance hearing on the issues that had not been appealed (Poyfair) but had been remanded to the County, there was another split and some of those findings by the WWGMHB were appealed (Nichols) while others were found to be compliant and others were remanded to the County for further work to come into compliance. Once Poyfair ruled, CCNRC appealed one aspect of his ruling (OFM numbers) but the *entire* decision was remanded to the WWGMHB and, in turn, to the County to obtain compliance. Once Nichols ruled, the Board held a hearing and re-issued a new Compliance Order and Order of Invalidity but there does not appear to be any further compliance orders or hearings on the Nichols appeal. In March of 2009, the Board held a compliance hearing on the Poyfair remand that CCCU filed a motion to dismiss that claiming that

Reconsideration were now trifurcated: 1) Some issues were in front of Judge Poyfair; 2) Some issues were in front of Judge Nichols and 3) Some of the original issues that had been remanded to the County, but not appealed, were still being handled by Compliance hearings in front of the WWGMHB.

After the October 1997 Compliance hearing, the WWGMHB issued a Compliance Order on December 17, 1997. The various parties stipulated to the following issues to be a part of the October 1997 hearing:

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CCNRC should have filed a new petition rather than have a compliance hearing on whether the County had complied with the Poyfair remand. Finally, in 2006, the WWGMHB issued a final Order in the *Achen et al* case that stated the following:

THIS Matter comes before the Board upon its order to show cause why compliance should not be found on the remaining issues in this case. The Board issued an Order to Show Cause Re: Compliance, on May 8, 2006, providing that the parties must respond no later than May 22, 2006 or the case would be dismissed. No response was received from any party.

Although compliance was shown on some issues, compliance for several remaining issues in this case has never been found in a Board order. This case has been open for a number of years without action by any party. However, on September 7, 2004, Clark County adopted a revised comprehensive plan. Several aspects of this revised comprehensive plan were challenged in a Petition for Review and eventually found compliant. See *Building Association of Clark County, et al., v. Clark County*, WWGMHB Case No. 04-2-0038c (Amended Final Decision and Order, November 23, 2005). The unchallenged portions of the revised comprehensive plan are presumed valid and deemed compliant. RCW 36.70A.320(1). Therefore, with the adoption of a revised comprehensive plan and the issuance of the November 23, 2005, Amended Decision and Order in *Building Association of Clark County, et al., v. Clark County*, WWGMHB Case No. 04-2-0038c, the Board determines that any compliance issues remaining in this case have most likely been resolved.

For that reason, the Board issued its show cause order of May 8, 2006. With the absence of any response by any party, the Board concludes that compliance should be found and this case closed.

#### **ORDER**

Based on the foregoing, COMPLIANCE on the remaining issues in this case is found and the case is CLOSED.



As some of the remand issues from our original compliance order of October 1, 1996, as modified by an order on reconsideration dated November 20, 1996, are presently on appeal to Superior Court<sup>6</sup>, a stipulated order was entered limiting the issues for this hearing. Various petitioners sent letters, dated July 29, 1997, and August 26, 1997, that expressed satisfaction with Clark County's compliance which further narrowed the scope of this hearing. The issues that were presented for the hearing on October 9, 1997, involved the size of the Camas urban growth area (UGA), UGA movement in general, resource lands (RL) that had been included in urban reserve areas (URA) instead of being designated, the capital facility plan (CFP), and stormwater. Briefing and oral argument were held contemporaneously with the compliance case of *Clark County Natural Resources et al., v. Clark County, et al., #96-2-0017, (CCNRC II)*<sup>7</sup>.

Judge Nichols eventually ruled that the WWGMB had improperly placed the burden of showing compliance upon the local government and remanded the case to assign the burden of proof to the petitioners to show lack of compliance and that the Order of Invalidity had to be reconsidered. He also found that Clark County's appeal of issues determined in the original FDO of September 20, 1995, was untimely. *See Clark*

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<sup>6</sup> The Nichols' appeal.

<sup>7</sup> That order was issued December 2, 1997 and held that: In this case, the WWGMHB held that "Clark County is not in compliance with the Act with regard to designation and protection of critical aquifer recharge areas. The existing protections are not consistent with Clark County's CP and or CFP. In order to comply with the Act, Clark County must adequately identify critical aquifer recharge areas and adopt development regulations that protect those identified areas. Clark County is not in compliance with the Act with regard to geological hazard area designations and has not adopted development regulations to protect those areas. In order to comply with the Act, Clark County must designate geological hazardous areas and adopt appropriate development regulations for their protection. Clark County is not in compliance with the Act because of its failure to designate fish and wildlife habitat conservation areas of local importance, its failure to establish a "review trigger" area surrounding priority habitat and species areas, its failure to apply development regulations to all priority habitat and species areas involved in conversion of forest lands to pasture lands, the exemption of subsection 2(a)(c) and (d) application to all priority habitat and species areas and its failure to provide adequate buffers for Type 1 through 5 waterways including Type 5 waterways in rural areas and its failure to provide a specific measuring standard for establishment of those buffer areas. In order to comply with the Act the County must make the appropriate FWH designations and adopt DRs that protect FWH."



*County v. Western Washington Growth Management Hearings Board*, Superior Court Case No.96-2-05498-8 Dated December 31, 1997<sup>8</sup>(Nichols I).

On February 5, 1998, the WWGMHB issued a new Compliance Order and Order of Invalidity in response to Judge Nichols' ruling using Judge Nichols' burden allocation. In that Compliance Order and Order of Invalidity, the WWGMHB held that the County was out of compliance on the following four issues:

1. Policies and development regulations (DRs) relating to future adjustments to UGAs (if different issue than the December 17, 1997, order) are not in compliance;
2. Policies and DRs to eliminate non-prime industrial designations in urban reserve areas as set forth in the November 22, 1996, order on reconsideration are not in compliance;
3. Failure to increase of the minimum density in rural areas north of the east fork of the Lewis River to an appropriate size that is greater than 5 acres<sup>9</sup> is in violation of the GMA;
4. Failure to develop policies and DRs designed to buffer resource lands and limit encroaching development in rural and resource areas is not in compliance.

In addition, the Order also reaffirmed the Order of Invalidity as to CCC 18.302, 18.303, 18.305, and those sections of Ordinance 1996-05-01 relating to resource lands and rural lands as they substantially interfered with goals 1, 8, 9, and 10 of the Act<sup>10</sup>. The WWGHMB affirmed that decision in an Order on Reconsideration issued April 30, 1998.

Clark County took an appeal from that February 5, 1998 Order and April 30, 1998 Order on Reconsideration (and, again, CCCU participated in that appeal). The case was again assigned to Judge Nichols (Nichols II). *Clark County v. Western Washington Growth Management Hearings Board*, Superior Court Case No. 98-2-02032-0. On August 20, 1999, the Court issued a "Partial Judgment" solely as to the Order of Invalidity and stated that the Partial Judgment "overturned and overruled" the WWGMHB's Order of Invalidity that was part of the February 5, 1998 and April 8, 1999 WWGMHB Orders. The "Partial Judgment" was based on an Opinion by Judge Nichols dated July 1, 1999 that held that the County had discretion under GMA to use a 5 acre minimum rural lot size (1 unit per minimum 5 acres). The "partial judgment" was entered, the Order of Invalidity lifted as to

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<sup>8</sup> Judge Nichols also issued a letter opinion on December 10, 1997, which formed the basis for the Remand Order dated December 31, 1997.

<sup>9</sup> As set forth below, the original FEIS recommended 10-15 acre minimums in the rural zones.

<sup>10</sup> I have no records of what happened after this Order. There is not any further opinions that I have found addressing the issues that were subject of Judge Nichols' ruling.

all of the issues on the appeal and the 5 acre minimum lot size in the rural area remained intact, and remains to this day. No parties took further action on this appeal.

While the CCNRC appeal of the OFM issue from the Poyfair's ruling was pending in the Court of Appeals, and the other cases were pending in front of Judge Nichols, the County went to work to achieve compliance with Judge Poyfair's Order<sup>8</sup>. As a result of the Poyfair Remand, the County engaged in an extensive public participation process as to both the Rural Activity Centers issue (which had been stripped from the original CP) and the Agri-Forest designation issue. These two components of the Remand involved 38,000 acres of land in the rural area that were eventually upzoned in order to obtain the variety of rural densities required by the Poyfair rulings.

The WWGMHB held a compliance hearing on the Poyfair Remand on March 10, 1999<sup>11</sup>, two days *before* the Court of Appeals issued its decision in the CCNRC appeal of Judge Poyfair's order regarding the use of the OFM number. CCCU filed a motion to dismiss the compliance proceeding on March 2, 1999 challenging the jurisdiction of the WWGMHB to hear CCNRC allegations that the County was still non-compliant because it had eliminated the Agri-Forest Zone and created the Rural Centers.

In order to meet the public participation component that Judge Poyfair said was lacking in the original process, the County convened two separate Task Forces, one to evaluate the Agri-Forest<sup>12</sup> designation and one to evaluate the Rural Centers designation. These task forces were made up of a variety of individuals and met multiple times. Both task forces wrestled with the myriad of issues involved. Ultimately, the Task Forces provided reports (majority reports and minority reports) to the Planning Commission and the Board of County Commissioners.

Most importantly, the Findings of the Agri-Forest Task Force were as follows:

- "Generally recognized and maintained consistency with immediately surrounding lot sizes, referred to as "what is" in task force deliberations.

