

From: [Kathleen Otto](#)
To: [Rebecca Messinger](#)
Subject: Fw: FOCC comments regarding DEIS alternatives
Date: Sunday, January 26, 2025 7:14:50 PM
Attachments: [FOCC SSR Letter Ridgefield UGA.pdf](#)
[Outlook-Clark Coun](#)
[Outlook-Clark Coun](#)
[Outlook-Clark Coun](#)
[Outlook-Clark Coun](#)



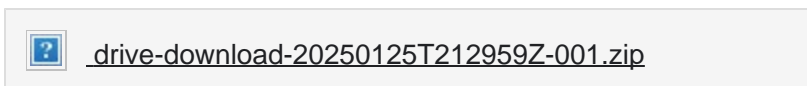
Kathleen Otto
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From: Ann Foster <annfoster5093@gmail.com>
Sent: Saturday, January 25, 2025 1:35 PM
To: Sue Marshall <Sue.Marshall@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Wil Fuentes <wil.fuentes01@gmail.com>; Matt Little <mattlittle4clarkcounty@gmail.com>; Glen Yung <Glen.Yung@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: FOCC comments regarding DEIS alternatives

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Dear Councilors:

I am attaching our letter of December 4, 2024, submitted by FOCC Board Member, Mo McKenna, regarding FOCC's position specifically on Ridgefield's request to include significant amounts of land currently designated as AG-20 into the Ridgefield UGA. This is a particularly comprehensive letter and should provide to Councilors a thorough understanding of our position. The extensive list of attachments supports our position. We apologize for the hefty size of the attachments!

Thank you for your time,
Best regards,

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



Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

December 4, 2024

Clark County Council
In care of Community Planning
Dr. Oliver Orjiako, Jose Alvarez and Bart Catching
Comments on DEIS Alternatives
P.O. Box 9810
Vancouver WA 98666

RE: For Clark County Council Hearing on DEIS Alternatives

Sent via email to Rebecca.messinger@clark.wa.gov

Dear Dr. Orjiako:

My name is Mo McKenna. I am Board Member of the Friends of Clark County¹ (FOCC) Board of Directors. I am writing on behalf of the organization, our individual members, and in my personal capacity as a resident of Clark County. These comments are specific to our collective position that the Council should reject the inclusion of specific lands currently designated as AG-20 into the Ridgefield UGA for the reasons set forth in this letter.

FOCC is providing the following documents in support of this comment letter:

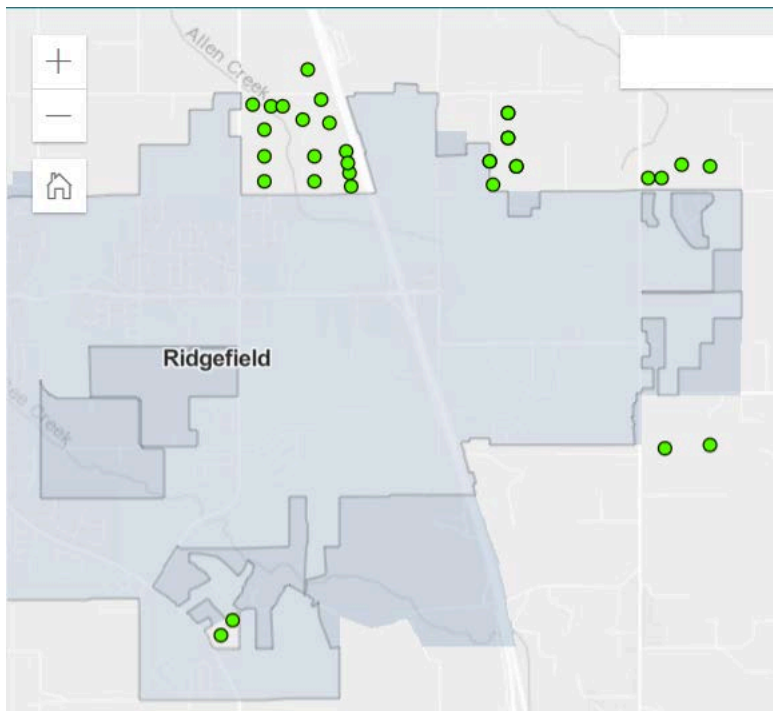
1. Maps of each area showing AG-20 designation (in yellow) and Area of Ag Designation in Current Farm and Agricultural Use (diagonal red hash marks); and
2. Newspaper article, satellite photos and information on farming in the area including McPhee Family Farms, Green Jungle and Red Truck; and
3. Map of area showing Waterfowl Concentration and Diversity Corridor designations (orange) and Riparian Habitat i.e. Fish Habitat/Perennial Streams/Seasonal Streams (diagonal black hash marks) for Groups #1 and #2 (279th Street Area); and
4. Google maps of the area being requested East of I-5 showing that it is not characterized by urban growth; and

