

ccid= Council
OrjiaKO
Wiser

Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

September 3, 2019
FOR THE PUBLIC RECORD

Re: Court of Appeals and Hearing Board Remand and Invalidity

According to Growth Management Act mandates in RCW 36.70A.050, RCW 36.70A.060, RCW 36.70A.070, WAC 365.190.050 and WAC 365.190.060, WAC365.196.815, and other pertinent Washington state law, Clark County has proven that they are not compliant to these laws in the 2016 Comprehensive Plan. The Western Washington Growth Management Hearing Board and the Washington Court of Appeals, Division II have determined that Clark County must go back and do an area wide re-evaluation of agricultural lands to assure these lands are in the correct resource designation. When the GMA says area wide it is all inclusive throughout the county, and what is done in one area must be done in another, across the county.

WAC 365.190.050 (1) states: "In classifying and designating agricultural resource lands, counties must approach the effort as a **county-wide** or **area-wide** process. Counties and cities should not review **resource** lands designations solely on a **parcel-by-parcel** process." In the review, other parameters are to be included to assure compliance. If an area has been incorrectly designated, the county must make corrections. When those corrections are made, other corrections will need to be made to those lands, to assure whatever designation is applied is correct.

Clark County Citizens United, Inc. is submitting 14 maps of resource and rural areas for your review. The NRCS Soil Survey of Clark County states on Page 8 that Cinebar soils are among the highest producing timber soils in Clark County. On page 48 of the manual it states "Class III soils have severe limitations that reduce the choice of plants, require special conservation practices or both. That is why Clark County only determined Class I and II Prime and Good soils in their 1979 Comprehensive Plan for resource land designations.

Map 1 and 2 show what Clark County claims are the soil capabilities for forest and agriculture use. But you will note that both ag and forest are in the same location. There is a very big difference in those soils for the product to be raised. Those plants don't do well in the wrong soil. **Maps 3, 4, and 5** show where Agriculture Class I and II are located, and as you can see there is not nearly as much as what Clark County claims to be, on their map. **Maps 6 and 7** show exactly where Prime class I Hillsboro Loam and its subsets, are located. It is very clear from these maps, that there is very little of that soil in Clark County. **Maps 8 and 9** show exactly where class I Cinebar Loam and its subsets are located. It is very clear from these maps, that there is very little of that soil in Clark County, also. Couple those locations and steep slopes, and very little, if any can be used for the resource they are best suited for. **Maps 10 and 11** are a copy of the old aerial photography that Clark County used in 1994 to determine resource land, when staff looked at these photos and current use taxation and called lands agriculture and forest. If it had a field, it was agriculture. If it had trees, it was forest. They claimed the use of the NRCS soils manual, but they didn't. You can see the white tape to indicate particular lands to lock up into these resources. **Map 12** is a reality parcel map that shows all of the very many small acreage lots throughout all of Clark County. When lands were down-zoned in 1994, 90% of these parcels were deemed non-conforming and many of them that were legally created, are now being deemed illegal. **Maps 13 and 14** show how the planning staff used the Vacant Buildable Lands Analysis to determine particular lands outside the urban and urban growth areas. Staff adamantly claims they did not use a VBLM for rural areas, because the court said they couldn't. But, clearly in this map one can see that they did.

The county has a lot of work to do and Clark County Citizens United, Inc. looks forward to Clark County finally getting it right, and right the wrong that has been festering over the landowners for over 25 years.

Sincerely,



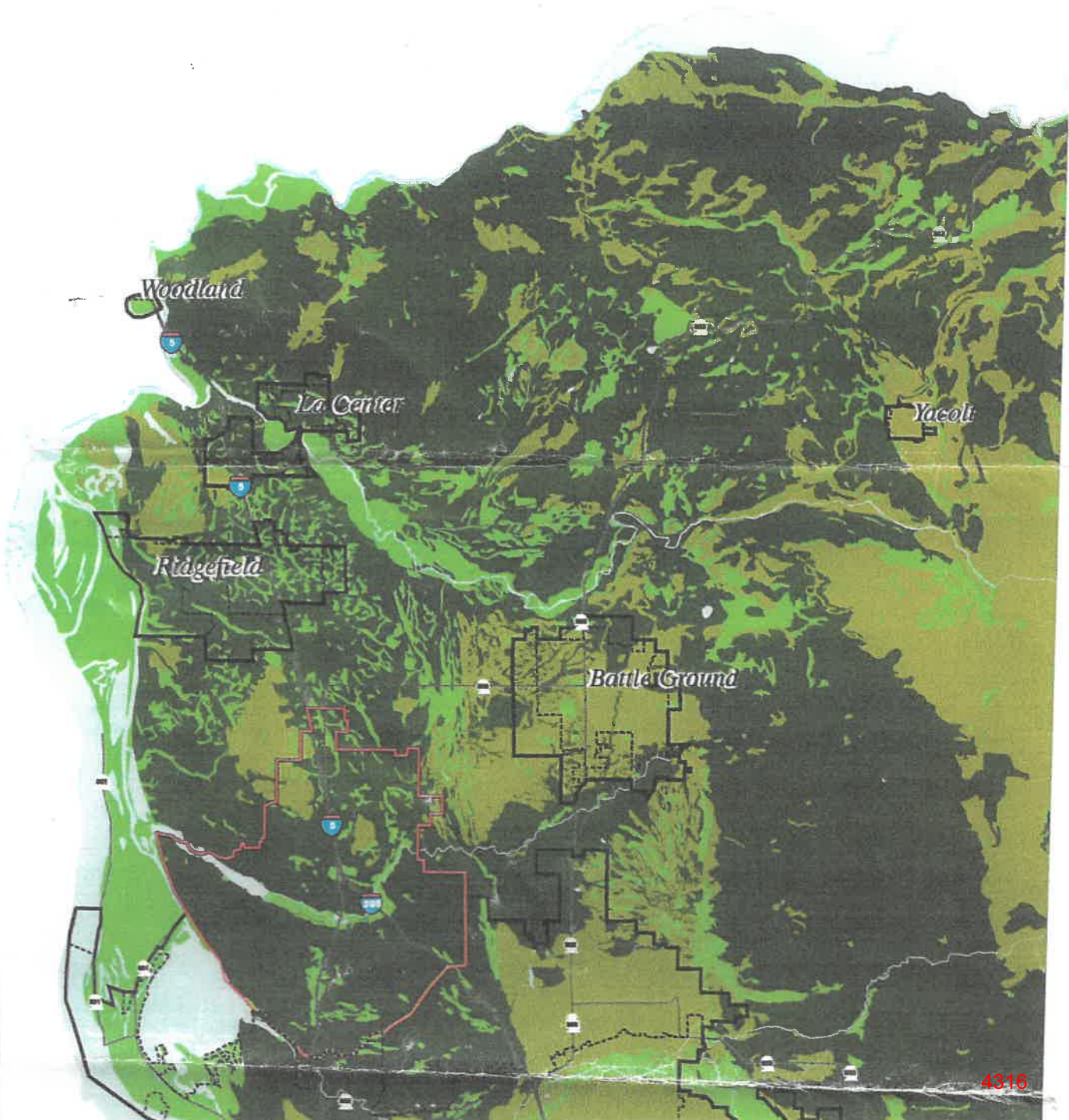
Carol Levanen, Exec. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

