

From: [Rebecca Messinger](#)
To: [Cnty 2025 Comp Plan](#)
Subject: FW: Testimony 2025 Comp Plan and Mill Creek Overlay District being ignored by staff and PC
Date: Monday, March 2, 2026 1:31:28 PM
Attachments: [Comp Plan Testimony 2026 David Gilroy Commnets Mill Creek Overlay District Code 40 200 060.pdf](#)
[MC Overlay Newspaper Article 2009.pdf](#)
[Maps online prioirty Habitat MCODistrict area.pdf](#)
[Prioity Habitat Environmental Constraints map upzoning.pdf](#)
[Testimony to Clark County Council on 2025 Comp Plan Mill Creek Overlay District by David F Gilroy.pdf](#)
[Rough Estimate of upzoning to R1-7.5 lots results.pdf](#)
[image002.png](#)

Hello,

Please see the below email and attachments, submitted by David Gilroy.

Thank you!



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

Phone: 564-397-4305

Email: Rebecca.Messinger@clark.wa.gov



From: Sue Marshall <Sue.Marshall@clark.wa.gov>
Sent: Monday, March 2, 2026 1:26 PM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Cc: Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Jeremy Provenzola <Jeremy.Provenzola@clark.wa.gov>; Ken Lader <Ken.Lader@clark.wa.gov>; April Furth <April.Furth@clark.wa.gov>; Christine Cook <Christine.Cook@clark.wa.gov>
Subject: FW: Testimony 2025 Comp Plan and Mill Creek Overlay District being ignored by staff and PC

Submittal for the Comp Plan update record and ties into previous concerns raised about development in this area.

Thank you.

Sue



Sue Marshall

Clark County County Councilor

District 5

564-397-4878 office

360-904-9832 cell

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From: DAVID GILROY <davidgilroy@gmail.com>

Sent: Monday, March 2, 2026 12:27 PM

To: Sue Marshall <Sue.Marshall@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>

Subject: Testimony 2025 Comp Plan and Mill Creek Overlay District being ignored by staff and PC

EXTERNAL: 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.

Monday, March 2, 2026

Dear Councilor,

For the Record for 2025 Comp Plan Update (including all attachments)

Re: Failure by County Staff and Planning Commission to Acknowledge and Address the impacts of Up Zoning to the Mill Creek Overlay District 40.250.060 for the Mill Creek Sub-area

My name is David Gilroy, and I live in the Mill Creek Subarea near 165th Circle and NE 40th Ave, at 3801 NE 165th Circle Vancouver, WA 98686. I was a stakeholder in Clark Counties Sub-area planning process that ended in 2009 and was representing Mill Creek Forest HOA which was awarded a Sammy Award by Clark County in 2005 for our work enhancing Salmon Habitat on the western tributary to Mill Creek north of the WSU Campus.

Our subarea is surrounded on 3 sides by salmon bearing streams with Mill Creek flowing from the east (crosses NE 50th Ave) and a tributary that runs through our HOA Common Area from

the west (29th Ave. and 179th St.) There is One Road in and out of the subarea, NE 174th St..

I have attached County Maps and other documents, some with mark-ups to help illustrate my concerns expressed below. If you search the county website and input **Mill Creek Overlay District** you will find links to several of these maps, meeting notes and documentation from 2009 when the overlay was adopted.

I suggest that you open and look at the PDF attachment "Comp Plan Testimony 2026 David Gilroy Comments..." you will see the county document that spells out the code back in 2009 for that Comp Plan Review with a map and my comments inserted to the right on that 1 page.

From what I can find from searching the county website for the **Comp Plan Process, none of the three Alternative plans address or even mention the Mill Creek Overlay District county Code 40.250.060** That code resulted from a Mill Creek Subarea Planning process that started in July of 2004. The resulting zoning re-designation recognizes the presence of environmentally sensitive areas along Mill Creek and its tributaries. It also recognized the transportation challenges with the area being surrounded on three sides with Mill Creek and an unnamed tributary to the west and currently only one way in and out of the Subarea. The Mill Creek Subarea plan was approved by the Board of County Commissioners at a public hearing on March 17, 2009. The adopting ordinance (PDF) was approved by consent on June 23, 2009. I have attached several exhibits here including a copy of the Code that was adopted. **Part C. Standards 3. A minimum lot size of nine thousand (9,000) square feet is required for all land divisions in the R1-10 and R1-20 districts proposing to develop under the density transfer provisions of Section 40.220.010(C)(5), or the planned unit development provisions of Section 40.520.080. The exceptions to lot sizes in Section 40.200.050 shall still apply.**