¹ FOCC is a 501(c)(3) Washington State non-profit corporation that works collaboratively with community partners and policy makers to keep Clark County a beautiful and healthy place to live, work, and play. FOCC works collaboratively with community partners to improve the quality of life and economic viability of our community, for all citizens of Clark County. FOCC supports smart growth that allows for economic development in balance with protecting the area's precious resources and community assets. Many members and supporters of FOCC are landowners and residents of Clark County. FOCC Board members, staff, supporters and regular members regularly participate in the many public processes by writing emails, letters, and providing testimony at public hearings concerning many land use and quality of life issues. FOCC has participated in each phase of the Comprehensive Plan update both with individual members and as an organization. We previously submitted comments on the scoping of the EIS and incorporate those comments in this letter for the record.

5. Documents regarding 2015 \$500,000 McCormick Creek² Restoration just north of the properties east of I-5 and in particular the first group of properties discussed below; and
6. A comparison between Ridgefield and Camas “studies” from Johnson Economics; and
7. Soil maps for each of the groups showing the USDA farmland soil classifications (5 in total); and
8. The 1972 Soil Survey of Clark County with detailed descriptions of the soil classifications to accompany the maps.

Specific Parcels

There are several site requests to be incorporated into Ridgefield’s UGA. As can be seen on the map below, there are 5 separate groups of parcels.



First Group: East of I-5 and West of NW 10th Ave.

The first cluster of requests are east of NW 10th Ave.

SSR - Antonia Kane: Request for Inclusion of Parcel #212569000 into the Ridgefield UGB currently zoned AG -20

SSR - Julie McPherson/Gerald & Beverly Jones: Request for Zone Change for Parcel #'s 212566-000, 986047199, 212590000 for 20.04 Acres to R-5, 609 NW 289th Street, Ridgefield currently zoned AG -20

Parcels consist of a large horse arena and many hayfields and cultivated thornless grapes. All in AG and Farmland current use.

According to NRCS Soil Maps:

² McCormick Creek runs north and south bisecting the AG 20 parcels sought to be brought into Ridgefield’s UGA

- Roughly 32 acres of these parcels are Gee silt loam (0-8 percent slopes) and Hillsboro silt loam (0-3 percent slopes), which are both USDA designated “prime farmland.” Historically, Gee soils are some of the most intensively farmed soils in our county. These soils have no agricultural crop limitations and can be used to grow anything from wine grapes to vegetables, cut flowers, nursery crops, Christmas trees, berries, fruits, and other high-value crops.
- Roughly 12 acres are Gee silt loam (8-20 percent slopes), which is designated as a “farmland of statewide importance” in Washington state. This soil is primarily used for hay and pasture due to the slopes, but it would also be suitable for wine grapes, fruit trees, cane berries and other perennial crops.
- The remaining roughly 20 acres are Odne silt loam (0-5 percent slopes), which is “prime farmland if drained.” This soil is typically used for hay, pasture, and small grain.

Second Group: East of I-5 and East of NW 10th Ave.

SSR - Thompson-Goldenstein Dorothea Trustee: Request for Parcel #'s 212331000, 212341000, 212342000 for Inclusion into the Ridgefield UGA

SSR - Mitch Johnson: Request for Inclusion of Parcel #212326000 into the Ridgefield UGA, 1610 NE 279th Street

All these lands were commercial strawberry fields in the past. According to NRCS Soil Maps:

- Roughly 11 acres of these parcels is Gee silt loam (0-8 percent slopes) which is a USDA designated “prime farmland.” This soil has no agricultural crop limitations and can be used to grow anything from wine grapes to vegetables, cut flowers, nursery crops, Christmas trees, berries, fruits, and other high-value crops.
- Roughly 30 acres is Hillsboro silt loam (3-8 percent slopes), which is designated as a “farmland of statewide importance” in Washington state. According to the NRCS: “This soil is well drained, moderately permeable, and easily tilled. The available water capacity is very high. Fertility is moderately high. Surface runoff is slow, and the erosion hazard is slight.” This soil is suitable for growing vegetables, strawberries, cane fruits, wine grapes, cut flowers, Christmas trees and other high-value crops. Alfalfa or a mixture of red clover and ryegrass for hay is commonly grown in rotation with the truck crops.
- Roughly 2 acres are Gee silt loam (8-20 percent slopes) which are designated as “farmland of statewide importance” in Washington state. These soils are primarily used for hay and pasture.
- Roughly 3 and a half acres are Odne silt loam (0-5 percent slopes), which is “prime farmland if drained.” This soil is typically used for hay, pasture, and small grain.
- McCormick Creek transects the Western-most parcels and the forested riparian buffer is comprised of about 5 acres of steep slopes with Gee silt loam (20-30 percent slopes) and Hillsboro silt loam (8-15 percent slopes)