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<sup>11</sup> This writer does not know why the hearing was held in March 1998 instead of March 1997 but as set forth in the body of the May 11, 1999 Compliance Order, the delay was attributed to the Petitioners *Achen et al.*

<sup>12</sup> The County appointed a 13-member task force composed of a variety of stakeholders with interest in this issue. The public participation process involved 17 different task force meetings at which public comment was solicited and received, four separate open house meetings resulting in written comment, two separate direct mailings to all property owners within the 35,000 acres, newsletters, press releases, ads and use of the County website. After the task force issued its final report to the planning commission (PC), the PC held a public hearing and issued a recommendation to the BOCC. The BOCC then held two public hearings on May 19, 1998, and May 28, 1998, and held four separate deliberative open meeting sessions. The public participation in this record was shown to be not only "early and continuous" but also extensive. The County should be justifiably proud of the manner in which it conducted this public participation process.

- Recognized pre-GMA designations, and limit (sic) associated down zoning.
- Generally utilize larger lot designations in the northern portions of the County than in the southern portion.
- Predominantly applied transitional designations, typically Rural 10, to properties which form a transition from resource designations to rural designations.
- Predominantly apply a Rural 10 designate (sic) 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.”

See WWGMHB Compliance Order “Poyfair Remand” dated May 11, 1999.

The above Findings were based on what was available to the Task Force members including the following:

The task force had been supplied with a series of maps (Ex. 235-247) and other materials noted in Ex. 84. The maps showed parcel size, agricultural or forest soil suitability, current and pre-GMA zoning designations, current use taxation status, aerial photographs, pending plat or segregation requests, recent lot creation status, habitat areas, wetlands, steep slopes and utility lines. Ex.80 demonstrated that the task force also considered post-1990 parcels, land values under alternative uses and eco-system importance. Ex. 80 set forth the criteria (statutory, WAC, BOCC and task force,) that were considered by the individual members. Included was a staff report dated May 4, 1998 (Ex. 12), which pointed out that prior to GMA approximately 80% of the 35,000 acres had been designated in non-resource classifications. *None of the approximately 7,000 acres of pre- GMA resource designation (35,000 x 20%) survived to become GMA-RL-designated areas.*

See WWGMHB Compliance Order “Poyfair Remand” dated May 11, 1999.

At this point, I want to point out that in the present case, CCCU is complaining that the process undertaken above never happened. Rural property owners and stakeholders had a big seat at the table and were provided a plethora of documents, maps, and information that were used to make the final decision. Rural stakeholders were not cut out of the process and there was considerable consideration of the nature of the

rural area both pre, and post, the passage of the GMA in 1990. As can be seen from the above, the current claims by CCCU are simply unsupportable. One prime example is that 7,000<sup>13</sup> acres that had been designated as resource land *prior* to the passage of GMA was now being excluded from resource designation based upon objections and or analysis that was conducted by rural property stakeholders. Moreover, as detailed below, CCCU did not challenge the County's determinations on these issues. In fact, as will be seen, CCCU was in accord with the final determination of the BOCC after it completed its work in late May 1998.

Prior to the March 10, 1999 Compliance Hearing on the Poyfair Remand, not only did CCCU not make *any* claim that the County was not in compliance with Judge Poyfair's order, CCCU's filed a motion to dismiss that sought *to prevent the WWGMHB from reviewing the County's decisions to eliminate the Agri-Forest Zone and to create the Rural Centers*.<sup>14</sup> CCCU placed nothing in the record at the Compliance Hearing, either in pleadings or at the hearing, that the County was not in compliance with Poyfair's Order, much less the GMA<sup>15</sup>. Yet, CCCU acted affirmatively to prevent the County's actions in response to the Poyfair Remand to be reviewed by the WWGMHB for compliance.

Also, and despite Ms. Levanen's protestations to the contrary, CCCU was not hamstrung at all in litigating any matter and had plenty of opportunity to pursue the matter as evidenced by the fact that CCCU appealed a portion of this Compliance Order to Clark County Superior Court. *See CCCU v. WWGMHB*, Clark County Superior Court Case No. (99-2-02394-7)(Bennett Appeal). During this appeal, CCCU asked Judge Bennett for an Order requiring that the County to comply with the *City of Redmond's* decision. *See Clark County Superior Court Case # 99-2-02394-7* dated August 9, 1999 (filed August 27,1999). Again, during this appeal, CCCU never claimed that the County failed to comply with Poyfair's Order in any respect. To be clear, CCCU was present

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<sup>13</sup> If one takes the 36,000 acres out of the Agri-Forest zone, that allowed for approximately 7,200 rural 5 acre minimum residential lots.

<sup>14</sup> As evidenced by CCCU's actions and the language in the Compliance Order, CCCU was pleased with these two determinations by the County, were distrustful of the WWGMHB and did not want the WWGMHB to review out of a concern that they might not find the County's actions in compliance with the GMA. CCCU participated in this compliance hearing and did not raise any issues that alleged the County had not complied with Judge Poyfair's Order. Given the dissent, there was some basis to believe the WWGMHB might have found non-compliance. *See Dissent by William Neilsen*.

<sup>15</sup> In fact the Compliance Order specifically states:

"As a result of the remand, the County engaged in an extensive public participation process as to both the rural activity centers issue and the agri-forest designation issue. There was no challenge to those processes. Petitioners Clark County Natural Resource Council, et al., (CCNRC) directed their challenges to the substantive outcome of both issues. Original petitioners N. Lackamas and *CCCU supported the County's actions*. Participant Lewis River Land Company, LLC (LRLC) also supported the County's actions in designating its property other than RL. Those 4 groups will hereafter generally be referred to as respondents." (emphasis supplied)

with legal counsel in all four Clark County Superior Court Appeals, as well as the Poyfair Remand Compliance hearing, but never did CCCU ever request the WWGMHB to find that the County was not in compliance with the Poyfair Remand. They cannot now credibly claim the contrary.

The May 11, 1999 Order was the second to last Order on any request, by any party, to find that the County had, or had not, complied with any WWGMHB Order on the original *Achen et al* appeals. The last Compliance hearing that the parties had a right to participate in was in 2000 regarding the transportation component. Only CCNRC and the County participated in that hearing.

On May 8, 2006, 2 years after the County issued its new 2004 Comprehensive Plan, the WWGMHB issued an Order to Show Cause Re: Compliance in *Achen*. Specifically, the OSC had a provision that the parties must respond no later than May 22, 2006 or the case would be dismissed. No response was received from any party including CCCU. The WWGMHB issued an Order Finding Compliance and Closing Case.<sup>16</sup> Therefore, the County is legally compliant with the Poyfair Remand.

#### Ms. Levanen's Claims/E-mail

The County is also factually compliant with the "Poyfair Remand". Ms. Levanen asserts that because the Compliance hearing in March 1999 only addressed the

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<sup>16</sup> The Order stated:

Although compliance was shown on some issues, compliance for several remaining issues in this case has never been found in a Board order. This case has been open for a number of years without action by any party. However, on September 7, 2004, Clark County adopted a revised comprehensive plan. Several aspects of this revised comprehensive plan were challenged in a Petition for Review and eventually found compliant. See *Building Association of Clark County, et al., v. Clark County*, WWGMHB Case No. 04-2-0038c (Amended Final Decision and Order, November 23, 2005). The unchallenged portions of the revised comprehensive plan are presumed valid and deemed compliant. RCW 36.70A.320(1). Therefore, with the adoption of a revised comprehensive plan and the issuance of the November 23, 2005, Amended Decision and Order in *Building Association of Clark County, et al., v. Clark County*, WWGMHB Case No. 04-2-0038c, the Board determines that any compliance issues remaining in this case have most likely been resolved.

For that reason, the Board issued its show cause order of May 8, 2006. With the absence of any response by any party, the Board concludes that compliance should be found and this case closed.

#### **ORDER**

Based on the foregoing, COMPLIANCE on the remaining issues in this case is found and the case is CLOSED (emphasis supplied).



Agri-Forest and Rural Centers issues, it failed to address whether the County was now in compliance with all portions of the issues remanded to the County as part of the Poyfair Remand. Nothing could be farther from the truth.

The foundation of Poyfair's Orders was that because the county added in the Agri-Forest designation and excised the rural centers at the 11<sup>th</sup> hour of the process, it skewed the rural designations and failed to comply with the GMA. By going back and meticulously and painstakingly going through a very contentious process, for all intents and purposes, the County eliminated the Agri-Forest Zone and created larger Rural Centers than had been initially contemplated.

Ms. Levanen says that because the other issues were not addressed by the WWGMHB, they are presumed non-compliant. Her claim is legally false and ignores the fact the CCCU did *not* want the WWGMHB to review the County's compliance because it was in favor of CCCU. If CCCU felt that the County was non-compliant at that time, instead of trying to prevent the WWGMHB from determining compliance, CCCU could have easily, as they were doing in multiple appeals, *they could have raised all of those issues at that time.* CCCU cannot now claim no compliance after forfeiting the rights to request the WWGMHB to find non-compliance and attempting to stymie the WWGMHB from hearing the compliance issues that were raised by CCNRC.

The basic principle is that the burden is on the party claiming non-compliance to show the County is non-compliant. *See* Order date December 31, 1997 (Nichols I) and Compliance Order and Order of Invalidation dated February 5, 1997 (holding that Superior Court held that burden is on party asserting non-compliance to prove County is non-compliant-precursor to Nichols II). However, once a finding of Invalidation has been made by the WWGMHB, the burden is on the party challenging Invalidation to prove that Invalidation is not appropriate.

