

Public Comment SEPA Alternatives

April 14, 2015
(7:30 a.m.)

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

All Statements sorted chronologically

As of April 14, 2015, 7:34 AM



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2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

As of April 14, 2015, 7:34 AM, this forum had:

Attendees: 382

All Statements: 88

Hours of Public Comment: 4.4

This topic started on April 7, 2015, 5:27 PM.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Name not shown inside Clark County (on forum)

April 13, 2015, 11:53 PM

I submit for the record my objection to the inclusion of Alternative 4 for consideration and analysis in the SEPA Supplemental Environmental Impact Statement on the grounds that

- It conflicts with the intent of the Growth Management Act by knowingly creating conditions that support suburban sprawl and diminish the size and productivity of agricultural lands; that set the stage for infrastructure failures, negative environmental impacts on air and water quality and wildlife protection; and that risk the depletion of ground and surface water supplies.
- It creates real financial risk to taxpayers in terms of wasted planning staff time; likely increases in property taxes to all property owners to cover infrastructure development, required environmental mitigations, and increases in property tax valuations; and costs to defend against likely lawsuits re non-compliance with GMA rules and regulations.
- It was developed contrary to customary and normal planning and public participation processes which violates the spirit, and possibly the fact, of the appearance of fairness doctrine as it is applied in Washington state.

Specifically in regards to the potential violation of the appearance of fairness doctrine: I understand that Councilor Madore may not be in technical violation of the appearance of fairness doctrine, but his actions are contrary to everything county government states they are doing to be more transparent. It is my understanding the Councilor Madore has had a major role in drafting and revising Alternative 4 in response to requests from Clark County Citizens United (CCCU) a single, special interest group claiming to speak for rural landowners seeking redress from what they feel to have been a taking of their property rights by the GMA. It is also my understanding that Councilor Madore directed Peter Silliman, who is not a member of the Community Planning Department, nor a planner at all, to help these few individuals craft a plan to completely restructure rural and resource land zoning. I also understand that Councilor Madore, without consulting planning staff, circumvented the normal and customary practice for developing comprehensive plan information by having GIS staff work directly with him on Alternative 4. This action appears to have been a deliberate exclusion of the county's professional planning staff and a direct contravention of the procedure used to vet the other Alternatives, all of which is, in effect, a willful circumventing of the public process used to vet Alternatives 1-3

I recently reviewed 123 pages of emails, released through an FOIA request for all emails between the dates of 10/01/2014 and 2/18/2015 of David Madore, Tom Mielke, Jeanne Stewart, Oliver Orjiako and Peter Silliman with the keywords: Carol Levanen; Susan Rasmussen; Growth Management Act; Rural Alternative; Alternative #4; and Clark County Citizens United.

By my count there are approximately 60 emails in this FOIA request that document the breadth and depth of input CCCU has had in the drafting of Alternative 4, to the exclusion of all other members of the public. There were no emails to or from any other groups or individuals, much less the planning staff, despite the expansive nature of the keywords "Growth Management Act; Rural Alternative; and Alternative #4." In addition to the extent of email input from CCCU into the drafting of Alternative 4, in what was a most unusual circumstance, there was an individual who identified as being an officer of CCCU actually seated at the table with county councilors and representatives of the cities during the board work session on March 11, 2015. I am told that this, too, is neither usual nor customary procedure.

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These reasons are the basis of my concern that the development of Alternative 4 appears to violate both the Public Participation element of the GMA and the County's own public participation resolution. In my opinion, choosing to include Alternative 4 in the EIS analysis is a failure of the council's fiduciary responsibility to taxpayers and a failure of the council's ethical duty to serve a diverse public with fairness and impartiality. I therefore request that Alternative not be considered as an alternative for analysis in the SEPA process.

Finally, given Councilor Madore's often stated concerns about integrity and transparency, and his statements that other Boards and political bodies not hide behind attorney-client privilege, I am also requesting that the council waive all exceptions to the production of documents under the public records act, including the waiver of its attorney-client privilege, and release to the public into this record all documents pertaining to advice they have received from counsel and all of the legal counsel public records to planning staff. I make this request so that we, the public, have full and transparent information regarding the county councilors' understanding of what laws, rules and regulations they may be choosing to ignore in going forward with including Alternative 4 in the EIS review. As a demonstration of his commitment to transparency I ask Councilor Madore to lead the council in waiving all privileges and to produce all documents between legal and planning staff and the councilors, and between legal and the county manager regarding this Comprehensive Plan update.

Judy ZEIDER inside Clark County (on forum)

April 13, 2015, 11:03 PM

I am a resident of what is left of rural Clark County. I generally support Alternative #1 and definitely oppose Alternative #4. Alternative #4 would allow unplanned sprawl where public services are already stretched to the limit. Staff estimates that Alternative #4 would add approximately 7,931 new lots to the rural areas bringing the total to potentially 17,321 new lots, some as small as 1 acre. My family is on a well and septic system. The addition of almost 8000 more wells and septic systems in rural Clark County would endanger groundwater. In addition, rural roads are crumbling, law enforcement and fire/EMS resources are stretched thin, and portable classrooms are installed around even newer schools in the Battle Ground School District. Thank you for considering my input.

1 Supporter

michael Benson inside Clark County (on forum)

April 13, 2015, 11:03 PM

Alternative 4 flies in the face of state law, the Growth Management Act, by knowingly creating conditions that:

- _Support suburban sprawl and diminish the size and productivity of agricultural lands, creating over 17,000 new rural lots
- _Sets the stage for the associated infrastructure failures, negative environmental impacts on air and water quality and wildlife protection
- Creates real risk to the depletion of ground and surface water supplies

Alternative 4 also creates credible financial risks to taxpayers in the form of:

- _ Increases in property taxes to all property owners and especially to some rural landowners
- _ Property value increases due to zoning so even if citizens don't divide and develop their land, taxes will still

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increase

- _ More pressure on rural schools and public services, furthering tax increases
- _ Costs to defend against lawsuits re non-compliance with GMA process, rules and regulations

Alternative 1 is the best choice:

- _ Already plans for 7000 new lots according to population assumptions adopted by the county
- _ Stays out of legal entanglements, which keep taxes down, emergency services reliable and our water supply protected

I urge Councilors to not include Alternative 4 in the SEPA analysis

1 Supporter

Name not available (unclaimed)

April 13, 2015, 11:01 PM

I am a resident of what is left of rural Clark County. I generally support Alternative #1 and definitely oppose Alternative #4. Alternative #4 would allow unplanned sprawl where public services are already stretched to the limit. Staff estimates that Alternative #4 would add approximately 7,931 new lots to the rural areas bringing the total to potentially 17,321 new lots, some as small as 1 acre. My family is on a well and septic system. The addition of almost 8000 more wells and septic systems in rural Clark County would endanger groundwater. In addition, rural roads are crumbling, law enforcement and fire/EMS resources are stretched thin, and portable classrooms are installed around recently built schools in the Battle Ground School District. Judy Zeider

Bianca Benson inside Clark County (on forum)

April 13, 2015, 10:18 PM

The development of Alternative 4 violates the county's own resolution (2014-06-17), which adopted a population figure of 562,000 people with 90% of the increases to occur within the current UGAs and 10% to non-urban.

These assumptions are woven in to the planning of all Alternatives: 1, 2 & 3 but not Alternative 4. Alternative 4, with the potential for 17,000 new rural parcels (almost 8000 more than under two of the three alternatives), which would have the impact of increasing the total population at a minimum of 21,280 in the county forecast, all of which to occur in the rural area.

In order to keep the 90/10 split, the County would have to select a population increase for the entire county of 191,000. Such an increase in the rural area is not only unsustainable but it is in violation County's resolutions and disregards GMA standards for planning.

By abiding by the principals of Smart Growth, 90% of population should occur within the urban growth boundary. Open space preservation supports smart growth goals by bolstering local economies, preserving critical environmental areas, improving community quality of life, and guiding new growth into existing communities.

Alternative 4 deviates from the resolutions that this board adopted in January and June. I therefore request that Alternative not be considered as an alternative for analysis in the SEPA process.

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1 Supporter

Name not shown inside Clark County (unverified)

April 13, 2015, 10:04 PM

I support Alternative 1, and waiting until additional commissioners are on the board to decide.

Name not shown inside Clark County (on forum)

April 13, 2015, 10:01 PM

In the interests of protecting our community and preserving our resources I support Alternative 1. Alternative 4 is a travesty and a blatant subversion of the process and was conceived in a vacuum.

2 Supporters

Karen Kumpula inside Clark County (on forum)

April 13, 2015, 9:40 PM

As a property owner who would be affected by Alt 4 I am strongly against it. The infrastructure in my area, small farm roads, wells and water supply would not support the change of AG-20 to R-5. We have active farming in my community that would be severely impacted by Alt.4.

This plan was created by a county councilor with no community planning experience.

Alt 4 will raise taxes for rezoned properties. The County can only freeze their portion of our taxes. They don't control school levies, ports, state funding. Please do not vote for alt. 4!

2 Supporters

Name not shown inside Clark County (on forum)

April 13, 2015, 9:39 PM

I support alternative 1 because it was developed when Clark County was growing at its fastest. Though the recession hit and the growth did not happen as expected, alternative 1 maintains room for future growth.

I oppose Alternative 4 for many reasons. It is not related to the the planning goals set forth in RCW 36.70a.020(1), (2), (8), (9), (10), (11), and (12). I feel there was not adequate public representation in the planning process, which violates violates 020(11).

As a rural landowner, I feel that Alt 4 does not represent the desires of the rural landowner base. If Alt 4 is approved, it will change the character of Clark County from its current rural state to a less desirable (but more profitable for a select few individuals) suburban county.

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2 Supporters

John Fitzsimmons inside Clark County (on forum)

April 13, 2015, 9:30 PM

I am in favor of alternatives 1-3. Thank You.

Name not shown inside Clark County (on forum)

April 13, 2015, 9:27 PM

As alternate 2 and 3 are not in the best interests of ALL Clark County citizens, and alternate 4 was thrown together by an incompetent that has absolutely no planning experience whatsoever with no public input process and therefore is not a legal option, I support alternative one only.