SOIL CAPABILITIES FOR FOREST USE



COMPREHENSIVE PLAN










- Prime Forest Soils
- Good Forest Soils
- Fair to Poor Forest Soils
- Water
- ~ Urban Growth Boundary
- ~ Three Creeks Special Planning Area Boundary
- ~ City limits

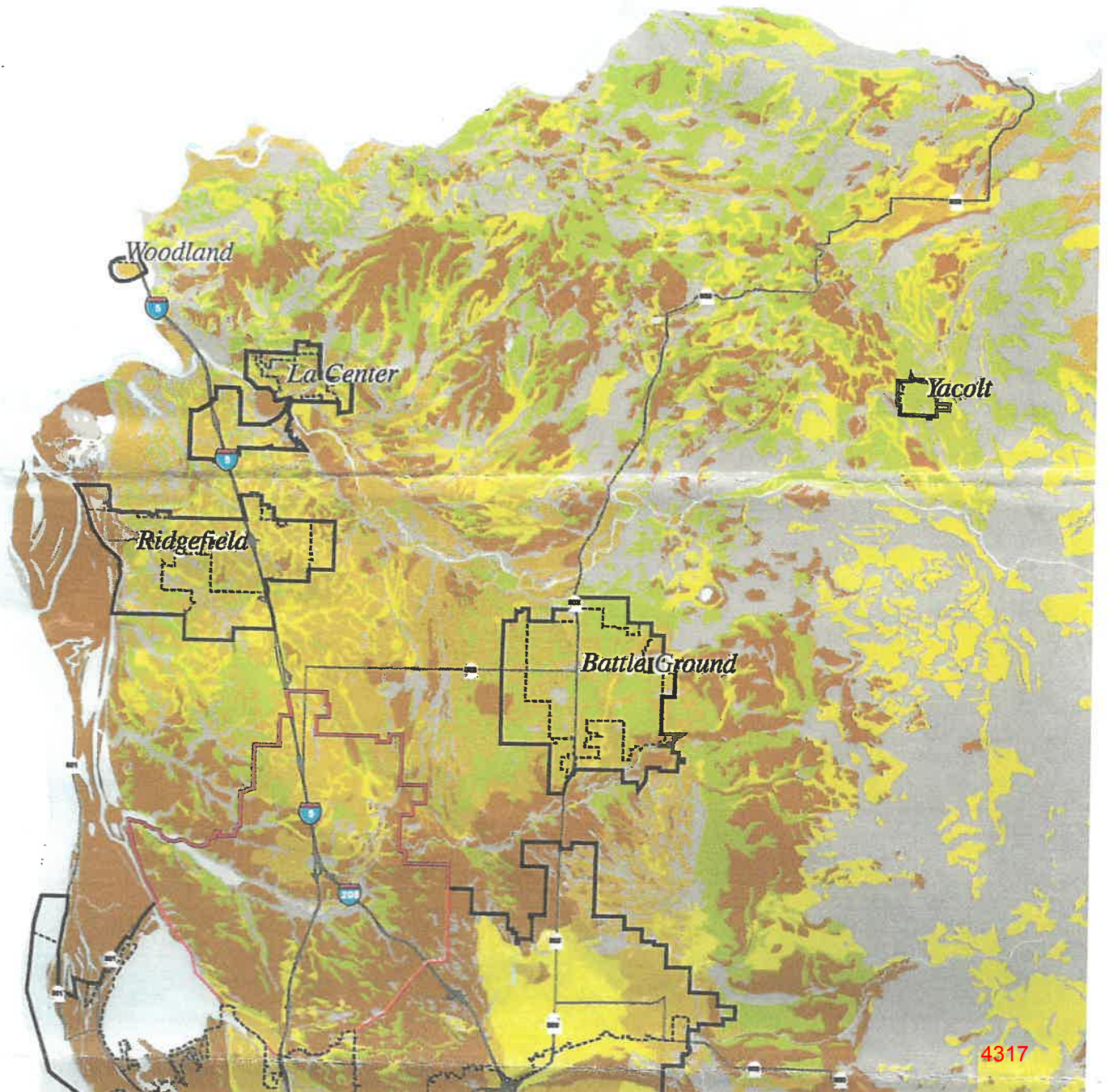


SOIL CAPABILITIES FOR AGRICULTURAL USE

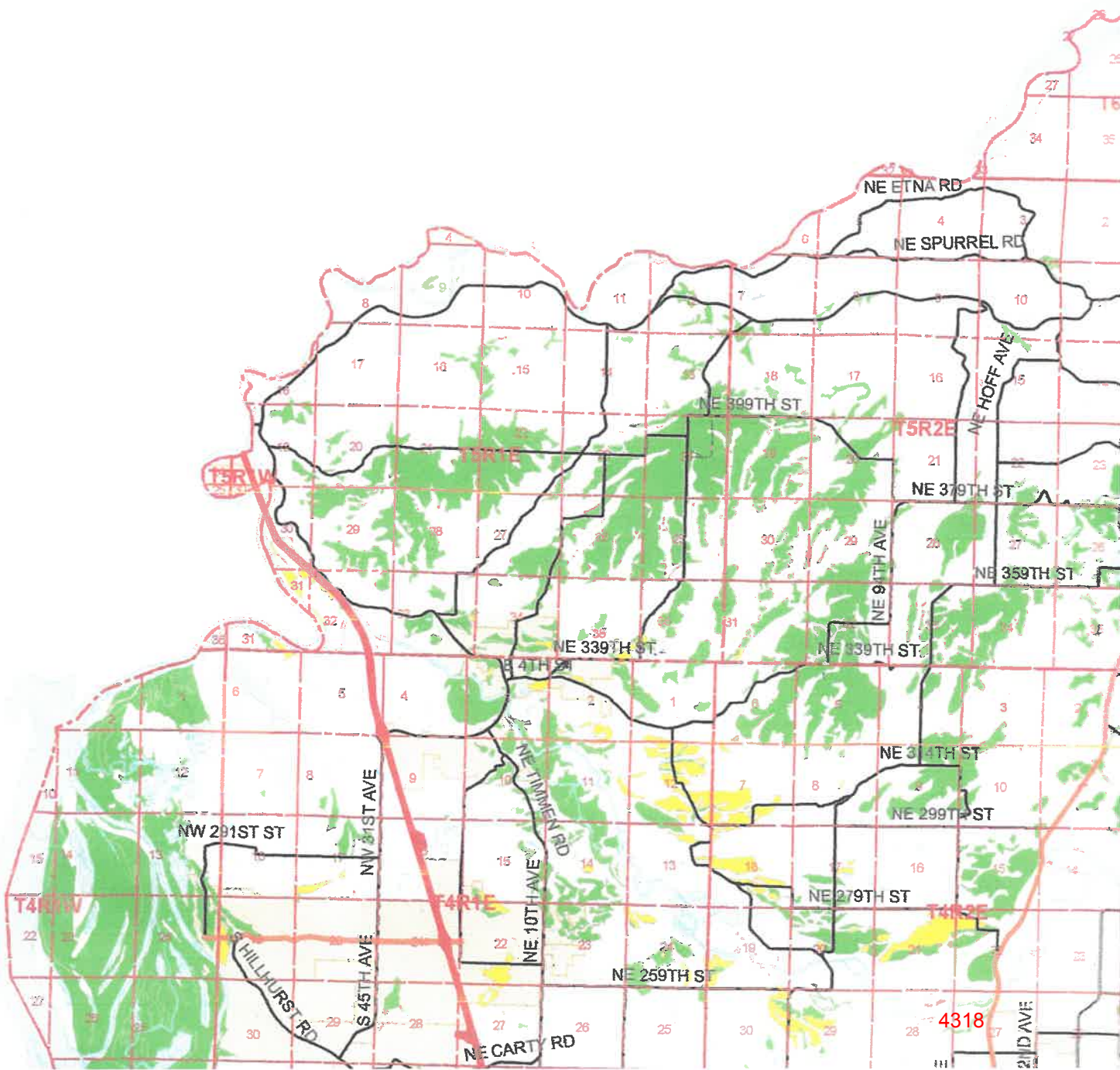
