

From: [Oliver Orjiako](#)
To: [Sonja Wiser](#)
Cc: [Bart Catching](#); [Jose Alvarez](#); [Alan Peters](#)
Subject: FW: UGB Expansion letter - Merritt [IWOV-PDX.FID4985511]
Date: Thursday, December 14, 2023 12:17:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[UGB Expansion letter - Merritt 12-13-2023.pdf](#)

My apologies. Here's the attachment. Thanks.

From: Horenstein, Stephen W. <SHorenstein@schwabe.com>
Sent: Thursday, December 14, 2023 9:45 AM
To: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: FW: UGB Expansion letter - Merritt [IWOV-PDX.FID4985511]

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Oliver,

This time with the right email address.

[Stephen Horenstein](#)

Shareholder
D: [\(360\) 597-0806](tel:(360)597-0806)
C: [\(360\) 921-4744](tel:(360)921-4744)
shorenstein@schwabe.com

Schwabe

From: Horenstein, Stephen W.
Sent: Thursday, December 14, 2023 9:18 AM
To: apeters@cityofcamas.us
Cc: rmaul@cityofcamas.us; oliver.orjako@clark.wa.gov
Subject: UGB Expansion letter - Merritt [IWOV-PDX.FID4985511]

Good morning Alan, I hope you are doing well.

Attached is a request to include certain properties owned by Rocque and Sue Merritt into the UGA of Camas. I have copied both Oliver Orjiako at the County who I understand is compiling a list of these requests as they come in and Robert Maul, because of his long familiarity with these properties.

You will note that the letter identifies this property as zoned Forest 40. To add to that part of the discussion, I would tell you that I am advised that there is a biological issue with the property that has caused the logging of diseased trees and the property is no longer suitable for forest trees. Indeed, most of the property has been logged for this reason. We are awaiting a biological assessment of this from an arborist to support what we have been told is the case. We will forward that to you upon receipt.

I will reach out to you in a week or so to discuss this request.

Many thanks...Steve

Stephen Horenstein

—

Shareholder

[D: \(360\) 597-0806](tel:(360)597-0806)

[C: \(360\) 921-4744](tel:(360)921-4744)

shorenstein@schwabe.com

Schwabe

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

December 13, 2023

Stephen W. Horenstein

Admitted in Washington, Oregon,
California and Hawaii

D: 360-597-0804

C: 808-368-5264/360-921-4744

mcalvert@schwabe.com

VIA E-MAIL

Alan Peters
Community Development Director
Camas City Hall, City of Camas
616 NE 4th Avenue
Camas, WA 98607

RE: Urban Growth Area Boundaries Expansion - Merritt Property
Property Addresses: 3602 NE 222nd Avenue; 3526 NE 222nd Avenue
Tax Parcel Identification Nos.: 173159000; 173185000; and 173191000

Dear Alan:

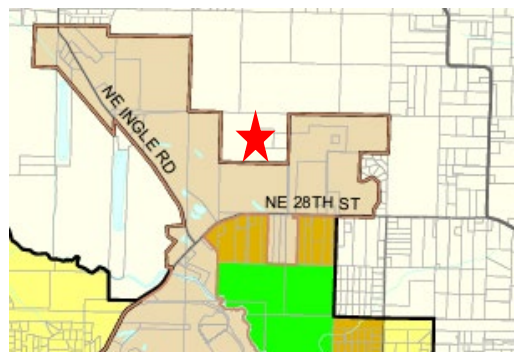
Our firm represents Rocque and Marilyn “Sue” Merritt who currently own real property located adjacent to Camas’s Urban Growth Area and/or Boundary (UGA/B), on three sides. The Merritts would like their properties to be included in Camas’s upcoming UGA/B expansion.

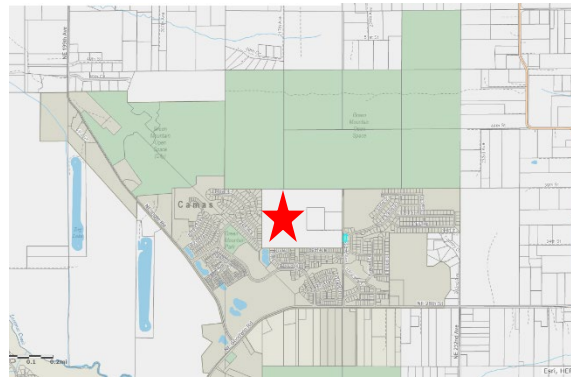
Merritt Property Basics.

- Tax Parcel ID No.: 173159000 contains 48.34 acres, more or less (the “large” parcel)
3602 NE 222nd Avenue, Camas, Washington
- Tax Parcel ID No. 173185000 contains 3.68 acres, more or less (the “small” parcel)
3602 NE 222nd Avenue, Camas, Washington
- Tax Parcel ID No. 173191000 contains 4.60 acres, more or less (the “house” parcel)
3526 NE 222nd Avenue, Camas, Washington

Proximity to Existing UGA/B.