I believe that it is likely that no Councilor other than Sue Marshall is aware of this Subarea and Overlay District and that the Planning Commission and Staff are essentially bulldozing the Council (by not mentioning the Overlay from what I can tell) to radically change the density of this subarea by Up Zoning approximately ½ of the area from R1-20 to R1-7.5. This change, if adopted will take away the protection that the former County Commissioners deliberately put on this area by requiring a minimum lot size of nine thousand (9,000) square feet for R1-10 and R1-20 since it will no longer fall under Part C. #3 Standards.

According to Jose Alvarez, who in an email told me the proposed R1-7.5 zoning allows the minimum lot area to be 2000 sq. ft, which works out to 21.8 dwelling units per acre!

This could result in a density of 4.5 times what the current Overlay Zoning allows!

Please see the attached newspaper article I assume from around March of 2009 as well as several County Maps that I have marked as Exhibits for my testimony to the current Comp Plan Review. Note that the transportation issue of potentially having so many homes on a dead-end road has not changed and the need to preserve and protect priority habitat and salmon bearing stream habitat has only become more

important than ever. **I am asking that the County Council keep the current Mill Creek Overlay District Zoning as it now stands regardless of what Alternative is chosen.**

Regards,

David F, Gilroy

3801 NE 165th Circle Vancouver, WA 98686 (PDF copy of this attached for the record)

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Regards,

David F, Gilroy

3801 NE 165th Circle Vancouver, WA 98686

Black outline is the Mill Creek Overlay District Est. 2009 via Code 40.200.060 / Ordinance No. 2009-06-01

Yellow area is currently zoned R1-20 restricted to 9,000 Sq. Ft. minimum Lot Size as per C. Part 3. below. It appears that in ALL Comp Plan Alternatives, presented by Staff & Planning Commission, Recommend Up Zoning the area in Yellow to R1-7.5 resulting in an increase of lot density 4.5 times allowing Min. Lot Sizes of 2,000 Sq. Ft.

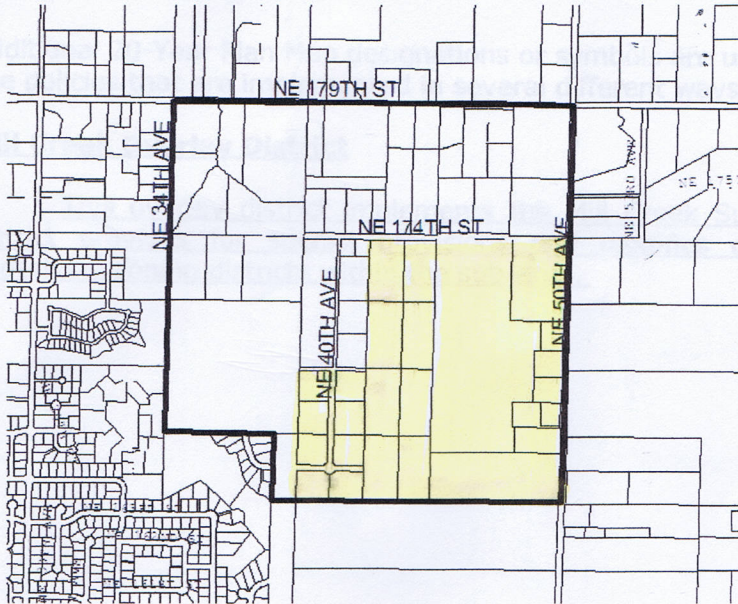
I am not able to find any reference to the Mill Creek Overlay in the Comp Plan documents or Council Sessions. I only see as example Alt line 2.L Vanc. UGA "Amend the zoning of certain properties zoned R1-10 & R1-20 to R1-7.5.