COMPREHENSIVE PLAN

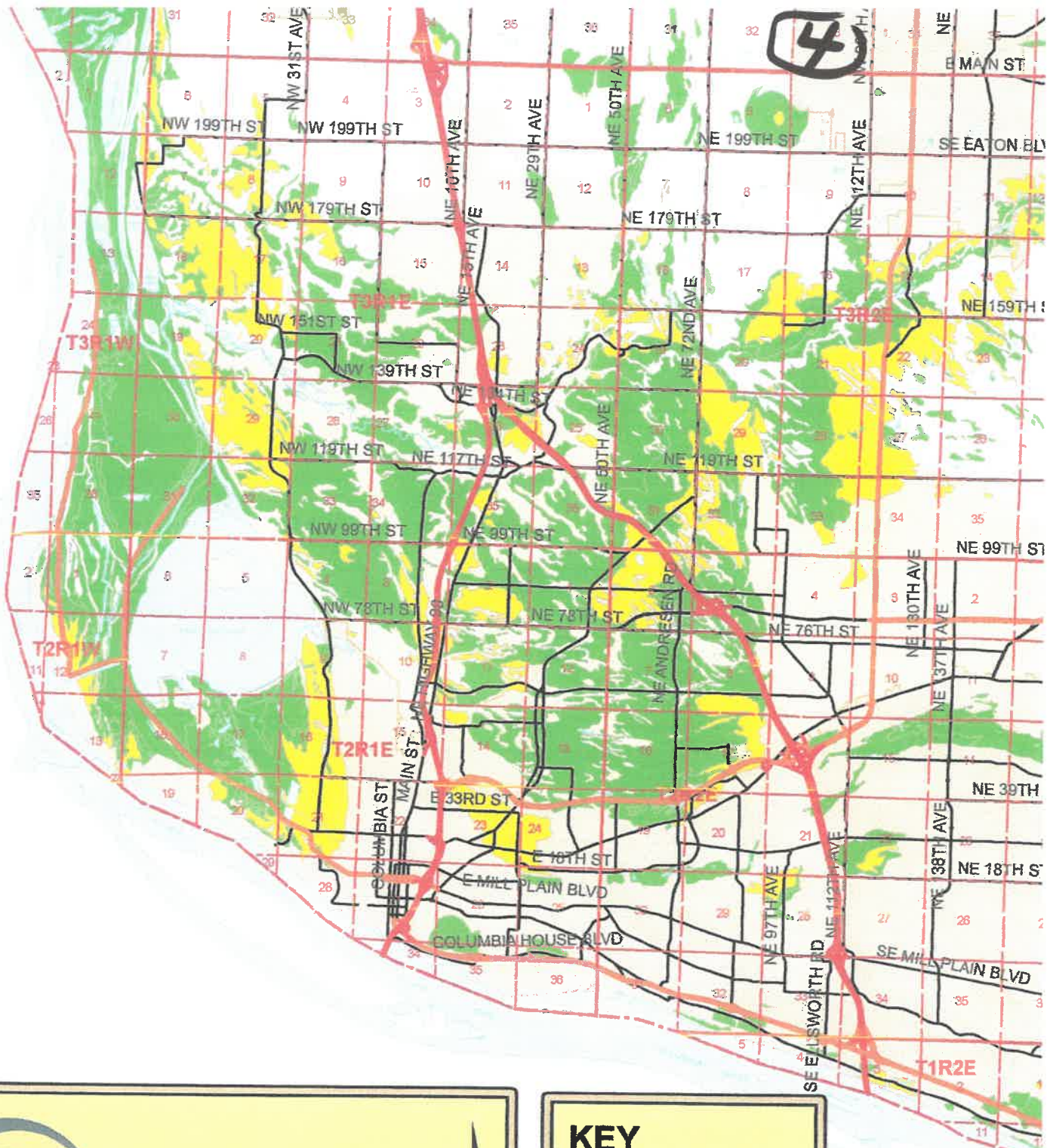


-  Prime Agricultural Soils Class I and II
-  Prime Agricultural Soils Class III
-  Good Agricultural Soils
-  Fair Agricultural Soils
-  Poor Agricultural Soils
-  Water
-  Urban Growth Boundary
-  Three Creeks Special Planning Area Boundary
-  City limits



