



Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

March 15, 2024

Mr. Oliver Orjiako, Director
Clark County Community Planning
1300 Franklin Street
3rd Floor
Vancouver, Washington 98660

RE: *2025 Comprehensive Plan Update*

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

Dear Dr. Orjiako:

My name is Ann Foster. I am President of the Friends of Clark County (FOCC) Board of Directors. Our members have been reviewing the “Site Specific” requests that are listed on the County website (<https://clark.wa.gov/community-planning/2025-update-site-specific-requests> and <https://clark.wa.gov/community-planning/2025-update-public-comment>). During our review, we discovered 88 separate comments from CCCU. Our members have skimmed the submissions and at least some of them appear to be an attempt to assert issues from prior comprehensive plan updates that FOCC believes are legally and factually inaccurate¹. Since they are under this “comment” page we want to make sure that the documentation that was important in the 2016 Comprehensive Plan. Although it will take some time to distill all the information that CCCU has provided, and determine what, if any of it, deserves a specific response, we want to place the following documents in the record from the 2016 update for the County Council’s review:

1. Letter From Department of Commerce to Clark County Dated June 20, 2016²
 - a. Of note, the DOC listed several specific concerns on pp 2-3 of the letter. Specifically, the 3 DOC concerns were the i) RILB contained “some of the best agricultural land in the County with 99% of the land considered prime farmland” ii) reducing AG 20 to AG 10 zoning and reducing FR 40 to FR 20 and iii) expanding the UGB for Ridgefield, Battle Ground and LaCenter. The Council rejected those concerns.
 - b. Subsequently, the Growth Management Hearings Board found that the County’s actions each of those three issues were non-compliant with the GMA and issued orders of invalidity. After lengthy appeals, the County removed the RILB from its comprehensive plan in order to be compliant with the Growth Board’s ruling in 2019 and negotiated a settlement restoring the AG 20 and FR

¹ CCCU asserted many of these in the prior appeal in 2016. The GMHB rejected all of CCCU’s challenges.

² We have also attached a letter dated July 4, 2016 that FOCC sent to the acting County civil prosecutor for Growth Management issues (DiJulio) regarding the DOC letter.

40 zones.

- c. Even though the GMHB found the expansion of UGB boundaries to be non-compliant with the GMA, and substantially interfered with the Goals of the GMA, the Cities of Ridgefield and La Center annexed those lands into the city limits prior to the Growth Board's opinion. Based upon those annexations, the Court of Appeals found the GMHB no longer had jurisdiction over those lands. So, even though non-compliant, and substantially interfering, with the GMA, those lands are currently within the City limits of Ridgefield and La Center.
 - d. Finally, the ramifications of passing the reduction in AG and FR minimums led to individuals vesting development rights under the new invalid zones. FOCC knows of at least one 425 acre property that is attempting to proceed under the AG 10 zone by asserting that, despite the GMHB invalidating that Zone, they have vested development rights as to the AG 10 zone and are proposing a 42 lot cluster subdivision on agricultural land³.
2. Letters from FOCC (signed by David McDonald) dated April 13, 2013, September 3, 2015, September 14, 2015, March 16, 2016 and March 29, 2016 that give a detailed history of the GMA planning in Clark County including the appeals of the County's decisions, and analysis of designation of agricultural lands and an analysis of what was then described as Alternative #4 which FOCC contended was simply site specific spot zoning. It appears that CCCU appears to be attempting once again to wrongly state the importance and significance of the original "*Poyfair*" decision and is also urging the Council to resurrect Alternative #4. The robust number of site specific rezone requests seems to follow the same treacherous path to running afoul of the GMA as Alternative #4 and involve parcels that are designated as resource lands;
 3. The "Thorpe" Report
 - a. In January 2016, the County's consultant RW Thorpe (hereafter Thorpe) provided the County with an evaluation of its assumptions. Thorpe reported that 4 of the 8 adopted Choice B assumptions were invalid. 2 were partially invalid and 2 were valid. One of the valid Choice B assumptions was the same assumption that had been used for the DSEIS and the original four Alternatives. Thus, 4 of the seven new Choice B assumptions were found invalid.

Please place this letter and all attachments in the record for the current Comprehensive Plan update, as well as in the comment section on the website, for consideration during all of the upcoming hearings on the CP update.

Best,
Ann Foster
 Ann Foster
 President, Friends of Clark County

³ See *Manor Land Company, Inc. V. Clark County*, Clark County Superior Court Case # 23-2-03226-06 (Petitioner's Opening Brief at pp 2-4).