The Sub-Area plan and the resulting Overlay was a result of 10 stakeholder meetings, open house & subarea community survey all conducted by Long Range Planning. One of the county Findings was the "re-designation recognizes the presence of environmentally sensitive areas along Mill Creek and its tributaries".

It also recognizes the transportation issues created by the 2 creeks on 3 sides and only 1 way in and out, 20 ft. wide N.E. 174th St. Please review the other MCOD related documents, question Staff and Planning Commission. Please Preserve the current Mill Creek Overlay District Current Standards C. 3 and DO NOT CHANGE the CURRENT ZONING.

David Gilroy 3801 NE 165th Cir. Vanc WA

Figure 40.250.060-1



C. Standards.

The following additional standards apply in the overlay district:

1. New lots created adjacent to urban subdivision lots existing at the time of the adoption of the Mill Creek Overlay District shall meet or exceed the average lot size of the abutting subdivision lots unless there is at least two hundred (200) feet of open space between the existing and proposed lots.
2. Prior to approval of any development that would add traffic to NE 37th Avenue, additional access via a public road connection to NE 40th Avenue or NE 174th Street must be assured.
3. A minimum lot size of nine thousand (9,000) square feet is required for all land divisions in the R1-10 and R1-20 districts proposing to develop under the density transfer provisions of 40.220.110(C)(5), the infill provisions of 40.260.110 or the Planned Unit Development provisions of 40.520.080. The exceptions to lot sizes in 40.200.050 shall still apply.



- 40.240 Columbia River Gorge National Scenic Area
- 40.250 Overlay Districts contains:
 - Airport Environs Overlay Districts (AE-1, AE-2)
 - Surface Mining Overlay District
 - Historic Preservation
 - Resort Overlay
 - Highway 99 Overlay District
 - Mill Creek Overlay District
 - Railroad Overlay District (RR)
 - Rural Center Mixed Use Overlay District (RC-MX)
 - Equestrian Overlay
 - Urban Reserve Overlay (UR-10, UR-20)
 - Urban Holding Overlay (UH-10, UH-20)

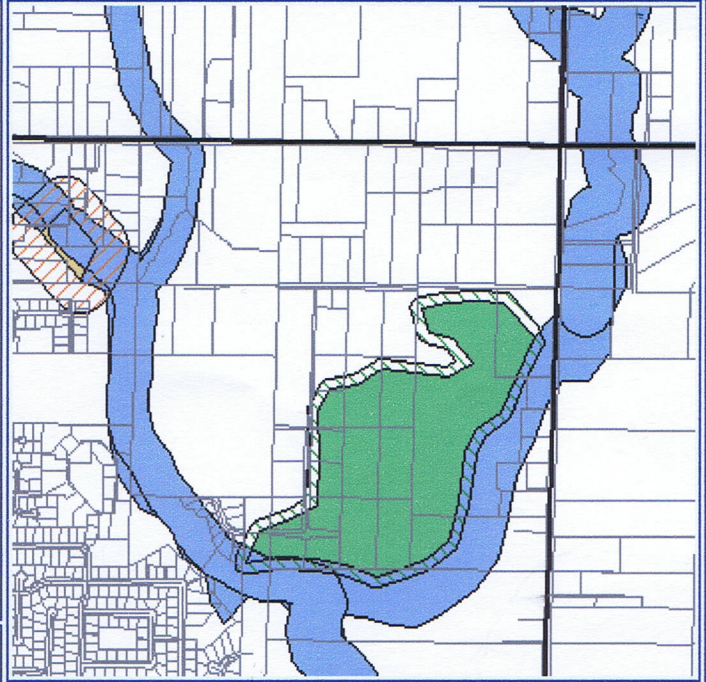
Map click will: Zoom + Zoom - Pan Label Report

Map Groups
 Environmental ▾

Maps
 Constraints
 Wetland Areas
 10ft Contours
 Archaeological
 Habitat-Species
 Storm Sewer
 Aerial Photos

Refresh

HELP



MapsOnline

Priority Habitat Conservation
Click on Report button and select a parcel to return an Priority Habitat Report

WDFW Species-Habitat

-  Riparian Habitat
-  Non-riparian Habitat
-  Priority Habitat Buffer
-  Priority Species Area
-  Priority Species Buffer

[Battle Ground](#) · [Camas](#) · [La Center](#) · [Ridgefield](#) · [Vancouver](#) · [Washougal](#) · [Yacolt](#)
[Full County](#) · [Section](#) · [Atlas Page](#)

Commissioners okay Mill Creek plan

Alice Perry Linker
staff reporter

Clark County residents and officials with an interest in the development of an area north of Mill Creek have been meeting for about two years, trying to reach consensus as to how some 340 acres west of I-5 and between Northeast 179th Street and Mill Creek should grow. They have not been successful.