Clark County, Washington Agricultural Soils** Capacity Classes 1 and 2



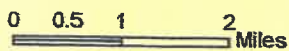


CLARK COUNTY
WASHINGTON

proud past, promising future

Geographic Information System

NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



Printed on: Nov 13, 2014

Project: Q:\Projects\storefront\Orders_Maps\Carroll\evanen\SoilClass2014\MXD\Class12soils.mxd ()

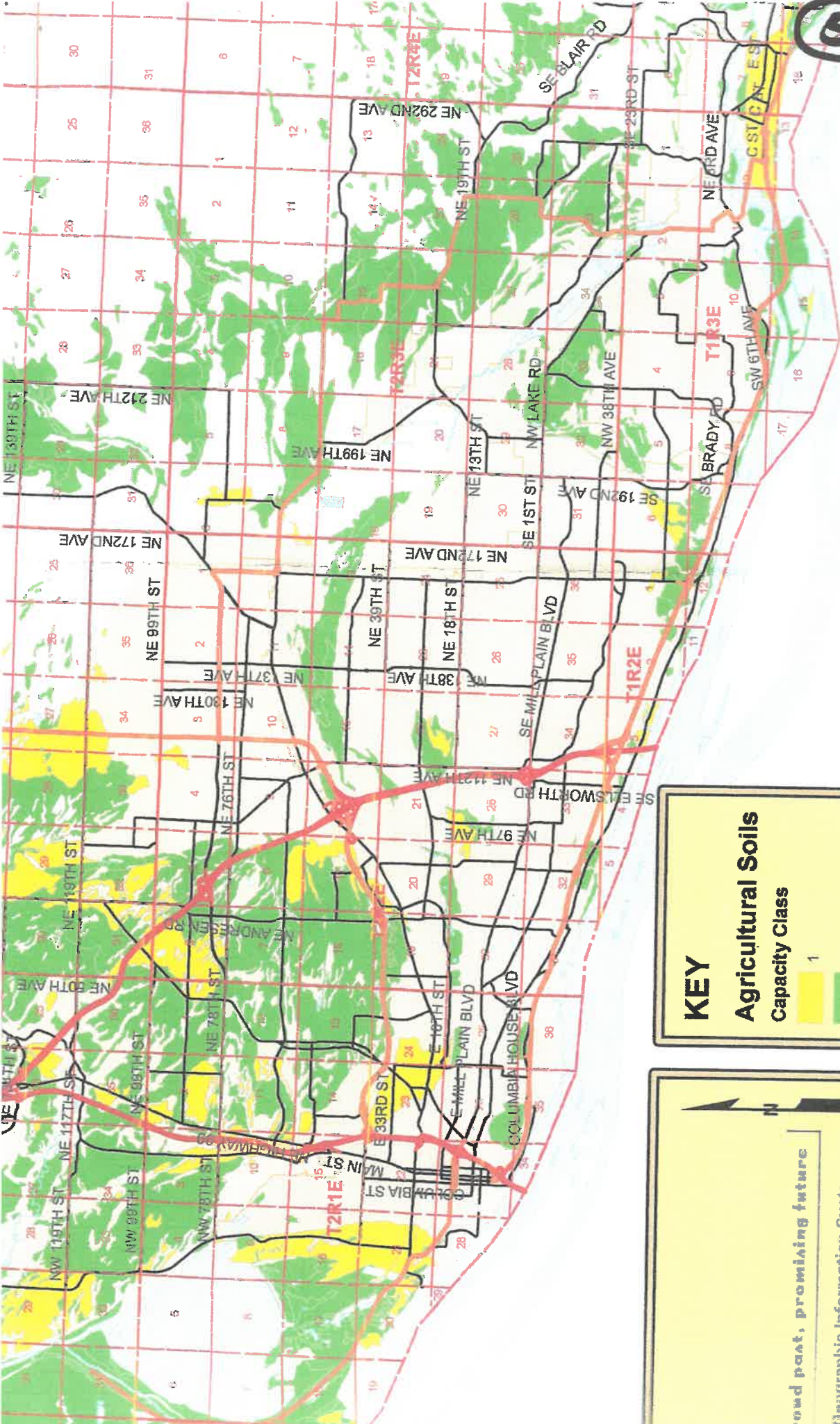
KEY

Agricultural Soils Capacity Class

- 1
- 2
- Township
- Sections
- Incorporated
- Urban Growth Area
- Unincorporated

****Note:** These Agricult Capacity Class Soil Series. Ca McBee, Semial to BOCC for 20

Source: Clark County G McGee, Dale A. Soil Sur in Cooperation with the Modified by Washington



****Note:** These Agricultural Soils are defined by the map clients.
 Capacity Class 1 and 2 are identified within the Gloquato, Newberg and Hillsboro Soil Series. Capacity Class 2 are identified within the Sauvie, Hession, Olympic, McFee, Semiahmoo, and Tisch Soil Series. Refer to September 9, 2014 Request to BOCC for 2016 Comprehensive Land Use Plan Changes. Item #4

Source: Clark County GIS Soils Layer
 Modified by Washington State DNR. Digitized by Washington State DNR and Clark County GIS.
 United States Department of Agriculture
 National Agricultural Experiment Station
 Washington, D.C. U. S. GPO
 Printed by Washington State DNR. Digitized by Washington State DNR and Clark County GIS.

KEY
Agricultural Soils
Capacity Class

| | | |
|--|---|-------------------|
| | 1 | Township |
| | 2 | |
| | | Sections |
| | | |
| | | |
| | | Incorporated |
| | | Urban Growth Area |
| | | Unincorporated |