On top of that, shame on the other councilors for not getting control of the rouge and even letting alt 4 even get as far as it has....we county residents shall not forget the lack of governance during election time!!!

1 Supporter

Alice Linker inside Clark County (on forum)

April 13, 2015, 9:13 PM

Resource land, especially agriculture and forests, will be vital to a healthy future for Clark County. I support Alt. 1.

2 Supporters

Name not available (unclaimed)

April 13, 2015, 8:58 PM

I support Alternative 1, which preserves the large tracts of productive farmland and minimizes the subdivision on these parcels. Farmland is invaluable to our community and will serve us well as young, innovative citizens get into small acreage farming and support our local economy. We should focus on higher density developments on sites that have been abandoned or can be redeveloped and not gobble up additional natural open spaces, both farm and forest. These types of landcover are important to the quality of life and the high level of livability in our region. I strongly oppose Alternative 4, which has not been vetted and is some awful idea of Californication of SW Washington. The exact reason people leave California. We must work harder to combine our desire to provide for growth and balance the protection of prime farmland as such. People need to eat and the effects of climate change and drought in California only reinforces the importance of spreading out agricultural infrastructure. Our climate and lifestyles as well as values provide a perfect place for farmers to thrive, and the County should be helping not hurting these efforts.

Don Joling inside Clark County (unverified)

April 13, 2015, 8:14 PM

Don Joling-

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I disagree with Alt 4 for many of the same reasons stated by others in the forum: One commissioner, untrained in urban growth and land management coming up with a last minute plan- behind closed doors at the behest of one small special interest group that has already lost in court.

No plan for how or who will pay for the infrastructure that will be required to support a potential 20,000 new residents, especially given Alt 4 is not zoned to provide that many jobs.

Water: As recently as the mid- 1990's, there was a moratorium on building in and around Battleground due to the lack of water. There's currently a historic drought in California, and many of those residents will relocate to Washington in search of more relaxed water laws. It's my opinion that our commissioner doesn't realize that water in Clark County isn't infinite.

Opening the county to yet another taxpayer funded defense of leadership only following the rules it sees fit to abide by, has to stop. Now.

Thank you.

Sue J Cannard inside Clark County (on forum)

April 13, 2015, 7:13 PM

I support alternative one, the position of Friends of Clark County

4 Supporters

Craig Lane inside Clark County (on forum)

April 13, 2015, 6:16 PM

As a resident of North County I do not support Alternative 4. I want alternatives considered that went through the normal, deliberative process rather than something thrown in at the last minute.

2 Supporters

David McDonald inside Clark County (on forum)

April 13, 2015, 5:33 PM

https://pd-oth.s3.amazonaws.com/production/uploads/attachments/1330tc7alw8g.4y7/BOCC-Ltr-FOCC_Comments.pdf

1 Attachment

https://pd-oth.s3.amazonaws.com/production/uploads/attachments/1330tc7alw8g.4y7/BOCC-Ltr-FOCC_Comments.pdf (2.3 MB)

1 Supporter

Tim Trohimovich outside Clark County (on forum)

April 13, 2015, 4:32 PM

Dear County Councilors:

Futurewise is very concerned about Alternative 4. As was explained in our November 13, 2014 letter enclosed, increasing densities in the county's agricultural, forest, and rural areas will not protect the county's agricultural and forest industries or rural character. The county also lacks the available water to support the rural density

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increases and re-designations and rezones. Further, there is no need to increase the urban growth areas at this time, the county's planned 20 year population growth can be accommodated in the existing urban growth areas. This will save money for the county's taxpayers and ratepayers. Moving forward with Alternative 4 commits the county to years of litigation and ultimately having to reverse course like the last comprehensive plan update. Save the taxpayers money, adopt Alternative 1.

Thank you for considering our comments.

Tim Trohimovich, AICP

Director of Planning & Law Futurewise

tim@futurewise.org

1 Attachment

https://pd-oth.s3.amazonaws.com/production/uploads/attachments/1330olaatmyo.3j3/Futurewise_Comments_on_Comp_Plan_Alternatives_Nov_13_2014.pdf (223 KB)

John Karpinski inside Clark County (on forum)

April 13, 2015, 3:49 PM

Dear Clark County Counselors:

Thank you for the opportunity to comment on behalf of CCNRC and myself on Clark County's proposed 2015 Growth Management Act update.

Sadly, I must inform the County that their planning efforts, and particularly Alternative 4, clearly and unequivocally violate Washington's Growth Management Act . Only the "No change" Alternative #1 complies with the Act.

Alternative 4 violates GMA requirements for public participation

Washington's Growth Management Act requires "early, open, and continuous" public participation in the preparation of growth management plans.

Here, Alternative four was irregularly done outside of the normal public review process, and without benefit of County planning or legal staff input. See Columbian article of 4/13/15, incorporated by reference.

Also, Alt 4 was apparently designed to accommodate a disgruntled special interest group that repeatedly lost its GMA appeals;

See the following decisions in 95-2-0067c - Achen, et al v. Clark County, et al .

3/20/1995 Achen, et al v. Clark County, et al, Final Decision and Order

12/6/1995 Achen, et al v. Clark County, et al, Order on Reconsideration

10/1/1996 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity

See also the following Opinions of the Growth Board AFTER the Poyfair remand

2/5/1998 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity

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4/30/1998 Achen, et al v. Clark County, et al, Order on Reconsideration
5/11/1999 Achen, et al v. Clark County, et al, Compliance Order

II. LEGAL STANDARD TO EXPAND UGA'S NOT FOLLOWED :

The County did not follow the rules for expanding UGA boundaries, whether by sequencing, use of urban reserve, or avoiding protecting resource lands. This is error.

A. COUNTY DIDN'T FOLLOW THE STANDARDS FOR NEW URBAN GROWTH LOCATION OF RCW 36.70A.110(3).

The following legal requirements was not used in the County's Alternatives 2,3 and 4:

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

B. NO AVOIDANCE/PROTECTION OF AGRICULTURAL LANDS.

Clark County made no attempt to avoid existing Ag lands, allowing for the conversion of literally 1000's of acres of resource land into incomparable zones that do not protect the resource lands.

This continues the County's illegal efforts to develop resource land that has repeatedly found by the Growth Board, Clark Co Superior Court, and Washington's Court of appeals to violate the Growth Management Act, RCW 36.70A.

See 95-2-0067c - Achen, et al v. Clark County, et al ,
see also 07-2-0027 Karpinski, et al v. Clark County, et al, Final Decision and Order

III County Growth plan violates GMA's requirements for rural planning in RCW 36.70A.070 (5)

Clark County's Growth plan violates the following rural protection provisions of RCW 36.70A.070 (5):

A RCW 36.70A.070 (5) (b):

(b) Rural development. The rural element shallaccommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

B RCW 36.70A.070 (5) (c)

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

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What do you think about the four suggested land use and growth alternatives?

- (i) Containing or otherwise controlling rural development;
 - (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.
- IV Growth management plan over allocates industrial land, leading to additional residential development and sprawl.

The Growth Plan over-allocates job land needs and allows conversion of "jobs" lands into housing by the County's watering down of the "no net loss" of industrial lands. This has previously been found by the WWGMHB to be in violation of the GMA in 95-2-0067c - See Achen, et al v. Clark County, et al .

✓ Conclusion

Each of the County Councilor's duties and oath of office requires you to follow all laws of the State of Washington; not just the laws you agree with. Please immediately fix these egregious violations of Washington's Growth Management Act, RCW 36.70A.

Sincerely yours,

John S. Karpinski

Jennifer Barnes inside Clark County (on forum)

April 13, 2015, 3:43 PM

I am 100% AGAINST ALT 4 for many of the same reasons others have mentioned. Most importantly, this alternative completely ignores the fact that such changes require major and expensive infrastructure that is not in place. This is "a plan with no planning" or preparation and a terrible idea for Clark County.

Name not shown inside Clark County (on forum)

April 13, 2015, 3:32 PM

We are longtime North County residents and are concerned about the need for an expedited decision on this issue – one that will affect many of us for decades to come. We ask the board and others involved in this process to defer this decision until the board has additional members to guide this process. Growth is not a bad thing, but such growth will require infrastructure improvements to our roads, schools, fire and other safety

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systems. The people who desire accelerated growth are also those who would ask for waived impact and building fees, and refute the need to raise the funds (taxes) to meet these needs. The cost of this growth needs to be carefully evaluated. And we don't see that these cost have been estimated or that there is consensus, particularly on the impacts of option 4. (It is very difficult to interpret option 4, as the color schematics aren't similar to the other plans.) We repeat, please defer this decision until the expanded (voter-requested) board is populated.

Name not shown inside Clark County (on forum)

April 13, 2015, 3:28 PM

There are so many things wrong about Alt4. First of all, zoning revises require due diligence in preplanning for all the infrastructure needed to serve the growth and needs of any new proposed development. Schools, roads, local community needs and marketability just to name a few. Let's look at the areas affected by downsizing lot size and the impact it would have on each community. Schools. We are already at full capacity in most high schools. The roads, try driving on Hwy 503 and Main st. in Battle Ground. It's beyond capacity now. Simply put, we all know the cart has to come before the horse. Plan ahead for growth. It is what the planning board is here to do. It is what they are trained to do. Who benefits from Alt4? Certainly not the majority of us. As a Realtor here working with rural land sales I do not see any big demand for rural acre lots. The biggest issue I have is how can a person with no experience in zoning and planning just bring a proposition to the table? No to Alt4.

A.G. Flynn inside Clark County (on forum)

April 13, 2015, 2:56 PM

Land use and growth alternatives as presented on this website are difficult to compare coherently. GIS or cartographic systems were not used properly to allow for across-the-alternative comparisons. Legends, colors and overlays should match on each proposal. Sadly this basic instrument was not used to citizens' advantage. Shortcomings in basic presentation aside, it is clear that Clark County should WAIT to implement any plan proposals or alternatives until a full council is seated and sworn in 2016.

