

Schroader, Kathy

From: Jeff Hodges <hodesjeffrey@msn.com>
Sent: Thursday, September 17, 2015 12:21 PM
To: Cnty 2016 Comp Plan
Subject: Dear sir, I would like to express my my most passionate support of alternative 4. It is the best alternative for all of those with small acreages. Trying to farm with the ever rising costs of materials, land, equipment, feed, veterinary ...

Schroader, Kathy

From: r6990@outdrs.net
Sent: Thursday, September 17, 2015 12:25 PM
To: Cnty 2016 Comp Plan
Subject: Land use plan

I have lived in the Hockinson area for almost 30 yrs. It was a pleasant rural area. It has sense grown into a Vancouver suburb with associated traffic and pollution issues. I support plan 1 with plan 3 being a growth alternative. 2 and especially 4 create traffic issues that the county can not counter. The additional septic systems puts pressure on the eco system that cannot be mitigated. In regards to property rights, those who bought large pieces of property to develop after code changes are implemented should not have the right to change our rural community. Land pieces that have been in families for over 50 yrs should have the right to sub divide with conditions.

Herb Maxey

Schroader, Kathy

From: Nita Countryman <ncountr@pacifier.com>
Sent: Thursday, September 17, 2015 12:40 PM
To: Cnty 2016 Comp Plan
Cc: Rusty Countryman
Subject: Citizen comments -- Countryman family -- on 2016 update to Comprehensive Growth Management Plan

Dear Planners:

Here, below, are citizen comments on the 2016 Comprehensive Growth Management Plan Update for Clark County, submitted by Byron and Nita Countryman on September 17, 2015.

We are owners of tax lot 205450000 (21 acres), east of Hockinson, a parcel of the original 160-acre Ahola Homestead. Current zoning on this forest land – since the 1994 ruling -- is for a 40-acre minimum lot size.

Of the 21 residential lots adjoining this 160-acre homestead, all but two are between 2.5 acres and 7 acres in size. (The two exceptions are 10 acres and 29 acres.)

The owners of the tracts on the Ahola homestead should be allowed to divide our land into lots comparable in size to those properties that adjoin our land--if we so choose.

Eight Ahola family members (direct descendents of Al and Ruth Ahola) own the homestead property comprising ELEVEN tax lots, only one of which is over 40 acres. The one lot that is more than 40 acres is co-owned by three sibling sisters; the co-ownership of this lot (49 acres) is just a stop-gap measure, caused by the current restrictions which prevent the three sisters from legally dividing their owned acreages into three individual lots. Overall, we siblings wish to have the legal option to sell or gift some acreages to our children or grand-children. A reduction from the 40 acre minimum lot size would help to ameliorate our situation.

Our recommendation: For the Forest areas immediately east of Hockinson, zoning as a 5 acre minimum makes sense. Perhaps, a 10 or 20-acre minimum Forest zoning is practical in commercial forest areas of North Clark County. However, a 20 or 40 acre parcel is rare in the Hockinson area—as has been already noted by Clark County planners. We feel the Growth Management Plan should consider each parcel by neighborhood density when zoning for Forest Reserve. As noted above, many lots surrounding the Ahola homestead are currently in 5-acre size, or less. In fact, the predominant parcel size of properties surrounding the Ahola homestead quarter section had been 5 acres *before* the Growth Management zoning changes of 1994.

A 5 acre minimum lot size would be the best – and most equitable -- option for the family-owned forest properties east of Hockinson.

Sincerely,

Byron and Nita (Ahola) Countryman

e-mail: nita.countryman@gmail.com

U.S. Mail address:

Byron and Nita Countryman
15215 NE Ahola Drive
Brush Prairie, WA 98606

Schroader, Kathy

From: Ann Perrin <annperrin4@gmail.com>
Sent: Thursday, September 17, 2015 12:59 PM
To: Cnty 2016 Comp Plan
Subject: Growth Plan Comment
Attachments: county letter re UGB.docx

Please see attached letter to Clark County Planning Commissioners and Clark County Board of Commissioners.

I would appreciate confirmation by e-mail that my letter was received.

Thank you,

Ann Perrin

**Bill and Ann Perrin
16915 NE 40th Ave
Vancouver, WA 98686
360. 574-8773**

Sept 17, 2015

**To: Clark County Planning Commissioners
Clark County Board of Commissioners**

**Ref: GMA- Comp Plan Comments – Mill Creek Sub-Plan/
BGSD 174th St 40 acre Surplus Property**

Recently, Battle Ground School District (BGSD) decided to sell their “surplus” properties. One of these properties, located just North of WSU off 174th St., was the impetus for bringing our area into the UGB.

The property is currently zoned “public facility”, but BGSD indicates they wish to sell off 5-acre parcels. Our property borders the BGSD property and our neighborhood association, (Pleasant Valley Rural Ranch Association), is composed mostly of residents who border BGSD property as well.

From 2005-2008, we were part of a community planning effort working with the County, BGSD, local landowners and neighborhood associations. Our vision and community plan was developed because BGSD requested the County bring BGSD property into the UGB to build a school. This planning resulted in the Mill Creek Sub-Plan the County developed.

Although we support the Community Plan, if BGSD no longer intends to build a school, then our area neighborhood along with the BGSD property does not need to be in the UGB.

We request our area be removed from the UGB and returned to its original zoning. The City of Vancouver also questioned why the area was brought into the UGB as it cannot meet the density requirements.

We would still like to continue work with the County on the Mill Creek Sub-Plan and use our area as a model for urban/rural buffer and good community “design with the land” planning.

Thank you.

Regards,

Bill and Ann Perrin



RECEIVED
CLARK COUNTY

Michael langsdorf <afy1941@gmail.com>

SEP 17 2015

County Growth Management Plan COMMUNITY DEVELOPMENT
ADMINISTRATION

Michael langsdorf <afy1941@gmail.com>

Thu, Sep 17, 2015 at 8:41 A

o: Jon.Wagner@cityofvancouver.us

John, I would like to meet with you sometime today to comprehend how to submit 3 amendments to the new Clark County Comprehensive Plan:

- 1) Prohibiting any oil refineries; 2) prohibiting any oil terminals; 3) prohibiting and coal terminals; 4) expanding the city of LaCenter's growth management boundary for retail, and industrial purposes only but not for any residential uses.

Thank you for any time that you can fit me in before the 4 pm deadline for submitting issues in writing to the Clark Planning Committee that starts hearings at 6:30pm this evening.

Urban growth boundary ~~expanded~~ for the
 West of LaCenter to be expanded for
 size - casino - but restricted to be only
 for commercial retail & ^{retail} ~~retail~~
 Justification → Higher tax base
 LaCenter tax base, revenues
 from gambling supports city
 & casino goes in that will
 lose source of revenues
 +
 Need for approval for sewer
 extension to their plant & it
 already signed technical



RECEIVED
CLARK COUNTY

Michael langsdorf <afy1941@gmail.com>

SEP 17 2015

County Growth Management ~~Plan~~ COMMUNITY DEVELOPMENT
ADMINISTRATION

Michael langsdorf <afy1941@gmail.com>

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To: Jon.Wagner@cityofvancouver.us

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Houquum city -

fires deaths

- recent train accidents spills, fires, deaths
- *Safety* ~~have~~ *have* leaked ^{fuel} ~~oil~~ ^{gas} ~~oil~~ tank cars
- safety measures not effective, ~~not~~ ^{not} prepared for ~~crises~~ ^{crises}
- first responders ~~not~~ ^{not} prepared for ~~crises~~ ^{crises} (RS 119)
- ^{Greenhouse} Greenhouse gases / Climate Change
- impact to Columbia River endangered fish species
- ^{limited} ~~the~~ limited employment ^{large tracks} ~~us~~ use of land.
- Emergency response to cross rail lines ~~among~~ ^{among} delays caused by oil train traffic congestion.

fire, police, ambulance

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 1:29 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: Comments on Clark County Proposed GMA Alternatives - SEIS Etc.
Attachments: FRIENDS OF THE EAST FORK-GMA Wate-2r.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI and for the record. Thanks.

From: Richard Dyrland [<mailto:toppacific2@msn.com>]
Sent: Thursday, September 17, 2015 12:48 PM
To: Orjiako, Oliver
Subject: Comments on Clark County Proposed GMA Alternatives - SEIS Etc.

Oliver,

Attached are my comments on the GMA alternatives Water Resources Section.

I have so much background scientific material to draw from but time does not allow
To summarize in a much deeper substantive non-subjective content in my particular situation
Because of other very demanding water related project implementation work during the past
Few months.

Sincerely,

Richard Dyrland
Friends of the East Fork
27511 NE 29th Ave, Ridgefield WA. 98642

FRIENDS OF THE EAST FORK
27511 NE 29TH AVE., RIDGEFIELD, WA 98642
Toppacific2@msn.com

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

September 16, 2015

Via pdf and e-mail to Oliver.Orjiako@clark.wa.gov

Mr. Orjiako:

Please accept these comments related to the Water Resources Section in the DSEIS and Comprehensive Plan update for the record on behalf of Friends of the East Fork. We continue to review the record and related data and analysis sources and believe that the following are important points for consideration by the decision makers and also for the record.

It is recommended that Alternative-1 be adopted by the Clark County Board of Councilors and the Clark County Planning Commission.

A point of clarification that we perceive has not been thoroughly recognized is use of the label "No Action" for Alternative-1. This is a misnomer that conveys to the general public and incorrect understanding of what the alternative is designed to achieve. No-Action implies a "static" program, when in reality it is a "dynamic" program that has undergone a number of transformations since it was first established and implemented. I would ask that future discussions and documents properly reflect these dynamic character of Alternative-1.

An adequate long-term supply of water is a key component of sustaining a population and economic growth. It is well documented in scientific data, analysis, and numerous reports that the national and regional climate and water situation throughout the United States has been changing and continues to change at an increasing rate. Southwest Washington and Clark County are part of this.

Clark County and the Portland area have had a number of ground water and water studies done by the US Geologic Service, WA State Agencies, Clark County and others since the 1950's which identified aquifers, gathered data, described areas of contribution, developed water table levels, and characterized water relationships. These reports are about 10 years or more older. They do not reflect more recent accelerated changes in surface and ground water functioning, conditions, and impacts (Columbia University Water Center. 2014. Assessment of trends in groundwater levels across the United States). As a professional hydrologist who has worked at the regional and national level, I have reviewed all of these older documents as well as new data and analysis to arrive at an updated view of the water situation and trends in Clark County.

A review of the WA Dept. of Ecology Well Reporting and Mapping system shows major expansion of wells in areas outside of cities and towns. A checking of some areas indicates that for some reason or other, as much as 20% to 30% of the existing wells are not shown on the Ecology maps. The inference is that we are using a lot more ground water and using it faster than we did in the previous 10 to 15 years in Clark County. It is not just the substantial increase in numbers of lots and acres of expansion that are of concern particularly with Alternatives 2 and 4, but also the location and characteristics of these proposed changes.

Rates of storm water runoff, sedimentation, lower infiltration and recharge rates are increasing problems in Clark County. Analysis of stream gage data shows that storm events of a given magnitude are producing higher levels of stream runoff which results in reduced levels of recharge. There has been testimony at the County Councilor meetings over the last year where rural resident express concern about dropping well water levels and loss of entire well systems. In rural areas, accelerated expansion of roads, more wells, which along with associated impacts, will accelerate the rate at which recharge is being reduced. The various aquifers involved are not independent as some may think, and there are areas of interaction between them.

There is much use of the term "mitigation" in the discussion of the alternatives and the related direct and in-direct and cumulative effects. After living in Clark County the past 21 years and spending a considerable amount of time gathering and analyzing data on the numerous streams and in the various watersheds, my conclusion is that almost all sectors of "mitigation" are either being consistently misused, to circumvent a range of County, State, and Federal protection and management regulations and laws or are basically ineffective. These were established to protect basic resources from permitting that allowed improper road and building expansion ---but in most cases the mitigation does not work. Shorelines regulations have "No Net Loss" requirements, yet there are a number of recent examples to show that even under current rates of growth, the County is not meeting regulation obligations. **The cumulative effect of all of this also has a substantial negative impact on fish and wildlife in Clark County and Southwest Washington.**

Clark County is having difficult times in meeting short-term and long-term water management needs under implementation of the current growth patterns and impacts of Alternative-1. Under Alternative-2 impacts become much more wide-spread and substantially increased. Alternatives 3 is similar to Alternative-1 but has a moderate increase in impacts. Alternative 4, is not even feasible and the economic and physical costs of trying to recover from Alternative 2 or 4 would be prohibitive, have substantial long-term negative impacts on the citizens of Clark County ---and over time might result in a shift to a loss of population and stagnation of economic activity, or at the very least, very high physical, social, and economic costs to sustain.

Again, it is recommended that Alternative-1 be adopted by the Clark County Board of Councilors and the Clark County Planning Commission.

Respectfully,

Richard Dyrland
Board of Directors, Friends of the East Fork, 27511 NE 29th Ave., Ridgefield, WA 98642

Schroader, Kathy

From: Cook, Christine
Sent: Thursday, September 17, 2015 1:37 PM
To: Orjiako, Oliver; Schroader, Kathy
Subject: 1994 plan appeals -- for the record
Attachments: 97.04.04.Poyfair-FOF-COL-Ord.pdf; 97.06.11.Poyfair-Ord-Reconsideration.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Oliver -- I have asked Thelma to make binders with the docs that David sent me. In the meantime, I would like these to go into the record for this plan update, given the confusion that Carol and Susan have been spreading about the actual results of the appeals. I will email you each document separately, as that is how I received them.

Thanks,
Chris

Christine M. Cook
Sr. Deputy Prosecuting Attorney
x4775

FILED

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

FILED

APR 04 1997

JoAnne M... with Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

CLARK COUNTY CITIZENS UNITED,
INC.; MICHAEL ACHEN and
CATHERINE ACHEN, husband and wife, et
al.,

Petitioners and
Additional Parties of Record,

v.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD, a
Washington agency,

Respondent.)