Some residents want to keep land near and along Mill Creek in low density housing, with lots no smaller than 20,000 square feet; others would like to see lots as small as 7,500 square feet.

In the end, the Clark County commissioners voted to zone the land between Northeast 174th and Northeast 179th streets to allow lots as small as 7,500 square feet, and the property south of 174th Street to be zoned for lots ranging in size from 10,000 to 20,000 square feet.

The Battle Ground School District owns 40 acres along 174th Street. The county has limited potential development on the school district property by zoning that acreage for 20,000 square-foot parcels.

County planner Mike Mabry said the school district has written that it intends to use the property "for one or more public schools."

During a county commission-

ers public hearing March 17, all who testified said they wanted to preserve the character of the area that includes the creek, steep slopes and wildlife habitat.

Even the commissioners disagreed on the future of the area that lies within the Battle Ground School District. Commissioner Steve Stuart originally said he would like to see 20,000 square-foot lots south of 174th Street, but he agreed with Commissioner Tom Mielke who said he thought 10,000 square-foot lots would be adequate. The commissioners voted to accept the county planning staff recommendation.

The county allows developers to create lots smaller than the minimum lot size if critical areas interfere with the norm. Mielke suggested that when critical areas such as streams and steep slopes are involved, the lot sizes be limited to a minimum of 9,000 square feet.

Land owners on the south end of the area, the Viers and the Hintons, asked for smaller lot sizes, while residents who live near the area asked for larger lot sizes.

Mary Ann Simons told the commissioners that the area holds "one of the highest bio-diverse habitats. We tried to protect the critical areas."

Simons said that Clark County has developed "all ar-

reas that protect habitat." She said that she would like to see less density, and she asked the county to submit a sustainability plan.

"We wanted trails, a mixed community, a place where people could walk to schools," she said.

LeAnn Bremmer, who represented the Viers family, had a different approach, asking for more flexible zoning, asking for minimum lot sizes of 10,000 square feet, instead of the 20,000 square feet proposed for the Viers property. She said that 20,000 square-foot lots would limit development on the southeast side of the planned area near Mill Creek. A county report states that a maximum of 90 lots will be permitted on the 53-acre Viers property.

"Even 10-12 additional lots makes a difference in their profit," Bremmer said.

Randy Prinz, spokesman for the Hinton property, also asked for denser residential zoning on the 40 acres. The county has estimated that 23 acres are developable.

The county has planned a street to connect 179th and 174th streets at the west end of 174th Street. Internal streets would be the responsibility of future developers.

The area is a part of the Three Creeks Special Planning Area.

PLD 7020 -00040

Mill Creek Subarea Plan

- + [- Project summary](#)

- + [- Maps](#)

- + [- Documents](#)

- + [- Meeting notes](#)

Project summary

- + The Mill Creek Subarea plan was approved by the Board of County Commissioners at a public hearing on March 17, 2009. The [adopting ordinance](#) (PDF) was approved by consent on June 23, 2009.

- + The Mill Creek Subarea plan was added to the urban growth boundary in December 2007. The Board of Commissioners adopted preliminary zoning of the area last year, but required that a subarea plan be adopted before the Urban Holding designation was released. Funding of critical road projects in the I-5/179th Street area must also be assured before Mill Creek can be developed to urban densities.