Therefore, all CCCU had to do was to assert and prove that the County was not in compliance with Poyfair's Order at any Compliance hearing (and the March 10, 1999 would have been the logical one because all parties were present and the WWGMHB was trying to determine if the Comp Plan was now in compliance with the GMA by striking the Agri-Forest Designation and creating the Rural Activity Centers). As stated, the elimination of the Agri-Forest designation, and creation of the Rural Centers, were two of the main components of the Poyfair Order. Judge Poyfair's Order states "The eradication of the centers (rural centers) violates the planning goal requiring a variety of residential densities." So, the County put the Rural Centers back in, and expanded the boundaries of those Centers. The County's position in front of the WWGMHB was that the removal of the Agri-Forest designation along with creation of the Rural Centers brought them into compliance with Judge Poyfair's Order and CCCU agreed implicitly and explicitly.

Ms. Levanen also claims that the County is out of compliance with the Poyfair Remand regarding SEPA. She is again, factually and legally incorrect. Although, it is not clear if the County did a supplemental FEIS on Remand, there was no need for the County to conduct such a review because the FEIS was *only* found to be



inadequate because the analysis: 1) failed to include an analysis of the Agri-Forest designation and 2) failed to address the exclusion of the Rural Centers. Once the County eliminated the Agri-Forest designation, and put the rural centers back into the Comprehensive Plan, there was no longer a SEPA violation. Moreover, the County's Comprehensive Plan has had to comply with SEPA since the Remand in 2004 and 2007. There have been no challenges to the SEPA analysis of which I am aware and therefore, it has complied with SEPA.

Ms. Levanen states that ““They”<sup>17</sup> timed the Compliance decision to happen just after the Court of Appeals decision of 1999, counting on CCCU's attorney not being available to protest the remand action”. This statement is not only factually incorrect, the record shows the opposite occurred and CCCU and their attorneys participated fully in all of the proceedings.

No one outside the Court of Appeals knows when the Court is going to release its opinions. Therefore, the WWGMHB would not have known when the Court of Appeals was going to release its opinion in the CCNRC appeal of Judge Poyfair's Conclusion of Law. Even if the WWGMHB had that knowledge, it is irrelevant because the Compliance Hearing occurred on March 10, 1999, two days *before* the Court of Appeals released its opinion. Moreover, any claim that the CCCU attorney's ability to act was compromised in anyway is unsupportable given that CCCU's attorney filed the motion to dismiss on March 2, 1999, 8 days *before* the Compliance Hearing and 10 days *before* the Court of Appeals issued its decision. In addition, CCCU's attorney appealed the Order from the March 10, 1999 Compliance Order.

Therefore, Ms. Levanen's claim that the timing of the Compliance hearing was compromised by the issuance of the Court of Appeals' opinion is totally unsupportable since CCCU filed motions to dismiss the compliance hearing, and participated in the compliance hearing, *before* the Court of Appeals rendered its decision.

Ms. Levanen states that, “The Plan in place today, is the same plan that was adopted in the rural and resource land in 1994. It has never been changed and after over twenty years, legitimate changes must be made.” This is patently false. The 1994 plan had 35,000 acres of Agri-Forest land designated. After the Poyfair Remand, all but 3,500 acres of that land was removed from Resource Land<sup>18</sup>. The 1994 plan eliminated Rural Centers, which were reinstated as part of the Poyfair remand and are now part of the current Comprehensive Plan that has been found compliant.

There are now a variety of rural densities in the Comprehensive Plan as evidenced by 3000 acres in the Rural Centers and the elimination of the Agri-Forest

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<sup>17</sup> This writer believes that she is referring to the WWGMHB.

<sup>18</sup> The WWGMHB decision which disallowed the 3500 acres was appealed to the Superior Court by CCCU whose attorney filed a Motion For Judgment on the pleadings (Bennett Appeal) that the Court granted and then remanded to the Growth Board to consider in light of the Supreme Court case in *Redmond*. This writer is still unclear if the 3500 acres remained in resource land designation or reverted to 5 acre rural designation.

Resource lands. Moreover, in 2007, thousands of acres of resource land was de-designated and put into the Urban Growth Areas and/or annexed into city boundaries. New development regulations changed the way that the County dealt with timber lands<sup>19</sup> and, in some cases, allowed conversion of those lands to non-resource development. All of these changes, among others, have occurred over the 21 years since the original passage of the 1994 plan.

Finally, any claim that the voices of the rural residents have not been heeded since the inception of the GMA process is factually unsupportable. The County originally planned for 10-15 acre rural minimum lot sizes (not for resource lands but for just the rural zone). If one goes back and looks at the original FEIS<sup>20</sup> that Ms. Levanen mightly claims should have been redone, it is apparent that the rural people eventually convinced the county and the courts to reduce those minimums to the 5-acre minimum that the County ultimately imposed that minimum lot requirement<sup>21</sup>.

The County staff had originally recommended either 10 or 15-acre minimum rural residential lot sizes north of the Resource Line (East Fork Lewis River) but that was ultimately rejected. In addition, the original Wetlands Ordinance was

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<sup>19</sup> The County convened a Forest Conversion Task Force that consisted of myself, three local tree farmers, a representative of DNR and a representative of WDFW and that Task Force developed a comprehensive set of regulations for protection and conversion of forest lands.

<sup>20</sup> The Final EIS for the County's Growth Management plans focuses its attention on Alternatives B and C. Alternative B provided for 10 acre minimum lot sizes north of the East Fork of the Lewis River, and Alternative C provided for 15 acre minimum lot sizes north of the East Fork of the Lewis River. See, FEIS at II-11, 15. In support of the 15 acre rural lot size, the FEIS states at II-16 "minimum lot sizes in rural areas (15 acres) and for resources land would be larger and reflect the recommendation of the Washington State Department of Natural Resources (DNR)) and DCTED for minimum lot sizes in resource lands.

The FEIS also included an Alternative A, which was a continuation of the County's existing policies, including 5 acre lots. However, the FEIS concluded that continuation of the County's then current Rural Land Use Policies would not be consistent with the County's Community Framework Plan, nor the intent of the GMA. As the FEIS indicates at II-8 under Alternative A the policies of the adopted Comprehensive Plans would remain in effect. "This alternative may not meet the intent of the CFP (Community Framework Plan), and would be difficult to reconcile with the intents of the GMA to concentrate urban development in cities".

The FEIS goes on to note the virtues of large rural lot sizes north of the East Fork of the Lewis River. As it states at III-9:

Alternative B would protect rural and resource lands from urban types of development. Areas outside of designated UGAs would not receive urban levels of service. Lots in rural areas would be a minimum of five acres in size in the southwestern portion of the County, and 10 acres north of the East Fork of the Lewis River and east of 182<sup>nd</sup> Street. This would allow residents to keep animals and engage in small-scale farming and resource-based industries such as commercial forestry, Christmas tree operations, dairying, berry farming, orchards, and mining.. Supporting commercial and public uses would be concentrate d in designated Villages or Hamlets. Rural lands would also serve as buffers between resource lands and urban areas.

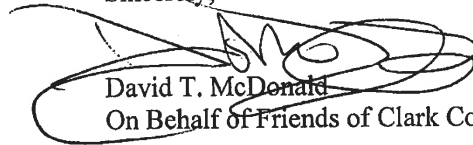
<sup>21</sup> Although the WWGMHB found the 5 acre rural zone non-compliant and issued an Order of Invalidity, Judge Nichols reversed that Order (Nichols II).

dramatically changed after an outcry from organized groups from the rural area led by Chuck Cushman. Moreover, there were many rural stakeholders on the Task Forces<sup>22</sup> that were appointed as part of the Poyfair Remand and those voices spoke in the various reports that were issued.

Public hearings went long into the night and, in an effort to have more rural stakeholders present at those hearings, some public hearings were held at LaCenter High School rather than in downtown Vancouver. Certainly, there were many, many issues with the development of the original plan. Citizens, the County, the WWGMHB and the Courts were all trying to interpret what the real requirements of the GMA were, and how to comply. In addition, as the County was going through its processes, amendments were being made to the GMA in the legislature and after almost 6 years, the 1994 plan was compliant with all of the directives of the courts and with the tacit or explicit assent of all the parties.

Thank you for allowing me to comment on the history of the County's actions and the claims being made by CCCU. Please submit these comments to the record on both the Comprehensive Plan update and the DSEIS. I hope staff, the Planning Commission Members and the Board of County Councilors find this to be of assistance as they weigh the issues in front of them.

Sincerely,

A handwritten signature in black ink, appearing to read "David T. McDonald", is written over a circular stamp or seal. The signature is fluid and somewhat stylized.

David T. McDonald  
On Behalf of Friends of Clark County

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<sup>22</sup> Lonnie Moss, one of the founders of CCCU was also a member of the County Planning Commission during the remand period.

## Schroader, Kathy

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**From:** Thomas York <tomsharie@tds.net>  
**Sent:** Monday, September 14, 2015 10:06 AM  
**To:** Cnty 2016 Comp Plan  
**Subject:** growth plan for clark county

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello, my name is Tom York. My wife my son and I live on a twenty acre piece of property just north of Daybreak county park. We think that the only alternative for growth that makes any sense is: alternative 1. The reason for this thinking is: 1) splitting north Clark county into small pieces would ruin what myself and many others call "Rural Life". If it were all split up, it wouldn't be rural anymore. It would be a traffic jam. I already get that in town. It is nice to go home away from traffic jams. Who is going to pay for the huge road improvements needed to do all that development. Heck, I live right up the street from Tom Mielke and we don't even have lines on that county road. I guess infrastructure isn't on the councilors agenda. 2) what about farms in north Clark county? My property for example would be split up whether I want it to be or not. Therefore, creating more taxes for my family and myself. I have worked in the construction industry my entire life. I have seen Clark county turn into a comfortable relaxing area into a unplanned sprawling developers playground. This kind of pattern will just create a million tiny lots with millions of cars everywhere. Oh, and of course, everybody going to Portland for a job. Everybody who lives here knows that there isn't any family wage earning jobs in Clark county. Farms, especially vineyards are starting here in Clark county all over the place. Do you really think a 1 acre vineyard will every make much wine? What you are proposing is totally thought out for a very few people. I can think of two in particular: Mrs. Rasmussen and Mrs. Levanan. Alternative four is totally unsustainable for farmers. How about all the septic systems that will be needed for alternative four. A lot of north Clark county is very flat and does not perk due to high clay in the soil. How is that going to work? Community drainfields? Guess what, I live right next to a community drainfield and it floods my property every winter illegally. The county somehow made that legal however. I guess I could go on and on with so many issues that Clark county will run into by following any alternative other than 1 but I think the county officials are smart enough to figure that out for themselves. I hope that the current councilors read this and go with alternative 1 because it is the only one that makes any sense. Tom York.