NO. 96-2-00080-2

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

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

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER - 1**
LPSEA\K\ACG\PLK\11110PLK.PLD

LANE POWELL SPEARS LUBERSKY LLP
SUITE 4100
1420 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2338
(206) 223-7000

Handwritten initials: JPA

Handwritten: 609/309

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

14 **FINDINGS OF FACT**

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

22 2. Clark County began its comprehensive planning process, pursuant to the GMA,
23 RCW Ch. 36.70A, in 1991. The County adopted County-Wide Planning Policies, under RCW
24 36.70A.210, and then a Community Framework Plan, to form a vision of Clark County's future.
25 Following adoption of this Plan, the County formed a Rural and Natural Resource Committee
26 ("RNRAC"). This committee was delegated the task of identifying lands within the County to

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

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

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

14 5. The adopted Plan also eliminated an element of the Community Framework Plan,
15 the concept of rural town centers, known as "villages" and "hamlets." These rural activity
16 centers were focussed on identified pre-existing development patterns and designed to maintain
17 the existing character of rural growth. The centers were eradicated and replaced with a county-
18 wide uniform lot density in the final Comprehensive Plan. Clark County issued a policy memo
19 stating that the reason the rural activity centers were removed from the plan was that previous
20 Growth Management Board decisions appeared to prevent the County from allowing any growth
21 in rural areas. Specifically, according to Board decisions, the sum of the urban and rural
22 population was required to equal the population projection developed by the State Office of
23 Financial Management (OFM). Given the population growth allocated to Clark County's urban
24 growth areas, the Plan would violate this requirement if virtually any growth was allowed in the
25 rural areas.
26

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

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

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

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

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

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

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

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

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

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

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

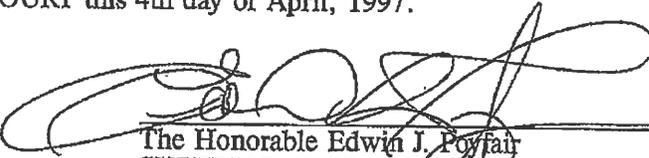
4 **ORDER**

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

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

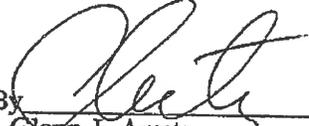
11 ~~FURTHER ORDERED, ADJUDGED AND DECREED that Petitioners shall be awarded~~
12 ~~costs against Respondent WWGMHB pursuant to RCW 34.05.566 and RCW 4.84.010 in the~~
13 ~~amount of \$468.50, pursuant to the Cost Bill filed herein.~~

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

15
16 
17 The Honorable Edwin J. Poyfair
18 SUPERIOR COURT JUDGE

19 Presented by:

20 LANE POWELL SPEARS
21 LUBERSKY LLP

22 
23 By _____
24 Glenn J. Amster
25 WSBA No. 8372
26 Attorneys for Petitioner Clark
County Citizens United, Inc. and
Michael and Catherine Achen

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER - 7
LPSEA1 K:ACG1\PLK\11110PLK.PLD

LANE POWELL SPEARS LUBERSKY LLP
SUITE 4100
1420 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2338
(206) 223-7000

1 Management Hearings Board (hereinafter referred to as "WWGMHB"), appearing by and
2 through the Office of the Attorney General and Marjorie T. Smitch, Assistant Attorney General;
3 Clark County, appearing by and through the Office of the Prosecuting Attorney, and Richard
4 S. Lowry, Chief Civil Prosecuting Attorney; additional parties of record Clark County Natural
5 Resources Council, Vancouver Audubon Society, Loo-Wit Group Sierra Club, Coalition for
6 Environmental Responsibility and Economic Sustainability and Native Footprints, appearing by
7 and through their attorney, John S. Karpinski; and the Court, having once again considered the
8 record before the WWGMHB, and the pleadings and exhibits herein, and having entered
9 Findings of Fact, Conclusions of Law and Order on April 4, 1997, and having determined 1000
10 Friends' motion is untimely, and having rendered an oral decision on the pending motions
11 following argument;

12 IT IS HEREBY,

13 ORDERED, ADJUDGED AND DECREED that 1000 Friends of Washington's Motion
14 to File Brief of Amicus Curiae is DENIED; and

15 FURTHER ORDERED, ADJUDGED AND DECREED that CCNRC, et al.'s Motion
16 for Reconsideration/Clarification is DENIED; and

17 FURTHER ORDERED, ADJUDGED AND DECREED that the Findings of Fact,
18 Conclusions of Law and Order dated April 4, 1997 are confirmed, except Conclusion No. 7 is
19 amended to read, in accordance with the parties' stipulation in open Court, as follows:

20
21 7. Rural Land Densities. The County's rural development regulations
22 are inconsistent with the GMA. The GMA requires counties to determine that
23 planning goals are utilized and are a part of the consideration supporting its
24 decisions. One of the planning goals requires a variety of residential densities
25 and housing types, which the Clark County Community Framework Plan met by
26

1 identifying pre-existing small development patterns in rural areas and creating
2 rural activity centers with a variety of rural densities. The eradication of the
3 centers violates the planning goal requiring a variety of residential densities.

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

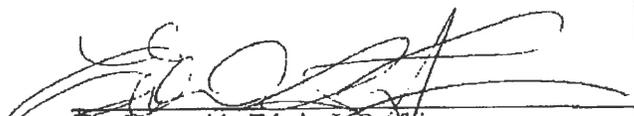
16 A central requirement for rural areas in the GMA is that growth in rural
17 areas not be urban in character. By trying to comply with the Board's errant
18 decision, the County violated a GMA planning goal.

19 Through no fault of the County's, the Board had an end in sight and
20 disregarded the GMA's mandate in applying an unauthorized formula to the
21 review of the Clark County Comprehensive Plan's land use densities. The
22 Board's interpretation was erroneous, and the County's decision to follow the
23 Board's lead was unfortunate. The result is a plan that gives little regard for the
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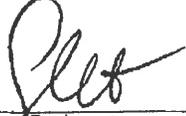
realities of existing rural development in direct contradiction of the terms of the
GMA.

DONE IN OPEN COURT this 5th day of June, 1997.


The Honorable Edwin J. Poyfair
SUPERIOR COURT JUDGE

Presented by:

LANE POWELL SPEARS
LUBERSKY LLP

By 
Glenn J. Amster
WSBA No. 08372
Attorneys for Petitioners
Clark County Citizens United, Inc.
and Michael and Catherine Achen

Schroader, Kathy

From: Cook, Christine
Sent: Thursday, September 17, 2015 1:38 PM
To: Orjiako, Oliver; Schroader, Kathy
Subject: Second batch of appeal docs -- for the record
Attachments: 97.12.10.Nichols I-Ltr Opinion.pdf; 97.12.31.Nichols I Judgment.pdf

Follow Up Flag: Follow up
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Christine M. Cook
Sr. Deputy Prosecuting Attorney
x4775

SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR CLARK COUNTY
DEPARTMENT NO. 3
P. O. BOX 5000
VANCOUVER, WASHINGTON 98666-5000



JOHN F. NICHOLS
JUDGE

TELEPHONE
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FILED
DEC 11 1997
JoAnne McBride, Clerk, Clark Co.

December 10, 1997

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Re: Clark County v. Western Washington Growth Management Hearings Board
Clark County Cause No. 96-2-05498-8

Dear Sirs/Madam:

5018

In any review of an administrative determination, the Court is restricted to the perimeters set forth in RCW 34.05.070. Thus, relief from the WWGMHB's order will be granted only if it was:

- (a) Unconstitutional;
- (b) Outside the Board's statutory authority;
- (c) The result of an unlawful procedure;
- (d) an erroneous interpretation or application of the law;
- (e) Not supported by the evidence; or
- (i) Arbitrary or capricious.

The first issue which must be addressed is whether the WWGMHB followed the proper procedure in reaching its decision. The County alleges that WWGMHB improperly imposed the burden of showing compliance with the act on the County. RCW 36.70A.320 clearly establishes that the Board shall find that the County's comprehensive plan is in compliance with the GMA unless it finds by a preponderance of the evidence that the county erroneously interpreted or applied the law. This presumption is mirrored in WAC 242-02-630;632; and 634.

The rationale for granting the County this presumption of validity is a logical extension of the deference conferred upon the local legislative body throughout RCW 36.70A. The chapter is replete with references emphasizing the input necessitated from the local citizens, communities, governmental agencies and the private sector. In guiding compliance with the GMA the WWGMHB must give deference to "local circumstances"; "regional differences"; and "county-wide policies" as interpreted by the county.

From the record on review is abundantly clear that this cloak of validity was not bestowed on the county by the WWGMHB. The "Compliance Order and Order of Invalidity" states at page 2 as follows:

...The burden of proof to show compliance was placed on the local government. The burden of meeting the standard for a finding of invalidity remained with the petitioners.

Despite this pronouncement, the Board recognized that the standard of review remained the same whether at an original compliance hearing or on remand; stating again at page 2 of the above order:

We have previously held in Port Townsend v. Jefferson County, WWGMHB #94-2-0006 (Port Townsend) that the clear language of RCW 36.70A.330(1) directs that the ultimate question in a compliance hearing is whether there is compliance with the Act, not necessarily whether there is specific compliance with the remand order. As we noted in Port Townsend that holding was consistent with the overall concept of GMA to allow local governments discretion, within the confines of the Act, to make local decisions best suited to their individual situations.

The recent amendments to RCW 36.70A affirm the weight to be given to the county's decisions. Under these amendments there can be a finding of invalidity only under the clearly erroneous standard. The burden of proof shifts to the county only after a determination of invalidity had already been made. (Ch. 429, Sec. 20; Laws of 1997).

Council for CCNRC argues that the issue of burden of proof is a "red herring" and further, that under any standard, the County's violations are so substantial that this was in effect harmless error. This is not the proper standard of review. See, Cruz v. Grant County Sheriff's Office, 74 Wn. App. 490, 873 P.2d 1211 (1994); stating: "Because we conclude the court applied the wrong burden of proof at the forfeiture hearing, we vacate the order and remand." As that court went on to explain at page 496:

... To do so, this court must find that GCSO met its burden and Mr. Cruz failed to meet his. That would make this court a trier of fact, however, which it is not. Instead, the matter must be remanded for rehearing. See Tellevik v. 31641 W. Rutherford St., 120 Wn.2d 68, 838 P.2d 111, 845 P.2d 1325 (1992).

RCCPA's attorney argues that a different burden of proof applies to a Board's consideration on remand. This, as stated above, is contrary to WWGMHB's own interpretation. The Attorney General submits that the county waived or is estopped from now raising the issue on the standard of proof to be applied. While admitting that the WWGMHB placed the burden on the county; the county by failing to ask the Board for a ruling on the issue, thereby waived this argument. Waiver is essentially a matter of intention. Negligence, oversight or thoughtlessness does not create it. Reynolds Metals Co. v. Electric Smith Constr. & Equip. Co., 4 Wn. App. 695, 700, 483 P.2d 880 (1971). Consequently, the county did not waive this right.

The county invites the court, following its determination on the issue of validity, to address the issue of whether the Board exceed its jurisdiction by depriving the county of its local discretion. For the reasons stated in Cruz v. Grant County Sheriff's Office, supra., this would be beyond the scope of the court's authority. However as a result of the voluminous time allocated to this case, the parties should be mindful of the impressions the court has formed with regard to the remaining aspects of the appeal.

As all parties agree RCW 36.70A serves at best, the vaguest of frameworks for the implementation of a growth management plan. The statute states emphatically that local deference must be given in those gray areas of compliance. The Board's role is to guide and in the case of invalidity, to precisely direct the county on the steps to be taken in order to comply with the act. The Board shall not substitute its own perceptions or those of another region in contradiction to those adopted by the lawful representatives of the county so long as there is compliance with the act.

It is the court's impression especially in the area of rural minimum lot size, that must give full credence to the county's determinations. The county is presumed to have taken into consideration the regional preferences and historical development and practices in formulating its CP. It is the courts hope that full deference along with the requisite presumption of compliance will be given the county upon remand.



John F. Nichols
Judge Superior Court

CJE

F I L L E D
DEC 31 1997
JoAnne McBride, Clerk, Clark Co.

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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY**

CLARK COUNTY, a municipal
corporation,

Petitioner,

v.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD,

Respondent.

Case No. 96-2-05498-8

JUDGMENT

THIS MATTER came on before the Honorable John F. Nichols on October 29, 1997 for hearing based on the administrative record produced by the Western Washington Growth Management Hearings Board, the parties being represented by counsel, and the court having considered the oral argument of counsel and having reviewed the administrative record, pleadings and papers filed herein and having considered the following documents:

1. Clark County's Motion for Stay of Western Washington Growth Management Hearings Board Orders, dated April 8, 1997;
2. Declaration of Richard S. Lowry in Support of Clark County's Motion for Stay, dated April 8, 1997;
3. Clark County's Proposed Order Granting Clark County's Motion for Stay of Western Washington Growth Management Hearings Board Orders;
4. RCCPA's Memorandum in Opposition of Motion for Stay of WWGMHB Orders, dated August 8, 1997;

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JUDGMENT - 1

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574

- 1 5. RCCPA's Motion to Dismiss, dated August 8, 1997;
- 2 6. CCNRC, et al.'s, Memorandum in Opposition to Request for Stay, dated August
- 3 8, 1997;
- 4 7. CCNRC's Motion to Dismiss 1995 Claims - Statute of Limitations, dated August
- 5 8, 1997;
- 6 8. Second Declaration of Richard S. Lowry with Exhibits in Support of Petitioner
- 7 Clark County's Reply Memorandum in Support of its Motion for Stay of Western
- 8 GMA Board Orders and Response to Respondent's Motion to Dismiss, dated
- 9 August 21, 1997;
- 10 9. Petitioner Clark County's Reply Memorandum in Support of its Stay of Western
- 11 GMA Board Orders and Responses to Respondents' Motion to Dismiss, dated
- 12 August 21, 1997;
- 13 10. CCNRC's Motion and Declaration to Dismiss all Claims - Failure to Serve all
- 14 Parties, dated August 21, 1997;
- 15 11. CCNRC's Memorandum in Support of Motion to Dismiss, dated August 21, 1997;
- 16 12. Memorandum of Respondent Western Washington Growth Management
- 17 Hearings Board in Response to Motion to Dismiss, dated August 25, 1997;
- 18 13. Clark County's Response to CCNRC's Motion to Dismiss, dated August 27,
- 19 1997;
- 20 14. Affidavit of Susan Rasmussen, dated August 27, 1997;
- 21 15. Affidavit of Glenn J. Amster, dated August 27, 1997;
- 22 16. RCCPA's Supplemental Memorandum in Opposition of Motion for Stay of
- 23 WWGMHB Orders, dated August 28, 1997;
- 24 17. Petitioner Clark County's Order Denying Motion to Dismiss by Judge Nichols;
18. Petitioner Clark County's Prehearing Opening Brief, dated September, 1997;

- 1 19. Response Memorandum of Western Washington Growth Management Hearings
2 Board, dated October 17, 1997;
3 20. RCCPA's Memorandum in Opposition of Motion for Stay of WWGMHB Orders,
4 dated October 20, 1997;
5 21. CCNRC, et. al.'s, Response Trial Brief, dated October 20, 1997;
6 22. Memorandum of Clark County Citizens United, Inc., dated October 22, 1997;
7 23. Petitioner Clark County's Reply Brief, dated October 27, 1997; and
8 24. Letter Ruling by Court, dated December 10, 1997.

9 And having reviewed the record and pleadings and papers herein, the Court hereby makes the
10 following findings of fact and conclusions of law.
11

12 **FINDINGS OF FACT**

- 13 1. After conducting several years of planning and involvement of the public, Clark
14 County issued its comprehensive plan on December 20, 1994.
15 2. On September 20, 1995, following several appeals of the County Plan, the
16 Western Washington Growth Management Hearings Board (hereinafter "Western Board")
17 issued a final decision, finding portions of the County Plan out of compliance with GMA. Clark
18 County did not timely appeal this decision.
19 3. Following additional public process and collection of new evidence, and review of
20 its existing Plan, the Board of County Commissioners (hereinafter "BOCC"), after
21 approximately a dozen hearings were conducted by the County Planning Commission,
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1 adopted its amended Plan ²² (including resubmittals without changes) (hereinafter "Plan") on
2 May 3, 1996.

3 4. After a compliance hearing on the amended Plan, the Western Board issued its
4 Compliance Order and Order of Invalidity (collectively referred to herein as "Compliance
5 Order") on October 1, 1996. The Compliance Order found the County's Plan, as amended, to
6 be in violation of GMA for many of the same reasons contained in the 1995 Order. The
7 Compliance Order also included an Order of Invalidity based on this noncompliance.

9 5. At page 2 of the Compliance Order, the Western Board stated "the burden of
10 proof to show compliance was placed on the local government [Clark County]."

11 6. Clark County subsequently moved for reconsideration of the Compliance Order
12 and on November 20, 1996, the Western Board issued an "Order on Reconsideration,"
13 reaffirming in large part its Compliance Order and keeping in place its Declaration of Invalidity.
14 The County did not request reconsideration on the burden of proof issues.

16 7. This appeal was filed on December 19, 1996 by Clark County ("County Petition")
17 alleging various errors under the Administrative Procedures Act, RCW 34.05, with the
18 Compliance Order and related Declaration of Invalidity for both the 1995 and 1996 decisions.

20 8. The County Petition appealed the following components of the "Compliance
21 Order and Order of Invalidity" entered by the Western Board on October 1, 1996 and the
22 "Order on Reconsideration" entered by the Board on November 20, 1996;

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- a. Its order finding that the County policies and development regulations relating to future adjustments to the County's Urban Growth Areas fail to comply with GMA;
- b. Its order finding that the County's designation of policies and development regulations designed to buffer resource lands and limit development in rural and resource areas, including County provisions for lot reconfiguration and lack of provisions requiring aggregation of nonconforming lots fail to comply with GMA;
- c. Its order finding that the County's establishment of a residential density of 1 unit per 5 acres in rural areas north of the East Fork of the Lewis River fails to comply with GMA;
- d. Its order finding that the County's designation of "non-prime" industrial lands in the designated urban reserve areas fails to comply with GMA; and
- e. Its order and declaration of invalidity finding that the following County development regulations and corresponding comprehensive plan policies failed to comply with and were invalid under GMA: CCC 18.610, CCC 18.302, and CCC 18.305.