Any attempt to foreclose on this important process before all five members are seated could open the county for lawsuits, frivolous and otherwise, by landowners on every side of this debate. At this date there is no need to decide the future of land use in Clark County. The State of Washington will allow deliberation in 2016, so no 'straw man' arguments about timing need be advanced.

IF comments are regarded by existing council electeds the first easy move is REJECTION of Alternative 4. Opening rural lands to sprawl and foolish infrastructure development will cause basic quality-of-life in our county to suffer. Several other agencies with high stakes have not been consulted on this poorly crafted proposal. WSDOT, school districts and fire suppression organizations need to comment before it could even be considered viable. Summary: REJECT Alternative 4.

IF the current panel of county representatives feels they must choose from the existing alternatives before they are joined by a full and complete council they would be wise to select Alternative 1 or Alternative 2. Either of these proposals allow Clark County to continue metered growth and actively seek compatible industry while maintaining good relationships with all municipalities, school districts and area service providers. Summary: Accept Alternative 1 or Alternative 2.

OVERALL - Clark County should wait to decide this issue until a full council is available to vote in 2016.

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What do you think about the four suggested land use and growth alternatives?

Alternative 4 should be rejected as incomplete and flawed.
Alternative 1 is acceptable.
Alternative 2 is acceptable.

Elizabeth Campbell inside Clark County (on forum)

April 13, 2015, 2:53 PM

I support Alternative 2. It allows for ample, appropriate growth and business development in Clark County. I particularly oppose Alternative 4 which is contrary to the intent of the Growth Management Act. It would result in sprawl and an increased demand for services in our rural areas.

1 Supporter

Rachel Woodward Clark (unverified)

April 13, 2015, 2:27 PM

I support option 1 or 2, I strongly oppose option 4. Option 4 is strongly against agriculture. After moving here from an area where farmers and farmland are cherished, I am surprised to see such option 4. Farming, livestock and open space should be supported and we should not be looking at extending the urban growth boundary and giving up so much undeveloped land to development of business parks and housing subdivisions. Homeowners are already feeling pushed off of their own properties by developers due to increasing taxes. Open space should be preserved for the public to enjoy.

Name not available (unclaimed)

April 13, 2015, 1:37 PM

Alternative 1 is my vote and is best for our community.

Name not shown inside Clark County (on forum)

April 13, 2015, 1:22 PM

The County Councilors should adopt Alternative 1. The current plan provides plenty of land for growth, keeps large acreage for farm and forest uses, avoids the costs of providing services to many small parcels located all over the county, and ensures we will have large enough parcels to provide for economic development/local jobs.

Name not shown inside Clark County (on forum)

April 13, 2015, 11:42 AM

What makes Clark county a great place to live is the amount of farm land and open space; this (north Clark county) is a place where people want to come to get away from urban sprawl, breathe fresh air and experience the country. The extremely valuable resource and commodity which is Clark county is being and will be lost forever with each parcel of land developed for high density housing and unnecessary commercial use. Clark county would be better served by growing up instead of out, focusing on developing tourism, thinking about the effects of these growth alternatives on future generations, and remembering that these growth alternatives go

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against the Growth Management Act, and knowingly creates conditions that:

Support suburban sprawl and diminish the size and productivity of agricultural lands, creating over 17,321 new rural lots

Sets the stage for the associated infrastructure failures, negative environmental impacts on air and water quality and wildlife protection

Creates real risk to the depletion of ground and surface water supplies

Alternative 4 also creates credible financial risks to taxpayers in the form of:

Increases in property taxes to all property owners and especially to some rural landowners

Property value increases due to zoning so even if citizens don't divide and develop their land, taxes will still increase

More pressure on rural schools and public services, furthering tax increases

Costs to defend against lawsuits re non-compliance with GMA process, rules and regulations

1 Supporter

Name not shown inside Clark County (on forum)

April 13, 2015, 10:06 AM

It is my opinion, and shared with a growing number of concerned citizens, that this "Alternative 4", currently being considered, is the creation of an inexperienced policy analyst (a member of the Councilors' staff), at the direction of a County Councilor; and it came to be only as a result of Councilors' relationship with Clark County Citizens United, a special interest group. It needs to be noted that CCCU alleges representation of "6,000" (sometimes 8,000) rural landowners in Clark County, although absolutely no documentation exists for this number to be verified.

CCCU does not represent all rural landowners but is receiving special treatment. This was unethically, and perhaps illegally, reinforced by that fact that CCCU was the only special interest group invited to the work session held on March 11, 2015, where CCCU was supposed to be representing rural land-owners. This action in itself flies in the face of a goal of the Growth Management Act, "Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts" (Goal #11).

Other community groups, such as the Clark/Cowlitz Farm Bureau, Friends of Clark County, Friends of East Fork, Clark County Food System Council or any number of rural neighborhood associations - of which none were invited to the table at a particular, well-attended and very public work session (March 11) - have not received the attention or the ear of the majority of the current County Councilors, and, in fact, conversations have been denied conversations, for example, regarding TDR's. TDR's have been suggested and encouraged by no fewer than three community groups for the last 20 years. Absolutely no consideration has been given to this program.

This is but one issue surrounding the development of Alternative 4 as an update to the Comprehensive Growth Plan. There are numerous violations that would be created by the acceptance of this alternative: suburban sprawl, critical depletion of ground and surface water available in rural areas, loss of productive ag land, potential infrastructure failures, increase in property taxes - and more.

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It is obvious that all continuing efforts to pursue Alternative 4 is an investment of taxpayer money on something that should never come to be, and, at worst, will result in sizeable lawsuits. This is an irresponsible or even unethical use of tax money.

2 Supporters

Name not available (unclaimed)

April 13, 2015, 9:53 AM

I support alternative 1. Sue Cannard

George Espinosa inside Clark County (on forum)

April 13, 2015, 9:42 AM

After attending most of the "Open Houses", submitting at least two petitions and making numerous appeals to the BOCC since 2007, we have yet to see that all the public input and personal appeals has influenced the direction of this plan. When one studies the current boundaries of the City of Vancouver, and the area now in Urban Holding, you discover the area of Urban Hold is more than twice the size of the City. Then consider that none of the projected growth and job creation estimates have even come close to reality, one can only conclude this whole exercise is nothing more than an expansion of Government control by absorbing our Private Property Rights at the total expense of the property owners. I am not a Lawyer but have read many cases regarding property rights and believe that Property Rights are included in Constitutional right to Due Process, which has so obviously been denied in this case to the point it is my opinion it amounts to a "Taking" which demands we be compensated for being denied our intended lawful use of our properties.

Respectfully:

George L. Espinosa

2 Supporters

Name not available (unclaimed)

April 13, 2015, 8:25 AM

In our view all four proposed maps are unsuitable. We believe the large parcels surrounded by small lots should be respectfully changed to mirror their neighbors. We own 80 acres located at 16104 NE 259th Street. The tax parcels are as follows: 986003678; 986027184; 226268000; 986027183. Our neighbors have 5 acre zoning to the north and to the west. South and adjacent of us, the zoning is ONE and two acre lots. Many houses surround us. We are located one mile north of Battle Ground main street. We have PUD water and a reservoir and pump station on our property. Fire Dist. #3 is less than a mile away. We have County road frontage. We plan to continue growing trees, but would like the option to create smaller farms in the future. We believe 5 acre mini farms are ideally suited for Clark County. We believe all ag-land should be zoned 5 acres, and all forest and should be zoned 10 acres. We also do not understand why some ag land on Alternative 4 is proposed for 5 acre zoning while our land on the edge of B.G. is proposed for 10 acre zoning. This new zoning will impact our personal financial retirement lives for many years to come. We thank you for all your hard work. But we believe in being realistic about an urban county being fair to the large landowners. Large land owners need to be treated with fairness and have their land zoned in a way that is reflective of their neighbors.

Respectfully, Dave and Valerie Larwick

Jeffrey Posey inside Clark County (on forum)

April 13, 2015, 7:18 AM

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

I support alternative 1. Although, there should be more wilderness area and agriculture land. We are using every square inch of Clark County and it is wasteful.

2 Supporters

Brian Grier inside Clark County (on forum)

April 13, 2015, 7:15 AM

I think #4 is a bad idea. It would allow more development outside the current growth boundaries. This would create havoc with infrastructure. I prefer #1

3 Supporters

Vicki Kraft inside Clark County (on forum)

April 13, 2015, 12:34 AM

I recommend adoption of Amendment # 4 for the 2016 Clark County Comprehensive Growth Management Plan. It addresses the real disparities Clark County rural landowners have been facing for the last 20 years. It provides for rural zoning which is more representative of the actual lot sizes. Previously zoning had been determined inaccurately based on aerial photos which make it extremely difficult at best to really know how many acres make up a lot or area. In addition, there were many rural lands with faulty soil data and designations. These designations should have been based on the 1972 NRCS soil manual but weren't. Thankfully under this new amendment actual land size is being recognized and accounted for with new corresponding acreage zoning. This will prevent the landlock nature of downzoning which put a gridlock on most rural landowners in 1994 when the current zoning structure was implemented. Under this new amendment, rural farmers and citizens will once again have the freedom and flexibility to sell off a small portion of their property or leave 1-2 acres to their children if they choose. My hat is off to the County Councilors for taking extra measures to make sure the rural citizens are heard - including the public open houses and this online forum. This newest amendment best reflects the voice and needs of local rural landowners. I'm hopeful we'll see Amendment # 4 included for our rural community in the updated Clark County Comprehensive Plan.

JAN VERRINDER inside Clark County (on forum)

April 12, 2015, 10:05 PM

Forget 4: sprawl, increased public services demand without a payment plan, traffic congestion, ruins the rural feel. I favor #1 or 2, and would prefer we file for extension until the 5 councilors under the Charter are seated.

3 Supporters

Russ Williams inside Clark County (on forum)

April 12, 2015, 9:01 PM

I would prefer Option 1 or Option 2, as they support more gradual development and protect more of our environment. Also, they support a more modest increase on demand for expanded infrastructure. Option 3 is not as conservative, while Option 4, only recently presented, seems to have been developed with limited input, and minimal opportunities for widespread public evaluation and input.