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Monday, September 14, 2015 10:08 AM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: Input from last Thursday  
**Attachments:** Final 9 10 15 DSEIS input joint hearing.doc

FYI, and for the index record. Thanks.

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**From:** Sydney Reisbick [<mailto:reisbicks@comcast.net>]  
**Sent:** Monday, September 14, 2015 6:57 AM  
**To:** Orjiako, Oliver  
**Subject:** Input from last Thursday

Good morning Oliver:  
Hope you are well and fit.  
Here is my input from last Thursday's DSEIS hearing, since there may have not been enough copies to get to you.  
There will be a larger input from FOCC following our board meeting on Tuesday.  
Best wishes,  
Sydney

Board of County Commissioners  
Clark County Planning Commission  
1300 Franklin St  
Vancouver, WA 98660

Sydney Reisbick  
PO Box 339  
Ridgefield, WA 98642  
September 10, 2015

Input for the Draft Supplemental Environmental Impact Statement (DSEIS), for the 2016 Growth Management Plan (GMP) Alternatives for the Comprehensive Plan, Second Hearing.

The bottom line points are that the Draft Supplemental Environmental Impact Statement (DSEIS) fails totally to discuss the quantitative effects of the alternatives on the environment and rural life. Because of the above this the DSEIS is not an adequate analysis for creating a Preferred Alternative. Finally, Alternative 4, with its countywide rezoning and changes in minimum lot sizes, violates the goals of the Growth Management Act and significantly changes the nature of rural character.

The DSEIS does not provide quantitative analysis of any of the alternative's impacts on water (streams, aquifers and wells), wildlife and fish habitat, resource lands (protection and use there of), infrastructure (traffic trips, utility services), human health (physical and mental), affordable housing, or transit. The DSEIS does not quantify these effects of the alternatives on Cities, rural centers or rural life. It states that mitigation is possible but does not define the necessary mitigations or give the effects or costs of mitigations.

Clearly, Alternative 1 will do the least damage to rural character. Current development has already added many wells. Even Alternative 1 will continue to affect rural water systems, ability to use resource lands, and habitat (see Dennis Dykes, submitted today).

Private land rights are only one of the many factors to balance within rural character and are not a Growth Management Hearings Board (GMHB) issue. The maintenance of rural character is. The courts have found Alternative 1 and its zoning consonant with both Growth Management and State law on land rights. (Input from Atty. David McDonald).

Again, the DSEIS fails quantitative analysis and it fails as an adequate basis for a final alternative. Alternative 4 violates the goals of the Growth Management Act.



**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Tuesday, September 15, 2015 8:30 AM  
**To:** Alvarez, Jose; Anderson, Colete; Euler, Gordon  
**Cc:** Schroader, Kathy  
**Subject:** FW: FOCC Comments DSEIS/CP Update September 15, 2015  
**Attachments:** FOCC-Comments DSEIS & CP-150915.pdf

All:

Additional comment from Mr. David McDonald for the record. Thanks.

Oliver

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**From:** David McDonald [<mailto:david@mcdonaldpc.com>]  
**Sent:** Tuesday, September 15, 2015 7:47 AM  
**To:** Orjiako, Oliver  
**Cc:** Euler, Gordon  
**Subject:** FOCC Comments DSEIS/CP Update September 15, 2015

Dear Mr. Orjiako:

Attached please find a letter with further comments from FOCC that we would like submitted for the record. I will drop the actual maps off later today as they are quite large.

Thank you for your assistance in this matter.

Best Regards,

David

FRIENDS OF CLARK COUNTY  
PO BOX 513  
VANCOUVER, WASHINGTON 98666  
[friendsofclarkcounty@tds.net](mailto:friendsofclarkcounty@tds.net)

September 15, 2015

Board of County Councilors  
Planning Commission Members  
% Mr. Oliver Orjiako, Director  
Clark County Community Planning  
1300 Franklin Street  
3<sup>rd</sup> Floor  
Vancouver, Washington 98660

Via pdf and e-mail to [Oliver.Orjiako@clark.wa.gov](mailto:Oliver.Orjiako@clark.wa.gov) and via hand delivery

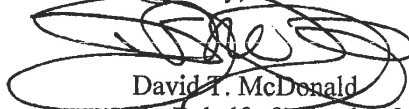
Dear Mr. Orjiako:

Please accept these additional comments from and documents from FOCC for the DSEIS process and the Comprehensive Plan update. The documents come in the form of several maps created by Clark County GIS. Specifically, the maps are as follows:

1. Woodland Suitability Group Productivity Class for Clark County Washington;
2. Land Capability Classes for Clark County, Washington; and
3. Soil Types for Clark County, Washington.

FOCC suggests that these County maps show that the County has zoned for larger lot resource land parcels in accordance with the appropriate soil types and land capabilities. We hope that the decision makers find this maps of assistance in their deliberations.

Sincerely,



David T. McDonald  
On Behalf of Friends of Clark County

Maps only by hand delivery

# SOIL CAPABILITIES FOR FOREST USE

## COMPREHENSIVE PLAN

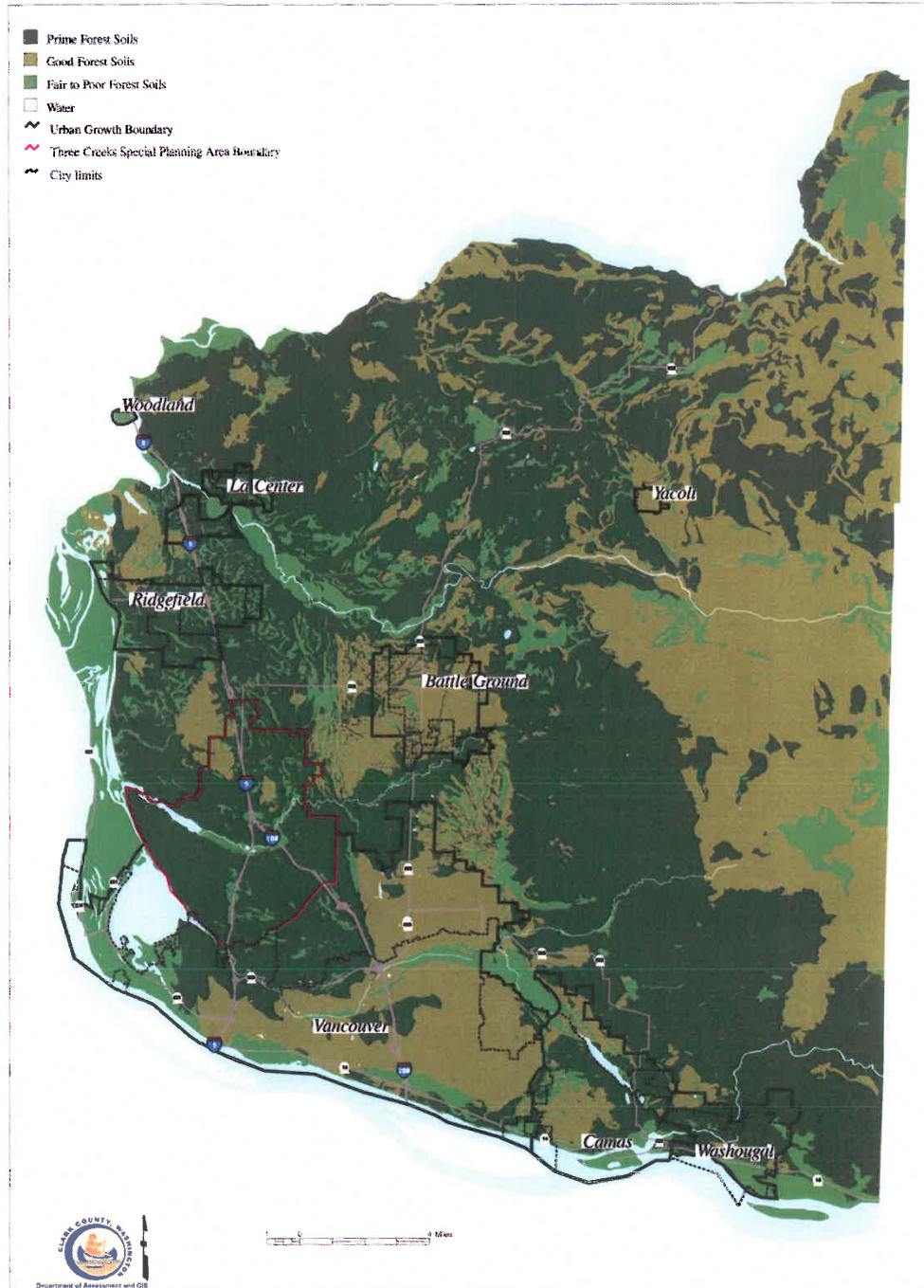
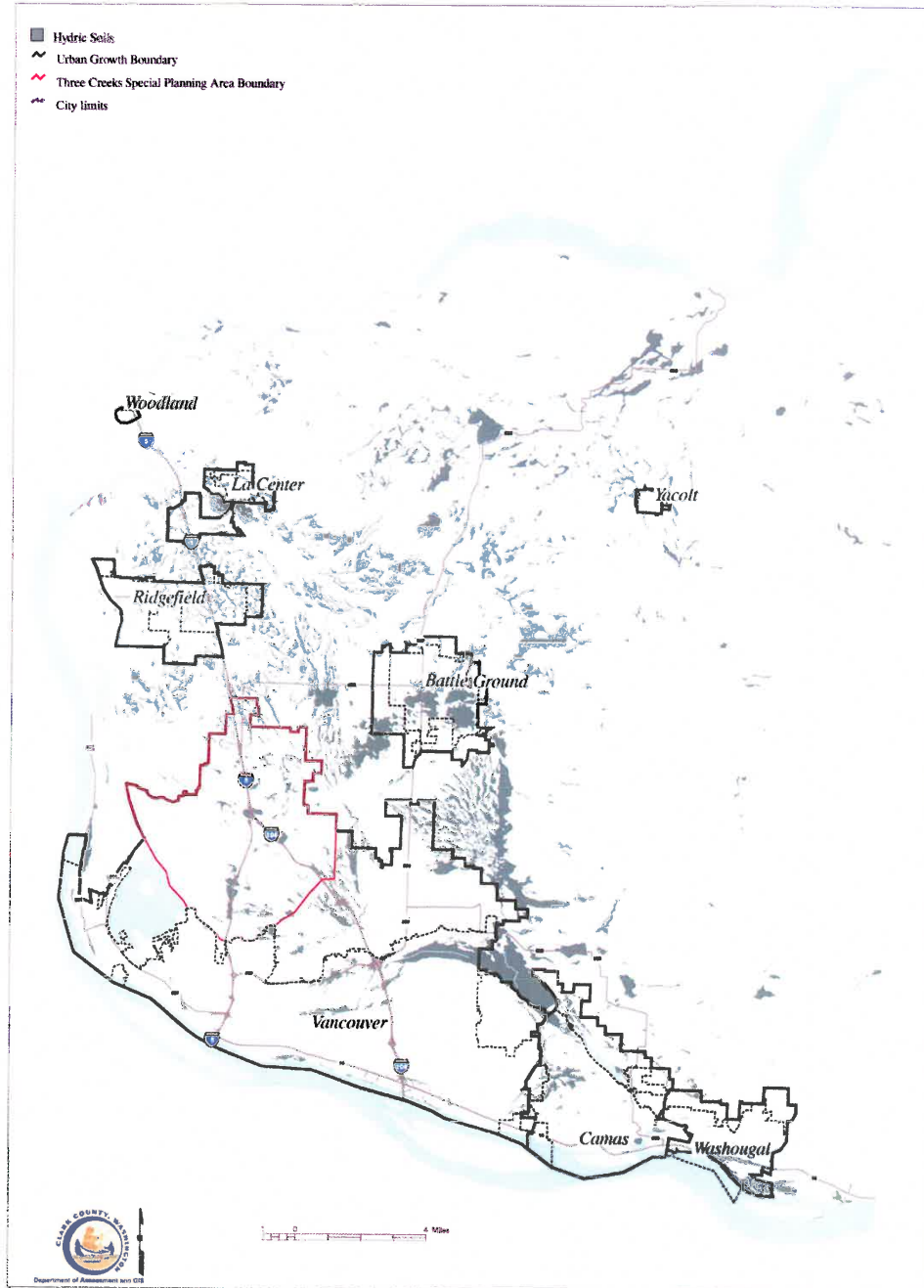