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CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. The review of the County's Petition is conducted under RCW 34.05.570(3).

Relief from the Western Board Order is granted only if it is:

- a. Unconstitutional;
- b. Outside the Board's statutory authority;
- c. The result of an unlawful procedure;
- d. Erroneous interpretation or application of the law;
- e. Not supported by the evidence; or
- f. Arbitrary or capricious.

2. Clark County's challenge to the 1995 decision is dismissed as untimely.

3. Under RCW 36.70A.320, the County Plan, as amended and presented to the Board at the compliance hearing, is to be found in compliance with the GMA unless the Western Board determines, based on a preponderance of the evidence, that the County erroneously interpreted or applied the law. This presumption of validity is further supported by WAC 242-02-630, 242-02-632, and 242-02-634. The legal standard before the Board at the compliance hearing was whether or not the County Plan, as amended, complied with the GMA, and not whether it complied with the earlier Board Order issued after the Final Decision and Order on the original County Comprehensive Plan appeal.

1 4. The conclusion by the Western Board at page 2 of its "Compliance Order and
2 Order of Invalidity" that the burden of proof was on the County was an erroneous interpretation
3 of GMA.

4 5. Because the Western Board's Declaration of Invalidity was based upon this
5 fundamental flaw in assigning the burden of proof, the Declaration of Invalidity was issued
6 based upon an erroneous interpretation of the law and must at this time be set aside, effective
7 immediately. After applying the correct standard of review and giving proper deference to the
8 actions taken by the County on compliance, the Western Board is free to find compliance or
9 noncompliance, as authorized by the Act.

10 6. Clark County did not waive its right to raise the issue of the burden of proof.
11 Waiver is essentially a matter of intention. Negligence, oversight or thoughtlessness does not
12 create it. Reynolds Metal Company v. Electric Smith Construction & Equipment Company, 4
13 Wn. App. 695, 700, 483 P.2d 880 (1971). Under the facts of this case, there was no waiver.

14 7. Under GMA, the Board must grant deference to the GMA determinations of any
15 city or county. A county is presumed to have taken into consideration the regional preferences
16 and historical development and practices in formulating its comprehensive plan.

17 8. Under the facts of this case, the importance of this deference is reflected
18 especially in the area of rural minimum lot size. ~~If hopes of providing constructive guidance~~
19 ~~and avoiding unnecessary future litigation, the Court encourages the Western Board to give~~

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JUDGMENT - 7

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~~full deference to the County determinations, along with the requisite presumption of compliance, upon remand.~~



ORDER OF JUDGMENT

Based on the foregoing Findings of Fact and Conclusions of Law, and the Court having considered the arguments of counsel, and being duly advised in the premises, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The Western Board's October 1, 1996 and November 20, 1996 Orders are set aside in the following areas:
 - a. Its order finding that the County policies and development regulations relating to future adjustments to the County's Urban Growth Areas fail to comply with GMA;
 - b. Its order finding that the County's designation of policies and development regulations designed to buffer resource lands and limit development in rural and resource areas, including County provisions for lot reconfiguration and lack of provisions requiring aggregation of nonconforming lots fail to comply with GMA;
 - c. Its order finding that the County's establishment of a residential density of 1 unit per 5 acres in rural areas north of the East Fork of the Lewis River fails to comply with GMA;

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- d. Its order finding that the County's designation of "non-prime" industrial lands in the designated urban reserve areas fails to comply with GMA; and
- e. Its order and declaration of invalidity finding that the County's declaration that the following development regulations and corresponding comprehensive plan policies were deemed invalid under GMA: CCC 18.610, CCC 18.302 and CCC 18.305 fails to comply with GMA.

2. The Western Board's Declaration of Invalidity is set aside, effective immediately.

3. Judgment is entered in favor of Clark County setting aside the Western Board's decision and remanding to the Western Board in the areas included in the County Petition, based on its incorrect assignment of the burden of proof at the compliance hearing.

4. This matter is remanded to the Western Board with directions to apply the correct burden of proof and accord the County Plan, as amended, appropriate discretion and local deference. The Board is directed not to substitute its own perceptions or those of another region in contradiction to those adopted by the lawful representatives of the County, so long as there is compliance with the Act. In the event the Board determines at some future date to reinstate a Declaration of Invalidity, it is directed to precisely identify the GMA errors.

5. Finally, the Board is directed to give full credence to the County's determinations, especially in the area of rural minimum lot size, as the County is presumed to have taken into

1 consideration the regional preferences and historical development and practices in formulating
2 its comprehensive plan. The Court expects and instructs that ^{John} significant deference be given,
3 along with the requisite presumption of compliance, to the County Plan upon remand.

4 ENTERED this 31st day of December, 1997.

5
6 
7 _____
8 Judge John Nichols
Clark County Superior Court

9 Presented by:

10 CLARK COUNTY PROSECUTING ATTORNEY

11
12 By 
13 _____
Richard S. Lowry, WSBA #4894
14 Chief Civil Deputy

Schroader, Kathy

From: Cook, Christine
Sent: Thursday, September 17, 2015 1:40 PM
To: Orjiako, Oliver; Schroader, Kathy
Subject: Next appeal docs-- for the record
Attachments: 99.08.04.Nichols II Opinion and Partial Judgment.pdf; 99.08.09.Bennett-Opinion.pdf; 99.08.27.Bennett-Proposed Judgment.pdf

Follow Up Flag: Follow up
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I think I have the filed Bennet judgment from Aug. 27, 1999. As you can see, this is just a proposed judgment. I will need to look for it, and that won't happen today.

Chris

Christine M. Cook
Sr. Deputy Prosecuting Attorney
x4775

RECEIVED
AUG 11 1999
LPSL

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

CLARK COUNTY CITIZENS UNITED,
INC.,

Petitioner,

vs.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD,
a Washington Agency,

Respondent.

NO. 99-2-02394-7

RULING ON MOTION FOR
JUDGMENT ON THE
PLEADINGS

Petitioner, Clark County Citizens United, (CCCU), has sought review of one aspect of a Compliance Order issued on May 11, 1999 by the Western Washington Growth Management Hearings Board (The Board). The Compliance Order directed Clark County to reconsider its classification of 3500 acres of land as not being "agricultural resource land" as defined by the Growth Management Act (GMA), RCW 36A.70.

Under the GMA, land is agricultural resource land if it is "land primarily devoted to the commercial production of ... (various agricultural products) ... and that has long-term commercial significance for agricultural production." RCW 36.70A.030(2).

The county's designation of the 3500 acres in question applied a definition of the term "devoted to the commercial production," which was subsequently rejected by the State Supreme Court in *Redmond v. Growth Hearings Board*, 136 Wn.2d 38, ____ P.2d ____, 1998. Therefore, The Board, in its Compliance Order, directed that the county review its designation in light of the Redmond decision. Having done so, The Board interpreted Redmond as limiting the factors the county or The Board may consider in determining whether land has long-term commercial significance. The pertinent language in Redmond is the following:

"In addition to the statutory factors enumerated in RCW 36.70A.030(10), in WAC 365-190-050, the State Department of Community Trade and Economic Development, the agency charged by RCW 36.70A.170(2) with providing guidelines cities must consult in designating natural resource lands, provides 10 factors for "classifying agricultural lands of long-term significance for the production of food or other agricultural products." WAC 365-190-050 states:

(1) In classifying agricultural lands of long-term significance for the production of food or other agricultural products, counties and cities shall use the land-capability classification system of the United States Department of Agricultural Soil Conservation Service as defined in Agriculture Handbook No. 210. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys. These categories incorporate consideration of the growing capacity, productivity and soil composition of the land. Counties and cities shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

- (a) The availability of public facilities;
- (b) Tax status;
- (c) The availability of public services;
- (d) Relationship or proximity to urban growth areas;
- (e) Predominant parcel size;
- (f) Land use settlement and their compatibility with agricultural practices;
- (g) Intensity of nearby land uses;
- (h) History of land development permits issued nearby;
- (i) Land values under alternative uses; and
- (j) Proximity of markets.

These factors, in addition to the statutory factors offer ready guidance in determining if land has "long-term significance" for agricultural production."

The Board held that a concept referred to as "commercial liability" cannot be considered as a factor in designating whether or not land has long-term commercial significance." The parties to this action do not readily agree on what the term "commercial viability" means. Petitioner argues that it could be nothing more than shorthand for the commercially oriented factors already set out above. Respondent Clark County Natural Resources Council, the only adverse respondent to appear at the hearing on August 6, 1999, argues that commercial viability encompasses a potential myriad of irrelevant factors, such as the ability of current owners of land to earn a living wage from their land, via agriculture.

I. PROCEDURE

This action was commenced as a petition for review of administrative agency action, as authorized by RCW 34.05.510. While the above statute and others dealing with judicial review contemplate a review on the administrative record, "Ancillary procedural matters before the reviewing court . . . are governed, to the extent not inconsistent with this chapter, by court rule." RCW 34.05.510(2).

While "Judicial review of disputed issues of fact . . . must be confined to the agency record . . ." RCW 34.05.558, it is clear that the relief sought by petitioner in this matter is interpretation of a statute, and therefore not dependent on a factual record. Petitioner's motion is one for judgment on the pleadings, which is appropriate on a pure

issue of law. "The court shall grant relief from an agency order . . . if it determines that . . . the agency has erroneously interpreted or applied the law." RCW 34.05.070(3)(d).

As indicated above, only one adverse respondent has participated in this motion. The party most involved, The Board, through the Attorney General, has communicated to petitioner that it declines to participate, and therefore has made no argument to this court. I conclude that this lack of participation indicates a willingness to be bound by this court's decision.

One further procedural issue remains. RCW 34.05.570(d) provides: "The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of."

Respondent CCNRC argues that the case is not justiciable, as not being ripe; that is that petitioner's motion is premature. How Clark County will interpret The Board's decision is not yet known, and how The Board will view Clark County's future action is not yet known.

The problem with this approach is that it may lead to repetitive rounds of seriation review. If this court can interpret the Redmond decision so as to provide direction to the county and The Board, all parties will benefit, in terms of time and money spent on this issue.

II. RULING

My ruling is as follows: The Redmond decision, as demonstrated in footnote 7 at 131 Wa.2d 53,54, purports to offer guidance on the procedure of determining whether or not land has long-term commercial significance, even though that issue was not before the court. The court makes it clear that its apparent dictum is intended to be binding.

Clearly, however, the issue of whether or not the county or The Board may consider factors other than those set forth in statute or WAC was not decided in Redmond, because that issue was not addressed.

Perhaps the problem in this case is the vagueness of the term "commercially viable." It cannot be rationally disputed that "farm land" which is incapable of being operated other than at a financial loss has no long-term commercial significance. If no one (as opposed to the current owners only) can feasibly continue to farm certain land, it is difficult to see how designation as agricultural resource land will further purposes of the Growth Management Act. As the Supreme Court stated in Redmond: "Natural resource lands are protected not for the sake of their ecological role, but to ensure the viability of the resource-based industries that depend on them." 136 Wn.3d at 47.

The determination, then, that land has long-term agricultural significance, must necessarily take in account the concept of whether or not the totality of circumstances do or do not render it unfeasible or prohibitively impractical to use certain land for agricultural purposes.

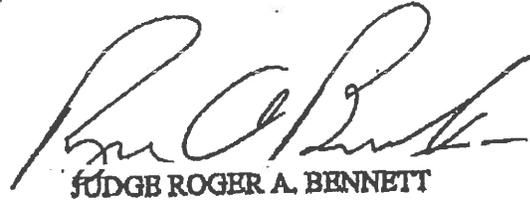
One of the factors contained in WAC 365.190.050 is: "(1) land values under alternative uses." In considering land values under alternative uses, it is implicit that a comparison be made of such values with the value of said land under agricultural use. A determination of the value of land for agricultural use must take into account the potential productivity of the land in terms of commercial gain.

ORDER

To the extent that potential for commercial gain is reflected in the term commercial viability, and to the extent that such concept affects land valuation, and other

factors set out expressly in the Redmond decision, such concept may be considered in the designation of whether or not land has long-term commercial significance.

DATED this 9 day of August, 1999.



JUDGE ROGER A. BENNETT

FILED
AUG 04 1999
JoAnne McBride, Clerk, Clark Co.

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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY**

CLARK COUNTY, a municipal
corporation,

Petitioner,

v.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD,

Respondent.

Case No. 98-2-02032-0

**PROPOSED
PARTIAL JUDGMENT**

This matter having come on regularly before the above-entitled Court for review of a decision of the Western Washington Growth Management Hearings Board following a remand to said Board in Superior Court Cause No. 96-2-05498-8; and the Court having heard argument of counsel, considered the certified administrative record, and previously issued the Court's written Opinion; and the County having requested that judgment now be entered on fewer than all the issues decided by the Court so that it may gain the benefit of those issues adjudged below while undertaking settlement discussions on other issues without the parties being faced with appeal deadlines; now, therefore,

PARTIAL JUDGMENT - 1

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VANCOUVER, WASHINGTON 98666-5000
Tel: (360) 397-2478
Fax: (360) 397-2184

3911

1 IT IS ORDERED, ADJUDGED and DECREED that the determination of invalidity
2 contained in the Western Washington Growth Management Hearings Board February 5, 1998
3 Compliance Order and Order of Invalidity, as reaffirmed in its April 30, 1998 Order on
4 Reconsideration, in Achen v. Clark County, WWGMHB No. 95-2-0067, is hereby overturned
5 and overruled.

6
7 IT IS FURTHER ORDERED, ADJUDGED and DECREED that because this Partial
8 Judgment disposes of fewer than all the claims presented herein, it is not an appealable
9 judgment under RAP 2.2(d).

10 ENTERED this _____ day of August, 1999.

11
12 _____
13 Honorable John Nichols
14 Clark County Superior Court Judge

15 Presented by:

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17 _____
18 Richard Lowry, WSBA #4894
19 Of Attorneys for Petitioner Clark County
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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY**

CLARK COUNTY, a municipal
corporation,

Petitioner,

v.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD,

Respondent.

Case No. 98-2-02032-0

PARTIAL JUDGMENT

This matter having come on regularly before the above-entitled Court for review of a decision of the Western Washington Growth Management Hearings Board following a remand to said Board in Superior Court Cause No. 96-2-05498-8; and the Court having heard argument of counsel, considered the certified administrative record, and previously issued the Court's written Opinion; and the County having requested that judgment now be entered on fewer than all the issues decided by the Court so that it may gain the benefit of those issues adjudged below while undertaking settlement discussions on other issues without the parties being faced with appeal deadlines; now, therefore,

FILED

AUG 20 1999

PARTIAL JUDGMENT - 1

JO ANNE HANCOCK, Clerk, Clark Co.

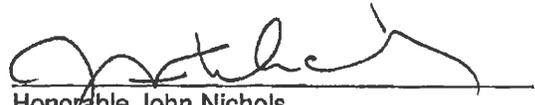
CLARK COUNTY PROSECUTING ATTORNEY
1013 FRANKLIN
P.O. BOX 6000
VANCOUVER, WASHINGTON 98666-5000
Tele: (360) 397-2478
Fax: (360) 397-2184

2/11

1 IT IS ORDERED, ADJUDGED and DECREED that the determination of invalidity
2 contained in the Western Washington Growth Management Hearings Board February 5, 1998
3 Compliance Order and Order of Invalidity, as reaffirmed in its April 30, 1998 Order on
4 Reconsideration, in Achen v. Clark County, WWGMHB No. 95-2-0067, is hereby overturned
5 and overruled.

7 IT IS FURTHER ORDERED, ADJUDGED and DECREED that because this Partial
8 Judgment disposes of fewer than all the claims presented herein, it is not an appealable
9 judgment under RAP 2.2(d).

10 ENTERED this 20 day of August, 1999.

11
12 
13 Honorable John Nichols
14 Clark County Superior Court Judge

15 Presented by:
16 
17 Richard Lowry, WSBA #4894
18 Of Attorneys for Petitioner Clark County

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

CLARK COUNTY, a municipal
Corporation,

Petitioner,

Vs.

WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD.

Respondent.