Greg Bender inside Clark County (on forum)

April 12, 2015, 8:58 PM

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

My wife and I moved as far north into Clark County as we could afford to get away from sprawl. We are in favor of growth management that does not open the flood gates to mass development. Clark County has some of the most productive agricultural land in the state, and nothing is being done to conserve any of it.

We are 100% against alternative 4 for numerous reasons. Alternative 4 flies in the face of state law, the Growth Management Act, by knowingly creating conditions that:

Support suburban sprawl and diminish the size and productivity of agricultural lands, creating over 17,321 new rural lots.

Sets the stage for the associated infrastructure failures, negative environmental impacts on air and water quality and wildlife protection.

Creates real risk to the depletion of ground and surface water supplies.

Alternative 4 also creates credible financial risks to taxpayers in the form of:

Increases in property taxes to all property owners and especially to some rural landowners.

Property value increases due to zoning so even if citizens don't divide and develop their land, taxes will still increase.

More pressure on rural schools and public services, furthering tax increases.

Costs to defend against lawsuits re non-compliance with GMA process, rules and regulations.

3 Supporters

Name not shown inside Clark County (on forum)

April 12, 2015, 8:11 PM

I am opposed to alternative 4 because it encourages endless development and growth which rapidly begets further development and more growth. This cycle is unsustainable, like a pyramid scheme which kicks the cost down the road to the next generation. Clark County must invest in quality of life practices such as preserving arable food producing and climate controlling larger parcels from becoming another strip mall.

1 Supporter

Name not available (unclaimed)

April 12, 2015, 5:24 PM

For sensible growth, the facts support Alternative # 1. It already allows over nine thousand new rural parcels.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

A sensible growth plan supports Alternative # 1. It already has room for over nine thousand new rural parcels. Clark County will function the best when the greatest amount of growth occurs within the cities. Having to provide services and infrastructure beyond city limits is far more costly and impractical than developing land within the boundaries of our fine, well run Cities in the County. Creating over seventeen thousand new lots as would be permitted under alternative #4 would be an expensive disaster for the County, raise taxes on all the neighbors of the upzoned properties, and keep the cities where those services are already provided growing on a far more orderly basis. Paul Christensen

Rory Bowman inside Clark County (on forum)

April 12, 2015, 3:48 PM

I was born and raised in Clark County, a fifth-generation Washingtonian. As such, I have watched the process and effects of suburban development in Clark County for almost all of my fifty years, and this gives me some perspective on how development can unfold and the many different impacts it can have: positive and negative, expected and unexpected.

Of the four alternatives on offer I support either Alternative 1 (no substantive change) or Alternatives 2 or 3

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

(with small, mostly city-requested changes). I absolutely oppose Alternative 4.

Previous growth-management planning was completed before the 2008 economic downturn and predictions of greater economic and population pressures made then have not yet been fulfilled. In the absence of even those levels of growth, no major change is warranted at this time, and so Alternative 1 is most appropriate. We planned for growth that did not happen, much as a parent might buy clothes for a growing child. Just as it would make no sense for such a parent to buy more even larger clothes, it makes no sense for us to discard Alternative 1, which Clark County hasn't yet grown into.

Alternative 3 is more aggressive than present population numbers or available funds for infrastructure warrant, and will be a fine starting point as an aggressive-growth option during the next planning cycle, but is arguably too aggressive and expensive at this time, negatively impacting agriculture. With one set of too-large clothes, what reasonable parent would buy more?

Alternative 4 seems less like a serious professional proposal than a real-estate development wish list of the kind that was common in the late 1980's and 1990's, as incoming money sought to overbuild in the areas opened by I-205 with hope of fast returns on a southern-California development model. It does not show signs of serious input from trained development staff, and there is every indication that it was put forward by David Madore and non-planning staff Peter Silliman and Don Benton, in violation of the newly-adopted county charter and standard land-use planning protocols and procedures. Completing the parents' new clothes analogy, Alternative 4 is a whole stack of of too-big britches.

Alternative 1 is more than adequate for this planning cycle and the oddly aggressive Alternative 4 should absolutely be taken off the table. Given the current political situation in Clark County with the newly adopted council system, it would be even better if these discussions could be delayed until all five county councilors have been seated and had time to "get up to speed" on lawful and ethical planning methods. If such a delay is not possible, the conservative course is to hold position and not commit county resources to any major change.

Alternative 1 is much to be preferred of the three serious alternatives on offer.

- Rory Bowman, Post Office Box 202, Vancouver

3 Supporters

Name not shown inside Clark County (on forum)

April 12, 2015, 3:32 PM

The timing of, and the process/resources used to bring alternative 4 to the comprehensive plan update for Clark County is, in my opinion, of concern:

...late in the process, well after cut-off for new options.

Rushed to the discussion.

Presented by one councilor, with some assistance from a non-planner staff, and input from a limited number of citizen activists.

Non-collaborative with local jurisdictions (schools, cities, transportation planners, water and power providers)

Non-collaborative with county planning staff who are trained, and obligated to follow laws and best-practices in

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

following public involvement.

Consequence of Alternative 4

Encourages suburban sprawl.

Diminishes the size and productivity of agricultural lands.

Impacts forested areas (with related water quality risks due to septic tanks and de-forestation)

Adds no road capacity, while increasing quantity of residents in rural areas.

Related environmental failures probable: water supply, water quality, air quality.

Pressure on rural schools (building capacity and transportation)

Straining public services like law enforcement, fire protection, and emergency medical response.

Most importantly:

Limits future necessary expansion of city urban growth boundaries when the county areas are too small and highly-parcelized for job-lands, and built with rural housing. This will kill the city & county jobs producing ability in the next 20 years, further forcing our kids/grand-kids to leave to find a job/career elsewhere.

And, the risks, if it is adopted, to the county budget for legal defense.

I support alternative 2, cleans up some left-over issues, yet does not increase sprawl, keeps citizen costs low (taxes remain low).

5 Supporters

Name not shown inside Clark County (on forum)

April 12, 2015, 2:53 PM

I am in support of options 1 and 2 but would prefer this decision was postponed until the full 5 councilors are seated in January 2016. I am against option 4 as it makes the most changes with out any required review of the individual properties. There are many non-similar changes made that would be better handled on a case-by-case basis taking local factors into consideration.

1 Supporter

Name not shown inside Clark County (on forum)

April 12, 2015, 2:39 PM

I am in favor of delaying adoption of the GMA plan until the Council has 5 members and can have a full discussion without the pressure of a last minute addition to the alternatives addressed. Alternative 4 is too broad and creates future uncertainty. It is hard to compare its impact on future development in the County given that the maps for the various alternatives do not follow the same format. However, overall, it just takes too many scattered properties out of the rural, agricultural and forestry zones creating a random pattern of development that will make it a) hard for genuine farmers to carry on normal business, and b) making it almost impossible to respond to new residents requests for services that will be inevitable over time. Alternative 1 provides adequate growth opportunities with some minor adjustments. For example, I believe staff said option 3 offered a more open timeline for appeals and I would possibly in favor of this for those who were residents of non-conforming lots prior to the adoption of the last Growth Management Plan. Or, I would possibly support a

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

TDR plan for these 'grandfathered' rural landowners - - but not for those who purchased after the last plan's adoption. Alternative 4 is not acceptable as it is.

2 Supporters

Bill Baumann inside Clark County (on forum)

April 12, 2015, 1:51 PM

I support alternative 2. I strongly oppose alternative 4. It was created in a back room by a special interest group and one councilor and does not take into account the interests of the entire county.

3 Supporters

Name not shown inside Clark County (unverified)

April 12, 2015, 11:14 AM

I oppose Alt 4. It will further unbalance the ratio of developable land to farm land and threatens the future of Clark County's local food supply. David Madore continues to push his personal agenda which flies in the face of State law and policy and ignores the needs of our citizenry except for those of his big business buddies. NO ON ALT 4. Patty Ingraham

Warren Neth inside Clark County (on forum)

April 12, 2015, 10:51 AM

Board of Clark County Councilors,
Clark County is a rapidly urbanizing county and part of an ever-expanding metropolitan area. Our natural resources, rural character, great schools and neighborly community are a few of the reasons, which make Clark County a highly desirable community to live in. Your stewardship of the Comprehensive Plan process is crucial to preserving that livability.

Slow Food Southwest Washington does not believe that ALT 4 should be considered in this round of GMA updates. The proposal opens developments into Clark County's rural areas without consideration of:

1. The smaller parcel sizes that ALT4 proposes will put increased market pressure on our remaining agricultural and, out pricing larger lots for 'commercially viable farms', as described in the 2007 "Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington" by Globalwise.
2. How will these new, smaller parcel size designations be used in the future? Developing these smaller parcel sizes, without creating zones where they will be used in the long-term, will open the smaller parcel sizes to be used during Annual Review process anywhere in the rural area. I do not believe the discretionary procedure of clustering similarly sized lots will provide adequate direction for future clustering of similar sized lots that you have proposed.
3. ALT4 directs development toward Rural areas, which does not honor the considerable investment made to direct development toward Cities, Rural Centers, and Urban Reserves that Clark County has already made.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Slow Food Southwest Washington questions:

Rural Character -

How will the 1 acre parcelization of Clark County's forest and fields effect traffic and other lifestyle benefits of Clark County's rural character?

Property taxes - Has their been an assessment of how rural landowners taxes will raise as the new smaller zoned lots, as well as the houses and infrastructure they require as they develop?

Capitol Improvements - How does the BOCCC plan to pay for the new roads, utilities, sewer, fire districts, sheriff's presence and other Capitol Improvements as we open up 15,000 new parcels across our rural areas?

Water- Clark County's rural residents are dependent on wells that draw from already stressed aquifers. Who will be monitoring the effect of new wells drilled and manage our water resources?

Process-

1. After the community had already given input during the first two years on ALT1, ALT2, ALT3, Council member Madore proposed ALT4, with minimal analysis and outreach to effected stakeholders.