Winter 2008-2009

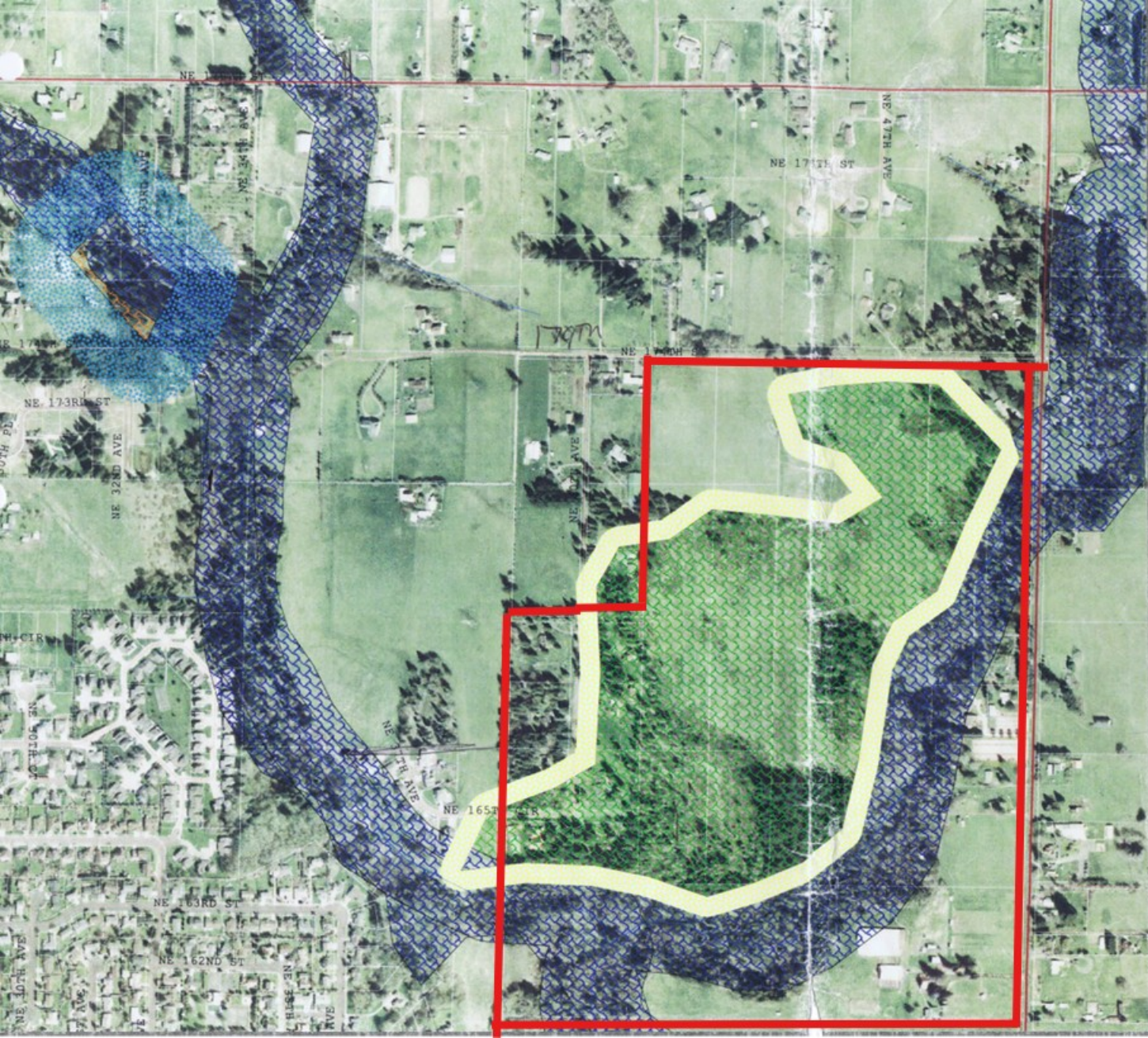
- + Community Planning staff, with the help of Mill Creek residents developed a draft Subarea Plan for the area bounded by NE 179th Street on the north, NE 50th Avenue on the east, the WSU campus on the south, and NE 29th Avenue on the west. The group included representatives of the Mill Creek Forest Homeowners Association, Battle Ground School District, Pleasant Valley Rural Ranch Association, Hinton Development Company, and Renaissance Homes.

The draft plan includes proposed zoning and traffic circulation for the area and recommendations on public open space, trails, lot size compatibility and design standards for future roads.