NO. 98-2-02032-0

OPINION

FILED

JUL 02 1999

JoAnne McBride, Clerk, Clark Co.

This Court is entrusted with the task of reviewing the actions of the Western Washington Growth Management Hearings Board (WWGMHB), as they pertain to Clark County's enactment of their comprehensive plan and implementation of their interpretation of the State Growth Management Act (GMA). In this review, the Court is directed by what has become a virtual mantra in addressing this procedure. The most recent recitation is found at page 4 of Dawes v. Mason County, No. 22540-9-II, (Slip Op., March 5, 1999):

Under the Administrative Procedure Act, this court may grant relief from "an agency order in an adjudicative proceeding" if the order is, among others, unconstitutional, exceeds the agency's authority or jurisdiction, erroneously interprets or applies the law, is not supported by substantial evidence, or is arbitrary or capricious. RCW 34.05.570(3).

The burden of proof is on Clark County as they are asserting the invalidity of the WWGMHB's order. City of Redmond v. CPSGMHB, 136 Wn.2d 38 (1998).

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The Board in reviewing the County's Comprehensive Plan may invalidate part or all of the plan if it determines that the "continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of the GMA". RCW 36.70A.302 (1)(b). [Emphasis added]. In this review process, the County's actions are deemed to be in compliance with the GMA unless it determines, after a review of the entire record, that the County's enactment is "clearly erroneous" in light of the goals and requirements of the GMA. RCW 36.70A.320 (3). As stated in this Court's previous opinion, this deference of validity to the County is not mere "lip service" but a vital element of the legislative intent in enacting the GMA. Recently in the case of Manke Lumber Co. v. Diehl, 91 Wn. App. 793, 803-4(1998); the Court of Appeals emphasized the necessity of local input:

The GMA confers broad discretion on local governments making this determination. The Washington State Growth Strategies Commission's chair, in a cover letter, explained to Governor Gardner the rationale for conferring discretion on local governments as follows: "[O]ur strategy's success rests primarily on planning decisions being made at the local level and those plans being given a presumption of validity. . . . The Commission believes the foundation blocks of a statewide growth strategy are local governments. Locally elected officials working with their citizenry are best able to tailor broad growth policies to their communities."

* * *

...The state should not become an unwieldy layer of review and approval, but a facilitator and an arbiter for local government.

In 1997, the Legislature reiterated its intention that, within the general GMA framework, local governments assume broad discretion in developing specific comprehensive plans tailored to local circumstances:

... The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

RCW 36.70A.320 (1) (emphasis added).

The Act recognized the wide regional differences among counties. Thus "the Legislature left wide latitude to local governments to customize their comprehensive plans according to local growth patterns, resources, and needs. RCW 36.70A.010-901".

Manke, 91 Wn.App. at 796.

In enacting their CP, Clark County concluded that a 5-acre minimum lot size in rural areas adjacent to resource lands would not adversely impact the viability of these areas. The WWGMHB invalidated this portion of the CP, holding that a minimum lot size of more than 5 acres was necessary to comply with the guidelines of the GMA requiring a "variety of rural lands". In addressing rural lands the statute is very broad and confirms the large discretion given to the local authority. RCW 36.70A.070 (5) outlines that the "rural element" is that which is not urban. It goes on to state that "because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, ...". Subsection (b) permits rural development with forestry and agriculture along with a variety of rural densities including clustering, so long as they are not characterized by urban growth and are consistent with rural character. It is the Board's determination that this 5-acre minimum is not consistent with the rural character of the resource area.

The question then is whether a 5-acre minimum lot size is urban in nature.

The GMA forbids growth that is "urban in nature" outside of the areas designated as UGAs. RCW 36.70A.110(2). Accordingly, "growth that makes intensive 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 the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands . . ." is not allowed in areas designated as rural. RCW 36.70A.030

Dawes v. Mason County, No. 22540-9-II, at page 7 (Slip Op., March 5, 1999).

While the GMA does not prescribe a minimal lot size for urban areas, The Hearings Boards have determined that densities of 1 to 2.5 acre lot sizes are per se urban. See Bremerton v. GMHB, No. 95-3-0039. In Pilchuk-Newberg Organization v. Snohomish County, CPSGMHB No. 94-3-0018 at 864 (1995); it was held that a density of one dwelling unit per 5 acres outside the urban growth area did not constitute urban development. Also in Skagit Surveyors v. Friends, 135 Wn. 2d 542, 571 (1998) the dissent noted that 5 acre lot size was "a decidedly rural density".

Having met the requirement that a 5 acre minimum is not "urban in nature"; the county must also establish that such a lot size does not impact the viability of the resource lands. RCW 36.70A.020 (8) contains among the planning goals the following: "...Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses." [emphasis added] Reference is also made in RCW 36.70A.060 (1); to the premise that the forest, agricultural and resource lands in use are to be protected from any interference with their continued use.

The WWGMHB in its Order of February 5, 1998 at page 7, held that a larger than 5 acre lot size was:

... necessary to comply with the GMA requirement of a "variety of rural lands" and would have the added compliance effect of reducing increased urban and rural sprawl resulting from the high amounts of preexisting lots less than 5 acres in size. Additionally, the larger than 5-acre minimum lot sizes within the area north of the rural resource line also provide needed buffering for the area's resource designations. ...

The Act does not specifically use or address the necessity of "buffering". However, RCW 36.70A.060 (1); states that the land adjacent to agricultural, forest, or mineral resource lands shall not interfere with their continued use. The WWGMHB rather than address how the use would be interfered with, based its Order of Invalidity on the County's "failure to conserve its resource lands". (see page 19 of the Order on Reconsideration). The Board repeatedly felt that a 5-acre minimum would "urbanize" the rural areas. Ultimately at page 11 of the Compliance Order the WWGMHB held:

The allowance and encouragement of "urban sized lots" abutting a resource zone is not in compliance with the Act.

The County responded to this concern for buffering by establishing setback requirements; landscape buffering; and the minimum rural lot sizes. The County further introduced evidence that 87% of the resource land acreage have minimum lot sizes of 20, 40, and 80 acres. Further, that increasing the minimum lot size to 10 acres would only affect 8% of lots within the 100 feet north of the resource line.

The Hearings Board also felt that the preexisting (prior to the adoption of the GMA) small lot sizes necessitated the increase of the minimum to more than 5 acres. This placed the burden on the County to rectify the prior proliferation of substandard lots. Recent decisions have held that pre-Act ordinances are not subject to board review. Skagit Surveyors v. Friends, 135 Wn. 2d 542 (1998). Further, the rights of the owners of these pre-existing lots were vested prior to the effect of the GMA. See, Association of Rural Residents v. Kitsap County, Slip Opinion #41281-7-I (March 29, 1999). As such, the County's hands were somewhat tied in attempting to rectify the situation. To mandate that the County must now increase the remaining rural lot sizes beyond 5 acres is beyond the parameters of the GMA.

The Hearings Board must give deference to the County's findings unless they are clearly erroneous.

"A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." English Bay Enterprises, Ltd. v. Island County, 89 Wn.2d 16, 21, 568 P.2d 783 (1977), quoting Ancheta v. Daly, 77 Wn.2d 255, 259-60, 461 P.2d 531 (1969).

Skagit County v. Dept of Ecology, 93 Wn.2d 742,748 (1980).

The County did present substantial evidence that the 5-acre minimum was not urban in nature and did not significantly impact the resource lands or the area adjacent to them. The case law is consistent that 5-acre parcels are rural in nature. The County further produced evidence that their regulations on buffering; reconfiguration of non-conforming lots; and setbacks were a reasonable alternative to the vague requirements of the GMA.

This same deference should be given to the County's policies on the Urban Reserve Areas. The fact that the Board, the county and even the Court may disagree over lot sizes and the URA is not enough to invalidate the County's decisions. So long as there is evidence that the County had a basis for its decision and that it complied with the GMA, that decision must be upheld. The County has presented such evidence.

The WWGMHB in its Order of Invalidity failed to apply the proper standard of review and this Order is not supported by evidence that is substantial when viewed in light of the whole record. This Court does not have confidence that the Board will give the County the deference required and any further remand for that purpose would cause unnecessary delay. Thus, the WWGMHB is directed to enter an Order finding that Clark County is in compliance with the GMA.


JOHN F. NICHOLS
SUPERIOR COURT JUDGE

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THE HONORABLE ROGER A. BENNETT

FILED

AUG 27 1999

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON IN CLARK COUNTY

CLARK COUNTY CITIZENS UNITED, INC.,)
Petitioner,)
v.)
WESTERN WASHINGTON GROWTH)
MANAGEMENT HEARINGS BOARD, a)
Washington Agency,)
Respondent.)

NO. 99-2-02394-7
[PROPOSED] FINAL ORDER
AND JUDGMENT

This matter came on for hearing before the above-entitled Court on August 6, 1999, upon Petitioner's Motion for Judgment on the Pleadings. Petitioner, Clark County Citizens United, Inc. ("CCCU" herein), appeared by and through their attorneys of record, Lane Powell Spears Lubersky LLP and Glenn J. Amster and Peter Livingston; Respondent Western Washington Growth Management Hearings Board ("WWGMHB" herein), appeared by and through the Office of the Attorney General and Marjorie T. Smitch; additional party of record Clark County, appeared by and through the Office of the Prosecuting Attorney and Richard S. Lowry; additional parties of record Clark County Natural Resources Council, Vancouver Audubon Society, Loo-Wit Group Sierra Club and Coalition for Environmental Responsibility and Economic Sustainability (collectively "CCNRC" herein), appeared by and through their attorney John S. Karpinski; additional parties of record North Lackamas Corporation and Lewis River Land Company, appeared by and through their

[PROPOSED] FINAL ORDER AND JUDGMENT - 1

1 attorneys Horenstein Bremer, P.S. and Leanne M. Bremer; and additional party of record Rural
2 Clark County Preservation Association ("RCCPA" herein), appeared by and through their attorney
3 David T. McDonald, P.C.

4 The Court has considered the Motion for Judgment on the Pleadings, the Memorandum of
5 CCNRC, et al. in Opposition to Motion for Judgment on the Pleadings, and the "Motion to Join" of
6 RCCPA and Friends of the East Fork, as well as all the pleadings and exhibits filed herein, and the
7 argument of counsel, and has taken the matter under consideration and entered a Ruling on Motion
8 for Judgment on the Pleadings on August 9, 1999 ("Ruling" herein), which is attached hereto and
9 incorporated herein by this reference; now, therefore, it is hereby

10 ORDERED, ADJUDGED AND DECREED that Petitioner's Motion for Judgment on the
11 Pleadings is granted; and it is

12 FURTHER ORDERED, ADJUDGED AND DECREED that the Compliance Order entered
13 by the WWGMHB in Achen et al. v. Clark County et al. (WWGMHB No. 95-2-0067) (Poyfair
14 Remand) filed on May 11, 1999, is modified by this Court's Ruling; and it is

15 FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall bear their own
16 costs and attorneys' fees incurred herein.

17 Done in open Court this _____ day of _____, 1999.

18

19

The Honorable Roger A. Bennett

20 Presented by:

21 LANE POWELL SPEARS LUBERSKY LLP

22

23 By
Glenn J. Amster, WSBA No. 08372

24

25 By
Peter Livingston, OSBA No. 82324
Attorneys for Petitioner Clark County Citizens United, Inc.

26

[PROPOSED] FINAL ORDER AND JUDGMENT - 2

111765.0008613037.1

LANE POWELL SPEARS LUBERSKY LLP
SUITE 4100
1420 FIFTH AVENUE
SEATTLE, WA 98101
(206) 223-7000

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 1:49 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: Inclusive Policy Shift Requires Efforts of Staff and Planning Commissioners

Follow Up Flag: Follow up
Flag Status: Flagged

Just FYI and for the record. Thanks.

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Thursday, September 17, 2015 11:27 AM
To: Madore, David; Mielke, Tom; Stewart, Jeanne; Orjiako, Oliver; Carol Levanen; Cnty 2016 Comp Plan
Subject: Re: Inclusive Policy Shift Requires Efforts of Staff and Planning Commissioners

For the Public Record, Draft SEIS, Board of County Councilors, and the Planning Commission

Now is the time to begin linking all the data together for analysis of the 2016 Clark County comprehensive plan update. As you deliberate this evening, please be aware of the inclusive shift in policy by the Board of Clark County Councilors.

The County's rural communities have been locked up in status quo far to long. To make matters worse, an artificially created rural character was forced on these communities. Their lands were locked up and future generations were denied their cultural heritage and the ability to live on the land. This is the "forced generational migration," that Fred Pickering presented in public testimony on Sept. 10, 2015. This is not what the GMA intended.

Please recall lead planner, Gordy Euler's opening remarks at this work session when he referred to their collaboration with the cities, "Work with our partners, the cities." This attitude of exclusivity demands attention and profound changes need to occur.

The GMA gives importance to the public participation element. The Dept. of Commerce has written:
"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."

When the 1994 was being written, Clark County sent a request to John Karpinski for his recommendations. Mr. Karpinski responded with the "Green Alternative Plan." This plan is the foundation for the county's present plan. This letter is in the public record for this comprehensive plan update. It demonstrates the plan was written with an elite, and exclusive collaborative process with the cities and the environmental communities. The present plan employed a very flawed public process and shows grave indifference to the rural citizens. The result is an imbalanced plan. This is a demonstration of dominance of one culture over another. This practice is ongoing today as demonstrated in Mr. Eulers's opening remarks on Sept. 10. This practice is wrong and not what GMA intended.

Without question, the present plan has disproportionately burdened the rural landowners; socially, culturally, and economically. The rural communities have never been considered, "partners in

collaboration.” Disregarding the desires and needs of the rural communities has resulted in many degrading impacts. Particularly disturbing is the fragmentation of families that Mr. Pickering referenced in his testimony. This is the inhumanity of the present plan that has gone unrecognized for 20 years.

Thankfully, a more inclusive policy shift occurred in January 2015 with the addition of Alternative 4. This inclusive policy was directed by the policy makers, the Clark County Board of County Councilors. However, CCCU isn't seeing this shift carried forth by the planning staff, and the Planning Commission. This inclusive policy is going to require a tremendous change in attitudes by the staff, as well as the commissioners.

The GMA was passed in 1990. Private property rights were listed as one of the thirteen planning elements. All of the planning elements (now 14), carry equal weight. Despite being written in the GMA, Clark County's plan gives no recognition of private property rights. Despite the citizens voicing their concerns in the early stages of development for the Community Framework Plan and Policies, private property rights haven't ever been considered important enough to recognize in any of the county's plans and subsequent updates. It is not coincidental that the voices of the rural landowners have also gone unrecognized. This is not compliant with GMA.

Clark County Citizens United, Inc. strongly urges the County Councilors and the Planning Commission conduct a compliance analysis of Alternative 4 to the GMA. While not perfected, Alternative 4 is the plan that most supports private property rights, and is the only plan out of the four presented, that employed an inclusive public process with the rural communities.

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

From: Carol Levanen

Sent: Wednesday, September 16, 2015 5:41 PM

To: david.madore@clark.wa.gov, tom.mielke@clark.wa.gov, jeanne.stewart@clark.wa.gov, Orijako, Oliver

September 16, 2015
the DSEIS review

For the Public Record and

Clark County Planning Commission
Clark County Board of Commissioners
P.O. Box 5000
Vancouver, Washington 98666

Dear Commissioners and Councilors,

Clark County Citizens United, Inc. asks the Planning Commission and Board of Commissioners to choose Alternative 4 as the preferred alternative in the DSEIS of the 2016 Comprehensive Land use Plan.

The Record fully supports such a decision. CCCU, Inc. has done continuous research for approximately two years and submitted our findings into the record on a continuous basis. The research is both pertinent and factual and supports the mandates of the Growth Management Act. Based on that information, there is both public and legal support for Alternative 4.

