

From: [Jose Alvarez](#)
To: [Cnty 2025 Comp Plan](#)
Subject: FW: Comp Plan Update/Larwick
Date: Wednesday, January 18, 2023 5:38:13 PM
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For the record.



Jose Alvarez he/him/his
Planner III
COMMUNITY PLANNING

564.397.4898



From: Valerie Uskoski <Valerie@huaconsulting.com>
Sent: Tuesday, January 10, 2023 2:03 PM
To: Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Comp Plan Update/Larwick

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Hi Jose,

David and Valerie Larwick are interested in moving forward with having their property northeast of Battle Ground rezoned from AG to R5 during this next cycle of the comp plan update. The current zoning for agriculture is problematic unless we are farming for rock. I have attached the narrative that we had submitted in 2019 when we were hoping to rezone the property through an annual review process.

What is the official process to ask that their lands be considered for rezoning?

Thank you,

Valerie Uskoski | Hayward Uskoski & Associates
Principal Engineer | 360-635-5223
1101 Broadway St #130, Vancouver, WA 98660

PRE-APPLICATION NARRATIVE

Introduction

Hayward Uskoski & Associates (HUA) has prepared this document on behalf of the owners, David and Valerie Larwick (the applicant). The applicant is proposing a comprehensive plan amendment and zone change that would change the comprehensive plan designation of tax lots 986027183, 986027185, 226268000, and 986027184 (the site) from AG-20 to R-5. The site is an 80-acre area that consists primarily of steep land with a Clark Public Utilities District #1 potable water well and storage system serving the area. The site is accessed at two locations along NE 259th Street. The requested comprehensive plan amendment and zone change would address the inconsistencies between the zoning and site conditions, bring the property closer to conforming with the surrounding density and provide a better cohesiveness for the area.

Comprehensive Plan Map Designation

The site is currently zoned AG-20 with a Comprehensive Plan designation of AG-20. The properties to the north, south and west are zoned R-5, with a portion of the western property abutting land that was divided under the former AG-10 designation. The eastern boundary abuts both AG-20 and FR-40 zoning. The property includes areas of steep slopes but is otherwise unencumbered by critical areas.

Approval Criteria

The proposed plan amendment and zone change are regulated under CCC 40.560. The applicant is proposing to change the boundaries of the districts through a Type IV comprehensive plan map and zoning map amendment. The comprehensive plan map change is requested in conjunction with a zone change to keep the zoning consistent with the map designation.

CCC 40.560.010(F) states that the following criteria must be met for map changes:

- 1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the countywide planning policies, the community framework plan, comprehensive plan, city comprehensive plans, applicable capital facilities plans and official population growth forecasts; and*
- 2. The proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan; and*
- 3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity; and*
- 4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error; and*

5. *Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.*

1. The proposed plan amendment is consistent with the comprehensive plan policies, goals and locational criteria for the rural and natural resource elements within Clark County, outlined below:

County 20-Year Plan Policies

Rural Areas – General

Goal: Compatible with maintaining rural character and rural (levels of service) (services), ensure that lands outside of urban growth areas are viable places to live and work.

3.1 Policies

3.1.1 Clark County shall maintain and protect the character of rural lands defined as those lands outside of urban growth areas by promoting:

- *Large lot residential development compatible with adjacent farming, forestry and mining and not needing urban facilities and services;*
- *Non-residential development in Rural Centers;*
- *Economic development activities consistent with the preservation of rural character;*
- *Agriculture, forestry and mining activities;*
- *Regional parks, trails and open space;*
- *Environmental quality, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies and natural drainage systems; and*
- *Historic character and resources including archaeological and cultural sites important to the local community.*

3.1.2 Land use designations shown on the Clark County Comprehensive Plan Land Use Map include areas that are rural in character and meet one or more of the following criteria:

- *Generally characterized by a larger lot size;*
- *Do not require urban levels of public services;*
- *Opportunities exist for farming and mineral activities;*
- *The area is contiguous with other rural lands or can serve as a buffer between large-lot residential development and resource activities or urban areas;*
- *The area is not needed to provide capacity for population or employment growth in the 20-year forecast; and,*
- *The area has outstanding scenic, historic, environmental, resource or aesthetic values.*