Third Group: East of I-5 and South of Ridgefield 259th

SSR - William Rohrer: Request for Inclusion of Parcel #215111000 of 39.55 Acres into the Ridgefield UGA

SSR - HHF, LLC: Request for Parcel #215139002 for 43 acres for Inclusion in the 2025 Update Process, 1613 NE 259th Street

Parcels currently consist of hay, pasture, and forest. According to NRCS Soil Maps:

- Roughly 83 acres (78%) of these parcels is Gee silt loam (0-8 percent slopes) which is a USDA designated “prime farmland.” This soil has no agricultural crop limitations and can be used to grow anything from wine grapes to vegetables, cut flowers, nursery crops, Christmas trees, berries, fruits, and other high-value crops.
- Roughly 22 acres of Odne silt loam (0-5 percent slopes), which is “prime farmland if drained.” This soil is typically used for hay, pasture, and small grain.
- The furthest NW corner of the parcel is 1 acre of Gee silt loam (20-30 percent slopes), which is a steep forested riparian area on the northern tributary of Gee Creek.

Fourth Group: NW Hillhurst Road & NW Carty Road

SSR - Jordan Ramis on Behalf of James & John Maul: Request for Zone Change for Parcel #'s 216491000 & 216473000 from Ag-20 to General Commercial with a Commercial General Plan Designation & No Overlay, NW Hillhurst Road & NW Carty Road for 10.47 acres at 23511 NW Hillhurst Rd, Ridgefield, 98642

SSR - Jordan Ramis on Behalf of James & John Maul: Request for Zone Change for Parcel #216491000 & 216473000 from Ag-20 to General Commercial with a Commercial General Plan Designation & No Overlay, NW Hillhurst Road & NW Carty Road for 1.03 acres at the neighboring property.

Parcels currently consist of hay, pasture, and forest. According to NRCS Soil Maps the property is all prime farmland - Gee silt loam (0-8 percent slopes). This is high-potential farmland with no constraints on what could be grown. Potential crops include: wine grapes, vegetables, cut flowers, cane fruits, orchard, and many other high-value crops. 11 acres is ample space for many high-value specialty crops.

Given the properties' proximity to dense residential development, this would be a particularly valuable site for a community farm. And this land use could contribute to Clark County's climate plan under the GMA. Having local food production and a farm stand near residences lowers greenhouse gas emissions.

Another potential use of this land would be in coordination with the Ridgefield Middle School and High School. WSDA has a farm to school purchasing grant program aimed at bringing local produce into schools and connecting students with agricultural producers. A public / private partnership between the Ridgefield School System and nearby producers offers an alternative path for these agricultural properties.

It is important to note that these two parcels were unlawfully de-designated along with multiple others during the 2007 update. As admitted by Clair Lust in the City's submittal: “The Maul Property parcels were added to the Ridgefield UGA during the 2007 Clark County Comprehensive Plan Update, whereby several areas were de-designated from Agricultural Resource to be added to urban growth areas in the County. **That decision was appealed and ultimately invalidated by the GMHB, but not before the City had lawfully annexed the remaining parcels within the UGA into the Ridgefield City limits in 2008.**” (emphasis supplied)

However, the City, as part of their annexing of land that they probably knew would be not be approved by the Board as they rushed to annex the land prior to the Board's decision, now laments annexing land that the Board found in 2008 should never have been designated. As pointed out in our letter from Ann Foster to the Council submitted on December 4th, there are many benefits to

having agricultural land of this size even if the area in proximity is urbanizing. Ridgefield acknowledges this land was found not to meet the criteria for de-designation but wants it to be de-designated now because they lament not annexing it before the de-designation was unlawful. Thus it should not now be included³.

Fifth Group: North of Ridgefield between I-5 and NW 31st Ave (Zimmerly)

16 properties make up this SSR. All the SSR were submitted with the subject Jordan Ramis on Behalf of Z20 LLC, Timbers Group LLC, Dena Woon-Smith, Mark Smith & Robert Smith: Request to Include 16 Parcels in the City of Ridgefield UGA & Approve Zone & Comp Plan Designation Changes for the Properties. The parcel numbers are: 212777000, 212780000, 212792000, 212778000, 212812000, 212813000, 212791000, 212822000, 212814000, 212774000, 212807000, 212787000, 212798000, 212801000, 212793000, 212797000

- Roughly 95 acres (47%) of the property is prime farmland - Gee silt loam (0-8 percent slopes). These soils have no agricultural crop limitations and can be used to grow anything from wine grapes to vegetables, cut flowers, nursery crops, Christmas trees, berries, fruits, and other high-value crops.
- Roughly 43 acres (21%) is a farmland of statewide importance - Gee silt loam, (8-20 percent slopes).
- Roughly 39 acres (20%) is prime farmland if drained - Odne silt loam (1-5% slopes).
- The remainder of the acres are steep forested slopes in the riparian area of Allen Creek, which transects the property.