2. At the March 11th, BOCCC Work Session Council member Madore continually insisted "No new parcels will be created". At the following Open House, Community Planning stated an estimated 15,000 new parcels would be created between ALT3 and 4.

3. The 2013 survey of AG20 and FR40 landowners called the Rural Census was not a scientific poll, vote or an actual census. The questions left ambiguity and were loaded. Removing AG20 and FR40 based on this survey is not good stewardship of the Comprehensive Planning process nor Clark County's agriculture or forest resource lands.

Slow Food Southwest Washington requests:

1. Consider zoning options that would provide flexibility to family's who might want to share their land, not a blanket zoning policy that opens Clark County's rural areas to subdivision.

2. Focus residential development to Cities, Rural Centers, and Urban Reserves.

3. Protect Clark County's last large acreage parcels of class 1 growing soils. Develop Agricultural Production District's, Transfer of Development Rights and Purchase of Development Rights as described in numerous reports developed by citizen led committees, such as Clark County Agriculture Preservation Strategies Report, Clark County Food System Council's "Conserving agricultural food production in Clark County", Slow Food Southwest Washington's "Grow Clark County" recommendations.

4. Consider the Grow Clark County recommendation to develop policy that conserves farmland and strengthens the farm economy. More info here: www.slowfoodswwa.com/growclarkcounty

I look forward to talking further about these issues.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Thank you,
Warren Neth
Executive Director
Slow Food Southwest Washington
360-771-1296
warren@slowfoodswwa.com
www.slowfoodswwa.com

3 Supporters

D Olson inside Clark County (on forum)

April 12, 2015, 8:19 AM

Alternative Four is flawed in many ways but among the most egregious is the unacceptable level of capitol costs such unplanned population increases will cost County taxpayers due to the 'leapfrog' nature of such development.

A second problem with Alternative 4 is the lack of professional guidance and citizen input that such projects demand. The last minute-hurried nature of the proposal left little or no time for meaningful public involvement or process.

I urge the Councilors to reject Alt-4 based on future costs and the lack of public transparency and input from Clark Co citizens outside the developer and 'stand to profit' supporters of the proposal.

2 Supporters

Bob Brewer inside Clark County (on forum)

April 12, 2015, 7:28 AM

How can it be considered planning when properties within 100 yards of an elementary school remain zoned 5 acres or larger?

Communities thrive in close proximity to their schools and public facilities. Forcing families away destroys their community.

Sequestration of school adjacent properties sacrifices the safety of our littlest school children and is the death sentence to family centered communities.

Name not shown inside Clark County (on forum)

April 12, 2015, 7:14 AM

WHERE WILL WE GET OUR FOOD,WE NEED MORE FARMS NOT HOUSES, THEPRICE OF LAND IS SO HIGH THAT YOU CANT AFFORD TO FARM UNLESS SOMEONE IS WORKING.WITH NEWHOUSING COMES MORE WATER USAGE WHERE WILL FARMS GET THEIR WATER/DO ANY OF YOU SUPPORT YOUR LOCAL FARMERGO OUT TO A FEW FARMS AND YOU WILL SEE THEY FARM BECAUSE THEY LOVE IT NOT TO GET RICH.

Name not available (unclaimed)

April 11, 2015, 5:52 PM

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

I support Alternative 1.

Kathryn Ketcham inside Clark County (on forum)

April 11, 2015, 4:43 PM

I would like to comment in favor of Alternative 2 which I understand is Alternative 1 with some additions to Urban Growth Areas requested by some of the cities and a few corrections. This is a conservative choice which is responsive to some urgent needs.

I would also like to note that it is difficult to compare Options 1-3 with Option 4 on the available maps because the categories and color scheme are different.

That said, I oppose Alternative 4 for these reasons: 1) From the maps it looks like Alternative 4 increases residential lots without regard to maintaining Resource Lands including Forest and Agricultural land and, possibly, without regard of wetlands, riparian lands and wildlife habitat. 2) The addition of so many residential lots (I have heard figures ranging from 6,000-8000) with the associated non-permeable surfaces of rooftops, driveways, and access roads is a storm water management issue. 3) In addition, I am concerned about the cost of infrastructure for these diffuse residences and how it will be paid. No detailed plan for paying for the infrastructure has been presented.

Sincerely,
Kathryn Ketcham
123 W. 30th St
Vancouver, WA 98660
360-693-5373

2 Supporters

Name not shown inside Clark County (on forum)

April 11, 2015, 2:22 PM

Alt 4 is bad because it negatively affects environmental impacts on air/water quality/wildlife protection. It also creates risk to the depletion of ground and surface water supplies. Finally Alt 4 also creates credible financial risks to taxpayers in the form of: Increases in property taxes to all property owners and especially to some rural landowners.

The Best choice is Alt 1 still allows for the growth of 9,390 new rural parcels. Alt 1 keeps Clark County out of legal entanglements, which keep taxes down, emergency services reliable and our water supply protected. It minimizes pressure on rural schools and public services. Changes are not needed because growth assumptions of 2007 were never realized.

3 Supporters

Betty Montgomery inside Clark County (on forum)

April 11, 2015, 1:23 PM

I am alarmed by the process underway. I respectfully request that no action be taken on selecting or deleting

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

any of the alternatives until after the full, five-member council is seated in January 2016. I believe that the state will support the county's request for a postponement due to our newly enacted Home Rule Charter."

3 Supporters

Name not available (unclaimed)

April 11, 2015, 1:09 PM

We need to extend deadline for public comment.

We need farmlands in Clark County! The key is to manage growth but not at the cost of losing precious small farms.

Donna Roberge

Name not shown inside Clark County (on forum)

April 11, 2015, 12:21 PM

I support Alternative 1. The current Comprehensive Growth Management Plan was adopted in 2007 with overly optimistic population assumptions that were never realized. Alternative 1 still has room for population growth while protecting forests, agricultural land and ground water supplies. Infrastructure and emergency services are designed to accommodate Alternative 1.

I oppose Alternative 4. It violates the State Growth Management Act by encouraging suburban sprawl and diminishing agriculture and forest lands. Alternative 4 would create an additional 17,321 new rural lots scattered haphazard over east and north Clark County. These additional lots will cause increased taxes for all county residents to provide infrastructure, including roads, schools, police, fire and other emergency services. Additional scattered development could affect watersheds and aquifers by creating more hardscape that encourages runoff rather than percolation into the groundwater. The changes in zoning will increase property taxes for those who do not subdivide. Current rural landowners who complain of the inability to reap economic benefits by subdividing their land ignore the fact that they have benefited economically for years from lower property tax rates for agricultural and forestry zoning. Wildlife habitat will decrease as more forest lands are cleared and farmlands are converted to subdivisions. All county taxpayers will be burdened with the costs of defending the county against lawsuits for violation of state law, when those funds in the county budget to be better used to serve current needs.

Name not shown inside Clark County (on forum)

April 11, 2015, 12:19 PM

I support Alternative 1, the no change alternative as the growth assumptions of 2007 were never realized. Alt 1 still allows for the growth of 9,390 new rural parcels. Alt 1 keeps Clark County out of legal entanglements, which keep taxes down, emergency services reliable and our water supply protected.

Alternative 4 is a bad plan. It flies in the face of state law, the Growth Management Act, by knowingly creating conditions that:

Support suburban sprawl and diminish the size and productivity of agricultural lands, creating over 17,321 new

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

rural lots

Sets the stage for the associated infrastructure failures, negative environmental impacts on air and water quality and wildlife protection

Creates real risk to the depletion of ground and surface water supplies

Alternative 4 also creates credible financial risks to taxpayers in the form of:

Increases in property taxes to all property owners and especially to some rural landowners

Property value increases due to zoning so even if citizens don't divide and develop their land, taxes will still increase

More pressure on rural schools and public services, furthering tax increases

Costs to defend against lawsuits re non-compliance with GMA process, rules and regulations

1 Supporter

Name not shown inside Clark County (on forum)

April 11, 2015, 11:29 AM

The Comp plan over estimated growth from 2007. Alternative 1 is the only one that makes sense. Why would the County want to increase urban sprawl and ruin the rural lifestyle, not to mention the added taxes and costs that would be required if Alternative 4 were adopted. Keep Clark County horse friendly with urban/rural buffers which can blend high density urban areas with low density rural areas and protect agri/forest areas. Protect our watershed and our soil.

2 Supporters

William Maiden inside Clark County (on forum)

April 11, 2015, 11:15 AM

Alternative 4 takes the county in absolutely the wrong direction. It would increase sprawl and put pressure on public services with no way to pay for them. It is a bad idea. By the way... It seems like this was a surprise to the county planning department. How could that happen?

Chuck Green inside Clark County (on forum)

April 11, 2015, 10:53 AM

As a candidate for Clark County Council District 2, here is why I am opposed to Comprehensive Plan Alternative 4. I offer the following comments for the record, and a proposed solution.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

-Chuck Green
Ridgefield

Beside the fact it was developed by one County Councilor, who will also be voting on it as a preferred land use alternative, and one special interest group, it has a number of flaws.

Take a look at the maps, which I am attaching to my post here. What do you get?

- Parcelization of rural Clark County into 1-5 acre parcels. It will add 8,000 new lots (see page 26, http://clark.wa.gov/thegrid/documents/2015_0414_BOCC_H_SEPA_ALT_STAFF_REPORT_and_ATTACHMENTS.pdf).

- No protection for small farms or other agricultural uses, including wineries.

- 8,000 large houses on these new lots, translating to 20,000 more people in the rural area.

- With 25-30 percent of Clark County workers commuting to Portland, this potentially adds 12,000 more vehicles a day crossing our already-overcrowded I-5 and I-205 bridges.

What do you also get?

- NO NEW JOBS. Other than a few service workers cleaning or doing landscaping at these new rural mansions, this alternative creates no new jobs.

- NO RELIEF TO I-5 CONGESTION. Those opposed to previous efforts to add capacity to I-5 across the Columbia River wanted Clark County to add jobs to reduce I-5 Bridge congestion. Alternative 4 does not alleviate I-5 Bridge congestion; it increases it.