Legend

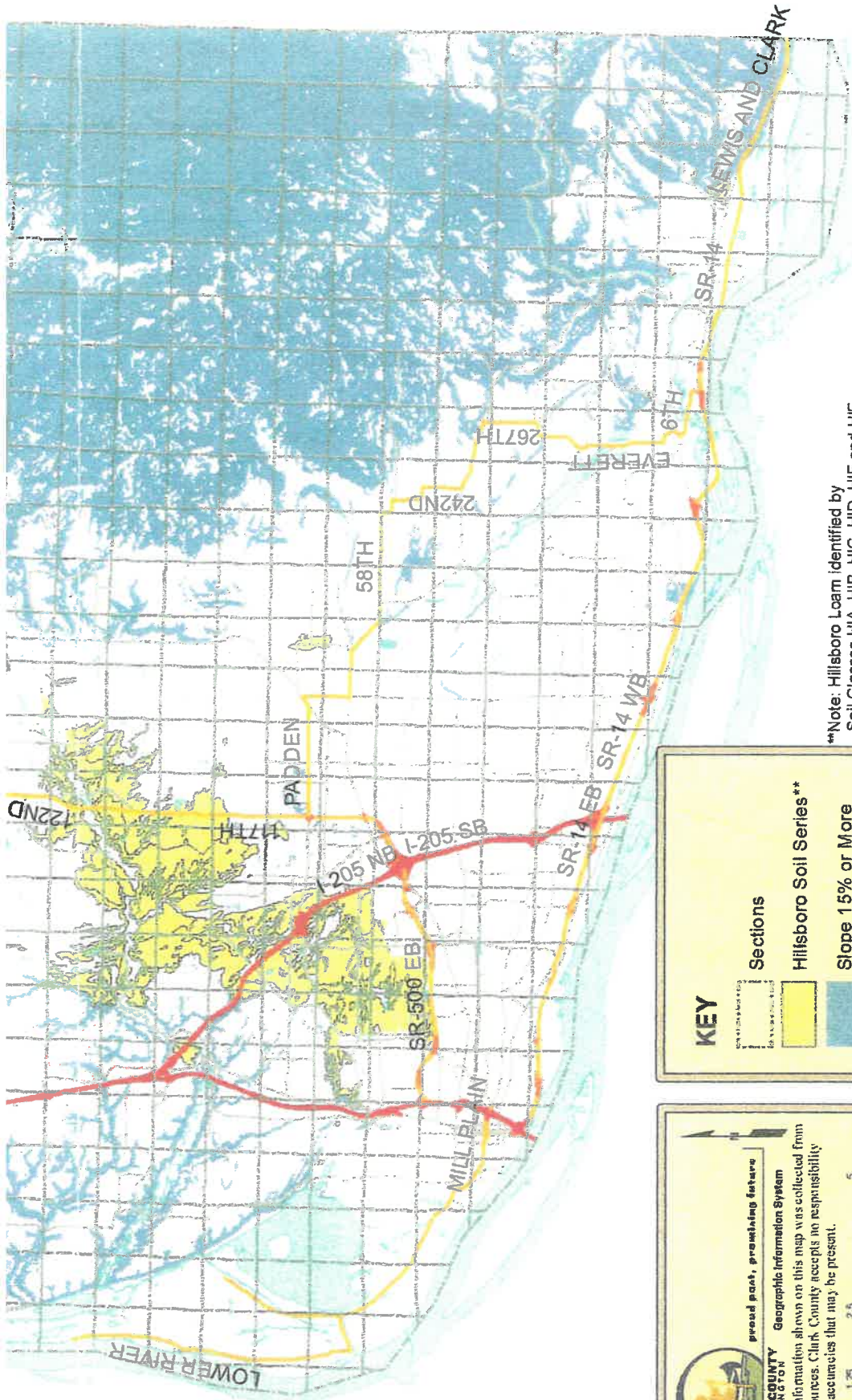
road part, promising future

Geographic Information System

Information on this map was collected from Clark County GIS. Clark County accepts no responsibility for any errors or omissions that may be present.

4320

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**Note: Hillsboro Loam identified by Soil Classes H1A, H1B, H1C, H1D, H1E and H1F

KEY

- Sections
- Hillsboro Soil Series**
- Slope 15% or More

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Geographic Information System

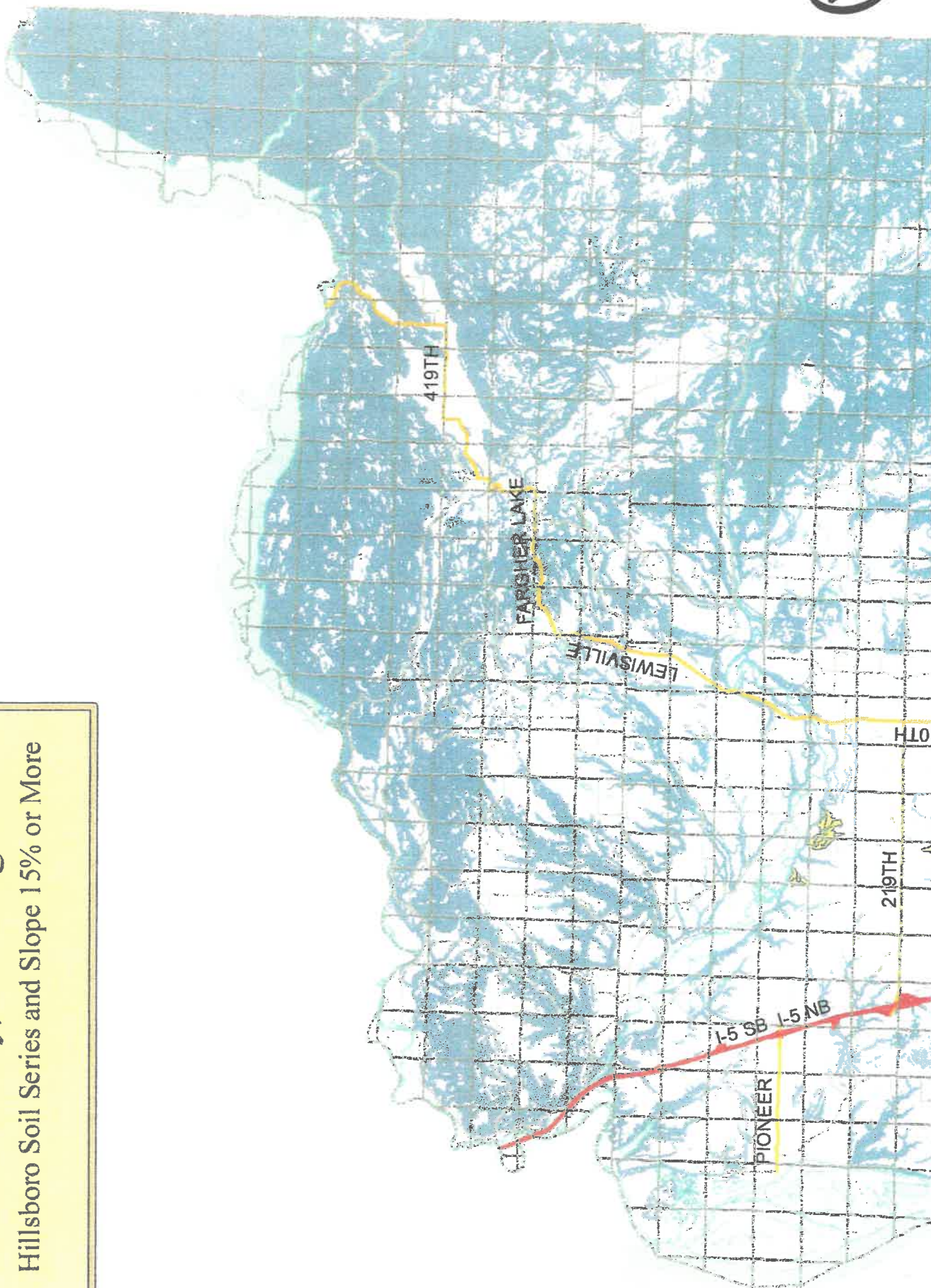
NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