FIGURE 71

# HYDRIC SOILS

## COMPREHENSIVE PLAN





# SOIL CAPABILITIES FOR AGRICULTURAL USE

## COMPREHENSIVE PLAN

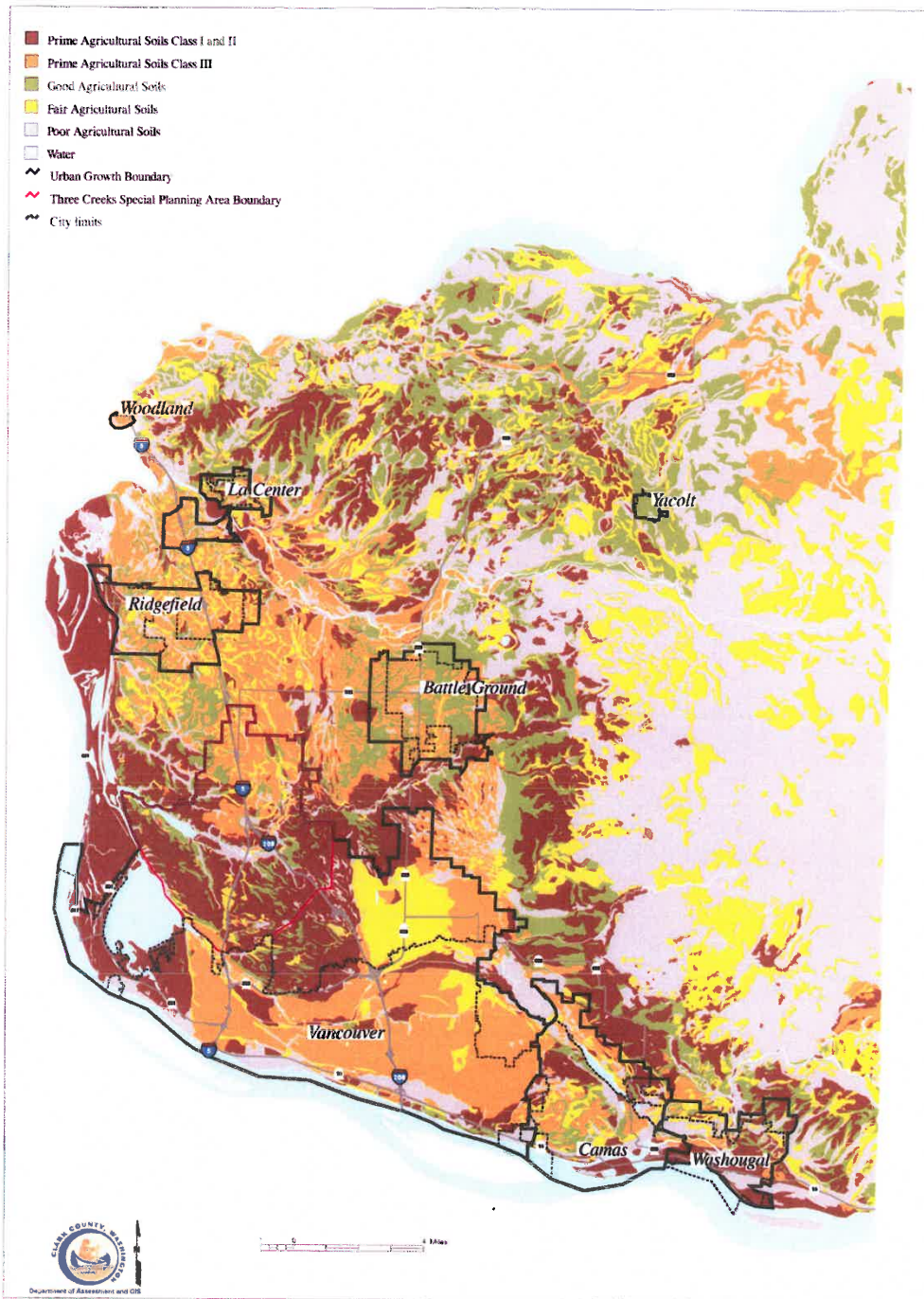
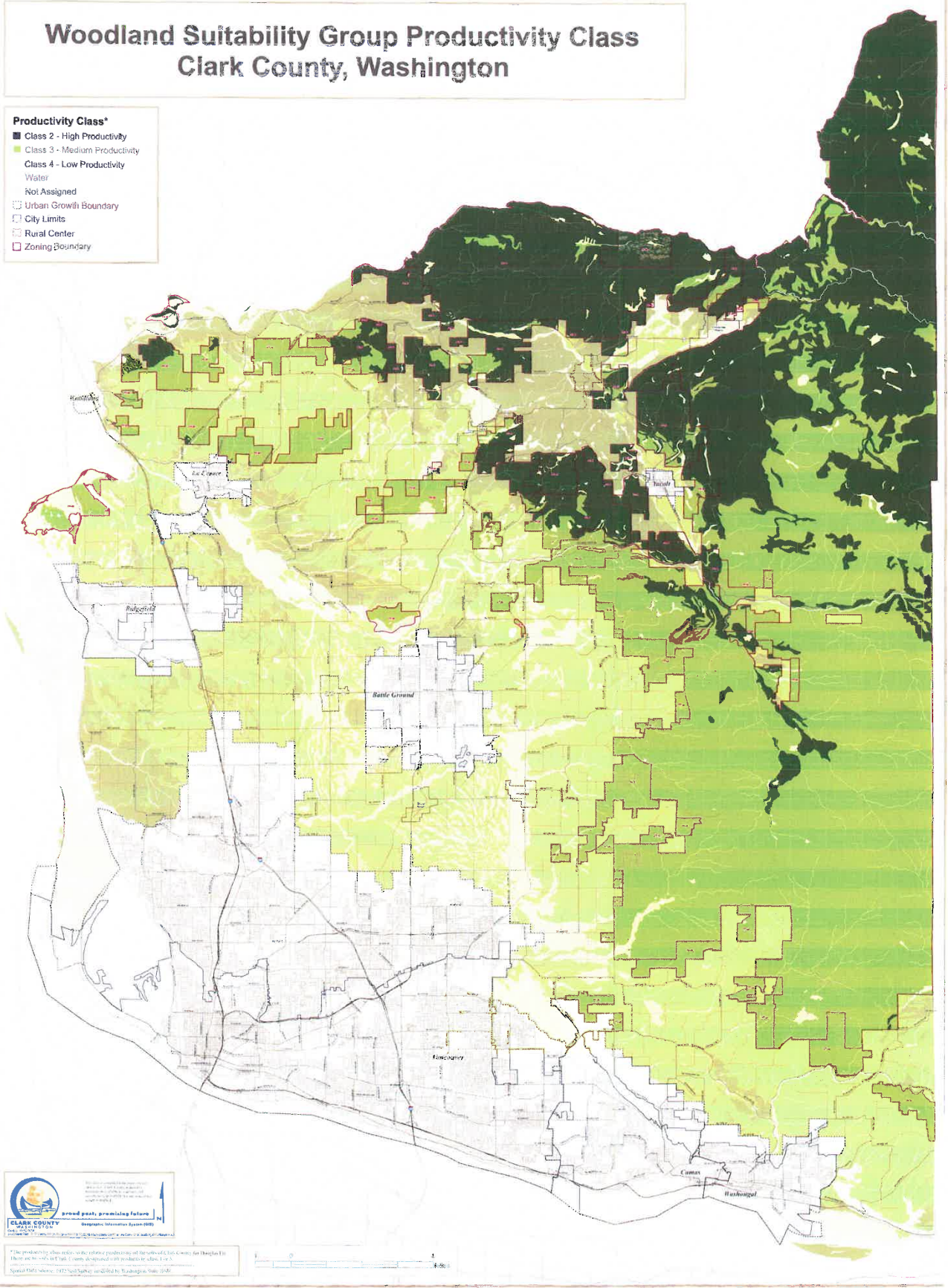