Keep in mind that one of the underlying forces to the creation of Alternative 4 is the court orders of Superior Court Judge, Edwin J. Poyfair April 4, 1997, Conclusion of Law and Order, and the Court of Appeals Division II, March 12, 1999, Published Opinion. Many of the Orders from the Poyfair decision were ignored by Clark County. In particular, item 3. The Board is not above the law; item 4. failure to solicit meaningful public input; item 6. Comprehensive Plan EIS violates the State Environmental Policy Act and item 7. the county used an unauthorized formula to the review of the Clark County Comprehensive Plan's land use densities and the interpretation was erroneous. The Board's requirement for a vacant buildable lands analysis for the rural area was erroneous. The result was a plan that gave little regard for the realities of existing rural development in direct contradiction of the terms of the GMA. Clark County must now be compelled to comply with these orders. The Court of Appeals Opinion, confirmed that the GMA does not require counties to use OFM's projections as a cap on non-urban growth. The Board exceeded its authority.

It is primarily for these reasons, that Clark County Citizens United, Inc. has again come forward to assure the county complies with the courts. We urge the Councilors and Commissioners to understand and accept that the rural and resource lands cannot remain static for over twenty years and the law must be obeyed. The landowners must have relief from the massive down zoning that occurred in 1994, using unauthorized formulas and erroneous decisions. Such actions are not allowed under the Growth Management Act.

Sincerely,

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

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 2:06 PM
To: Schroader, Kathy
Cc: Cook, Christine
Subject: FW: comments on Draft Supplemental EIS
Attachments: Comments DSEIS 9.17.15.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Just FYI and for the record. Thanks.

From: Sue Marshall [mailto:suemarshall5@hotmail.com]
Sent: Thursday, September 17, 2015 2:03 PM
To: Cnty 2016 Comp Plan; Stewart, Jeanne; Mielke, Tom; Madore, David
Cc: Orjiako, Oliver; Euler, Gordon; Anderson, Colete; Alvarez, Jose
Subject: comments on Draft Supplemental EIS

Sept. 17, 2015

Dear Clark County Council and Planning Commission:

Thank you for the opportunity to comment on the proposed alternatives for the county comprehensive plan update. I urge you to support either Alt. 1 or Alt. 3 as the options that are the least impactful to the rural community and future viability of agriculture in Clark County.

BACKGROUND

Our family bought our 30 acre farm in 1960. We do not have a water right and are dry land farmers. The farm has been in a number of crops starting with a 4,500 tree pear orchard. We converted to berries when market forces compelled us to bulldoze the bulk of the orchard. We currently lease 25 acres to a neighboring farmer who grows grass seed. When the lease is up in 2 years and with a daughter now interested in farming, we will plan to plant filberts, grains, extend the vegetable garden and continue working our remaining orchard.

You can successfully farm without water rights but you need larger acreage to be commercially successful as you are limited in the crops that you can grow. It is critical to our future success to have long term assurance that our significant investment in trees and equipment will not be undercut. The AG-20 designation provides us with a shield to protect long term farming for us personally and for the county as a whole. We are planning for multiple generations.

PRESERVING LARGE ACREAGE FARMS

Alt 2 and Alt 4 eliminate the AG 20 zoning countywide and continues forward past bad land use decisions that have fragmented agricultural lands, led to large lot residential sprawl and weakened the viability of agriculture in this county. Drive around the county now and you will see rural residential at its worse – big houses on multiple acres with sprawling lawns. Please do not double down on those previous bad decisions.

Large acreage zoning can protect farmland for the long term when the parcel size is 20 acres or greater. Fragmenting agricultural land and increasing rural residential reduces the amount of land available for farming and will threaten local food security, undermine our agricultural heritage and weakens the economic viability of farming in Clark County.

American Farmland Trust fact sheet on zoning as a means of protecting agricultural land explains – ... “ordinances that allow construction of houses on lots of 1-5 acres often hasten the decline of agriculture by allowing residences to consume far more land than necessary.”

Why large acreage farms are important for long term retention of local agriculture:

- The per acre cost of farmland goes up with smaller acreages – contrary to what some may think, the per acre cost more than doubles when you go from a 20 acre parcel to a 10 acre parcel and even higher with 5, 2.5 and 1 acre parcels where you can be looking at a 10 fold increase in the per acre cost. Alt. 2 and 4 would make land for farming prohibitively expensive because it shrinks available larger lots so that they are no longer economically viable but also reduces the sizes of lots such that they can no longer serve the purpose of being resource land buffers as required under GMA development regulations.
- Large blocks of land dedicated to farming provide more long term stability, sustainability and resilience for agriculture. Anyone who is a regular day to day farmer knows that it is these large blocks that are not susceptible to development that give true farmers a sense of ease knowing that they will be able to continue their Right To Farm practices without having to engage in legal battles with individuals who come out seeking a “rural” lifestyle on a one or 2.5 acre parcel. A farmer can plant an orchard - a 50 plus year investment with some predictability that you won't lose your investment. A farmer can invest in soil amendments, crop rotations and, even at the risk of losing money, crop diversity without having to worry that someone who bought a 1 and ½ acre parcel near by, will sue because they do not like the smell of chicken and cow manure or the early morning grind of farm equipment.
- Large block farming can support necessary infrastructure – shared storage, equipment, processing, marketing etc. There is an important economic cluster of supporting jobs that occurs with larger scale farming.
- Dry land farming is a fact of life and, more than feasible, in Clark County but it requires larger acreage to be economically feasible with a more limited variety of crops. As new water rights are not available it behooves us to preserve the remaining large acreage farms for diversity of crops and the future resiliency of food production in the county.

POPULATION ASSUMPTIONS DO NOT SUPPORT ALT 2 AND ALT 4

As sited in the Draft Supplemental EIS the total population growth was revised downward by nearly 7,000 from the previous Comprehensive Plan of 2007. There is no justification for increasing rural residential development as proposed in Alt 2 and 4.

In both of these alternatives, development occurs disproportionately in the rural areas **and nearly equal in their impact on agricultural lands**. Contrary to the planning assumption of a 90% urban/10% rural population split – Alt 2 and Alt 4 would allow 16% and 24% of the growth to occur in the rural areas respectively.

Under Alt. 2

- Increases new lots in rural areas by 8,220 with **1,937 on agricultural lands**
- Impacts 34,000 acres across the county
- 16% of projected population grow in rural areas

Under Alt 4

- 12,400 new lots with **1,958 on agricultural lands**
- Impacts 65,537 acres across the whole county
- **24% of population growth goes to rural – way above the prescribed 10%**

ALT 2 AND ALT 4 - A PERSCRIPTION FOR SPRAWL

Environmental impacts from these two alternatives would be cumulative to surface water, ground water and fish and wildlife resources.

New rural lots would require additional wells and septic systems that would have an impact on natural resources. The EIS does not evaluate the impact to water resources on a site specific watershed basis or where there are existing vulnerabilities in water resources and wellhead protection areas – this does not provide adequate information from which to base a decision. Experiencing one of the driest summers on record it is both short-sighted and cavalier to propose encouraging an additional 8,220 [Atl. 2] to 12,400 [Alt. 4] new wells to tap into the Troutdale aquifer that supplies drinking water to 95% of the population in Clark County.

Existing infrastructure would also be stressed under these alternatives. Our current transportation system would not support the needed roads to accommodate the growth that would occur across the rural portions of Clark County.

CRITICAL POINTS RAISED IN THE DRAFT SUPPLEMENTAL EIS REGARDING ALT 2 AND ALT 4

- Will require new roads, greater maintenance, longer commutes, and consume more energy.
- New parcels will be spread all over the county.
- Diminishes the county's ability to attract large scale agriculture.
- Creates more housing than is needed.
- **Would not support state regulations to control sprawl.**
- New transportation facilities and maintenance would fall to the county with the cost only partially recovered through impact fees.
- EIS concludes that the cost for Alt 2 and 4 would be prohibitive.
- Needed infrastructure – power lines, schools, support services would change the character of rural Clark County.

For us and our farm it is very personal – my husband's parents and uncle's ashes are scattered under the remaining pear trees. My son got married under the 100 year old king apple tree. We want to keep the land over multiple generations and to support the long term future of agriculture in Clark County. Please keep our rural lands rural and reject Alt 2 and Alt 4.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Marshall".

Sue Marshall
Co-owner and Operator of Baur's Corner Farm

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 2:08 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: Letter re comp plan, more comments

FYI and for the record. Thanks.

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

From: Valerie Alexander [<mailto:coyoteridge@tds.net>]
Sent: Thursday, September 17, 2015 12:16 PM
To: Orjiako, Oliver
Subject: Re: Letter re comp plan, more comments

Thanks Oliver. Here's some more:

To whom it may concern,

My name is Michael Benson and my wife and I are board members of Friends of Clark County (FOCC.) We decided to join FOCC as we strongly support ALT 1 for the comprehensive plan update and adamantly oppose ALT 4. We recently purchased 5 acres of rural property in La Center WA with hopes of farming and purchasing some livestock. Like many of our friends and neighbors, our water does not come from a public source but from a private well. Due to a very limited supply of well water, we have to be very selective with farming practices and must rely on crops that require little or no irrigation. I am assuming by Mr. Madore's proposal of ALT 4 that he has little or no understanding of what this means at all. Our water is not an unlimited source. In fact, while we are very conservative with use, we ran out of water multiple times last summer and even in the fall. When this happens we have no drinking water, no ability to take showers or wash clothes or even simply flush a toilet. We purchased holding tanks to store water this year at a cost of over \$4,000 just to ensure our family had the basic resources needed to live. Our neighbors directly to the north of our property, who have owned their land for decades, also ran dry this year. There are multiple small farms that we know of in our community that have faced the same issues. This problem is not just going to go away, in fact, all evidence suggests that it is getting worse. Dividing lots, breaking up farmland and building beyond what the current infrastructure can manage will only further deplete the water supply in Clark County. Does this sound like a reasonable option? Is it what the small farmers whose livelihood is on the line would choose? Does Mr. Madore intend to inform the public that his push for unsustainable development from ALT 4 will come without the basic needs to live? Water is a necessity, not a subsidy that a local official can just decide to sell off to special interest until it is depleted. If ALT 4 were to pass, what is the contingency plan once all of the farms, existing tax payers homes and new developments run out of water? The DSEIS does not account for this at all. I can assure you that I, my neighbors and the citizens of Clark County will be looking at ONE person for answers.

Please make the right choice for the citizens of Clark County. Do not take away our natural resources needed to survive. Choose what is best for whole, not for special interest. Choose ALT 1.

Thank you for your consideration and understanding,

Michael Benson
2211 NW Coyote Ridge RD
La Center WA 98629

On Sep 17, 2015, at 11:00 AM, Orjiako, Oliver <Oliver.Orjiako@clark.wa.gov> wrote:

Good morning Valerie:

This is to acknowledge receipt of your email comment. Staff will provide to PC/BOCC and include in our index record.
Thanks.

Best,

Oliver

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

From: Coyote Ridge Ranch [<mailto:coyoteridge@tds.net>]

Sent: Thursday, September 17, 2015 7:26 AM

To: Orjiako, Oliver

Subject: Letter re comp plan

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

This e-mail and related attachments and any response may be subject to public disclosure under state law.

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

Schroader, Kathy

From: S-J Zimmermann <sjzimmer7@msn.com>
Sent: Thursday, September 17, 2015 1:13 PM
To: Cnty 2016 Comp Plan
Subject: County Growth plan feedback

Dear Planning Commission members:

I'd like to express my strong opposition to Alternative 4. I believe this proposal is short-sighted, would substantially increase urban sprawl and ultimately detract from the many qualities of beauty and environmental appeal that make our county a great place to live. This proposal would lead to substantial deterioration of open space, farm lands, essential sources of local food and forest commodities. I especially do not support the concept of "property rights" that leads to potential short-term benefit of a few at the long term expense of the many.

Additionally, I'd like to add my support for Alternative 1. I believe the growth plan as currently implemented has proven beneficial and productive. Current zoning has provided for well managed growth in the county and maximizing benefit to all who live here.

Thank you for your consideration.

Stephen A. Zimmermann
1104 NW 199th St.
Ridgefield, WA 98642
[sjzimmer7@msn.com](mailto:szimmer7@msn.com)

Schroader, Kathy

From: Mike Bomar <MBomar@credc.org>
Sent: Thursday, September 17, 2015 2:10 PM
To: Cnty 2016 Comp Plan
Subject: CREDC DEIS Comments
Attachments: CREDCDEISCommentsDraft.pdf; ATT00001.htm

See the attached comments from the Columbia River Economic Development Council.

Please call me if you have any questions or concerns. 360-909-3766.

Mike Bomar

President

D: 360.567.1060

O: 360.694.5006

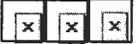
mbomar@credc.org

805 Broadway, Ste 412|Vancouver, WA 98660

credc.org



Accelerating Business Growth and Innovation



Wednesday, September 16, 2015

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 (from 1960 to 2010 Clark County averaged an annual growth rate of 3.07%) 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.
4. **Critical Areas:** The CREDC is concerned that the current vacant lands model doesn't accurately reflect the impacts of critical areas. In particular, the newly implemented Biodiversity area which removes a significant amount of buildable land from the model. The model should be updated prior to plan adoption.



Columbia River Economic Development Council
805 Broadway, Suite 412 | Vancouver, WA 98660

(360) 674-5000
credc.org

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,

A handwritten signature in black ink, appearing to read "Mike Bomar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Bomar,
CREDC President

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 2:21 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: My Comments on behalf of FOCC filed this morning 9/17

FYI and for the record. Thanks.

From: David McDonald [<mailto:david@mcdonaldpc.com>]
Sent: Thursday, September 17, 2015 2:12 PM
To: Orjiako, Oliver
Subject: My Comments on behalf of FOCC filed this morning 9/17

Mr. Orjiako:

After I filed the comments this morning with questions regarding the CFP, it was pointed out to me that I did not make a distinction between residential and non-residential TIF. The County is still collecting residential TIF funds (although the Councilors have discussed eliminating residential TIF as well). To the degree my comments were incorrect in saying that the County was collecting “no” TIF, that is incorrect so this note is to amend my comments to be “no TIF” to “no non-residential TIF. However, I do not think that changes the fact that the County’s failure to collect non-residential TIF appears to be creating financial deficiencies in the County’s ability to adequately fund and carry out the CFP especially if the non-residential TIF collection is traditionally much greater than residential TIF collections. Although I have not “drilled down” into the all the projects, I think it is important to note that so far current funding levels do not appear sufficient to carry out the current CFPs.

So if you could please add this e-mail to the record next to my earlier comments, I would be greatly appreciative.

Please feel free to contact me with questions.

Best Regards,

David T. McDonald

Schroader, Kathy

From: Euler, Gordon
Sent: Thursday, September 17, 2015 2:32 PM
To: Schroader, Kathy
Subject: FW: DSEIS testimony
Attachments: September 15 2015 letter to Planning Commission and BOCC.doc

Kathy:

For the index.

Gordy

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.

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 20th century possibilities will not prepare us for the uncertain future we are facing in the 21st 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 131st Way
Apt. A
Vancouver, WA 98685

Schroader, Kathy

From: Mark & Susan Gawecki <msgawecki@comcast.net>
Sent: Thursday, September 17, 2015 2:21 PM
To: Cnty 2016 Comp Plan
Subject: Opposition to Alternative 3.1

Dear Planning Commissioners,

Thank you very much for your hard work in the difficult job of planning the future of our county. I understand you will not be able to please everybody with whatever final recommendation you make. From my side I am opposed to alternative 3.1 which would give cities more room to annex rural property. I and my neighbors have been fighting the City of Battle Ground for over eight year years to prevent annexation of our neighborhood. Battle Ground has succeeded in annexing the golf course around the Cedars Neighborhoods creating islands of unincorporated Clark County. We are now seeing the results of this action through the development of high density lower cost housing next to our 1/2 to 1 acre lots. We are experiencing urban sprawl and the potential deterioration of our property values and life style. Let the cities redevelop their own problematic urban areas rather than extend their blight to rural areas.

Thanks for considering my point of view.

Mark Gawecki
17706 NE Homestead Drive
Brush Prairie, WA

Schroader, Kathy

From: Jerry Olson <jolson@olsonengr.com>
Sent: Thursday, September 17, 2015 2:35 PM
To: Cnty 2016 Comp Plan
Subject: Drqft EIS on Comp Plan

Let me offer these brief comments on the EIS:

- 1) The EIS does not adequately analyze the impacts of the gross underestimation of the population projection, and what that result would be to the community and the environment.
- 2) The EIS does not adequately address the impacts of assuming that over half of the critical land in the Urban Growth Boundary will be built on to full density. What are the alternatives to avoid or minimize that occurrence?
- 3) The EIS does not acknowledge the addition of biodiversity habitat lands in the Urban Growth Boundary that would reduce the amount of buildable vacant land as shown on the buildable lands model, or the result of building on over half of it.
- 4) The infrastructure assumption does not allow for adequate storm water set aside to treat water pollution.