An open house to obtain public comment on the proposed subarea plan was held on February 4, 2009 at the Public Safety Complex, 505 NW 179th Street. The open house provided local residents an opportunity to review and comment on proposed zoning, road connections, trails and special provisions that could be applied in the Mill Creek

Mill Creek Subarea

Priority Habitat



N
A

- Major Roads
- Roads
- Streams & Rivers
- Priority Habitat Area Buffers
- WDFW Priority Habitat Buffer
- Clark County Non-Riparian PHS Area
- Priority Species Area Buffers
- WDFW Priority Species Buffer
- Clark County Non-Riparian PHS Area
- Priority Habitat & Species Areas
- Riparian
- Habitat
- Species

(Scale 1:6000)
200 0 200 400 600 800 Feet

Community Development



proud past, promising future

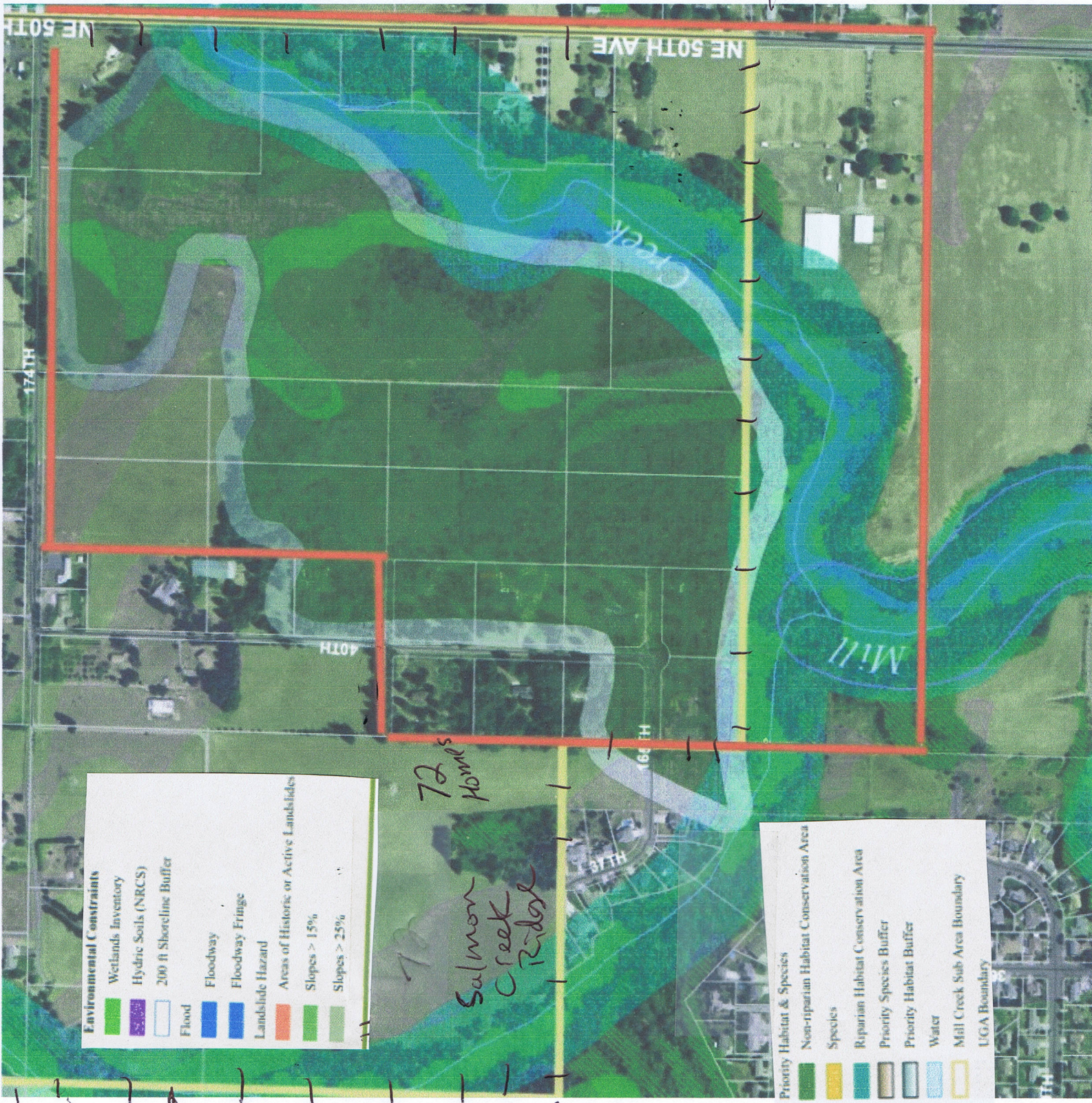
CLARK COUNTY WASHINGTON

Plot Date: Jun 2, 2005 Map produced by:
Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.