FIGURE 22

# Woodland Suitability Group Productivity Class Clark County, Washington

- Productivity Class\***
- Class 2 - High Productivity
  - Class 3 - Medium Productivity
  - Class 4 - Low Productivity
- Water
- Not Assigned
- Urban Growth Boundary
  - City Limits
  - Rural Center
  - Zoning Boundary

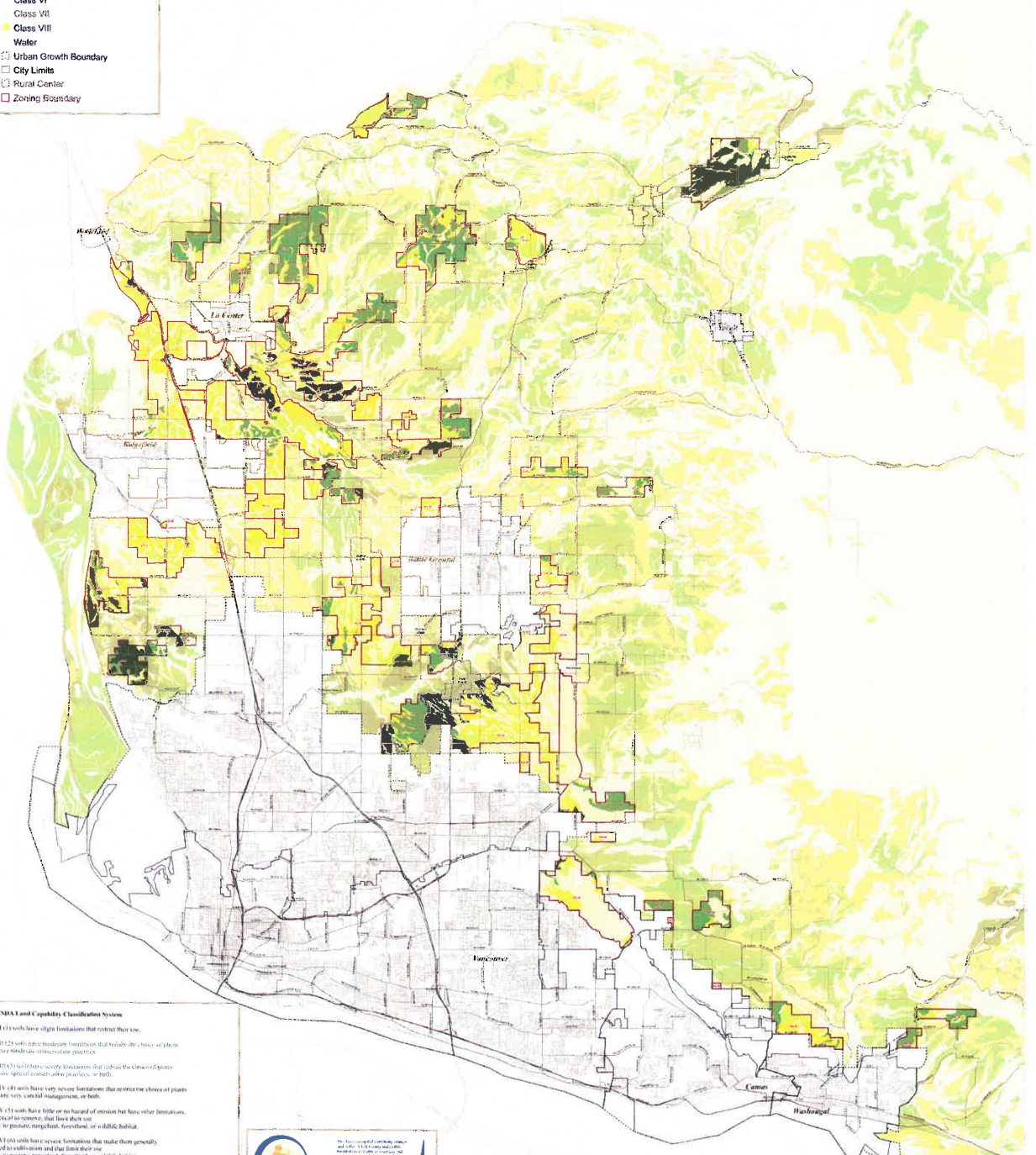




# Land Capability Classes Clark County, Washington

## Land Capability Classes\*

- Class I
- Class II
- Class III
- Class IV
- Class VI
- Class VII
- Class VIII
- Water
- Urban Growth Boundary
- City Limits
- Rural Center
- Zoning Boundary



### The USDA Land Capability Classification System

- Class I soils have slight limitations that restrict their use.
- Class II soils have moderate limitations that include the choice of plants or require moderate conservation practices.
- Class III soils have severe limitations that restrict the choice of plants or require special conservation practices, or both.
- Class IV soils have very severe limitations that restrict the choice of plants or require very special management, or both.
- Class V soils have little or no hazard of erosion but have other limitations, impractical to remove, that limit their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation and that limit their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class VII soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to rangeland, forestland, or wildlife habitat.
- Class VIII soils have unmet soilborne toxic levels that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class IX soils have unmet soilborne toxic levels that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.







## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Tuesday, September 15, 2015 1:16 PM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** CREDCDEISCommentsDraft.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



CREDCDEISCommentsDraft.docx

All:

Just FYI and for the index. Thanks.

Oliver

Sep 15, 15, 1:30 PM

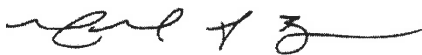
Community Planning  
EIS Comments  
P.O. Box 9810  
Vancouver, WA 98666

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement for the 2016 Comprehensive Growth Management Plan Update. The Columbia River Economic Development Council (CREDC) is a Public/Private partnership working to accelerate business growth and innovation in Clark County, Washington. One of our responsibilities, as outlined in the comprehensive Clark County Economic Development Plan, is to support investment in the infrastructure and planning needed to attract new businesses and talent to this area. With that in mind, our Lands for Jobs Committee respectfully submits the following comments in no particular order:

1. **Growth Plan Assumptions:** The CREDC supports a strong jobs to household ratio projection and appreciates the County Council's interest in promoting planning for more jobs. We have concerns that the population assumption does not reflect the historical or likely growth anticipated, which will negatively impact the projection for available land for jobs. We appreciate and support a market factor of at least 15 percent for commercial, business park, and industrial land capacity.
2. **Table 1.1 Summary of Planning Assumptions:** The 2016 Update plans for a significant reduction in the amount of jobs (from 138,312 to 101,153) over the next 20 years. Current and historical activity does not support this type of adjustment.
3. **Alternatives 2 and 4:** The CREDC continues to have concerns on the long term impact that parcelization will have on economic opportunities and availability of viable significant employment sites. We encourage that reconciliation and for rural parcelization to be allowed in a way that protects future employment land opportunities. We also have concerns about the infrastructure investment required to service the additional parcels and the potential to limit the availability of infrastructure investments in key employment areas.

The CREDC recognizing the importance of planning for an adequate supply of employment lands to meet the needs of our target sector employment growth and to provide for more family-wage job opportunities in our community. We encourage the Council to take the time needed to carefully consider and address the implications of the Comprehensive Plan as it will guide our community for the next 20 years. We appreciate the Council's efforts to partner with private and public entities to promote job growth in a way that is fair, strategic, and sustainable. We look forward to working with you to continue to inform this and future planning efforts.

Sincerely,



Mike Bomar,  
CREDC President



**Schroader, Kathy**

---

**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Tuesday, September 15, 2015 8:36 AM  
**To:** Stewart, Jeanne; Madore, David; Mielke, Tom; Carol Levanen; Cnty 2016 Comp Plan  
**Subject:** Reader

The Chelan County Community Vision Statement is held in high regard. Each county study area wrote a vision statement. Kindly read section IV., Pg. 5, Entiat Valley Study Area:

“The plan will strive to maintain the existing quality of life that includes: culture, customs, economy, agricultural opportunities, sense of community, water quality, and recreational opportunities. This plan will ensure the protection of individual property rights, and provide for the right to farm according to historic and recommended practices.”