I support Alternative 4 in the plan over the other choices, but it does not add enough land to the Urban Growth Boundaries to satisfy GMA.

Jerry Olson
222 East Evergreen Blvd
Vancouver, WA 98660

Schroader, Kathy

From: Bianca Benson <bianca@friendsofclarkcounty.org>
Sent: Thursday, September 17, 2015 2:40 PM
To: Cnty 2016 Comp Plan
Subject: DSEIS Comments for the record
Attachments: DSEIS comments_BB.pdf

Please submit the following personal comments to the record.

Thank you,

Bianca Benson
503.701.9203

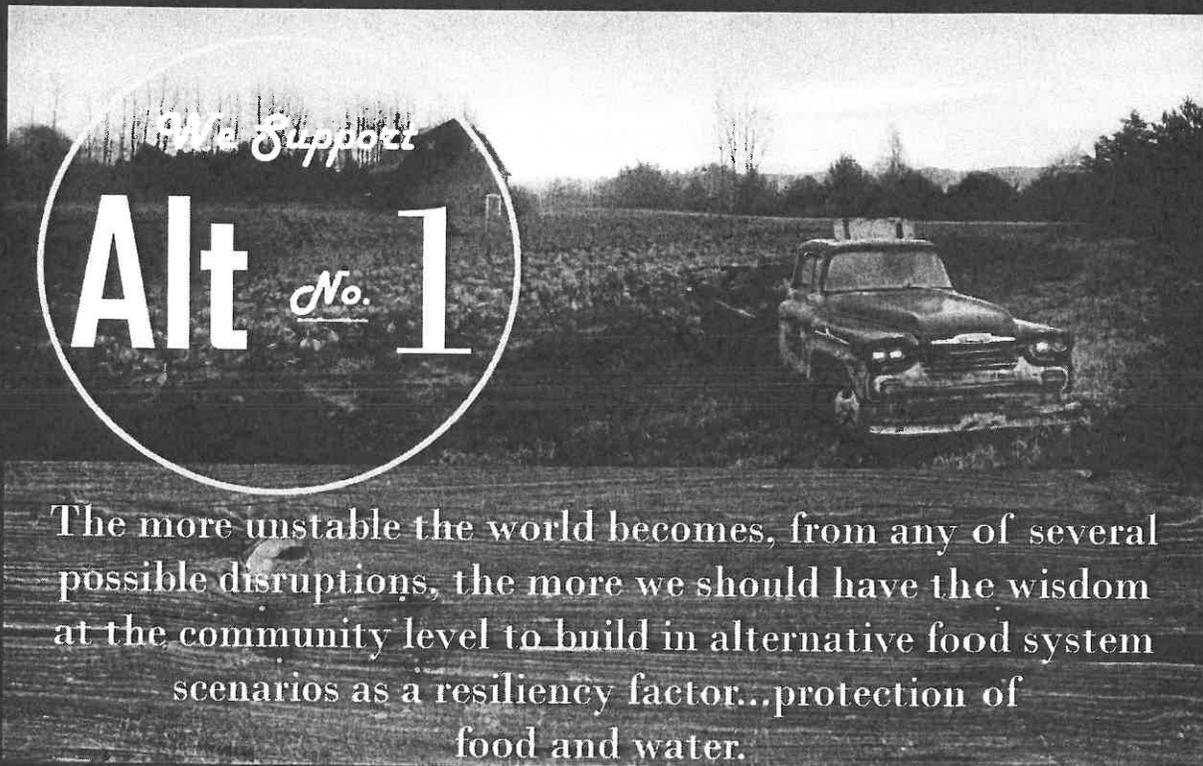
September 17, 2015

Dear Sirs & Madams,

As a rural farm owner and a Friend of Clark County, I find the DSEIS lacking in the planning for ground water. Our home is under strict water usage which makes farming a complicated endeavor. We've had to resort to water storage and, while prudent, is still subject to ground water availability. With more large homes on oversized, paved lots in our rural lands each one of us is at risk of losing our water, including the new home owners. The environmental impact of thousands of more homes in our rural county will create hardships in the future that are not being carefully calculated now.

Sincerely,

Bianca Benson



Schroader, Kathy

From: Alan Greene <algreene86@gmail.com>
Sent: Thursday, September 17, 2015 2:48 PM
To: Cnty 2016 Comp Plan; Euler, Gordon
Subject: Comprehensive Growth Management Plan Update Alternative 4

September 16, 2015

Clark County Board of Councilors

David Madore, Tom Mielke, Jeanne Stewart

1300 Franklin Street, PO Box 5000
Vancouver, WA 98666-5000

Clark County Planning Commission

Clark County Community Planning

Comprehensive Growth Management Plan Update - Comments

P.O. Box 9810

Vancouver, WA 98666-9810

RE: Comprehensive Growth Management Plan Update Alternative 4 Proposed Zoning Changes for Section 5, T4 North, R3 East, WM, Clark County,

Subject: Corrections to Alternative 4 to Include Parcels No. 230277-000 and 230282-000 in 10 acre Zoning.

Dear Ladies and Gentlemen:

Alternative 4 to the Comprehensive Growth Management Plan Update is the only possibility for rural landowners to gain equal treatment from the oppressive private property limitations of the 1994 Growth Management Act.

We agree with the proposed changes in Alternative 4 except as applies to our family parcels Nos. 230277-000 and 230282-000 situated in Section 5, T4NR3EWM. We respectfully request that the Alternative 4 data and the Alternative 4 map please be modified to include Parcel Nos. 230277-000 and 230282-000 to be zoned as 5 acres or as FR-10, NOT FR-20. We believe that Parcel Account No. 230282-000 is a legal lot or parcel as it was established as a separate parcel in 1948.

Our parcels Nos. 230277-000 and 230282-000 total slightly more than 50.5 acres and are situated near Yacolt Mountain. Prior to the Growth Management Act in 1994 our parcels were zoned R-5 and the parcels owned by our neighbors to the North were zoned R-20. The 1994 Growth Management Act changed our zoning to FR-40, meaning that we can only build one home on 40 acres for one family member.

We have waited for more than 20 years to be able to hope for some reduction of the restrictions placed upon our land by the Growth Management Act. There are 5 children in our family who live in Washington State. Each of them should be allowed to build a home on the family property and manage each of their properties as one tree farm to grow and produce commercial timber. We should have the right to build our homes on our own land, but with that right some of us may choose to build while others may choose not to build. Just because a parcel is created does not mean that a person will actually build a home upon every parcel created.

We believe it would be unequal treatment and an uncompensated taking of the use of our property if Clark County attempts to prohibit our sons and daughters from building homes on the property which has been owned by our family for 60 years. We should not be penalized because we chose to grow timber and did not choose to create 5 acre parcels in 1993. We should be allowed to have the same use of our land as our neighbors have and be able to build our own homes and live on our own land. This means that each family member who chooses to own a portion of the 50 plus acres could own separately their own deeded acreage, not an undivided deeded interest in 50 acres owned jointly by all family members. Zoning to allow our family to build family homes on an undivided deeded interest in 50 acres is not feasible. Residential mortgage lenders have told us that a mortgage loan for a residential home must include on the home loan documents all owners of the land upon which the home is to be built. This would mean every landowner would have to sign on the mortgage documents to be liable for each sibling's home to be built on the undivided land. This would lead to horrific conflicts between family members. We believe that Pomeroy Farm avoided this conflict by segregation into 20 acre parcels for each family member.

Alternative 4 proposes that the parcels owned by our neighbors to the North become zoned FR-10. We believe an omission occurred when our parcels were not also proposed in Alternative 4 for FR-10 zoning. The parcels adjacent to our property are "predominant lot sizes" of 1.5 acre and 5 acre parcels with homes. There are more than 12 homes on property adjacent to or near our property. These parcels are proposed in Alternative 4 to become zoned FR-10. Our property and the property of our South and East neighbors border on and have direct access to a public road, Yacolt Mt. Road. The homes on these "adjacent properties" are visible from our property and from Yacolt Mt. Road and show the "actual rural residential character" of this local area.

The property of our neighbors to the West and North of our property are 20 acre and larger acreage parcels with some 5 acre parcels and are proposed under Alternative 4 to become zoned FR-10. Several of these parcels do not border on any public road, whereas our property has more than one-half mile of road frontage. As explained, our property is situated next to several small parcels with rural residential homes. Our Parcel Nos. 230277-000 and 230282-000 should be included in Alternative 4 to be zoned as 5 acres or as FR-10, NOT FR-20.

We shall continue our major goal of growing timber on our land, but we want to live on our own land so that we can thoroughly and attentively manage our land as one timber management unit. It is possible that the acreage devoted to timber production would not be reduced by our family homes. We shall ensure that we have minimal environmental impacts upon the land and could build our homes on that portion of the land upon which conifer timber will not grow because of laminated root rot soil which kills conifer trees. We have areas where laminated root rot is prevalent and have been unsuccessful in our efforts to achieve Douglas fir reforestation in those areas. Please see the attached information from the US Forest Service which explains the open areas in forests created by laminated root rot. P.S. Sorry my E-mail will not allow me to send this large attachment.

Thank you.

Sincerely,

Alan Greene

Stan Greene

P.O. Box 2844

Battle Ground, WA 98604

Schroader, Kathy

From: Greg Nelson <nelsonengr@comcast.net>
Sent: Thursday, September 17, 2015 2:51 PM
To: Cnty 2016 Comp Plan
Subject: Comprehensive Plan Update Comment

To meet the June 16, 2016 required update of our 2007 Growth Management Plan I support the adoption of Alternate #1.

Alternates 2 and 3 do not adequately address the community costs and lifestyle impacts that will result from encouraging urban sprawl. In particular, will our limited water supply and the increased value of rural land spell the end to nearby small farms? What are the financial costs to all county citizens to support all the infrastructure extensions that will be required? Will we be dooming ourselves to remembering how easy and delightful it was to drive from an urban area and feel that you were out in the country?

We have professional staff people at the County who must be allowed the time and resources to be able to present this community with a realistic assessment of the benefits and costs of revising a carefully constructed growth management plan. The requirement for the 2016 update of the plan is intended to guarantee that we assess the Growth Management Plan periodically. It is not a mandate to increase the planned rate of growth for the County. If Alternate #1 is adopted the staff will be able to carefully consider future options and present them to us. It will give the citizens of the County the time and facts to help make judgements about growth management for our community.

Alternate #4 seems to have been generated by a small special interest group, without input or involvement from Clark County staff. Adoption of this alternate would reward this group with an immediate financial windfall, without requiring them to dilute their profits by absorbing the enormous future costs of the new infrastructure that subdividing rural farm land into 5 acre home sites will require. The fact that this alternate can be considered under such self-serving circumstances is a community embarrassment.

Greg Nelson
Clark County Resident
4905 NE 47th Avenue
Vancouver, WA 98661

Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 2:54 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: Land for sale
Attachments: Landwatch #3.pdf

FYI and for the record. Thanks.

From: Coyote Ridge Ranch [<mailto:coyoteridge@tds.net>]
Sent: Thursday, September 17, 2015 2:36 PM
To: Orjiako, Oliver
Subject: Land for sale

Oliver, here are some examples of land for sale in the area in case some of the CCCU members want to buy some for their offspring.

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

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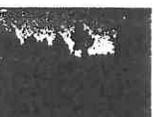
Blake Griffith
Century 21 Lund Realtors
(360) 496-5900

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FROM THE
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Reebok SPARTAN RACE
WORLD'S BEST OBSTACLE RACE

- 69.  **.34 Acres Vancouver, Clark County, Washington**
\$76,000
Raw vacant land zoned R-30 across the street from additional R-30. .34 acre lot located conveniently in the city. Minutes from shopping and recreation...
[View Details](#) [Save Property](#)
- 70.  **10.6 Acres Yacolt, Clark County, Washington**
\$126,000
Roaring Waterfall, level area for beautiful views, generator, backpart of property connects to longview fiber (can go to top of Yacolt ML) miles of...
[View Details](#) [Save Property](#)
- 71.  **2.6 Acres Battle Ground, Clark County, Washington**
\$368,000
Private, fenced & gated 2.5 acre! Great rm concept; huge family rm, dining rm & high end, stainless steel app) in island kitchen. Master suite w/ soaking ...
[View Details](#) [Save Property](#)
- 72.  **.19 Acres Vancouver, Clark County, Washington**
\$234,900
HIGHLY DESIRABLE MEDICAL OFFICE NEAR PEACEHEALTH MEDICAL CENTER. 1200 SQ. FT. OFFICE, RECEPTION AREA, WAITING ROOM, 2 EXAM ROOMS, X-RAY AREA, POSSIBLE 3RD ...
[View Details](#) [Save Property](#)
- 73.  **.17 Acres Washougal, Clark County, Washington**
\$66,000
0.17 Acre Lot with Really Nice View. Access to Paved Public Road, Utilities. Ready to Build Lot.
[View Details](#) [Save Property](#)
- 74.  **1.76 Acres Vancouver, Clark County, Washington**
\$266,000
Prime developable property zoned R1-6. Close to Hazel Dell Park. Fir & fruit trees. Good road access. Utilities available. Adjacent property RMLS #...
[View Details](#) [Save Property](#)
- 75.  **.97 Acres Battle Ground, Clark County, Washington**
\$80,000
PROPERTY WITH A VIEW TO DIE FOR. CITY OF PORTLAND VISIBLE AT NIGHT ON CLEAR DAY. POWER AND WATER AT THE ENDS OF THE PROPERTY. FOR SALE CLARK COUNTY...
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Flo Sayre - Washington Land Specialist



Flo Sayre
Farmers National Company
(509) 639 - 3161
Email Me
[View My Listings](#)

[VISIT MY WEBSITE](#)

[WATCH MY VIDEO](#)

Flo is a 4th generation farmer from Pasco, WA and has been active in real estate since '96.

She is also the ONLY Accredited Land Consultant practicing in Eastern WA. Her 20 years of real estate experience and knowledge of agriculture and land issues make her one of the top land brokers in the state.

Clark County, Washington Land for Sale
Looking for rural homes and land for sale in Clark County, Washington? LandWatch.com has thousands of rural properties in Clark County, Washington, including hunting & fishing properties, cabins, Land for sale and land auctions. Choose from small acreage lots to massive 600+ acre estates. You can also find Clark County, Washington real estate agents who specialize in land and rural retreats.