The request permits large lot residential development which meets the policy of Rural areas and will be compatible with adjacent farming activity. After the amendment, the site will not require urban levels of services or facilities. The request does not change the character or the ability to implement the intended use or opportunities for natural resource activity available to the property. The site is contiguous with other parcels zoned R-5 to the north, south and west. A portion of the property to the south-west is currently zoned AG-20, however is in the process of platting for 10 acre parcels under the previous AG-10 zoning.

Agricultural Lands

Goal: To maintain and enhance productive agriculture lands and minimize incompatibilities with adjacent uses.

3.5 Policies

3.5.1 Agriculture lands as designated in the Comprehensive Plan Land Use Map shall be managed primarily for the conservation of long-term commercial significant agriculture lands for productive economic use.

3.5.2 Primary land use activities on agriculture lands are commercial agriculture management, agriculture-related uses, temporary worker facilities, forest activities and other non-agriculture related economic activities relying on agriculture lands.

3.5.3 Those areas with Agriculture Comprehensive Plan designations shall have a residential density of one dwelling unit per 20 acres (AG-20).

3.5.4 Clustering of parcels is allowed consistent with platting and zoning requirements and the Clark County Code.

3.5.5 Those areas with Agriculture/Wildlife Comprehensive Plan designations shall have a residential density of one dwelling unit per 160 acres (AG/WL).

3.5.6 Agriculture activities shall be encouraged by:

- limiting residential development in or near agricultural areas;*
- limiting public services and facilities which lead to the conversion of agricultural lands to non-resource uses;*
- maintaining public roads in capital improvement plans to accommodate the transport of agricultural commodities;*
- cooperative resource management among agricultural land owners, environmental groups, state and federal resource agencies and federally recognized Native American tribes for managing the county's public and private agricultural lands;*
- supporting land trades that result in consolidated agricultural ownership;*
- encouraging the maintenance of agricultural lands in current use property tax classifications, including those classifications as provided for in RCW 84.34 and CCC Chapter 3.08;*
- working with agricultural landowners and managers to identify and develop other incentives for continued farming; and,*
- encouraging agricultural land use as a clean industry incorporating tax breaks, right to farm, purchase of development rights, transfer of development rights and other economic means and develop strategies to support farming practices.*

3.5.7 Minimum parcel size should be adequate to allow reasonable and economic agricultural use.

3.5.8 Special purpose taxing districts and local improvement districts in lands designated in the 20-Year Plan for agricultural use will only be used when the services or facilities provided by the special purpose district or local improvement district through taxes, assessments, rates or charges, directly benefit those agricultural lands.

3.5.9 Land use activities within or adjacent to agricultural land shall be located and designed to minimize conflicts with agricultural management and other activities on agricultural land, to include the following:

- residential development adjacent to agricultural land shall be approximately buffered from agricultural activities;*

- *public services and utilities within and adjacent to designated agricultural areas should be designed to prevent negative impacts on agriculture and allow for continued resource activity;*
 - *notification shall be placed on all plats and binding site plans that the adjacent land is in resource use and subject to a variety of activities that may not be compatible with residential development.*
- 3.5.10 *Agricultural activities performed in accordance with county, state and federal laws should not be considered public nuisances nor be subject to legal action as public nuisances*

Why Agriculture Lands designation is inappropriate:

Agricultural land is defined by the GMA as "land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees or livestock and that has long-term commercial significance for agricultural production" (WAC 365--190-050). Long term commercial significance "includes the growing capacity, productivity and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas and the possibility of more intense uses of the land." Additionally, per the Comprehensive Plan, "Quality soils are a primary factor in classifying and designating agricultural resource lands".