- NO PROTECTION OF SMALL FARMS and other agricultural uses. If you want to see what you get when you have 1-5 acre rural lots, check out the Rolling Hills area south of Ridgefield.

- STRANGLING OF SMALL CITIES. Creating a ring of large, expensive houses around our small cities prevents future growth. Which means no new small city neighborhoods and no new jobs.

- INCREASED TRAFFIC CONGESTION ON RURAL ROADS AND THROUGH SMALL CITIES. With no rural services, retail areas, or job centers, 20,000 rural residents will travel southward into Vancouver and across the I-5/I-205 bridges, adding substantial traffic to substandard roads.

- NO ACCESS TO PUBLIC TRANSPORTATION. There is no way C-TRAN can afford to serve these outlying areas, nor are there sidewalks or paths for rural residents to use or to access C-TRAN.

- IMPACT ON GROUNDWATER. Rural lots will be served by wells and septic tanks, not water and sewer lines.

MY VALUE-BASED COMPREHENSIVE PLANNING PROPOSAL

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

- Extend the current Comprehensive Plan one year (Alternative 1) as the “interim Comprehensive Plan.” Extending the current plan one year allows two new councilors to have a say. It allows for the county to meet the state-imposed June 2016 deadline, staving off state sanctions.
- Undertake a broad, value-based community discussion on what should go into the Comprehensive Plan.
- Agree on values and performance measures with which to develop and evaluate the Plan.
- Include a comprehensive variety of community groups, such as Clark County Citizens United, Friends of Clark County, land conservation as well as the building and development community, and others, to provide input and discuss trade-offs of various options.
- Bring in a group such as WSU-Vancouver’s Initiative for Public Deliberation to facilitate a series of forums to capture community input.
- Allow County Planning staff to fairly and equitably develop and evaluate a plan for community review, before acted on by the FIVE County Councilors.

1 Attachment

https://pd-oth.s3.amazonaws.com/production/uploads/attachments/132tu3zpgaeo.427/Alt4_Uses.jpg (87.6 KB)

2 Supporters

Name not available (unclaimed)

April 11, 2015, 10:30 AM

I support Alternative 4. Most people living in the rural area are there because they wanted to live in the country. This alternative would be the best plan. Most landowners would not build houses on every parcel of land they own.

Garrett Hoyt inside Clark County (on forum)

April 11, 2015, 9:40 AM

The Growth Management Act allowed Clark County to designate areas that were important resources areas for the county. In 1994 our elected leaders, citizen groups and came together and made decisions on what resources needed to preserved for our county. Alternative 4 is supported by a special interest group that disagreed with the GMA in 1994 and are trying to overthrow the will of the people that was decided 20 years ago. If Alternative 4 were adopted, it would be challenged in court and would likely lose (like happened last time). All of this is done at the taxpayers expense for the benefit of a special interest group. This option needs to be abandoned before sending it to the environmental process.

In the previous Comprehensive Plan, the county planned for growth because the county was growing quickly at the time. Then came the recession and growth slowed dramatically. Alternative 1 is the so-called 'do nothing' alternative, but in reality this alternative is saying that we've already planned for growth that didn't end up happening and that plan is still a good one. I fully support Alternative 1.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

2 Supporters

Name not shown inside Clark County (on forum)

April 11, 2015, 8:48 AM

I strongly support alternative 4.

Name not shown inside Clark County (on forum)

April 11, 2015, 12:38 AM

My property/home is on one of the parcels proposed to be re-zoned by Alternative 4.

Alternative 4 would allow development that would negatively impact the rural nature of our area and add further stress and add traffic to an already failing road (Sunset Falls Road), not to mention the impacts to the East Fork Lewis River. When I found out that a large chunk of land along the East Fork (thankfully currently owned by the Columbia Land Trust) was being considered for a housing development a few years ago, I was absolutely shocked. Who thought THAT was a good idea?? As a former land use planner, I understand the need to have consistency - but I do not agree with setting the land use and zoning to current use. That presumes that what we have been doing and what we are currently doing is the right thing. It should be set to the intended future use that is most appropriate for the area. It is ridiculous to increase density in an area that is surrounded by Weyerhaeuser, the East Fork Lewis River and the Gifford Pinchot National Forest (respectively) on 3 of its sides. My husband jokes that he would love to drive down our driveway and see a taco cart at the bottom of the hill so we don't have to drive a half hour for a meal out, but he is kidding. That would be horrible and totally wreck the natural landscape that provides habitat for so many important flora and fauna. It is unfortunately the nature of American government to be short-sighted and focused on re-elections, but we need to do better for our children.

I didn't ask for my property to be re-zoned to a more dense use as part of Alternative 4 and if it is approved, I'm tempted to fight to keep my current FR-80!

If Alternative 4 really is considered, I'd love to know how the County intends to fund to maintain the roadways out here in the sticks as well as fix exponentially more power outages than they already do because more houses are being built out here.

3 Supporters

Liz Pike inside Clark County (on forum)

April 10, 2015, 4:27 PM

I am supportive of Alternative 4.

Rita Dietrich inside Clark County (on forum)

April 10, 2015, 3:57 PM

I strongly support Alternate 4 as it gives the rural landowner more flexibility in planning for the future and allows more parcels of land to be in compliance with the zoning.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

1 Supporter

Name not available (unclaimed)

April 10, 2015, 2:28 PM

Mr. Malinowski, your memory is not exactly right--the courts actually concurred with the GMA, with one minor exception. The decision can be found in the link below:
http://www.gmhb.wa.gov/Legacy/western/decisions/1995/95-67_comp_ord.htm

Debbie Nelson inside Clark County (on forum)

April 10, 2015, 12:19 PM

I strongly request that no action be taken on adopting or narrowing any of the alternatives until after the full, five-member council is seated in January 2016. I believe that the state will support the county's request for a postponement due to our newly enacted Home Rule Charter.

4 Supporters

Tom Gibson inside Clark County (on forum)

April 10, 2015, 10:42 AM

Clark County's view that endless growth and urban sprawl is sustainable or good for the community is very curious because the only supporting evidence that this is so comes from third party interests who would profit from such delusional thinking. Apparently Clark County believes that there are no criteria or examples that would result in a determination that development of land should be moderated, that there are no larger principles in play regarding the environment or community that could result in moderating growth into our rural areas. Further it appears that rapidly depleting natural and human resources is seen as a goal to solving financial concerns and that those financial concerns are of paramount importance while no value is given to other uses of land other than building, retail and industry.

Tax policy has been to value land actively being farmed and providing the sole or main living source for at least one person in a household as residential if housing has been allowed in neighboring areas. Tax burdens have been placed on people's profession if they are a farmer that don't exist in any form for anyone else.

Currently Clark County imports almost a billion dollars a year in food while it produces less than 5% of food consumed in the county even though hundreds of land parcels exist in Clark County, which is a prime year round growing area with adequate water and labor, which are appropriate for this use. Since studies have shown that for every dollar spent buying food from a local grower create about \$2.50 in the local economy it is unreasonable to say that the only productive use of so much of this land is for the tax revenues gained from mostly housing development. Housing development provides a short term profit for a local builder but almost as many liabilities as it does revenue and most of the expense of the housing is spent on goods, materials and often labor that come from out of state so that economic gain is an illusion of growth that creates as many or more problems than it solves. Cities in Clark County have only been able to keep up with the demands to keep roads paved, sewage treated, trash hauled, and children educated from the fees and taxes of even more development which means in essence that the only way to get out of the mess we created is to create an even bigger one and to keep doing so in a continuous loop as if there will never be any end to how much we can keep growing and developing.

The current land use alternatives, especially Alternative 4, provide more of the same tired old thinking that

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

continuous growth of the housing market is a good sign that the county is doing well, in spite of the many obvious flaws in that logic. Making decisions by cherry picking which facts to promote to make an argument to keep on developing is just working backward to justify doing what you already planned to do without ever once considering a complicated plethora of facts about the health, vitality and functionality of this county. County Councilors have worked tirelessly to defeat transportation issues that link the community and region together yet they demand that we not only continue but work to accelerate development, even in sensitive rural areas that will be permanently damaged by such activity.

Communities in the county are increasingly at risk for being cut off from the most essential services by random acts of building sans any real community development and apparently the plan is to make people even more dependent on the government and other similarly sized enterprises that have the cash to steer government's thinking in this direction. County Councilors instead of getting the support they need to verify the validity of their ideas have chosen to avoid asking for this help and get advice from other sources that they prefer to work with, even without acknowledging that they and our government are apparently working in some kind of secret cabal whose goals and purposes can only be guessed at. Gold and wealth is worthless without agriculture.

Agriculture is the basis of all wealth. The real question is whether you want to keep your sovereignty or yield it to other people and countries. The focus of agriculture in this country has been growing commodity crops for chemical companies, middle men and distributors that make the majority of the profit in huge monoculture operations that tend to rely on high levels of mechanization and investment. Agriculture has started to shift away from this disastrous production model to growing food by and for people.

Clark County's refusal to consider promoting agriculture and local food production or see it as having any value is both short sighted and potentially dangerous. In my opinion every community should set goals for what percentage of food eaten is from the local community and work to increase that amount as one of the most lucrative jobs programs they could participate in. Given the continuing drought in California, Eastern Oregon and Eastern Washington, which some predict could last generations as it has in the past, and our own water problems why are we as a nation giving up our food sovereignty and be dependent on imports from other countries for the long term?

Clark County has been a leader in agriculture in some ways as evidenced by our very popular farmer's markets but much more work needs to be done to develop a comprehensive plan to take care of the health of the people and the county. The current land use alternatives don't speak to this at all and primarily serve as a guideline to help developers but do little to address how this development is going to impact everyone in Clark County.

4 Supporters

Susan Rasmussen inside Clark County (on forum)

April 10, 2015, 10:01 AM

Alternative 4 is needed. It is the only plan recognizing the obligation to address the long-standing issues of rural landowners.