Discussion

First, this letter incorporates by reference the prior letters on the DEIS alternatives submitted by FOCC, and Futurewise, to the Planning Commission as part of the official record of this Comprehensive Plan update including the letter dated December 4 , 2024 that gives extensive comments on Agricultural Lands in Clark County.

Second, Friends of Clark County, as stated in our other correspondence, our members, both individually and collectively, want to emphasize that the County should set a goal where the Alternatives presented provide for expansion of protection and preservation of designated Agricultural Lands of long-term commercial significance rather than the loss of those lands by converting them to non-agriculture uses as is being proposed by the inclusion of approximately 700 designated agricultural lands into various proposed UGAs. Protecting and preserving existing designated agricultural lands, rather than converting them to non-agricultural uses would mean that Clark County would be in compliance with the GMA, and its legal mandates, to assure the conservation, protection and preservation of agricultural lands.

This letter adopts the legal and factual analysis in our letter dated December 4, 2024 and applies them to the City of Ridgefield's requests to convert 400 acres of agricultural lands by incorporating them into the Ridgefield UGA despite the fact that the existing boundaries have the capacity to accommodate all of the housing and population allocations for the City AND the City's existing boundaries can also accommodate the "jobs lands" allocation so there is no legally defensible reason to expand Ridgefield's

³ Also sometimes even smaller parcel of agricultural land of long term commercial significance can be productive as food producing lands even if near urbanizing areas. Red Truck Farm in Ridgefield is a prime example.

existing UGA much less do so just to convert legally designated agricultural lands to non-agricultural uses without complying with WAC 395-190-050 (which was amended in 2010 and 2023 both times to add greater protections for agricultural lands) and WAC 395-190-050.⁴

The same company, Johnson Economics (JE), that did a deficient and flawed “study” in Camas, did equally deficient and flawed submittals for Ridgefield West (Zimmerly Property), Jones area and Rohrer area requests. In reviewing the record, it appears that the Jordan Ramis law firm first filed site specific requests on behalf of the landowners seeking to have their lands de-designated and incorporated into the proposed boundaries of Ridgefield and Camas. The law firm then hired JE to conduct piecemeal “studies” of the Jordan Ramis client’s properties and submit them as “de-designation” studies. A review of the submittals shows basically a cookie cutter template that purports to contain an “analysis” of the lands proposed for inclusion. The JE submittals, when looked at objectively, all have the same failings and are clearly written from a confirmation bias perspective. Moreover, none have been reviewed by our Community Planning or Community Development Departments for accuracy or compliance with the legal precedents, statutes and WACS. Thus, all JE submittals should be reviewed with, at best, skepticism as one must ask how all of the reports paid for by Jordan Ramis on behalf of and a variety of landowners all come to the exact same conclusions⁵.

As to the requests to be included into Ridgefield’s proposed, and unnecessarily expansive, urban growth areas, the submittals by JE just ignore what is the most obvious: The lands are all agricultural lands. One need only look at the maps and pictures, plus the current tax designations to see that none of them meet the criteria for being characterized by Urban Growth⁶.

The GMA defines urban growth as follows:

Urban growth" refers to 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 designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (emphasis supplied)

RCW 36.70A.030 (19)

⁴ The County staff has previously sent correspondence to the City of Ridgefield in care of Claire Lust suggesting that the City’s proposal’s to include these agricultural lands would violate GMA. See

⁵ “We find that the subject property does not meet the criteria of agricultural resource land as defined by the Washington Growth Management Act, and therefore, we recommend de-designation.”

⁶ In Clark County Citizens United et al, v. Clark County et al, the Board specifically recognized that they could simply look at the uses of the land and the maps and photos of the Clark County Lagler/Ackerland property to see that the lands were not characterized by urban growth (and cited 36.70A.030(19)): “Both the description in Appendix B and the photograph show the property is not characterized by urban growth” FDO at 79.

A review of the JE submittals shows no analysis under this definition, the statute is not even referred to in the submittals nor are the prior two opinions from the Growth Management Hearings Board (Board) that addressed these exact same issues in our 2007 and 2016 updates and found against very similar, if not exactly the same, submittals as are being presented by JE. The reason seems clear: None of the lands have ***“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”***⁷.

Since the lands themselves are not in any way characterized by urban growth, or even intensive rural growth, the JE submittals rely almost entirely on the issue of “proximity” of the lands to lands within an urban growth boundary or city limits, some as far as 2 or 3 miles away. Whereas, if one looks at the maps submitted, and the County’s own GIS, all of the lands being requested for de-designations in these submittals are contiguous to swaths of AG20 lands and the rural lands that are intended to, and do, buffer those lands.