The three parcels (the “Property”) currently form a “notch” in Camas’s UGA/B, just north of NE 28th Street and east of NE Ingle Road. Contrary to the outdated image below, the properties to the west of the Merritt Property are fully developed. To the south, the land is 90% developed and to the east, about 40% developed, as illustrated in the image on the next page.





The land to the north, shaded green, is Green Mountain Open Space owned by the City (on the west) and County Legacy Lands, on the east.

Primary Characteristics:

- Large Parcel. The largest Merritt parcel is a C-shape, situated north, west, and south of the small parcel and house parcel. The parcel is substantially unimproved timberland, but also contains a worn 1950's era outbuilding. The land generally slopes downward with the higher elevations at the northeast to the lower elevations at the southwest.
- Small Parcel. The smallest parcel is an approximate square, located on the eastern boundary of the Property. It is forested timberland and generally slopes down northeast to the southwest like the large parcel.
- House Parcel. The house parcel is in the center of the three parcels. It is a rectangle shape, oriented vertically (north/south). The parcel contains a 3-bedroom single-family house constructed in 2004 and a number of outbuildings. The land slopes from northeast to southwest in the same manner as the large and small parcels.

Physical Characteristics.

- Sloping, forested and single family residential;
- Currently zoned FR-40 with a Comprehensive Plan Designation of FR-2;
- The large and house parcels are in the Current Use tax program as Timber Land;
- Soils are non-hydric with low to very low liquefaction;
- No flood zone designation; two small, very limited wetland areas on the large parcel;
- Water services provided by Camas Water District;
- Sewer services are not presently available at the Property but sewer facilities exist within the residential developments surrounding the Merritt Property, including some sewer lines situated within less than approximately 100 feet from the Merritt Property borders;
- Electric utility services in the area are provided by Clark Public Utilities;
- Police services are provided by Clark County Sheriff's Office;
- Fire services are provided by East County Fire. No less than 10 fire hydrants are situated within the vicinity at distances of 85'-494' from the Merritt Property borders; and

- Transportation infrastructure in the area include N. McAfee Street, abutting the east border of the Property, and a cul-de-sac abutting the southwest corner of the Property (N. Alder Street).

Suitability for Inclusion in UGA/B Expansion.

For the reasons presented in this letter, on behalf of Rocque and Sue Merritt, we request that the Merritt Property be considered for inclusion in Camas’s UGA/B. The Merritt Property will help Camas meet its urgent need for additional residential units by simply connecting the current UGA/B boundary on the east and west sides of the Merritt Property.

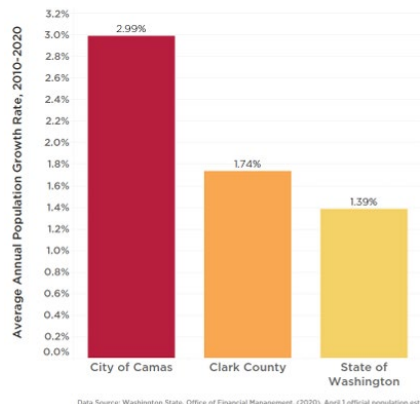
Clark County’s first comprehensive plan assumed 81% growth would be in urban areas and 19% would be rural. Experience over the past 30 years has proven that assumption to be incorrect. Actual growth has been 90-95% urban and 5-10% rural. This means, for the last three decades, the City and the County have been under planning for urban growth. We hope and expect the 2025 Comprehensive Growth Management Plan to Provide for a 95%/5% urban to rural split.

The County’s Vacant Buildable Lands Model (“VBLM”) assumes 50% of the vacant buildable lands, burdened by critical areas, will convert into residential development. This assumption has proven to be more than *triple* the actual conversion rate (of 15 %) In a recent random study of critical areas presented to Clark County by the nonprofit NW Partners for a Stronger Community, causing the City and the County to again, grossly underestimate the need for more developable land. The VBLM for Camas is currently undergoing refinement.¹

Last updated in February 2015, the City’s Comprehensive Plan concludes the City “currently has adequate land to accommodate these projections.” Comp Plan at p. 5. This conclusion, however was based on a population projection, assuming a growth rate of 1.26% per year, for a population of 34,098 people in 2035. *Id.* at pp. 6 & 1-3. That projection has proven to be too low.