- Alt.4 is the only plan employing an inclusive policy with the rural communities.
- The shift in policy is commendable. This recognizes the rural landowners as being significant stakeholders and gives merit to the issues in designing their futures
- Alt.4 is a step towards diversifying our rural economy and become less dependent on natural resources.
- Alt. 4 recognizes small-scale agriculture, family-owned woodlots, rural lifestyles.
- Counties across the state have moved towards friendlier rural growth provisions.
- Alt.1 is exact status quo, Alt.2 nearly is

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What do you think about the four suggested land use and growth alternatives?

- The rural lands have been neglected over 20 yrs. Alt.1 would freeze these lands for 40 yrs.
- Alt. 4 would align rural zoning to correspond with the patterns of historical development.
- Alt.4 is a step forward in correctly defining Clark County's Rural Character per GMA policy.

2 Supporters

Jim Malinowski inside Clark County (on forum)

April 9, 2015, 10:20 PM

It is clear that many of the contributors to this forum have not read the GMA. The county violated the clear mandates of the GMA in their 1995 massive down zoning. CCCU won its lawsuit against the county for this reason. Judge Poyfair's decision stated that "the result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA." (See the Columbian article of April 6, 1997). The county has been acting in defiance of that court order ever since. We deserve better of our county government. Alternative 4 is a move in the direction of obeying the clear terms of the GMA and reducing the current high percentage of non-conforming lots in the rural areas of the county.

Jim Malinowski
Amboy

2 Supporters

Jerry Winters inside Clark County (on forum)

April 9, 2015, 10:20 PM

I support Alt. 4. Ag. 20 needs to break down even more, 5s, and 1s. This would allow small home framing and build community. After a plan is adopted will there still be holding ie. Lt. Industrial overlay. Vancouver needs to increase the UGB it may not be the county's job, but the city missed the boat!! It's Clark County's plan, why let Vancouver control the outcome!!

2 Supporters

Name not available (unclaimed)

April 9, 2015, 9:15 PM

We support Alternative 4. It is the only appropriate choice as this is a county wide plan, not just a plan for the cities. The old plan before 1994 was working fine. We should just go back to that one. Small parcels that are less than 10 acres in the rural and resource lands is what this county and the people need and want. Then they can afford to buy, farm, forest and live on the land.

Dennis Karnopp inside Clark County (on forum)

April 9, 2015, 9:09 PM

Clark County and Washington in general where a trashy state compared to Oregon and it's land use zoning. We moved into Washington in 1979 and where appalled by the lack of zoning, it looked like trailer trash. I am firmly in favor of keeping the existing land use laws and zoning restrictions to keep Clark and Washington not

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

becoming trailer trash again. I know that people want to use their property for whatever they want but, sometimes its to the detriment to the community as a whole, and will lower growth and property values. Now we have Oregonians moving into Washington because of the tax structure and Clark County is slowly getting cleaned up, this transformation of wealth will definitely stop if the existing zoning and land use laws are relaxed.

2 Supporters

Name not available (unclaimed)

April 9, 2015, 7:24 PM

I support alternative #4 and suggest we make it rural 5 acre minimum. As a property owner and not just a group that has no financial investment in real property.

Terry Conner inside Clark County (on forum)

April 9, 2015, 6:30 PM

The citizens of Clark County did NOT ask for this.

Alt 4 is yet another half-cooked, special interest move, credited to the same rogue Councilour who continues to defy long standing protocol and logic. Alt 4 began as a direct violation of the HRC, having been directed by Madore to have his non-qualified protégé, Silliman whip up some maps, while he (Madore) tried his single hand at Planning. No experience, no intelligence, no vetting.

Then, the brass tacks of Alt 4 are simply and tragically BAD for rural farmers, suburban landowners, and the County community that depends on and supports local farming.

Just a few of the bad results would be water shortage, taxes to support development of the 8000 lots, detachment of rural well being, violating the GMA curfew, future legal costs, further morale decline to citizenry, further animous towards the BOCC from Clark County residents.

4 Supporters

Tim Gaughan inside Clark County (on forum)

April 9, 2015, 5:43 PM

I am opposed to Alternative 4. This Alternative was composed, proposed and maps attempted to be modified midway through the open house process by a lone county councilor who has no apparent expertise or professional credentials to draft a land use plan to be considered under the GMA. Madore has ignored the planning process, advice of planning professionals and apparent dismay by legal staff. Alternative 4 appears to move against the grain of the primary intent of the GMA by promoting urban sprawl and future costs to all taxpayers in ClarkCounty. This alternative has the potential of litigation and sanctions by the State.

3 Supporters

Suzanne Kendall inside Clark County (on forum)

April 9, 2015, 4:46 PM

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

I oppose Alternative 4 for the following reasons:

1. Phase 2 of the Growth Management Plan Update Process is scheduled to last 24 months. The time was initially spent getting Public Input on the three staff-proposed alternatives that concluded with the August and October 2014 hearings. The remainder of Phase 2 was to be spent analyzing the three established alternatives.

Instead, over 12 months into Phase 2 and after the August and October 2014 Public Hearings, one of the three County Councilors introduced a 4th alternative without meaningful consultation with the citizens or County planners. No public hearings have been held on Alternative 4. Instead, the County Councilor held "open houses" with the opportunity for hundreds of citizens (at each open house) to crowd around a room full of maps and make an attempt to get the attention of County staff (6-8) or County Councilors (3) to ask questions and have a meaningful conversation.

If the Clark County Council demands that the tardy Alternative proposed by one individual representative remain and be fully analyzed for its intended and unintended consequences, the Growth Management Act DEADLINE OF JANUARY 2016 MUST BE EXTENDED BY AT LEAST FOUR MONTHS.

2. I am very concerned about the costs to Clark County taxpayers if the Council decides to allow an unannounced Alternative 4 proposal 18 months into our 36 month process. If this Alternative is allowed to stand the County must, and will, be taken to court. If history is any indication, the County will be in costly litigation for up to, including Supreme Court litigation, 7+ years.

3. It is my understanding that Alternative 4 creates at least 8000 more parcels and that the current minimum 20 acre agricultural parcels will be reduced to as low as 5 and 10 acres. I value our local, productive farm lands and believe strongly that our working farms must be protected.

In this age of changing climate and reduced water supplies, we should treasure what good water we have left in Clark County. I have experience in managing farm land of approximately 1500 acres and know how difficult it is to farm on a 5 acre postage stamp-size plot with good farm practices which require crop rotation.

4. Adding over 8000 parcels with Alternative 4 will also make it difficult to supply water to all the new development. Wells are already drying up and Clark County Public Health must review all new private wells for adequate water availability to meet GMA regulations prior to the issuance of building permits.

5. It will also be very difficult to maintain the QUALITY of the water we have. With the addition of thousands of new lots and a steadily increasing population in our former agricultural areas, we will have to pave over ground and greatly increase runoff, contamination and pollution.

6. The costs to the taxpayers for the dramatic increase in the need for public services will be immense. The mass development of our county from 9300 to 17000+ parcels will benefit outside developers to the detriment of all citizens. I believe that a decision of this magnitude must be considered by the full 5-member Council required by our County charter.

14 Supporters

John Ley inside Clark County (on forum)

April 9, 2015, 3:59 PM

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

I am grateful there is an Alt. 4.

The facts as presented at the public hearings: "6 of every 10 parcels in the Rural category do not conform to our current zoning map. Seven of every 10 parcels in the AG category do not conform to our current zoning map. Eight of every 10 parcels in the FR category do not conform to our current zoning map."

Are the land owners wrong? Or is the map & previous zoning wrong?

Clearly, the previous map (20 year old) was wrong, and is penalizing current land owners.

We clearly need to respect property ownership rights. We need a zoning map that at a minimum, reflects current reality. It is irresponsible to have 60-80% of rural land owners 'not in compliance' with current zoning law.

My understanding is that Alt 4 does that. Thank you!

3 Supporters

Name not shown inside Clark County (on forum)

April 9, 2015, 10:18 AM

We need the combination of ALT 3 AND 4. Let's expand the UGB and create more local Jobs within the cities. The plan was poorly organized back 20 years ago, like a shotgun approach; we can do SO much better for this county and our communities! Not saying to make everything 1 acre lots but if there's a 40 acre parcel with 5's or 10's around it, maybe we need to have some adjustment. It's not like it used to be, farming, forest, etc. Plus how many people can afford 40 acres instead of a 10? We need a better plan and to have some consistency in zoning/UGB. If a person living on 40 acres wants to split their land into 10's for their children to start their own families/memories as they did growing up at that location, what's so wrong with that? And if not, that's their choice but it should be an option, and their right. By do this it's going to keep local families here, add local work, and create more tax dollars for the help of the community!

4 Supporters

Michele Wollert inside Clark County (on forum)

April 9, 2015, 10:04 AM

I am a Clark County resident of Vancouver. Although I am not a rural landowner or farmer, I contribute more than my fair share of county taxes on several properties in the city. I support local agriculture by being a committed consumer of local produce, pasture-raised eggs, and meat. I am a loyal customer who supports Clark County businesses, restaurants and farmer's markets that sell local farm products and I have purchased CSA farm shares. I am including this personal information as a preface to my comments because I have heard two councilors diminish the testimony of residents who do not own large amounts of rural land or who live in urban areas. All Clark County voices count when considering changes to the Growth Management Act and I hope you will consider mine.

I am opposed to Alternative 4 of the GMA for the following reasons:

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Alternative 4 was developed without the input of Clark County community planning experts. It was written by one councilor, who has no experience in planning, with the limited and biased feedback of one honored group of landowner advocates. It excludes important other stakeholder and expert information, which places Clark County at increased legal risk.

Alternative 4 threatens our water quality. Evidence-based research shows that urban sprawl pollutes water by removing native vegetation, increasing impervious surfaces, erosion, and pollution from cars and trucks on roads since more residents will need to drive.

Alternative 4 threatens our drinking water supplies. This option will create more rural lots than can be served by ground water supplies. Rural development is already contributing to wells going dry and Alternative 4 will exacerbate the problem.

Alternative 4 threatens our working farms and fertile land by paving over a precious, threatened resource. Once that it done, the loss of farmland cannot be regained.