The property does not have long term commercial significant agricultural land for productive economic use or viability to be sustained economically as agricultural land. Steep slopes prevent efficient agricultural practice. The site contains steep slopes with over 37% of the site containing slopes in excess of 15% and over 60% is in excess of 10% (See Figure 1). This prevents the land from being economically farmed and thus does not meet the definition for long-term commercial significance.

The site soil conditions prevent productive growing capacity. The site contains rock outcroppings and boulders throughout. Mapping by the USDA Soil Conservation Service was used by the County to designate AG zoning district areas. Reviewing the site location within Figure 22A of the Comprehensive Plan, the majority of the site area is designated Class II to Class VI. These soils are defined by the USDA as having moderate to severe limitations for plant growing practices. As defined on Clark County GIS, the majority of the site is designated as Poor Agricultural Soil by the Department of Natural Resources (See Figure 2). Combined with the steep slopes also found on site the land is generally unsuitable for agricultural farming purposes.

The site is located close to a significant population area (approx. 1 mile from Battle Ground City Limits). Thus, there is a significant possibility for a more intense use of the land than the current AG designation. Adjacent Agricultural Lands will not be impacted by the change in Comprehensive Plan designation. The property is surrounded by smaller parcels which are currently being used for single family residential purposes. The topography of the site provides a natural delineation point and buffer to Agricultural Lands.

Additionally, changing the Comprehensive Plan designation would not require urban levels of public services and facilities at the site. The site contains a well and storage system for the area, operated by Clark Public Utilities. The site is currently served by public water. Otherwise, all structures on site are using septic systems.

Rural Lands

Goal: Compatible with maintaining rural character and rural (levels of service) (services), provide for lands outside of urban growth areas that are predominately for residential uses.

3.2 Policies

3.2.1 Rural lands as designated on the Comprehensive Plan Land Use Map are generally for rural residential development, for accessory uses such as home businesses and for small-scale resource uses.

3.2.2 Land designated as Rural are characterized by a range of lot sizes and generally are not characterized by high-quality soils.

3.2.3 Those areas with a Rural Comprehensive Plan designation shall have a residential density of one dwelling unit per 5, 10 and 20 acres (R-5, R-10 and R-20 respectively).

3.2.4 Clustering of parcels is allowed consistent with platting and zoning requirements and the Clark County Code.

3.2.5 If schools and related facilities need to be sited in rural areas, preference shall be to locate first in Rural Centers and then, as a last resort, in areas designated as Rural.

Why Rural Lands designation is appropriate:

With a change from an Agricultural Land designation to a Rural Land designation, the ability for the property to be used for agricultural activities does not diminish, as Rural Lands are intended to encourage resource uses including accepted farming and forestry practices in conjunction with residential uses. Therefore, opportunities for small scale resource uses would continue to exist.

Despite the designation change, the character of the site will remain rural. Rural characteristics such as large lots continuing to be promoted. The required levels of service do not change between AG-20 and R-5. Public water is already available on site.

Adjacent properties to the north, south and west are zoned R-5, so any zoning designation change will be in keeping with the surrounding properties and will conform to the character of the local area. Additionally, a parcel the west zoned AG-20 is in the process of being short platted under a previous zoning designation to create 10 acre lots. The R-5 zoning would allow the existing lots to be reconfigured to provide a homesite for each parcel which would comply with dimensional standards of the R-5 zoning district.

As stated by the Comprehensive Plan, lands designated as Rural (such as R-5) are not characterized by high-quality soils. As described earlier in this narrative, the majority of the site area is defined by the DNR and USDA as having poor soils with moderate to severe limitations for agricultural practices.

2. The comprehensive plan identifies AG-20 designations for resource lands that have long term significance for agriculture an associated resource production. As the site does not have the capability for productive agricultural activity due to the steep slopes, poor soils and rock outcroppings, the current AG-20 designation for location criteria is not met and the site should

be remapped to a R-5 designation.

3. The site is suitable for the proposed designation and it maintains the rural characteristics of the area and is better suited to conform with the appearance and zoning of the surrounding area and site conditions. There are minimal opportunities for the creation of five-acre tracts in the immediate vicinity. The site is relatively close to
4. The proposed plan map amendment meets the criteria as follows:
 - a. *Responds to a substantial change in conditions applicable to the area within which the subject property lies.*

This section is not applicable to the application.