Importantly, in Clark County’s last failed update, the County and the landowners seeking de-designation relied heavily on the issue of “proximity” but the the Growth Management Hearings Board ruled that mere proximity to an urban area is insufficient to characterize an area as urban:

WAC 365-190-050(3)(c)(v) lists one criteria for designating agricultural land as “[r]elationship or proximity to urban growth areas,” but this does not mean that every piece of land abutting an UGA must be converted to urban uses. The Legislature intended for counties and cities to identify, designate and conserve agricultural land in RCW 36.70A.060 and that jurisdictions “shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with . . . these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.” ***The GMA was not intended to allow a domino effect of urbanization of parcel next to parcel. Carried to its logical end, natural resource lands would never be protected. Without designating and protecting natural resource lands, there is nothing to prevent the continuing loss of these lands.***

Clark County Citizens United et al v. Clark County et al, 16-2-0005c Final Decision and Order (March 23, 2017) at p 80. (emphasis supplied)

It is challenging to delineate all the flaws with the “study” provided by Johnson Economics (JE) but FOCC will highlight some of those flaws but asserts that the “study” should be given no weight in evaluating whether the requested parcels should be included in the Ridgefield UGA for the reasons stated in our letter regarding agricultural lands that we submitted on December 4, 2024 and also the following reasons:

⁷ As they say, “The definition of insanity is doing the same thing over and over and expecting different results.”

1. The submittal by JE for Ridgefield requests suffers from the same failings as the submittal by JE regarding the Camas UGA at its core as it fails to utilize and analyze the proper criteria. *Compare* Introduction at p 1 listing criteria in report with WAC 365-190-050(3)(a)-(c) and 365-190-050(5) and *Lewis County*⁸ with all of the other submittals by JE.

2. On the face of the submittals, they do not appear to even evaluate whether the land “is capable of being used for agricultural production” which requires an evaluation using “the land capability classification system of the United States Department of Agriculture”. *See* WAC 365-190-050(3)(b)(i) and (ii).

3. In reviewing all of the submittals, one need only look at a satellite view of the property and surrounding areas along with the pictures of the area and the County’s GIS maps all which show the lands as they are designated–Agricultural. With respect to all of the lands, they have previously been designated AG-20 and that designation has been upheld by the Courts and the Board and thus they are presumed to be agricultural lands of long term commercial significance. In addition, most of the lands are currently, and have been, in Current Use Farmland and Taxation, Open Space or Timberland.

4. The submittals state the criteria for “characterization of urban growth is to look “around the subject property”. As set forth above the analysis of the properties must start with the fact that the Fifth Group (Zimmerly) properties themselves have no urbanization on them at all. Additionally, but for the small urban protrusion of the Ridgefield UGA into the resource land area to the west of the Group 5 area, they are contiguous to other Agricultural lands, Timber lands, Open Space lands and/or the rural lands that are intended to buffer them on at least two of their boundary lines. As set forth above, the *actual* WAC and RCW criteria includes consideration of whether the property itself can be characterized by urban growth, not merely whether the lands are in some amorphous “proximity” to some urban growth. In this case, nothing about the property can be considered “urban growth” under 36.70A.030(19). In fact the submittals speak in terms of services and new population being miles away.

In addition, as can be seen by the various maps, the Fifth Group (Zimmerly) lands are bordered a) on the north and northwest by AG-20 lands in Current Farm and Agricultural Land and Timber Land and the urban land protrusion that borders the subject property on the west is actually surrounded on 3 sides by AG 20 land, some of which is also in current Farm and Agricultural use. Given all of these factors, the land has certainly not been developed “to such a degree as to be incompatible with the primary use of production of food or agricultural products”. In fact, to the contrary, there are *no* intensive uses of the land such as buildings, structures, impermeable surfaces etc.

5. Although the “study” discusses parcel size, it fails to state that the criteria addresses the “predominant” parcel size, which may include smaller parcels if *contiguous* with other agricultural resources.

Re: The Fifth Group (Zimmerly)

In the case of the Fifth Group (Zimmerly) property, the “subject property” has 5-20 acre AG 20 parcels (four of which are under the same ownership so constitute an 80 acre predominant parcel size), 1-22 acre AG 20 parcel, 2 AG 20 parcels (these are under the same ownership and total one 20 acre parcel). Plus only 4 parcels in the Fifth Group (Zimmerly) are contiguous to Ridgefield’s UGA and, when looking at the area map as a whole, it is the Ridgefield UGA protrusion into the resource lands that appears to be the aberration and intrusion into the Agricultural and Open Space lands. So even though the “nipple” of urban growth into the resource lands is surrounded on 3 sides by resource lands, the Johnson “study”

⁸ *Lewis Cty. v. W. Washington Growth Mgmt. Hearings Bd.*, 157 Wn.2d 488, 509, 139 P.3d 1096, 1106 (2006)

states that intrusion changes the character of all the land around it to be “characterized by urban growth.”⁹ In fact, attached is a map that shows that the urban “nipple” is surrounded by agricultural lands including lands in current Farm and Agriculture and there are more parcels to the north that are contiguous and add to the overall size of the resource area but those parcels not considered by the submittal but are in fact contiguous.

