

CC'd = BOCC  
Orjiako  
Schroeder



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

December 8, 2015  
For the public Record

Dear Councilors,

**Court of Appeals, State of Washington Division II - Published Opinion, #22164-1-II, March 12, 1999.** (pg 2) says, "Urban" growth is "growth that makes intense use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for ....rural uses, rural development...." (pg 3-4) In September 1995, ... the Board rested its ruling on two premises allegedly drawn from the GMA: (1) "that population projections and allocations. are not solely for use in urban areas, and (2) that the population projections for urban areas plus the population projections for non-urban areas must total the population projection for the entire county. ...." The court said, (pg 5) The GMA requires a county to consider OFM population projections when sizing urban growth areas (pg 6) Nothing in the GMA provides that a county must use OFM's population projections for any other purpose More particularly, nothing in the GMA provides that a county must use OFM's population projections as a cap or ceiling when planning for non urban growth. (page 6-7) The implications are (1) ..the legislature considered how OFM's projections should be used (2) ..the legislature decided to require that counties use OFM's projections when planning for urban growth...(3) ...the legislature decided not to require that counties use OFM's projections when planning for non-urban growth.... Here in our view, the Board misread the statute and exceeded its authority. If we were to defer to its ruling, we would perpetuate, not correct its error. Based on the foregoing, we conclude that the GMA does not require counties to use OFM's projections as a cap on non urban growth. The board exceeded its authority and the trial court (Superior Court, Poyfair Orders No. 96-2-00080-2, April 4, 1997) did not err by reversing the Board's ruling" **Affirmed. Morgan, Bridgewater, and Reynolds.**

The Clark County 20 year Comprehensive Growth Management Plan, revised December, 1997, adopted by ordinances ..1995...1996...1997, December 1994, Revised May, 1996, Revised June 1997, Revised December 1997, makes no mention of compliance to either the Superior Court or the Court of Appeals rulings in the 1997 or 2004-07 Plan and the OFM projections. These revisions occurred after the court decisions. On page 2-4 of the 1997 Plan, an OFM projection chart shows the 1990 rural population to be 167,427 projected to be 79,689 in 2012. Vancouver's population in 1990 was 44,570 and projected to be 269,641 in 2012. Vancouver's population quadrupled while the rural population was cut in half. The text reads, : "for the rural and resource areas, in part based on whether the parcels conform or not to current zoning..." Page 4-19 Table 4.5 Rural Strategies Matrix, discusses 1. new lot sizes, 2. resource designations, 4. water service policies, 5. dwelling approval criteria, 6. vegetation clearing ordinance, 7. road standards, 10. rural zoning standards, 14. conservation easements, 16. impact fees. Approximately 90% is expected to occur in urban growth areas with the rest ... in the unincorporated area... which support the long range vision of Clark County.... Page 4-18 - Develop new design standards..." The 90/10 OFM population split was put in place to eliminate additional population in rural areas, over time. At the same time, to make Vancouver the mega-metropolis of the county with infinite power, regardless of the economic impact to the county as a whole. The GMA mandates and accurate accounting must prevail when planning for Comprehensive Plans. Clark County cannot use an "unauthorized formula" or "ignore the existing development that occurred prior to 1994". Court compliance and corrections need to be made

Sincerely,

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

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**Schroader, Kathy**

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**From:** Tilton, Rebecca  
**Sent:** Wednesday, December 09, 2015 3 55 PM  
**To:** Orjiako, Oliver, Schroader, Kathy  
**Subject:** Comp Plan Comments (Levanen)  
**Attachments:** Levanen\_Carol\_12-08-15 Comp Plan Comments pdf

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Hello,

I've received the attached comments from Carol Levanen at yesterday's board hearing

Thank you,  
Rebecca