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AND MO

Windermere
REAL ESTATE

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SEARCH

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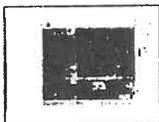
NARROW BY CITY
 Battle Ground (166)
 Washougal (129)
 Camas (123)
 Vancouver (123)
 Ridgefield (94)
 La Center (39)
 Brush Prairie (35)
 Amboy (24)
 → See all Cities

76.  **1.04 Acres Battle Ground, Clark County, Washington**
 \$594,900
 This home is PROPOSED - One of the last lots available in this Gated Community. Custom ranch home w/open great-room concept w/double sided FP, gourmet...
[View Details](#)

NARROW BY PRICE
 Up to - US\$169,999 (116)
 US\$170,000 - US\$259,999 (118)
 US\$260,000 - US\$339,999 (116)
 US\$340,000 - US\$419,999 (108)
 US\$420,000 - US\$559,999 (111)
 US\$560,000 - US\$829,999 (108)
 US\$830,000 - and up (83)

77.  **.94 Acres Ridgefield, Clark County, Washington**
 Next to future county park. Very nice area. Mostly flat and easy to build. Can be divided into 3 lots. Very pretty Property. Lot line adjustment to be...
[View Details](#)

Enter custom price
 Min Max

78.  **2.68 Acres Vancouver, Clark County, Washington**
 \$275,000
 Development Property in great location and priced to sell fast! 2.68 acres Zoned C-3, consult Clark County Planner for possible uses. Great exposure for...
[View Details](#)

NARROW BY PARCEL SIZE
 Enter custom size (Acres)
 Min Max

NARROW BY TYPE
 Farms and Ranches (4)
 Homesite (1)
 House (618)
 Land (238)

79.  **2.99 Acres Vancouver, Clark County, Washington**
 \$1,170,000
 Excellent exposure SJohns Frontage(332 ft)TWO LOTS SOLD TOGETHER zoned for light Ind. & C3 but currently has 4 income buildings and plenty of property(3...
[View Details](#)

→ See all activities

NARROW BY AVAILABILITY
 Available (704)
 Under Contract (63)

80.  **.33 Acres Vancouver, Clark County, Washington**
 \$60,000
 A perfect...Level home-site, just out-side the city and city lines. A rare find very versatile in what you could do here. 10 minutes to PDX with a easy...
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NARROW BY SALE TYPE
 Fixed Price (20)
 Auction (3)

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81.  **1.25 Acres Vancouver, Clark County, Washington**
 \$294,000
 Beautiful 1.25 acre lot private and level surrounded by high end homes and sub-dividable. Build your dream home subdivide, or build on to existing home. ...
[View Details](#)

82.  **5 Acres La Center, Clark County, Washington**
 \$438,900
 Private 5 acre country estate located miles from the heart of LaCenter.Warm and inviting w/ a wonderful design and functional, three level floor...
[View Details](#)

83.  **.13 Acres Vancouver, Clark County, Washington**
 \$69,000
 Hard to find lot in Historic Hough neighborhood. Buyer and buyers agent to do their own due diligence on this zoned R-9 parcel. Sign on property. S of...
[View Details](#)

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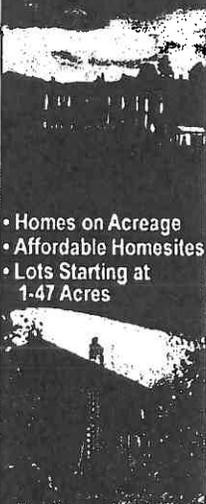
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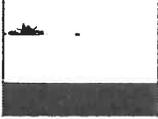
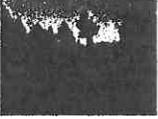
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POULSBOROUGH

- 84.  **2178 sq. ft. Washougal, Clark County, Washington**
\$68,000
Great opportunity and investment in newly renovated downtown Washougal. Build your own building and own your business. Use all the SF from corner to corner, ...
[View Details](#) [Save Property](#)
- 85.  **3.6 Acres Camas, Clark County, Washington**
\$999,500
NEW PRICE! 3.6 Acres on Prune Hill. Panoramic Views of Vancouver, Columbia Rvr, PDX, PUD & West Hills. Two tax lots (127364000&127440000) Zoned R7.5. Purchase...
[View Details](#) [Save Property](#)
- 86.  **4.1 Acres Vancouver, Clark County, Washington**
\$2,600,000
4.1 Acres zoned R-30. 3 parcels for sale. View of Columbia River, and Portland Lights. Penthouse Project, Apartments, or Condominiums. Perfect location...
[View Details](#) [Save Property](#)
- 87.  **1.77 Acres La Center, Clark County, Washington**
\$179,950
This unique community is "ONE" of a kind in Clark County. Tri Mountain Estates provides for a wonderful place to live and an intelligent future real...
[View Details](#) [Save Property](#)
- 88.  **4.41 Acres Vancouver, Clark County, Washington**
\$1,200,000
Zoned C-3. This is a prime 4.4+- acre parcel that fronts 78th Street. High traffic count and great street visibility. Lot of possible uses. All utilities...
[View Details](#) [Save Property](#)
- 89.  **3.55 Acres Vancouver, Clark County, Washington**
\$616,000
Prime developable view property zoned R-18 & R1-6. Two tax parcels. Close to Hazel Dell Park. Fir & fruit trees. Good road access. Utilities available....
[View Details](#) [Save Property](#)
- 90.  **6 Acres Battle Ground, Clark County, Washington**
\$699,900
Custom Parade of Homes Builder. Views of Willamette Valley and Portland Lights. 70X12 deck off Great Room and Master. Serene setting. Knoty Pine...
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COMPARE Save this search and receive email alerts of new listings **SAVE**

Page Previous 1 | 2 | 3 | 4 | 5 | **6** | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 Next

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Farmers National Company
(509) 538 - 3181
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MODIFY RESULTS

CLARK COUNTY, WASHINGTON LAND FOR SALE: 91 - 106 of 761 listings

EXPAND YOUR RESULTS
 REMOVE: United States
 REMOVE: Washington
 REMOVE: Clark County
 REMOVE: 0-10 Acres

NARROW BY CITY
 Battle Ground (168)
 Washougal (129)
 Camas (123)
 Vancouver (123)
 Ridgefield (94)
 La Center (39)
 Brush Prairie (35)
 Amboy (24)

→ See all Cities

NARROW BY PRICE
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 US\$170,000 - US\$259,999 (118)
 US\$260,000 - US\$339,999 (116)
 US\$340,000 - US\$419,999 (108)
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 US\$830,000 - and up (83)

Enter custom price
 Min Max GO

NARROW BY PARCEL SIZE
 Enter custom size (Acres)
 Min Max GO

NARROW BY TYPE
 Farms and Ranches (4)
 Homesite (1)
 House (518)
 Land (238)

NARROW BY ACTIVITIES
 Aviation (2)
 Beach (2)
 Biking (4)
 Boating (8)
 Camping (3)
 Canoeing/Kayaking (1)
 Conservation (2)
 Family (8)

→ See all activities

NARROW BY AVAILABILITY
 Available (704)
 Under Contract (53)

NARROW BY SALE TYPE
 Fixed Price (20)
 Auction (3)

Save this search and receive email alerts of new listings SAVE

COMPARE SORT BY: **Featured**

91.  **2.5 Acres Vancouver, Clark County, Washington**
 \$625,000
 Fully Remodeled Home! Beautiful Custom Home Located on 2.5 acres close in. Features Grand Entry, 3 bedrooms and a bonus room, office w/built-in desk,...

92.  **1.55 Acres Vancouver, Clark County, Washington**
 \$360,000
 Approximate 1.5 acres of Light Industrial zoned ground fronting NE 117th Ave. a main north/south route between Vancouver and Battle Ground. This is a...

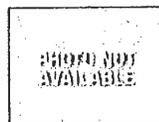
93.  **10 Acres Vancouver, Clark County, Washington**
 \$2,750,000
 One of a kind, luxurious retreat perfectly situated on secluded 10 acres, minutes to freeways & shopping. Custom great room floor plan, Gourmet Kitchen,...

94.  **4.36 Acres Woodland, Clark County, Washington**
 \$269,000
 Beautiful River Front 4.36 acres on great fishing river. Excellent river access with both low and medium bank access! Less than 2 miles to I-5, Septic for ...

95.  **4.7 Acres Vancouver, Clark County, Washington**
 \$399,900
 Prime location! 4.70 Acres zoned R1-6. Property was pre-iminary approved for 30 lots in 2006. Possible trade for other Real Estate.

96.  **.17 Acres Washougal, Clark County, Washington**
 \$86,000
 Golf course development on Orchard Hills Country Club in Washougal Only new golf course neighborhood of its kind in Clark Co 24 single family and 8...

97.  **2.11 Acres La Center, Clark County, Washington**
 \$275,000
 Short Sale Approved at 275,000.00

98.  **10 Acres Yacolt, Clark County, Washington**
 \$184,900
 10 acre parcel in a private acreage area Land is flat to gentle slope Trees Homes in area have wells and septic sys No CCR's, road maintenance agreement....

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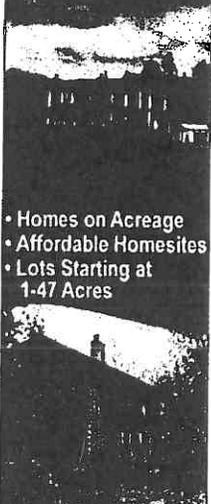
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- 99.  **5.18 Acres Woodland, Clark County, Washington**
\$315,000
UNIQUE & PRIVATE on 5 Acres Views, privacy, not too far out. Arched, barn-like style with a NW cabin feel. Cedar TnG walls, slate & bamboo floors, pellet...
[View Details](#) [Save Property](#)
- 100.  **5 Acres Battle Ground, Clark County, Washington**
\$549,000
Attn: Developers and Builders! Gorgeous, flat 5 acre lot zoned R12 in City of Battle Ground. Value is in the land. Includes fixer historic home and large...
[View Details](#) [Save Property](#)
- 101.  **6 Acres Camas, Clark County, Washington**
\$252,000
Awesome property(6.8 acres) and build ready. All clearing is done and roads cut in and graveled, power to pole, well in and pump installed, 30 x 60 shop,...
[View Details](#) [Save Property](#)
- 102.  **5 Acres Washougal, Clark County, Washington**
\$150,000
Washougal Acreage! 5 acres located on a private gravel Rd. It is secluded and private. Septic and well are in. Manufactured Homes are ok. Ask me about 6...
[View Details](#) [Save Property](#)
- 103.  **1.01 Acres Battle Ground, Clark County, Washington**
\$169,900
PRIME 1-ACRE LOT IN NEWLY DEVELOPED CASCADE MEADOWS PHASE 1. GATED COMMUNITY, CC&R'S TO PRESERVE NEIGHBORHOOD INTEGRITY, 3000SQFT. MIN. EASY ACCESS TO HWY...
[View Details](#) [Save Property](#)
- 104.  **.67 Acres Vancouver, Clark County, Washington**
\$359,000
.69 Acres zoned Ch (highway commercial) High traffic area and a great location just off the corner of Hwy 99 and 88th street. South of the Wal-Mart...
[View Details](#) [Save Property](#)
- 105.  **6.53 Acres Ridgefield, Clark County, Washington**
\$679,000
FENCED FOR HORSES Great LaCenter location, gated driveway into private 5 1/2 acre mini-farm. Large 5 bay shop, RV parking, compressor, studio bedroom. Big ...
[View Details](#) [Save Property](#)

[COMPARE](#) Save this search and receive email alerts of new listings [SAVE](#)

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Flo Sayre - Washington Land Specialist



Flo Sayre
Farmers National Company
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Flo is a 4th generation farmer from Pasco, WA and has been active in real estate since '96.

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MODIFY RESULTS

EXPAND YOUR RESULTS
 REMOVE: United States
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 REMOVE: Clark County
 REMOVE: 0-10 Acres

NARROW BY CITY

- Battle Ground (156)
- Washougal (129)
- Camas (123)
- Vancouver (123)
- Ridgefield (94)
- La Center (39)
- Brush Prairie (35)
- Amboy (24)

→ See all Cities

NARROW BY PRICE

- Up to - US\$169,999 (116)
- US\$170,000 - US\$269,999 (116)
- US\$270,000 - US\$339,999 (116)
- US\$340,000 - US\$419,999 (108)
- US\$420,000 - US\$559,999 (111)
- US\$560,000 - US\$829,999 (108)
- US\$830,000 - and up (83)

Enter custom price

Min Max

NARROW BY PARCEL SIZE

Enter custom size (Acres)

Min Max

NARROW BY TYPE

- Farms and Ranches (4)
- Homesite (1)
- House (518)
- Land (238)

NARROW BY ACTIVITIES

- Aviation (2)
- Beach (2)
- Biking (4)
- Boating (8)
- Camping (3)
- Canoeing/Kayaking (1)
- Conservation (2)
- Family (6)

→ See all activities

NARROW BY AVAILABILITY

- Available (704)
- Under Contract (53)

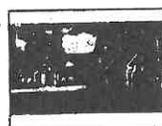
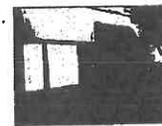
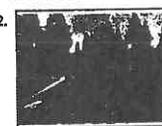
NARROW BY SALE TYPE

- Fixed Price (20)
- Auction (3)

CLARK COUNTY, WASHINGTON LAND FOR SALE: 106 - 120 of 761 listings

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COMPARE SORT BY:

- 106.  **2 Acres Washougal, Clark County, Washington**
\$65,000
 0.20 Acre Lot with Really Nice View. Access to Paved Public Road, Utilities. Ready to Build Lot.
[View Details](#)
- 107.  **1.2 Acres Vancouver, Clark County, Washington**
\$999,000
 Great Potential for Commercial Development. Across from Winco, Chase Bank, Subway Etc. Value is in the land. Existing 1500 Ft shop. 12 X 50 Leanto....
[View Details](#)
- 108.  **2.5 Acres Battle Ground, Clark County, Washington**
\$550,000
 2.5 Acres Close To Town! Five Bedrooms, 3 Bath, Guest Room with Bath on Main. Tall Ceilings Throughout, Kitchen With Newer Appliances And Tile Floors....
[View Details](#)
- 109.  **1.06 Acres Brush Prairie, Clark County, Washington**
\$795,200
 Proposed build with Creamer Construction. Custom plan design also available or bring your own plan. One of a kind 8 lot community, 1+ acre lots, Remaining...
[View Details](#)
- 110.  **5.4 Acres Washougal, Clark County, Washington**
\$632,000
 One of a kind custom built log home! This 4 bedroom 3 1/2 bath home on 5 acres has an 1100 sq ft shop, room for horses, fabulous finishes, marble floors....
[View Details](#)
- 111.  **4366 sq. ft. Vancouver, Clark County, Washington**
\$299,900
 Commercial office space, 2 separate offices or one large one. 1 bathroom in common area, 6 parking spaces in the rear, newer roof, 2 electric services....
[View Details](#)
- 112.  **7.38 Acres Ridgefield, Clark County, Washington**
\$1,125,000
 Exceptional quality and thoughtful design in this newer custom craftsman home on 7 private acres convenient to freeway & services. Open floor plan...
[View Details](#)
- 113.  **10 Acres Ridgefield, Clark County, Washington**
\$1,399,000
 Lots of potential with this property! Conveniently Located 1.5 miles from the 1-5 corridor across from Union Ridge Commerce Center Business Park. This...
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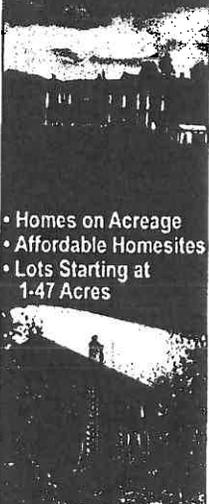
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VIEW ALL LISTINGS <<<<



- 114.  **2.5 Acres Battle Ground, Clark County, Washington**
\$896,000
Beautiful upscale country setting in a peaceful & serene neighborhood, yet close to town! This warm & inviting home features a formal living rm w/...
[View Details](#) [Save Property](#)
- 115.  **.18 Acres Washougal, Clark County, Washington**
\$86,000
0.18 Acre Lot with Really Nice View, Access to Paved Public Road, Utilities. Ready to Build Lot
[View Details](#) [Save Property](#)
- 116.  **Washougal, Clark County, Washington**
\$60,000
Golf course development on Orchard Hills Country Club in Washougal Only new golf course neighborhood of its kind in Clark Co 24 single family and 8...
[View Details](#) [Save Property](#)
- 117.  **.33 Acres Yacolt, Clark County, Washington**
\$129,900
Beautiful river front lot with septic, water, power is available. Nice area minutes to Battleground. O.K. for newer manufactured. Owner/Agent
[View Details](#) [Save Property](#)
- 118.  **2.8 Acres Camas, Clark County, Washington**
\$629,900
New! New! New! Custom Lindal Cedar home remodeled! Includes bedroom, full bath & a living/family room on each level. Fresh interior/exterior paint, total...
[View Details](#) [Save Property](#)
- 119.  **5.71 Acres Yacolt, Clark County, Washington**
\$725,000
Architectural masterpiece not a drive by. w/ soaring cathedral ceiling, open kitchen w/ lg island, pull out cabinets, top of the line gas commercial...
[View Details](#) [Save Property](#)
- 120.  **2 Acres Amboy, Clark County, Washington**
\$189,900
Private driveway to a light & bright darling paradise. Watch the birds & bunnies. Herb garden, berries & fruit trees. Covered decks, roof replaced in...
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MODIFY RESULTS