Re: the Second and Third Groups (Jones/Thompson¹⁰) east of I-5 and North of Ridgefield

As to the east side of I5 north of 279th street, the maps highlight that the parcels are part of a very large contiguous area of AG-20 zoning that is not characterized by urban growth. As with other AG 20 parcels that landowners are seeking to de-designate, many of the parcels are in Farm and Agricultural current use as seen by the red hash marks on the map. In fact a large area to the West is the Tri Mountain Golf Course which is in the process of sale with a provision that it remain as a golf course, so would remain an important buffer to these AG lands. In addition, the area to the north of the subject parcels are AG-20 and then further north transition to Rural 5 lands which are part of a plan to buffer and protect agricultural lands.

The land to the east between the Rural lands to the north and NE 279th to the south are also AG 20 all the way to NE 20th Avenue. The AG land expands after the intersection of NE 279th and NE 20th Avenue and the area is AG 20 to the east until the greenway of the East Fork Lewis River. In addition, after the intersection of 279th Street and 20th Avenue, the land both north and south of 279th Street to NE 259th Street. As can be seen on the map, the contiguous land mass of AG 20 is critically important, as are the of the County’s comprehensive plan mandate pledge to preserve and protect Agricultural lands.

The Thompson lands are equally not characterized by urban growth. They consist of agricultural lands that are also priority habitat and part of the biodiversity corridor that includes McCormick Creek (see McCormick Creek restoration documents). The Globalwise study makes it clear on the face of its submittal, as well as at various parts throughout the submittal, that the area being studied is specific to the 4 parcels that the submittal characterizes as urban growth primarily on their proximity to the City of Ridgefield and its urban boundary. (Title is “Agricultural Land Resource Analysis **of Four Parcels Adjoining** the City of Ridgefield Washington). Coincidentally, in their 2017 FDO on Clark County’s 2016 update, the Board rejected this same analysis as supporting de-designation despite Mr. Prenguber’s protestations to the contrary. *See Clark County Citizens United et al v. Clark County et al* at 40-41

In the case of the Jones property, it is a 20-acre parcel in the SW corner of over a hundred acres of agricultural lands with only the West side having residential urban development. Although the JE submittal refers to the fact that the land to the south is owned by the school district for a “new elementary school”, the submittal fails to mention that the bonds seeking funding to pay for that school have failed around 10 separate times over the years including this year. Without funding, which has been continuously rejected by the community, that land will remain open space.

In addition, the Jones property, and the area to the north, northwest and east are all agricultural lands with a majority in Farm Agricultural Land current use. In the case of the Thompson property, it is surrounded on 3 sides by AG-20 lands, is 50 acres of AG-20 land and the lands surrounding it (and the land itself is in

⁹ The picture on page 7 of the “study” skews the complete picture especially given that I5 is on the east and has no impact on the agricultural lands and constraints yet the picture in the “study” puts the urban development on the east side of the freeway in the mix to make it look like the AG land is surrounded by urban growth, which it is not.

¹⁰ The Thompson land submittal in support of de-designation was submitted by Globalwise. Of note, Globalwise’s submittal(s) were also found to be insufficient, and did not support de-designation of similar Clark County agricultural lands, by the Board in *Futurewise v. Clark County* and *Clark County Citizen’s United et al v. Clark County* in the 2007 **and** the 2016 updates. *See FDO* at pp 40-43 and 75-77.

Current Farm and Agriculture). Yet JE suggests that because some part of Ridgefield's urban growth boundary abuts (or in the case of the Thompson property, is across 279th to the south) it is characterized by urban growth and must be de-designated. However the Board has previously rejected that argument:

The GMA was not intended to allow a domino effect of urbanization of parcel next to parcel. Carried to its logical end, natural resource lands would never be protected. Without designating and protecting natural resource lands, there is nothing to prevent the continuing loss of these lands.

Yet, almost 8 years after those prophetic words were issued in an opinion where Clark County unlawfully relied on proximity, that is exactly what all of the submittals by JE suggest should happen today. To follow JE's "logic", if the lands they suggest should be de-designated now, then in the next update, JE would find the lands to the north, east and west that abut these lands would be "characterized" by urban growth simply by proximity and should be de-designated and so on until all resource lands are consumed. It is illogical, counterintuitive and in violation of the law to rely on proximity, especially in such a manner as JE submittals do, to justify de-designation.