CURRENT
 R1-20
 MIN.
 9000 SQ.FT.
 LOTS

Proposed
 R1-7.5
 MIN
 2000
 SQ FT.
 LOTS



Environmental Constraints

Wetlands Inventory	Hydric Soils (NRCS)	200 ft Shoreline Buffer	Floodway	Floodway Fringe	Landslide Hazard	Areas of Historic or Active Landslides	Slopes > 15%	Slopes > 25%
[Green]	[Purple]	[Light Blue]	[Blue]	[Dark Blue]	[Orange]	[Light Green]	[Light Green]	[Light Green]

Priority Habitat & Species	Non-riparian Habitat Conservation Area	Species	Riparian Habitat Conservation Area	Priority Species Buffer	Priority Habitat Buffer	Water	Mill Creek Sub Area Boundary	LGA Boundary
[Green]	[Yellow]	[Yellow]	[Teal]	[Light Green]	[Light Green]	[Blue]	[Yellow]	[Yellow]

72
 Hands

70
 Salmon
 Creek
 Ridge

Mill Creek
 District
 Yellow
 Line
 w/

Red Line
 Proposed
 Rezone
 2026
 Comp
 Plan
 R1-20
 To
 R1-7.5

179th

ST 44

50th

178

178

200 200

175th
Kozy
Kamp

NE

175

30th CT

174

173

172

30 PL

171

169 WY

30 ST

170 ST

167 CR

166 ST

164 ST

163 ST

162 ST

161 ST

160th

159 CR

158

30

31

33

35

36

30

31

30

31

30

31

NE

NE

174th

ST

NE

AVE

40th

NE

CR

165

171 WY

170

169 WY

168

167

166

165

164

163

162

161

160th

159

158

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149

148

147

146

13

Creek

T3N R1E WM
T3N R2E WM

Vancouver
iTech Prep

50th

(4) 5 AC PARCELS = 20 AC NE 174TH ST

7 ACRES
R1-10

Note
Rough Est.
ONLY

174th St. ↓
Subdivision
PAC 3/20/25
Final Report
Proposed 103 TOTAL
LOTS NOW

22 Lots
T/-

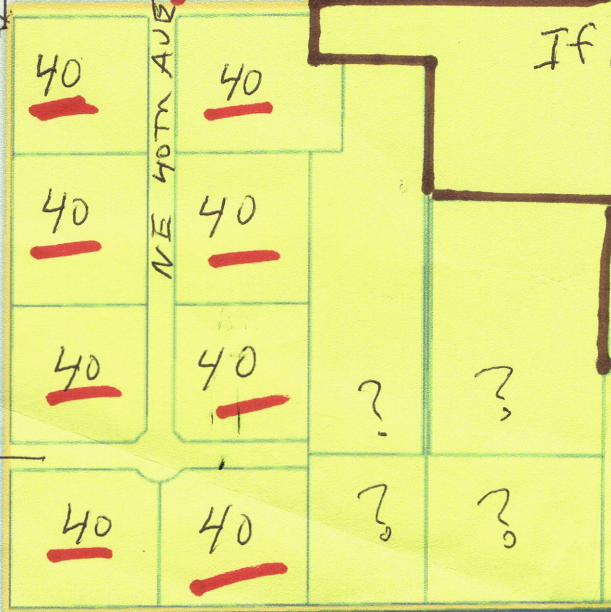
If R1-7.5
Using 20 Lots
Per Acre =
400 LOTS

Viers PUD
By Hinton
44 Acres
Now R1-20
84 Lots 9000ft+

If R1-7.5 21.8 units Per
ACRE = 378 LOTS

*Not All Land Buildable

Wetlands



S.C. Ridge

BPA
Power
Lines

MC FHA

165th
Circle

Mill Creek

millcreek