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Min Max GO

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Enter custom size (Acres)

Min Max GO

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- Farms and Ranches (4)
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- Beach (2)
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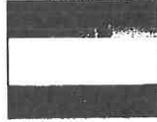
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- Fixed Price (20)
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Save this search and receive email alerts of new listings SAVE

COMPARE

SORT BY:

- 121.  **6.23 Acres Vancouver, Clark County, Washington**
 \$2,600,000
 RARE 6.23 acres with home on Columbia River with 2.3 acres of Tideland rights. Very private. Gorgeous grounds with artesian spring waterfall/pool. Either...
[View Details](#) [Save Property](#)
- 122.  **9.61 Acres Ridgefield, Clark County, Washington**
 \$290,000
 Picturesque 10 Acres With Creek In Desirable Ridgefield! Park Like Grounds Offer A Variety Of Building Sites. Enjoy Quiet, Country Living Minutes From...
[View Details](#) [Save Property](#)
- 123.  **2.5 Acres Washougal, Clark County, Washington**
 \$824,900
 Gorgeous remodeled lodge home w/ 170 ft of river frontage could be your everyday retreat! Truly an entertainers dream w/soaring stone fireplace, open...
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- 124.  **6.16 Acres Ridgefield, Clark County, Washington**
 \$1,100,000
 Elegant estate with high level of detail & superior craftsmanship in gated community! Gorgeous custom cabinets throughout, granite, travertine floors, so ...
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- 125.  **6.32 Acres Washougal, Clark County, Washington**
 \$599,900
 Spectacular Grounds with unobstructed territorial and city views await you! This home features all the amenities for living at its finest from the high...
[View Details](#) [Save Property](#)
- 126.  **2.11 Acres Amboy, Clark County, Washington**
 \$560,000
 Premier boating/fishing/4 wheelers; Cresap Bay/Saddle Dam just 3 minute drive; Yale/Merwin very close. CONSIDER buying this with 3-5 other families to...
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- 127.  **.16 Acres Washougal, Clark County, Washington**
 \$70,000
 Golf course development on Orchard Hills Country Club in Washougal Only new golf course neighborhood of its kind in Clark Co 24 single family and 8...
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- 128.  **2.64 Acres Battle Ground, Clark County, Washington**
 \$360,000
 A nice daylight ranch nestled in the trees.You'll find a huge kitchen w/glass-top stove, island, refrigerator, bay window w/view, dbl stainless sink, & tile...
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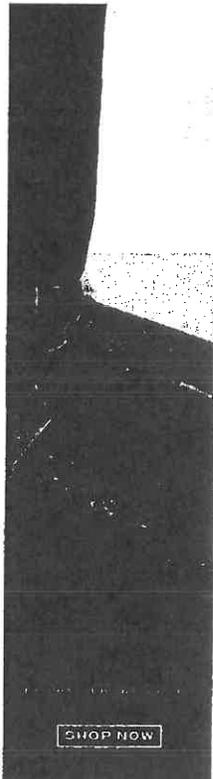


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- 129.  **6.17 Acres Camas, Clark County, Washington**
\$1,260,000
 Magnificent Craftsman estate has amazing views of Portland and its own private trout pond! Scenic trail leads around the pond crossing a bridge, ...
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- 130.  **3.5 Acres Battle Ground, Clark County, Washington**
\$349,000
SALE FAIL! BACK ON THE MARKET! Zoned Rural Commercial, 3.5 prime acres just 3 miles W of I 5 interchange. NE 219th st (SR 502) very high traffic volume so ...
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- 131.  **2.29 Acres Vancouver, Clark County, Washington**
\$200,000
 Great lot to build, use our builder we have great plan for this lot. See RMLS#15037102
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- 132.  **1.14 Acres Vancouver, Clark County, Washington**
\$399,000
 Great development opportunity or perfect for someone who needs a large shop/warehouse, directly off 112th Ave. Property has been approved for 13 attached...
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- 133.  **2.5 Acres Battle Ground, Clark County, Washington**
\$695,000
 Beautiful upscale country setting in a peaceful & serene neighborhood, yet close to town! This warm & inviting home features a formal living rm w/...
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- 134.  **6 Acres Yacolt, Clark County, Washington**
\$289,000
 Spacious home in a private wooded setting. 4 Bedrooms 2 baths. Bath off master with garden tub. Walk-in closet. Formal living rm & family rm. Den, vaults. ...
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- 135.  **2.9 Acres Amboy, Clark County, Washington**
\$99,900
 Lovely cleared parcel ready to build. Perc approved and well pumps approx. 45 gpm. Seasonal creek in back. **Owner/Agent.**
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Flo Sayre - Washington Land Specialist



Flo Sayre
Farmers National Company
(509) 639 - 3161
Email Me
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Flo is a 4th generation farmer from Pasco, WA and has been active in real estate since '96.

She is also the **ONLY** Accredited Land Consultant practicing in Eastern WA. Her 20 years of real estate experience and knowledge of agriculture and land issues make her one of the top land brokers in the state.

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Cut down on stomach fat even by using weird old



Search for land (e.g. "5 Acres in Missoula County, Montana")

SEARCH

QUICK SEARCH

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Land and Rural Retreats » United States » Washington » Clark County » 0-10 Acres

MODIFY RESULTS

CLARK COUNTY, WASHINGTON LAND FOR SALE: 136 - 160 of 761 listings

EXPAND YOUR RESULTS
 REMOVE: United States
 REMOVE: Washington
 REMOVE: Clark County
 REMOVE: 0-10 Acres

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COMPARE SORT BY: **Featured**

NARROW BY CITY

- Battle Ground (158)
- Washougal (128)
- Camas (123)
- Vancouver (123)
- Ridgefield (94)
- La Center (39)
- Brush Prairie (36)
- Amboy (24)

→ See all Cities

136.  **2.43 Acres Ridgefield, Clark County, Washington**
\$795,000
 Custom home on 2.5 acres 60x170 outbuilding including arena/shop/bam/stalls with pasture. Beautiful 4 bedroom home with 2 bonus rooms, open grt rm w/2...
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NARROW BY PRICE

- Up to - US\$169,999 (118)
- US\$170,000 - US\$269,999 (118)
- US\$280,000 - US\$339,999 (116)
- US\$340,000 - US\$419,999 (108)
- US\$420,000 - US\$559,999 (111)
- US\$560,000 - US\$829,999 (108)
- US\$830,000 - and up (83)

Enter custom price
 Min Max **GO**

137.  **1.28 Acres Vancouver, Clark County, Washington**
\$699,000
 Well maintained retail building with small apartment. Large fenced yard provides for wide array of use. CC zoning flexible for commercial use, check...
[View Details](#)  Save Property

NARROW BY PARCEL SIZE

Enter custom size (Acres)
 Min Max **GO**

138.  **6 Acres Vancouver, Clark County, Washington**
\$600,000
 There will be a boundary line adjustment on parcel 19882700 and final parcel size TBD from that and survey. Property zoned R1.75
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NARROW BY TYPE

- Farms and Ranches (4)
- Homesites (1)
- House (818)
- Land (238)

NARROW BY ACTIVITIES

- Aviation (2)
- Beach (2)
- Biking (4)
- Boating (8)
- Camping (3)
- Canoeing/Kayaking (1)
- Conservation (2)
- Family (6)

→ See all activities

139.  **1.05 Acres Vancouver, Clark County, Washington**
\$339,977
 Corner 1+ acre near Vancouver Mall. POTENTIAL TO SUBDIVIDE INTO 9-12 LOTS!! Huge single level updated home, High Ceilings, open floor concept, 3 large...
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NARROW BY AVAILABILITY

- Available (704)
- Under Contract (53)

NARROW BY SALE TYPE

- Fixed Price (20)
- Auction (3)

140.  **1.03 Acres Washougal, Clark County, Washington**
\$600,000
 Gorgeous newly refurbished Construction home on one acre. Four bedrooms, plus a den. Beautiful hardwood floors, and crown molding throughout. Stainless...
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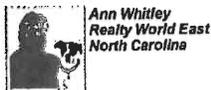
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141.  **10.22 Acres Yacolt, Clark County, Washington**
\$425,000
 This beautiful piece of property is a horse lovers dream. Fully fenced pastures, rolling hills with just the right amount of trees and spring. Lots of...
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142.  **5.34 Acres Ridgefield, Clark County, Washington**
\$260,000
 Picturesque 5 Acres In Desirable Ridgefield! Park Like Grounds Offer A Variety Of Building Sites. Enjoy Quiet, Country Living Minutes From Area Wineries...
[View Details](#)  Save Property

143.  **2.28 Acres Battle Ground, Clark County, Washington**
\$330,000
 2.28 acres of commercial land inside city limits with frontage SR 502 (Main St). Just west of Albertson's shopping center on other side of road. Check...
[View Details](#)  Save Property

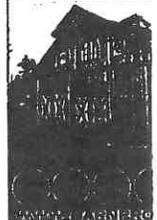
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- 144.  **.85 Acres Battle Ground, Clark County, Washington**
\$249,900
IMMACULATE HOME ON .85 ACRES. 3 bedrooms, 2 bathrooms, 2301 sq ft manufactured home built in 1995 w/ all new finishes inside. New roof, pipes & ducting...
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- 145.  **10 Acres Battle Ground, Clark County, Washington**
\$699,900
10 acre parcel with very livable home. Positioned in MU-R zoning. Sewer is planned to be installed on Grace Ave. Great potential for multi use property....
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- 146.  **6.22 Acres Vancouver, Clark County, Washington**
\$850,000
Zoned General Commercial (GC) allowing for a wide variety of uses. This property does have a BPA service easement will impact a master development plan....
[View Details](#)  [Save Property](#)
- 147.  **5.04 Acres Washougal, Clark County, Washington**
\$925,000
Another fine estate presented by NW contemporary design. Warm & elegant high end amenities. Stunning open floor plan. Too much to list. Spacious outdoor...
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- 148.  **.21 Acres Ridgefield, Clark County, Washington**
\$600,000
Move in Ready! Elegant one level home on over 9000 Square Foot lot! Stunning kitchen w/ island open to Great Room with 10 foot ceilings, gas fireplace &...
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- 149.  **10.08 Acres Amboy, Clark County, Washington**
\$69,900
Gorgeous view property. Military transfer forces sale. Minutes to embay. New and proposed schools. Year round crk on property. Views to tum tum mountain...
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- 160.  **.92 Acres Vancouver, Clark County, Washington**
\$350,000
Value is in the land, for Investor Opportunity. ALF (Assisted Living Facility) Up to 40 bed facility or apartments zoned R-30. Close to SW Medical Center, ...
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Flo Sayre - Washington Land Specialist



Flo Sayre
Farmers National Company
(509) 539 - 3161
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She is also the **ONLY Accredited Land Consultant** practicing in Eastern WA. Her 20 years of real estate experience and knowledge of agriculturs and land issues make her one of the top land brokers in the state.

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Schroader, Kathy

From: Orjiako, Oliver
Sent: Thursday, September 17, 2015 2:58 PM
To: Euler, Gordon; Alvarez, Jose; Anderson, Colete
Cc: Schroader, Kathy
Subject: FW: Final comment on DSEIS and other issues
Attachments: DSEIS GMP CCCU input 9 17 15-DTM.doc

Follow Up Flag: Follow up
Flag Status: Flagged

FYI and for the record. Thanks.

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

From: Sydney Reisbick [<mailto:reisbicks@comcast.net>]
Sent: Thursday, September 17, 2015 2:57 PM
To: Orjiako, Oliver
Subject: Final comment on DSEIS and other issues

Mr Ojiako:

Please accept my comments for the record re the DSEIS and GMA process.
Thank you,
Sydney Reisbick

Board of County Commissioners
Clark County Planning Commission
Community Planning Staff
c/o Oliver Orjiako, Community Planning
1300 Franklin St
Vancouver, WA 98660

Sydney Reisbick
PO Box 339
Ridgefield, WA 98642

9/17/15

DSEIS and Capital Facilities

Input for the Draft Supplemental Environmental Impact Statement (DSEIS), for the 2016 Growth Management Plan (GMP) Alternatives for the Comprehensive Plan. Please accept this input for the Record.

The bottom line is that the Draft Supplemental Environmental Impact Statement (DSEIS) is both (**delete “both”**) not qualitative and (**add a comma after qualitative and delete “and”**) not complete and is an inadequate basis for making a preferred plan. Any Final Alternative which proposes county-wide changes in zoning changes or minimum lot size changes should have a full EIS as well as a new capital facilities plan (CFP).

The DSEIS fails to discuss all the qualitative effects of the alternatives on the environment and rural character (Tim Trohimovich). It does not provide quantitative analysis of any of the alternative's impacts on water (streams, aquifers and wells or sewers), 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 (See David McDonald and Tim Trohimovich; See FOCC member's individual input on many of these). Proposed mitigations are fuzzy or potentially inadequate (same sources) and may not be enforced.

It is very expensive to build the capital facilities that will be needed by any Final Alternative. We are way behind in building those necessary for the growth projected in Alternative 1. The estimated cost of capital facilities for growth in the Alternative (See 2007 Capital facilities Plan) was between \$900 million and one billion dollars. We, the taxpayers, ratepayers, and bond interest-payers, will pay for much of this construction and mediation. We deserve a serious estimation of the cost of these alternatives.

Further costs will come from submitting an alternative that is not congruent with the goals of the state Growth Management Act.

Alternative 1

Alternative 1 is congruent **(in compliance not concurrent)** with the goals of the Growth Management Act.

There is no court case with which it is not concurrent **(in compliance not concurrent)**

There is no GMA case with which it is not concurrent **(in compliance not concurrent)**. (See David McDonald for FOCC).

Alternative 1 is not "no growth". It is growth adequate for expected population growth **that we can afford**. There are sufficient rural **(delete rural)** parcels in both the urban and the rural areas. There are more than enough parcels in the rural area to support a 10/90% urban rural population split.

Alternative 1 has a full EIS and a Capital Facilities Plan **and is not clear whether the County's current CFP meets GMA concurrency requirements, much less is funded to complete the mandated projects.**

If the Final Alternative proposes growth greater than that in Alternative 1, especially in the rural areas, and especially with countywide changes in zoning and minimum lot sizes, both a full EIS and a new CFP must be done.

CCCU Issues

CCCU appeal issues have already been resolved by both **(delete both)** the WWGMHB, **the County** and the courts (See David McDonald, submitted 9/14/15).

Property rights: Property rights, as defined by the courts, are security of the right to use your land, not to divide it. If these bodies had ruled that property rights meant that you **individual property rights were being violated**, then people **would be suing the county to allow for them to divide and sell** their lands.

Variety in sizes of rural lots: In Alternative 1, Clark County has an approved variety of rural parcel sizes: Regular rural area has parcels of 20, 10 and 5 acres. Rural centers have lots of 1.5, 2.5 and 5 acres. Further, a court just ruled in a Kittitas County appeal that 3 acres are not rural because they could not demonstrate that 3-acre parcels would maintain rural character (Ed Bane, Supreme Court of Washington, Feb. 23, 2015.)

Definition of farmland in farming zone: CCCU has held that only classes 1 and 2 of farm soils should be considered for farming zones and has shown maps that show zones larger than those two classes of farmland. However, the past maps have been based on using **all appropriate soli classes** and those classes are entirely congruent with the current zones, and this has been approved for Alternative 1 (See David McDonald, map input for FOCC).

CCCU has not been shut out of the process, as they have been involved from the very beginning (David McDonald, submitted 9/14/15).

The rural area has not been frozen for 20 years. On the average over 20 years, Clark County has been issuing over 600 new building permits a year. They have lowered the rural minimum lot size to 5 acres for one zone. A cluster ordinance has been added. Code has been added for wineries, kennels and worker housing. The County has allowed detached Guest Houses. A proposal for an Alternative Access Dwelling Unit (not combined with a guest house) is in discussion.

Again, the bottom line is that the Draft Supplemental Environmental Impact Statement (DSEIS) is both not complete and not qualitative. It is an inadequate basis for making a preferred plan. Further, any Final Alternative, that proposes countywide changes in zoning or minimum lot size changes, is not congruent with the goals of the GMA. Any such plan must have a full EIS as well as a new capital facilities plan (CFP).