Figure 8 from the City’s Housing Action Plan 2021 illustrates that in April 2020, the City had already grown to a population of 25,140, from its 2010 population of 18,355, with an average annual growth rate of more than double the City’s projection, at 2.99%.²

Figure 8: Average Annual Population Growth Rate, City of Camas, Clark County, and State of Washington, 2010-2020



¹ <https://www.cityofcamas.us/com-dev/page/camas-housing-action-plan> at p. 87

² *Id.* at p. 24

Applying that growth rate from 2020 to 2035 results in a population estimate of 39,110 – or nearly 15% more people than the City planned. From 2000 to 2018, the number of housing units grew by 75.9%, while the number of households grew even faster, at 77.9%.³ The City needs more houses and it needs more land.

Adding to these pressures, the Washington State Legislature passed a series of bills into law this year that will increase the pressure on the City to increase housing availability. While many of them focus on density, density alone will not be able to satisfy the growing need for housing of all types in all areas.⁴ For example,

- HB 1220 effectively requires local jurisdictions to plan for and accommodate 100,000 more housing units than currently exist, half of those being at lower income levels
- HB 1110 effectively requires Camas, Vancouver and Washougal to allow 4 to 6 unit developments on all single family zoned lots.
- HB 1337 requires local jurisdictions to allow two ADUs of up to 1,000 feet on all single family lots, with no owner-occupancy requirements, and reduced parking requirements
- SB 5491 requires cities to allow single stairway buildings of up to six stories instead of the current limit of three stories
- SB 5258 requires impact fees for all housing units be recalibrated based on size and impact to produce lower impact fees for smaller units

Clark County has selected a growth rate to plan for the for the period 2025-245 that will add more than 200,000 residents to Clark County and its cities. Camas will get a fair share of this population growth to be included in its municipal boundary and UGA. This also furthers the need for more land for housing in Camas.

The City needs more housing units, and it needs more land.⁵ Expanding the City’s UGA/B to include the Property will help alleviate some of these pressures.

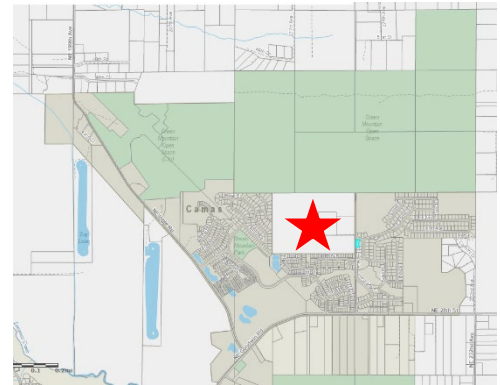
³ *Id.* at p. 52

⁴ *Id.* at p. 86 (“Camas will need housing options diverse in type, tenure, and cost.”)

⁵ *See also id.* at p. 87 (proposing the City increase density and re-zone commercial land for residential use to meet housing needs). A loss of commercial land would mean the City would lose tax revenue.

Alan Peters
December 13, 2023

Because the Property contains only 16.62 acres, it will help Camas accommodate its future residents by providing buildable residential property, while still retaining the “small town character” Camas envisions. Comp. Plan p. 3. Because the Property is located in a “notch” of the existing UGA/B, including *this* Property in the UGA/B will avoid urban sprawl by simply connecting the current tan-colored boundaries to form a straight line – the northern boundary of which is and will remain, publicly owned open space (shaded in green). RCW 36.70A.020(2); Comp Plan at p.5 (reducing urban sprawl is one of the fourteen GMA statutory goals).



Because public facilities already service the adjacent tan-colored lands on three sides of the Property, expanding the UGA/B to include the Property will support the statutory and Comprehensive Plan goals of encouraging development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. RCW 36.70A.020(12); Comp Plan at p.5.

Allowing streets and bike paths to be connected through the Merritt Property, rather than requiring neighbors to drive south to get around it, will serve the City’s Comprehensive Plan Goal LU-3.3: “[e]ncourage connectivity between neighborhoods (vehicular and pedestrian) to support citywide connectivity and pedestrian access.”

Ultimately, the Merritts believe including the Merritt Property in the Camas UGA/B with a residential designation, zoned for R-10 development, like the neighboring property, makes sense. Our client has no objection to including ADU’s as a matter of right on the lots to be created.

It should not go unnoticed that the Merritt property is zone FR 40. **There is very little if any forest area on this property** and the area is surrounded by residential development in the manner described above. This land is neither locationally suited for its FR40 designation nor would including it in the Camas UGA remove existing forest land of commercial or recreational significance. The property is far more important to accommodate housing for the growing Camas community. At your request, we will provide a separate memo supporting removal of the of the FR 40 designation for this property as provided for in WAC 365-190-040 and other administrative code provisions referenced therein.

Alan Peters
December 13, 2023

For any questions or to discuss this matter further, please do not hesitate to reach out to the us using contact information provided on the first page of this letter.

Best regards,

SCHWABE, WILLIAMSON & WYATT, P.C.



Stephen W. Horenstein

SWH:dlm

cc: Oliver Orjiako
Robert Maul

PDX\141348\280186\MLCA\37064055.1