0 1.25 2.5 5 Miles

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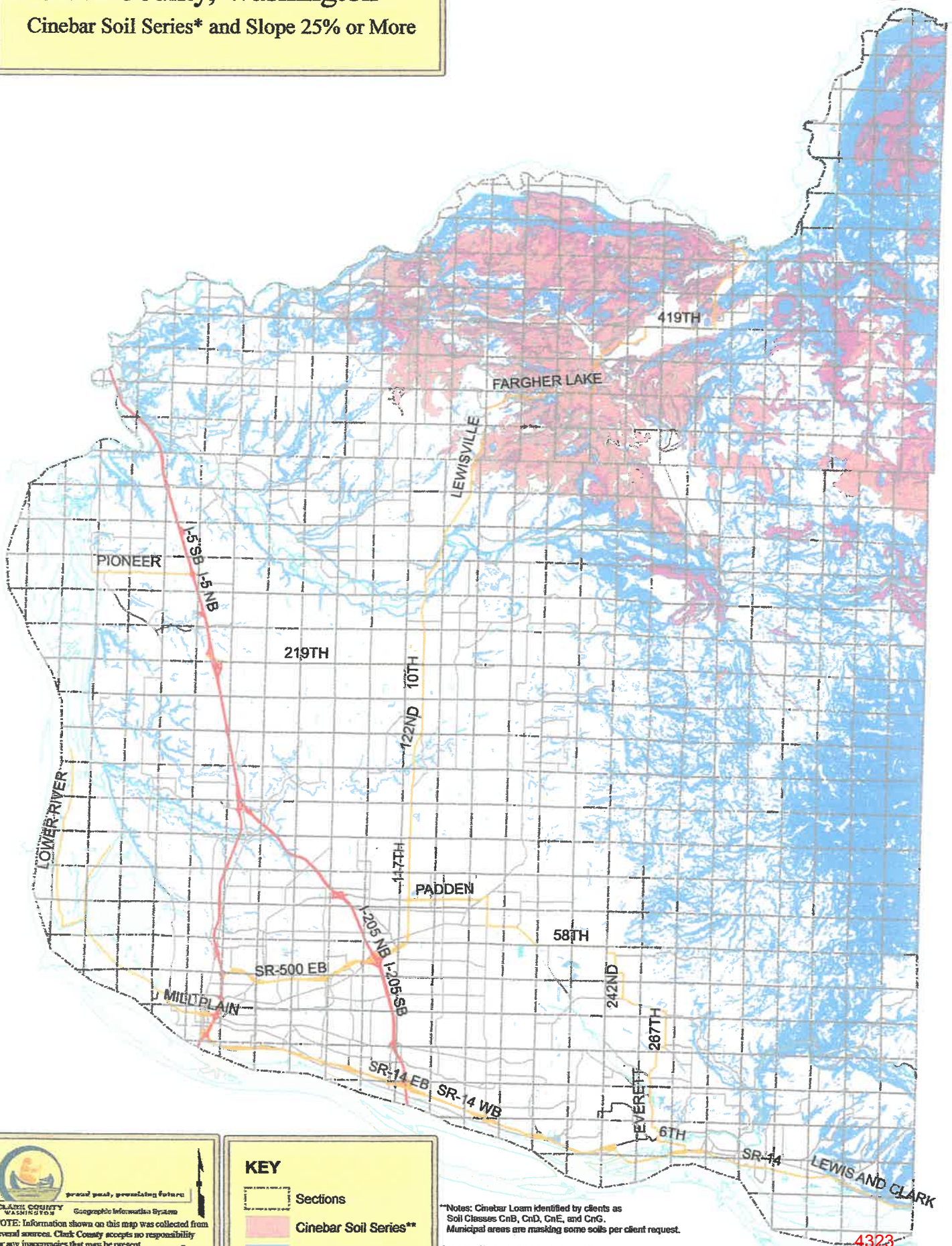

Clark County, Washington
Hillsboro Soil Series and Slope 15% or More





Clark County, Washington

Cinebar Soil Series* and Slope 25% or More







CLARK COUNTY WASHINGTON
Geographic Information Systems
NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

5 Miles

Printed on Aug 26, 2014
Project: C:\Projects\GIS\Soils\Map_Cinebar_Slope25%orMore.mxd

KEY

-  Sections
-  Cinebar Soil Series**
-  Slope 25% or More

*Notes: Cinebar Loam identified by clients as Soil Classes CnB, CnD, CnE, and CnG.
Municipal areas are masking some soils per client request.