Chelan County went to great lengths to craft the community framework plan and the vision statement in 2000:

“This document is the product of years of work by the cities, the Citizens Advisory Committees, Rural Coordinating Committees, planning staff, planning commission, and the Board of Commissioners.”

To insure that the integrity of the work is carried forward as written, advisory committees are maintained and tasked with oversight of the application of the plan. Chelan County still maintains this basic framework plan and vision statement today. The county recently passed the new amendments for their updates this month.

Thank you for your time,  
Susan Rasmussen for CCCU, Inc.

[http://www.co.chelan.wa.us/files/community-development/documents/comps\\_plan/Chelan-County-Comprehensive-Plan\\_Res-2014-135\\_eff-01JAN15.pdf](http://www.co.chelan.wa.us/files/community-development/documents/comps_plan/Chelan-County-Comprehensive-Plan_Res-2014-135_eff-01JAN15.pdf)

Sent from Windows Mail

**Schroader, Kathy**

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**From:** NoReply@Clark.Wa.Gov  
**Sent:** Tuesday, September 15, 2015 12:11 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: Comprehensive Plan

Comments:

Having reviewed the entire document, I strongly object to the inclusion of Alternative 4 as it cannot comply with the Growth Management Act. It is not fair to landowners to even go there, since it cannot pass in the long run. Given the cost and impact of the infrastructure needed to support it, I cannot support alternative 2. Alternative 1 - no change - would give us more time to develop a plan better suited to our community's needs while meeting the requirements of the GMA. Alternative 3 does provide some relief to the cities within the county and may be manageable in terms of infrastructure and impact. retaining the rural character of Clark County, and supporting agricultural is important to me. Also ensuring that we have the large plots of land needed for future industrial growth is critical and would not happen if Alternative 4 is adopted. So in short, Alternative 1 is my preferred, with more work going into developing an update. Alternative 3 would be my second choice. I cannot see how 2 or 4 would benefit the county or be sustainable. Wells are already being impacted, roads and other infrastructure are already a challenge. those are not well addressed in 2 or 4. Thank you,

Submitted by:  
Jacqueline Lane

Email: [jmlane@msn.com](mailto:jmlane@msn.com)

Address:  
24203 ne 59th ave  
battle ground, wa



## Schroader, Kathy

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**From:** NoReply@Clark.Wa.Gov  
**Sent:** Tuesday, September 15, 2015 1:53 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No:

Subject: 2016 Comp Plan comment

Comments:

I support Alternative 1 - as nothing is perfect, but it still protects the family farms and Clark County's viable ability to grow our own food. As we've discovered, we were healthier when we ate food that we grew ourselves - and by changing the Comp Growth Plan, we will squeeze out the ability for our residents to grow crops, etc. As a life-long Clark County resident (and third generation Clark County resident), I used to live in the "boonies" also known as Hockinson raising horses & cattle, while growing our own food in an acre-sized garden. I have watched as the horse farm nearby became a housing development in recent years and worry that we will be losing our county integrity by raising "urban sprawl" instead of livability. Please do not reduce the parcel sizes! I hope that my adult children and their children will be able to continue living in Clark County. Thank you for allowing me to voice my opinion.

Submitted by:  
Carol Taylor

Email: [damisha2@comcast.net](mailto:damisha2@comcast.net)

Address:  
12614 NE 13th AVE  
Vancouver, WA

**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Tuesday, September 15, 2015 4:04 PM  
**To:** Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: DSEIS testimony  
**Attachments:** September 15 2015 letter to Planning Commission and BOCC.doc

FYI, and for the record. Thanks.

Oliver

---

**From:** Heather Tischbein [<mailto:htischbein@wa-net.com>]  
**Sent:** Tuesday, September 15, 2015 3:47 PM  
**To:** Orjiako, Oliver  
**Cc:** Euler, Gordon  
**Subject:** DSEIS testimony

Please find attached my testimony for the record in re to the DSEIS under consideration as part of the GMA-Comprehensive Plan update process underway.

**Schroader, Kathy**

---

**From:** Orjiako, Oliver  
**Sent:** Tuesday, September 15, 2015 4:05 PM  
**To:** 'Heather Tischbein'  
**Cc:** Euler, Gordon; Schroader, Kathy  
**Subject:** RE: DSEIS testimony

Hello Heather:

This is to acknowledge receipt of your email and the attached comment. Staff will include in our record of index and made available to the PC and BOCC. Thank you.

Best,

Oliver

---

**From:** Heather Tischbein [<mailto:htischbein@wa-net.com>]  
**Sent:** Tuesday, September 15, 2015 3:47 PM  
**To:** Orjiako, Oliver  
**Cc:** Euler, Gordon  
**Subject:** DSEIS testimony

Please find attached my testimony for the record in re to the DSEIS under consideration as part of the GMA-Comprehensive Plan update process underway.

## Schroader, Kathy

---

**From:** Heather Tischbein <htischbein@wa-net.com>  
**Sent:** Tuesday, September 15, 2015 4:16 PM  
**To:** Orjiako, Oliver  
**Cc:** Euler, Gordon; Schroader, Kathy  
**Subject:** Re: DSEIS testimony  
**Attachments:** September 15 2015 letter to Planning Commission and BOCC.doc

Thank you, Oliver. I just caught a typo in what I sent you, so am sending again with the correction in verb tense. Picky, picky, picky. I can't attend Thursday night hearings as I'm in Portland on Wed.-Thurs. each week, looking after my grandsons, and don't leave until around 8 PM on Thursdays.

All the best to you as well,

Heather

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

**From:** Orjiako, Oliver  
**To:** 'Heather Tischbein'  
**Cc:** Euler, Gordon ; Schroader, Kathy  
**Sent:** Tuesday, September 15, 2015 4:05 PM  
**Subject:** RE: DSEIS testimony

Hello Heather:

This is to acknowledge receipt of your email and the attached comment. Staff will include in our record of index and made available to the PC and BOCC. Thank you.

Best,

Oliver

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**From:** Heather Tischbein [<mailto:htischbein@wa-net.com>]  
**Sent:** Tuesday, September 15, 2015 3:47 PM  
**To:** Orjiako, Oliver  
**Cc:** Euler, Gordon  
**Subject:** DSEIS testimony

Please find attached my testimony for the record in re to the DSEIS under consideration as part of the GMA-Comprehensive Plan update process underway.

This e-mail and related attachments and any response may be subject to public disclosure under state law.

September 15, 2015

Planning Commission  
Board of County Councilors  
c/o Oliver Orjiako, Director  
Clark County Community Planning  
1300 Franklin St.  
Third Floor  
Clark County, WA 98660

Dear Planning Commissioners and County Councilors,

I am writing in support of your adopting proposed Alternative 1 as an interim preferred option to the GMA Comprehensive Plan. I am in accord with others who have already testified in favor of this option. These are my reasons:

1. To allow for the transition to a home rule county to fully complete: Clark County is in a transition year in terms of implementing the voter approved home rule charter. In this exceptional circumstance, it makes sense to me to postpone the deliberations and recommendations of changes to the current Comprehensive Plan until the two new councilors are elected and seated in January 2016.
2. To allow staff to address information gaps: As many who have testified have noted, the DSEIS that is under review is inadequate in its evaluation of the cumulative impacts of Alternative 2 and Alternative 4. Given the scope of potential environmental impacts of the creation of 8,200-12,400 new rural “lots” that these two alternatives allow, it seems that a full EIS would better provide a thorough analysis upon which informed decisions could be made. And, as others have testified, there are also economic impacts inherent in each alternative that have not been thoroughly investigated and deliberated. Susan Rasmussen of Clark County Citizens United suggested in her letter to the editor, published in the *Columbian* on August 3, 2015, “Common sense would dictate that if the planners and elected leaders callously down-zoned thousands of acres, *(in the 1990s)* surely an economic analysis would be a prime consideration...this is required under the state Growth Management Act. This has not been done in Clark County.” Surely we would not choose to make the same mistake twice and up-zone thousands of acres without first doing a thorough economic analysis. In my opinion, to do so is akin to hoping that somehow two wrongs will magically create a right.

Though some have testified characterizing Alternative 1 as a “no action” alternative, planning commissioner Ron Barca explained quite simply in the joint hearing on September 10, 2015, that “no action” is not an accurate description of Alternative 1. Rather, Alternative 1, and the assumptions and projections upon which it is based, provides plenty of room for growth over the next couple of years. And the environmental impacts and costs to taxpayers and ratepayers are fairly well understood.

I also want to call attention to two themes that I have heard frequently in recent testimony by citizens: 1) a hearkening back to a past and to remembrances of future possibilities once held dear, the promise of which was perceived to have become thwarted by public policy decisions and 2) an assertion that private property rights are a more important community value than the common good. The Growth Management Act and Comprehensive Plan are intended and designed to plan for the future, not to preserve or restore the past. The GMA Comprehensive Plan is intended to be a place-based approach for managing growth, grounded in local conditions, constraints, and culture and looking towards a community vision of a desired future. I urge planning commissioners and county councilors to stay true to an orientation to the future grounded in Clark County circumstances and to balancing the diverse interests of individuals with the common interests of our entire urban-rural community of Clark County.