In the case of the Rohrer Property, as can be seen on the map, and as verified by the uses on the County GIS and pictures of the property, including Satellite photos, the property is not characterized by Urban Growth. It has a boundary with 10th Avenue on the west (and across 10th avenue by Public Works property and has Ag 20 land to the north and east as well as to the northeast and south and southeast. The land is also buffered by R5 lands to the south. The land itself is in current use Farm and Agriculture and there are other AG 20 lands with similar designation that are contiguous. Also, again, this is a submittal regarding one parcel which has been repeatedly rejected by the Board and the Courts as justifying any de-designation.

6. The JE submittals, and the Globalwise¹¹ submittal rely heavily on the current economic output of the properties. However, the issue is whether or not the lands are currently economically viable but are they "capable of being used for long term production". As with the lands previously de-designated in 2007 and 2016 that the Board subsequently found did not meet the criteria for de-designation, the submittals by JE and Globalwise seem to harp on the intent of the landowner and ignore that these lands are capable of long term commercial production.

7. The "study" fails to evaluate 365-190-050(5) which requires that "When applying the criteria in subsection (3)(c) of this section, **the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.**" See Clark County Citizens United et al v. Clark County et al, FDO dated March 23, 2017 at As this Board observed in *Clark County Natural Resources Council and Futurewise v. Clark County*:

¹¹ The author of the report describes himself as an Agriculture economist. Thus both JE and Globalwise are attempting to justify the de-designations upon the fact that they are not currently making a profit but would have a much higher land value if allowed to convert. To the extent that, based on the land speculators in the mix, that may be true but it has little relevance in the overall criteria. The only two criteria that appear to address their concerns are 365-190-050(3)(c)(iii) and (x). In this case, under c(iii), the lands are, for the most part, in current use Farm and Agriculture and under (x) there are speculators attempting to market the lands for higher prices. FOCC addressed the land speculation values in its other comments.

The viability of the agricultural industry involves more than the mere conservation of land for production. There must be a significant base of land and production to support all of the agriculturally based businesses that are part of the industry, including processors, suppliers, shippers, cold storage plants, equipment repairers, and so on. In combination, the lands, producers and support businesses constitute the agricultural economy. As stated above

"natural resource lands are protected... to ensure the viability of the natural resource-based industry that depends on them". If a jurisdiction fails take a broader view, and chooses to de-designate agricultural lands on a parcel by parcel basis, it is inevitable that the jurisdiction eventually reaches a point where the agriculture production base decreases to such an extent that elements of the support industry cannot survive economically. That process continues as the production side of the industry is unable to obtain services, thus leading to further conversion of agricultural lands to non-agricultural uses. The long-term result is the disappearance of the agricultural industry.²⁶⁴

WAC 365-190-050(5) states that the final outcome of a designation process should "result in designating an amount of agricultural resource lands sufficient to maintain and enhance the *economic viability of the agricultural industry* in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities." (Emphasis added) Here, the County reviewed four sites and selected 602 acres within one site that may or may not have a key role to play in the agricultural industry in Clark County or the area. The County in 2004 found this land had long-term significance for agriculture when it designated the land pursuant to the requirements of RCW 36.70A.170.²⁶⁵

Following a subsequent de-designation by the County in 2007, the Board in its Amended Final Decision and Order in Case No. 07-2-0027, found the property (then referred to as Area VB) was improperly de-designated by Clark County. That decision led to the County rescinding its de-designation.²⁶⁶ There no evidence reflected in the record analyzing the effect of de-designation on the economic viability of the agricultural industry in Clark County. Also there has been no documentation of substantial changes in the land. As the Cour tof Appeals observed:

Absent a showing that this designation was both erroneous in 2004 and improperly confirmed by the Growth Board, or that a substantial change in the land occurred since the ALLTCS designation, the prior designation should remain. Without such deference to the original designation, there is no land

²⁶⁴Case No. 09-02-0002 (FDO, August 6, 2009) at 21. ²⁶⁵*Clark County v. W. Wash. Growth Mgmt. Hearings Bd.*, 161 Wn. App. 204, 234 (2011). ²⁶⁶*Id.* at 227-228.

To be clear, FOCC's position is that 1) the City and the County have failed to conduct a county wide study of AG land as required by statute and rule and, 2) given the time remaining for the County to complete its work on the Comprehensive Plan update, there is insufficient time, and County resources, to conduct a thorough and comprehensive analysis of the Agricultural Lands of long term commercial significance. **Therefore, these lands should neither be considered as part of the Ridgefield UGA as part of any DEIS alternatives, nor considered as site specific requests as doing so would violate court precedents, Board precedents, the GMA statutory scheme and the WACs.**

Additional reasons that they should not be considered for conversion and/or inclusion in the UGA are that the lands are also priority and riparian habitat for fish and wildlife. According to the County records, the attachment shows an extensive amount of land that is considered waterfowl habitat ("waterfowl concentrations"), biodiversity corridors and riparian habitat. AG lands have multiple purposes and those also include environmentally sensitive fish and wildlife habitat. See:

<https://wdfw.wa.gov/about/wdfw-lands/working-lands> and
<https://wdfw.wa.gov/about/wdfw-lands/working-lands/farming>.