- b. *Better implements applicable comprehensive plan policies than the current map designation;*

The proposed change better implements the applicable comprehensive plan policies as it provides a more cohesive look with the surrounding properties. Existing parcels adjacent to the north and south of the site are unable to further develop with many of the parcels being five acres or less than five acres in size. By amending the zoning on the site, the resulting density will be more in characteristic with the surrounding properties and better reflects the Comprehensive Plan policies based on slopes, critical areas and soils.

- c. *Corrects an obvious mapping error.*

The site is zoned for Agriculture. However, this land is not appropriate for agricultural uses. AG land was designated by the County through ten indicators produced by a USDA mapping exercise. These aimed to identify major patterns of high-quality soils and agricultural activity in areas with larger parcels. The soils and rocky outcrops on this site are not conducive to agricultural activity and much of the site is designated as Poor with moderate to severe limitations on plant growing potential. Hence, the designation is an obvious mapping error. A designation which allows the rural character to remain but is appropriate for potential uses. The appropriate designation is Rural-5 as discussed within this narrative.

5. Adequate public facilities and services are available for the requested zone change. Below are the policies for Rural lands as they relate to public facilities:

3.1.7 Rural lands generally shall be served by septic tanks and individual wells (when public water is not available). Wastewater treatment shall be provided by individual on-site treatment systems or approved alternative sewage treatment technologies.

3.1.8 Sewer lines shall not be extended into rural areas except to correct existing health hazards. Sewer lines shall not be extended until other means for treatment, such as state approved alternative technologies, have been assessed and determined not to be feasible due to environmental constraints.

In accordance with the policies stated above, the site would be served by septic systems, individual potable water wells, and provide for stormwater management as required. Any future development would not require urban levels of public services.

CCC 40.560.010(G) states that the following must be met for rural map changes:

1. *Natural Resource Land Designation.*

The proponent of an amendment to the plan map for changing a natural resource land designation to a smaller lot size natural resource land designation shall demonstrate that all of the following criteria have been met:

- a. The amendment complies with applicable provisions of GMA and the WAC;*
- b. The requested change does not impact the character of the area to the extent that further plan map amendments will be warranted in future annual reviews; and*
- c. The amendment meets the locational criteria for the requested designation.*

The site is currently within a natural resource land designation. The applicant is requesting a comprehensive plan and zoning amendment to a Rural Lands designation; hence this section is not applicable.

However, as shown in this narrative, the amendment complies with local and state code, the requested change will not impact the character of the area and the amendment meets the locational criteria for the requested designation.

2. *Rural Centers.*

The site is not within the Rural Center zoning district; hence this section is not applicable.

3. *The county may consider changes to the urban reserve overlay only during a comprehensive plan periodic review and not on an annual basis.*

The site is not within an urban reserve overlay area; hence this section is not applicable.

Trip Generation Estimate

At present, the site contains two single-family detached dwelling units. There are approximately 2 PM peak hour trips and 20 daily trips generated from the site. Assuming the zone changes to R-5, it is possible that 14 additional lots for single family residential use could be created. Assuming full build out is possible, the site would create an expected 16 PM peak hour trips and 160 daily trips. However, it is unlikely this density could be achieved based on the site constraints as described in this narrative.

Conclusion

The proposed zone and Comprehensive Plan map designation change meets the approval criteria contained in the Clark County land use ordinance CCC 40.560 and is in accordance with the Comprehensive plan's goals, policies and locational criteria for Rural lands. The proposed change would not in fact alter the rural character, intended use or opportunities available to the land, however, it would respond to existing conditions including soil and topography, rectify a mapping error, and make it contiguous with the surrounding R-5 properties. Furthermore, it would create the possibility for additional lots that could be developed as rural, residential homes, providing for growth in the rural area consistent with the Comprehensive Plan policies and goals for future growth.