In this regard, I suggest loosening lingering attachments to the way things used to be and embracing future scenario planning as a way to open up everyone's thinking and visioning about what a comprehensive plan could look like that addresses, balances, and integrates the diversity of interests and values in our community. Most of the testimony I have witnessed in these matters perpetuates historical "us vs. them" thinking and does not look to a future in which the social and cultural makeup of our county will be increasingly more diverse than it is now and in which projected impacts from various climate change scenarios will demand new ideas about how we are going to live together in ways that don't further existing income inequalities and that assures there is adequate food, water and shelter for everyone. Most economic, business, and political analysts agree that the pace and complexity of change will continue to increase. Holding to the past and to 20<sup>th</sup> century possibilities will not prepare us for the uncertain future we are facing in the 21<sup>st</sup> century.

It is my testimony that to intelligently prepare for our future and our children's and grandchildren's future, we need more facts and more time for creative thinking and problem-solving before committing as a community to changes in the existing Comprehensive Plan. Adopting Alternative 1 as short term interim plan creates the time and space during this exceptional time of transition in government to 1) get all the elected decision-makers seated; 2) allow planning staff to address information gaps and analyses, and suggest some possible future scenarios; and 3) allow for thoughtful citizen deliberation and engagement around designing a preferred future vision for Clark County –one that truly balances and integrates the present diversity of interests and values among citizens and provides a foundation for a future of thriving resilience for all people, regardless of their race, creed, or income level.

Sincerely submitted,

Heather Tischbein  
1119 NW 131<sup>st</sup> Way  
Apt. A  
Vancouver, WA 98685



September 15, 2015

Planning Commission  
Board of County Councilors  
c/o Oliver Orjiako, Director  
Clark County Community Planning  
1300 Franklin St.  
Third Floor  
Clark County, WA 98660

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Sincerely submitted,

Heather Tischbein  
1119 NW 131<sup>st</sup> Way  
Apt. A  
Vancouver, WA 98685

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Tuesday, September 15, 2015 4:38 PM  
**To:** Euler, Gordon; Alvarez, Jose  
**Cc:** Schroader, Kathy  
**Subject:** FW: DSEIS Comments  
**Attachments:** SKM\_C654e15091516320.pdf

Just FYI and for the index of record. Thanks.

Oliver

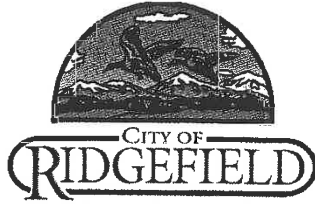
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**From:** Jeff Niten [<mailto:jeff.niten@ci.ridgefield.wa.us>]  
**Sent:** Tuesday, September 15, 2015 4:35 PM  
**To:** Orjiako, Oliver  
**Subject:** DSEIS Comments

Oliver,

Please see the attached for Ridgefield's comments on the DSEIS. I'll bring a hard copy with me to the PC deliberation meeting on the 17<sup>th</sup>. Thank you.

Jeff Niten  
Community Development Director  
City of Ridgefield  
301 N. 3<sup>rd</sup> Ave.  
P.O. Box 608  
Ridgefield, WA 98642  
360-857-5013



*Ronald Onslow, Mayor*  
*Sandra Day, Councilmember*  
*John Main, Councilmember*  
*Donald Stose, Councilmember*  
*David Taylor, Councilmember*  
*Lee Wells, Councilmember*  
*Darren Wertz, Councilmember*

September 15, 2015

Oliver Orjiako  
Clark County Community Planning  
1300 Franklin, 3<sup>rd</sup> Floor  
Vancouver, WA 98666

Dear Mr. Orjiako;

Thank you for the opportunity to provide Ridgefield's comments on the Draft Supplemental Environmental Impact Statement. I appreciate the opportunity to coordinate with Clark County. The City of Ridgefield supports Alternative 3 because it will allow an expansion of our current Urban Growth Boundary to satisfy the residential demand. Alternatives 1, 2 and 4 do not directly help Ridgefield support urban residential demand and, in the case of Alternative 1, has similar impacts according to the DSEIS.

For the the record, The City of Ridgefield offers the following comments to the Draft Supplemental Environmental Impact Statement (DSEIS):

- The DSEIS contains an error relating to Ridgefield: The Ridgefield expansion area as part of Alternative 3 was evaluated as a mix of low, medium and mixed use zoning. That zoning mix was not part of the City's request and could skew the analysis of the expansion area.
- The DSEIS does not substantially review the financial cost of each alternative, particularly infrastructure costs. The DSEIS would be much stronger and would provide a better foundation for selecting a preferred alternative if it included at least a generalized comparison of costs per alternative. Alternative 1 provides a starting point by using existing city/county Capital Facilities Plans. The DSEIS acknowledges Alternative 4 will produce more significant costs but provides no insight into what those costs might be. For example, the DSEIS does not discuss in any detail how any jurisdiction might respond to increased local transportation costs relating to the 120,000+ average daily trips 12,401 new homes in the rural area will generate.
- The ground water section (3.2), states that little has changed since 2007. How do we know that rural groundwater reserves are the same today? The DSEIS states that 95% of all potable water in Clark County comes from groundwater. If Alternative 4 will add 12,401 new homes outside of the UGAs where will that water come from? The SEIS should examine the rural area's capacity for future ground water extraction. Alternatives 2 and 4 must consider groundwater extraction more thoroughly.

- Septic. Figure 2-3, page 2-6, illustrates clearly most county soils have “Very Limited” potential to accommodate septic systems. The ground water discussion says that there is a higher chance of groundwater contamination when you increase rural housing. This contamination could reasonably come from 12,401 new septic systems. The SEIS should take a deeper look at ground water sources, long term capacity and should measure that baseline against the greater risk of groundwater contamination that Alternative 4 will create.
- Transportation. The transportation chapter does not provide any measurable data which might assist a city as it tries to calculate what the transportation impacts from rural development will be under Alternatives 2 or 4. It is not enough to say that Alternative 4 has the “highest potential for impacts”. This is a common sense statement but is not supported by evidence and analysis. The cities need better information about how the creation of 12,401 new parcels will directly affect their local infrastructure.

Finally, I would like to make it clear that the City of Ridgefield is concerned that the adoption of Alternative 4 would hamper future economic growth opportunities by allowing the division of large parcels immediately outside our corporate boundary. Large employers would be forced to look elsewhere for parcels large enough to accommodate their investment during siting decisions. At a minimum we would request a detailed economic analysis of the impacts to cities resulting from the fragmentation of parcels outside of Urban Growth Areas.

Thank you for the opportunity to comment on the DSEIS. I look forward to working collaboratively with the Board of Councilors and Community Planning during the Comprehensive Growth Management Plan development process.

Sincerely,



Jeff Niten  
Community Development Director  
City of Ridgefield

## Schroader, Kathy

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**From:** Orjiako, Oliver  
**Sent:** Wednesday, September 16, 2015 8:47 AM  
**To:** Euler, Gordon; Alvarez, Jose; Anderson, Colete  
**Cc:** Schroader, Kathy  
**Subject:** FW: Growing Healthier Executive Report - For the Public Record and Planning Commissioner review

Just FYI. Kathy for our index record. Thanks.

Oliver

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**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Tuesday, September 15, 2015 10:45 PM  
**To:** Madore, David; Mielke, Tom; Stewart, Jeanne; Orjiako, Oliver  
**Subject:** Growing Healthier Executive Report - For the Public Record and Planning Commissioner review

Dear Councilors and Commissioners,

CCCU has uncovered a trail of land use policies intended for the Comprehensive Plan, under the guise of healthy living. The Food Systems Council Forum was just one of those underhanded ways to convince people that landowners must preserve their land and recombine it, for the sake of healthy living. Staff is continuously trying to incorporate that language in the Comprehensive Plan, so that regulation can be created to add to the layer of control the county has on rural and resource landowners and their lives. If you would visit Yacolt, Amboy and Hockinson schools, you will see very healthy, active and happy young children. This is in part because they live a rural life that incorporates outside activities and exercise that keeps them physically fit. In addition, they also have responsibilities to the land that incorporates good work ethics and a desire to be active. Artificial means of attempting to make people healthy don't work for very long, because there is no reward for their efforts. Rural children take care of their animals in a therapeutic and financial way. They work the ground for the same reason. They see the rewards of that work, day in and day out. They understand a responsibility to the welfare of their families and it is expected of them at a very early age. They can do all of the things that keep them healthy because they have living space that is conducive to that lifestyle. That is why one often hears people say they would love to buy a few acres in the country to plant a garden, have a few animals and raise their families. This is the ideal life, in many peoples minds. Forcing people close together and preventing them from realizing their dreams, stymies their desire to be healthy, both physical and mental health. They have no real reason to be healthy, because they are not doing anything that requires it. There's an old saying, "You can lead a horse to water, but you can't make it drink" All the "healthy" policies that are proposed for the county will simply go by the wayside. For people to want to be healthy, they have to have a thirst for something. Rural living satisfies that thirst and encourages people to remain healthy so they are able to enjoy it. Alternative 4 is the only healthy alternative in the Comprehensive Plan and CCCU urges the Councilors to support it.as the chosen document to move on into the final planning stage..

Sincerely,

Carol Levanen, Ex. Secretary, CCCU Inc.

----- Forwarded Message -----

**From:** susan rasmussen <sprazz@outlook.com>  
**To:** Carol Levanen <cnldental@yahoo.com>  
**Sent:** Monday, September 14, 2015 3:23 PM  
**Subject:** Reader

Growing Healthier Executive Summary

[http://www.clark.wa.gov/public-health/community/growing\\_healthy/documents/ExecutiveSummary\\_4312.pdf](http://www.clark.wa.gov/public-health/community/growing_healthy/documents/ExecutiveSummary_4312.pdf)

Sent from Windows Mail