Waterfowl Concentrations and Biodiversity corridors are considered Priority Habitat by Clark County. See Clark County Environmental Services Resource Enhancement and Permitting Division Habitat and Wetland Frequently Asked Questions. Clark County defines Priority Habitat, in pertinent part, as:

Priority Habitats are environmentally distinct, fragile and valuable fish and wildlife habitat areas. Washington State's growth Management Act attempts to balance the need to protect these areas for present and future generations with the need for reasonable use of private property. These areas are generally defined as:

1. Riparian Priority Habitat. Areas extending outward from high water mark to the edge of the one hundred (100) year floodplain, and varying distances of associated Stream buffer areas.
2. Other Priority Habitats and Species (PHS). Areas identified by and consistent with the Washington Department of Fish and Wildlife priority habitats and species criteria.
3. Locally Important Habitats and Species area reas (sic) legislatively designated and mapped by the county because of unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. This subsection shall not apply to areas which have not been designated on official mapping.

Priority Habitat Buffers represent 100 foot buffers areas that were generated around Washington State Department of Fish and Wildlife identified habitat areas. Parcels that are within this 100 foot buffer but outside the actual habitat area must notify WDFW prior to development activity.

Priority Species Buffers represent 300 foot buffers areas that were generated around Washington State Department of Fish and Wildlife identified species habitat areas. Parcels that are within this 300 foot buffer but outside the actual habitat area must notify WDFW prior to development activity.

These lands are also riparian habitat and have a plethora of fish bearing streams, non-fish bearing perennial streams and non-fish bearing seasonal streams. According to the County's own documents, riparian habitats need to be protected by sufficient buffers: 200' for fish bearing streams, 100' for non-fish bearing perennial streams and 75' for non-fish bearing seasonal streams.

These lands also contain Critical Aquifer Recharge Areas (CARA), some are Category I (Jones property). Category I CARA are defined by County Code as: "the **highest priority critical aquifer recharge area**, represented by the one (1) year time-of-travel for Group A water wells."

In recognition of the importance of these habitats, the County (in conjunction with CPU and other partners) spent over \$500,000 for restoration of McCormick Creek that transects the proposed areas flowing from the East Fork Lewis River to south of the areas. The report recognizes that McCormick Creek in its upper reaches contains Coho, Steelhead, Chinook and possibly Chum.

FOCC is unaware of any comprehensive environmental study provided by the City regarding these lands proposed for inclusion into the UGA and there has been no countywide comprehensive de-designation analysis that complies with the legal precedents, statutes and WACs (specifically WAC 365-190-040 and 050). Further, the submittals provided by the City do not even establish that these individual parcels, even if carved out piecemeal fit the criteria as they are not characterized by urban growth. In addition, given the proximity of the city limits to these lands, it appears that the city is already violating the County ordinances protecting these resource lands because they have allowed development that does not appear to meet the buffer standards for Priority Habitats.

It is noteworthy that in prior updates, the City has proposed, and the County has approved, inclusion of agricultural lands into the City's UGA without going through the legally required de-designation process. However, the City was able to keep some of the lands unlawfully converted from agricultural lands by annexing the lands prior to the Growth Board finding the inclusion of them in the UGA to be in violation of the GMA to such a degree that the inclusion of the lands substantially interfered with the goals of the GMA. Yet, despite those prior rulings, precedents, and the clear provisions of the statutory scheme and the WACs, the City is again proposing to include previously designated agricultural lands without complying with, a minimum, WAC 365-190-040 to 060.

In conclusion, the agricultural lands at issue have been designated by the County as agricultural lands of long term commercial significance (AG20) and the designations have been affirmed because there was substantial evidence in the record before the Board and the Courts to substantiate those designations. The County has failed to conduct any county wide analysis of the lands which is a condition precedent to even considering them for de-designation. In addition, some of the lands are priority habitat for waterfowl, contain biodiversity corridors and riparian habitat including fish bearing streams, perennial streams and seasonal streams.

Thus, County should reject any inclusion of designated AG Lands in any DEIS alternative as the County has failed to comply with the legal precedents, statutes and rules regarding de-designation of these environmentally sensitive and beneficial legally designated agricultural lands.

Best,

Mo McKenna

Board Member, Friends of Clark County

Clark County Farmer