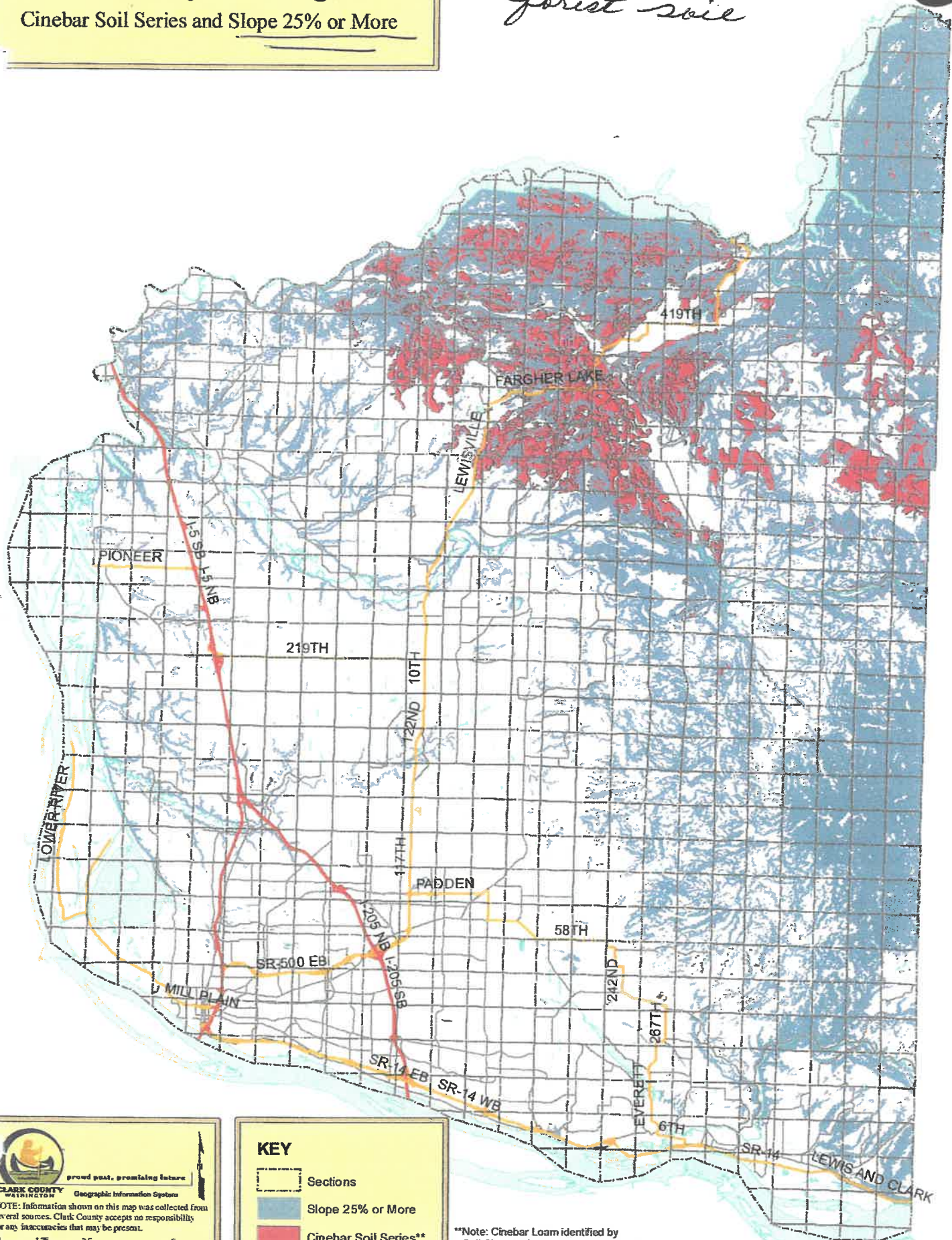
Source: Clark County GIS Soils Layer
McGee, Dale A. Soil Survey of Clark County, Washington; United States Department of Agriculture, Soil Conservation Service, in Cooperation with the Washington Agricultural Experiment Station, Washington, D.C. U. S. Government Printing Office, 1972.
Modified by Washington State GIS. Digitized by Washington State GIS. Project: Clark County GIS Soils Layer.

4323

Clark County, Washington
Cinebar Soil Series and Slope 25% or More

Steep slopes over forest soil

9



CLARK COUNTY WASHINGTON
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Geographic Information Systems
NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

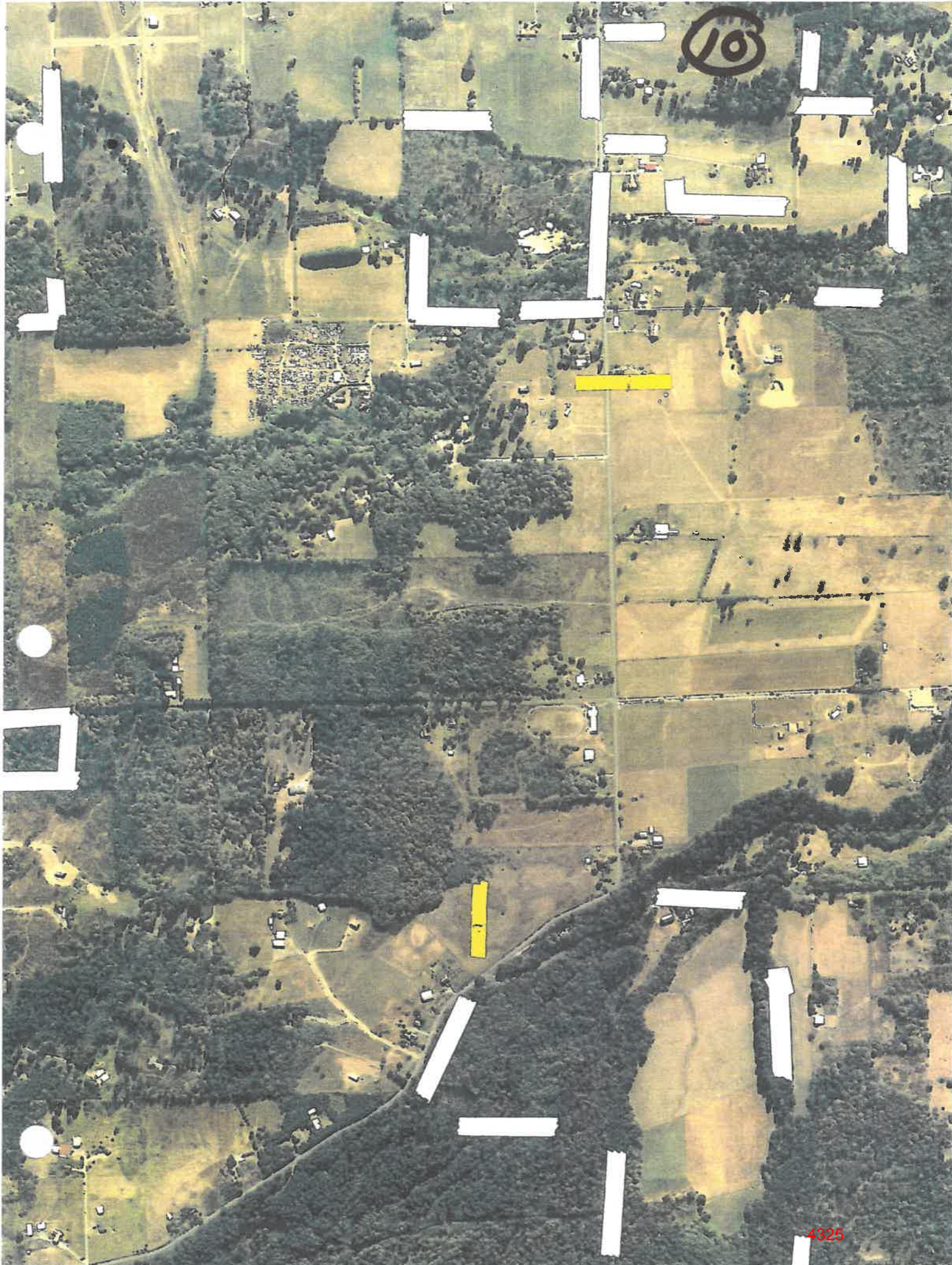
0 1.25 2.5 5 Miles

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Map: 20100727_Clayton_SlopeGrid.mxd

KEY

- Sections
- Slope 25% or More
- Cinebar Soil Series**

**Note: Cinebar Loam identified by Soil Classes CnB, CnD, CnE, and CnG



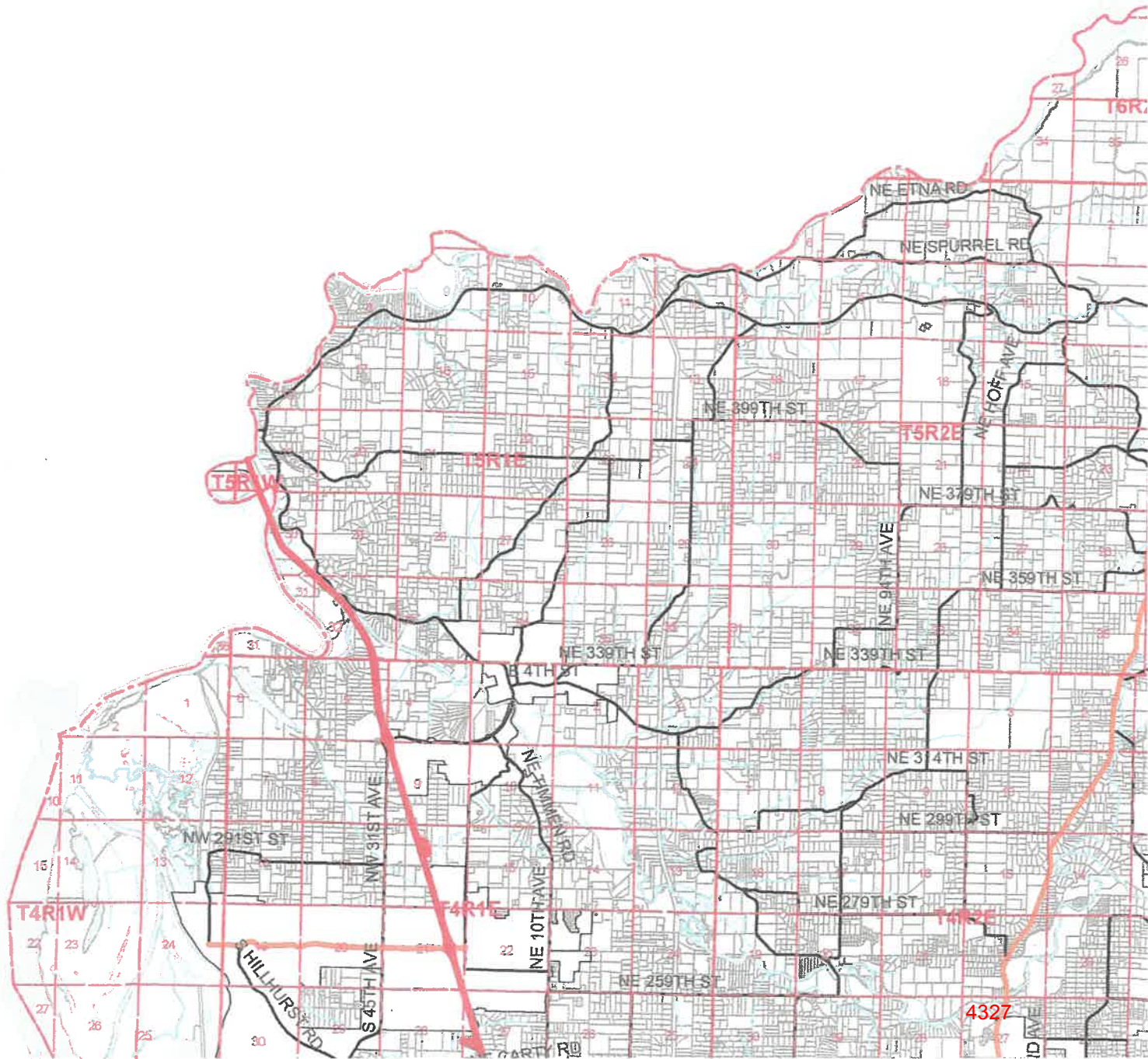
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12

Clark County, Washington

Parcels**



- Alternative 4 Rural VBLM - Yield Parcel
- Alternative 4 Rural VBLM
- Alternative 2 Rural VBLM

VBLM Classification

- Residential Built
- Residential Vacant
- Residential Underutilized
- Commercial Built
- Commercial Vacant
- Commercial Underutilized
- Industrial Built
- Industrial Vacant
- Industrial Underutilized

14



AVE
NW 234TH ST
NW 229TH ST
NW 219TH ST
NW 11TH AVE

S SEVIER RD
S 24TH PL
S 29TH CT
S 31ST CT
S 15TH WAY
S 10TH WAY
S 15TH ST
S 11TH ST

S 8TH AVE
S 8TH WAY
N 9TH WAY
N 5TH WAY
N 32ND CT
N 35TH AVE
N 40TH AVE

NW 41ST AVE
NW 289TH ST N 20TH ST
N 10TH ST
N 10TH ST

NW PERKIN FERRY RD
NW HALE RD
NW 324TH ST
NW 24TH AVE
NW 319TH ST

NW MAPLE CREST RD
S UNION RIDGE PKWY
NE 249TH ST
NE 29TH AVE
NE 37TH AVE
ND AVE

NE 279TH ST
NE 289TH ST
NE 279TH ST
NE 45TH AVE
NE BUR RD

NW PARADISE PARK RD
NE BEASLEY RD
NE 306TH CIR
NE STOUGHTON RD
NE 299TH ST

WE
W D AVE
E 7TH ST
E 5TH ST
E IVY AVE
E 1ST WAY
NE 2
NE FINALE

NE 67TH AVE
Dollars Corner
NE 82ND AVE
NE 244TH ST
NE 249TH ST

NE 279TH ST
NE 289TH ST
NE 289TH ST
NE 284TH ST
NE 90TH AVE

NE 60TH AVE
NE LANDERHOLM RD
NE MORCROFT RD
NE 72ND AVE
NE 82ND AVENE 82ND AVE
NE 322

4329