Alternative 4 will cost taxpayers and ratepayers more money than they are spending now. Many peer-reviewed studies show that compact development saves taxpayers money in property taxes and community services.

Alternative 4 increases litigation risks and the costs of appeals to Clark County and its taxpayers. During the last GMA update, Clark County spent seven years in appeals, all the way to the Washington State Supreme Court. In the end, Clark County was mandated to take 1,500 acres of farmland out of the urban growth areas and re-designate it as Agriculture 20. These appeals are costly in terms of time and tax payer money.

The argument that all landowners should be able to develop their property as they wish, ignores the importance of carefully-crafted land use and zoning laws that benefit the greater good. Without a thoughtfully-developed, evidence-based plan for the control of future growth, quality of life and environmental protections are lost for current and future generations. Chaotic, self-interested development harms everyone. We purchase our property with the full knowledge and understanding that it can only be developed within certain legal restrictions. We can sell it, as I did with two CC zoned lots not conducive to residential housing, when its zoning and land use designation does not meet our future needs.

Alternative 4 should be abandoned as it is not a viable option for Clark County's environmental and livability future.

16 Supporters

_loren Sickles inside Clark County (on forum)

April 9, 2015, 12:02 AM

I am in opposition to alternative 4 primarily on the basis of how this alternative was brought forward. The primary proponent has openly stated that no-one with knowledge of growth management, land-use or environmental laws was involved in the development of Alt 4. The formation of alternative 4 was done behind closed doors and without prior knowledge of the whole council or county staff. Alternative 4 should be, at the east, put on hold until the two new council members are installed, or scrapped altogether.

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Given the time constraints of State law the prudent path forward is to continue discussions focused on alternatives 1-3 as they are the only ones which have been thoroughly vetted by knowledgeable people.

13 Supporters

Esther Schrader inside Clark County (on forum)

April 8, 2015, 11:05 PM

Anything is better than Alternative 4.

3 Supporters

Name not shown inside Clark County (on forum)

April 8, 2015, 9:59 PM

While I really do not think Alt 1 is even viable anymore and Alt 2 is really bad in my opinion especially for my area I think Alt 3 has potential as does Alt 4. If we could work Alt 3 for the urban growth boundary areas and Alt 4 for the rural and Forestry and Ag plots I would see a seriously happy balance for all the landowners.

3 Supporters

Angela Pond inside Clark County (on forum)

April 8, 2015, 9:58 PM

Alternative 3 gets my vote as the best option. Allow our smaller communities to develop and marginally expand their boundaries. Alternative 4 is a thinly veiled attempt to develop the north county with thousands more homes. That sounds good...but wait..the homeowners will be working in Portland and there is no way to get here now without sitting in traffic for an hour or more each way. No plans in our lifetime to change this. Keep the north county rural, beautiful and producing goods on family farms.

10 Supporters

Linda Tubbs inside Clark County (on forum)

April 8, 2015, 9:50 PM

Sadly, it appears feedback such as mine and others (including planners) is meaningless. I do not wish to live in Los Angeles. I would like to continue to be able to purchase local farm products. The entire process behind alternative 4 smacks of inside baseball. If there is sanity, it will not be adopted. Mr Malinowski--the court actually upheld the GMA--see the decision attached:

http://www.gmhb.wa.gov/Legacy/western/decisions/1995/95-67_comp_ord.htm

3 Supporters

Name not shown inside Clark County (on forum)

April 8, 2015, 9:20 PM

I believe Alt 4 violates the Growth Management Act. It is also an insult to the qualified and talented staff who have worked on putting together robust and viable alternatives. It risks lawsuits and more wasted money by this council. I live in north county and do not want to be surrounded by McMansions. I believe in the viability of

2016 Comprehensive Growth Management Plan update

What do you think about the four suggested land use and growth alternatives?

Clark County's agricultural community.

11 Supporters

Marvin Case inside Clark County (on forum)

April 8, 2015, 4:03 PM

I have examined maps of the four suggested land use alternatives. I have talked briefly with two county staff members. I think Alternative 4 is the most honest and realistic of those offered. In my area (although the plan does not benefit me) the plan coincides with existing parcel sizes. It is logical, drawing lines between larger and smaller forest zones along coinciding or conforming parcels. Alternative 4 preserves rural character while recognizing existing conditions. Selfishly, I would like my parcels to be located in smaller zones. But failing that, Alternative 4 is an intellectually honest portrayal of growth objectives in the county.

Marvin Case

7 Supporters

Anderson, Colete

From: Orjiako, Oliver
Sent: Monday, April 13, 2015 4:07 PM
To: Euler, Gordon; Anderson, Colete; Anderson, Colete; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: comments of John Karpinski/CCNRC on Clark County 2015 GMA update

Comment JK for the index and FYI. Thanks.

From: John Karpinski [mailto:karpjd@comcast.net]
Sent: Monday, April 13, 2015 4:06 PM
Subject: Fwd: comments of John Karpinski/CCNRC on Clark County 2015 GMA update

Here is a copy of my GMA comments to the Clark Co Board.

John Karpinski

----- Forwarded Message -----

Subject: comments of John Karpinski/CCNRC on Clark County 2015 GMA update

Date: Mon, 13 Apr 2015 16:01:29 -0700

From: John Karpinski <karpjd@comcast.net>

To: david.madore@clark.wa.gov, jeanne.stewart@clark.wa.gov, Tom Mielke <tom.mielke@clark.wa.gov>

John S. Karpinski
2808 E. 8th Street
Vancouver, WA 98661
360.694.0283 home
karpjd@comcast.net

Clark County Council

Re: Clark County 2015 GMA update, Alternatives 2, 3 and 4.
re: Clear and unequivocal violations of Washington's Growth Management Act, RCW 36.70A
re: Comments of CCNRC and John S Karpinski

Dear Clark County Counselors:

Thank you for the opportunity to comment on behalf of CCNRC and myself on Clark County's proposed 2015 Growth Management Act update.

Sadly, I must inform the County that their planning efforts, and particularly Alternative 4, clearly and unequivocally violate Washington's Growth Management Act . Only the "No change" Alternative

#1 complies with the Act.

I Alternative 4 violates GMA requirements for public participation

Washington's Growth Management Act requires "early, open, and continuous" public participation in the preparation of growth management plans.

Here, Alternative four was irregularly done outside of the normal public review process, and without benefit of County planning or legal staff input. See Columbian article of 4/13/15, incorporated by reference.

Also, Alt 4 was apparently designed to accommodate a disgruntled special interest group that repeatedly lost its GMA appeals;

See the following decisions in 95-2-0067c - Achen, et al v. Clark County, et al .

9/20/1995 Achen, et al v. Clark County, et al, Final Decision and Order
12/6/1995 Achen, et al v. Clark County, et al, Order on Reconsideration
10/1/1996 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity

See also the following Opinions of the Growth Board AFTER the Poyfair remand

2/5/1998 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity
4/30/1998 Achen, et al v. Clark County, et al, Order on Reconsideration
5/11/1999 Achen, et al v. Clark County, et al, Compliance Order

II. LEGAL STANDARD TO EXPAND UGA'S NOT FOLLOWED :

The County did not follow the rules for expanding UGA boundaries, whether by sequencing, use of urban reserve, or avoiding protecting resource lands. This is error.

A. COUNTY DIDN'T FOLLOW THE STANDARDS FOR NEW URBAN GROWTH LOCATION OF RCW 36.70A.110(3).

The following legal requirements was not used in the County's Alternatives 2,3 and 4:

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

B. NO AVOIDANCE/PROTECTION OF AGRICULTURAL LANDS.

Clark County made no attempt to avoid existing Ag lands, allowing for the conversion of literally 1000's of acres of resource land into incomparable zones that do not protect the resource lands.

This continues the County's illegal efforts to develop resource land that has repeatedly found by the Growth Board, Clark Co Superior Court, and Washington's Court of appeals to violate the Growth Management Act, RCW 36.70A.

See 95-2-0067c - Achen, et al v. Clark County, et al ,
see also 07-2-0027 Karpinski, et al v. Clark County, et al, Final Decision and Order

III County Growth plan violates GMA's requirements for rural planning in RCW 36.70A.070 (5)

Clark County's Growth plan violates the following rural protection provisions of RCW 36.70A.070 (5):

A RCW 36.70A.070 (5) (b):

(b) Rural development. The rural element shallaccommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

B RCW 36.70A.070 (5) (c)

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

IV Growth management plan over allocates industrial land, leading to additional residential development and sprawl.

The Growth Plan over-allocates job land needs and allows conversion of "jobs" lands into housing by the County's watering down of the "no net loss" of industrial lands. This has previously been found by the WWGMHB to be in violation of the GMA in 95-2-0067c - See Achen, et al v. Clark County, et al .

V Conclusion

Each of the County Councilor's duties and oath of office requires you to follow all laws of the State of Washington; *not just the laws you agree with*. Please immediately fix these egregious violations of Washington's Growth Management Act, RCW 36.70A.

Sincerely yours,

John S. Karpinski

Anderson, Colete

From: Orjiako, Oliver
Sent: Monday, April 13, 2015 4:41 PM
To: Anderson, Colete; Euler, Gordon; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: My comments on the update

Comment from Mr. David McDonald. Thanks.

From: David McDonald [<mailto:david@mcdonaldpc.com>]
Sent: Monday, April 13, 2015 4:33 PM
To: Orjiako, Oliver
Subject: My comments on the update



13:00:00 - 13:00:00
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FRIENDS OF CLARK COUNTY
PO Box 513
Vancouver, WA 98666
friendsofclarkcounty@tds.net

Dear Councilors:

Please accept my comments on the proposed Comprehensive Plan update as the legal representative of Friends of Clark County and in my individual capacity. I am a 30 year resident of rural Clark County having lived the past 25 years in the same home in unincorporated Clark County in the Fairgrounds area. I became active in Growth Management issues in the County prior to the passage of the Growth Management Act in 1990 when I worked in support of the County's Habitek project in the Vancouver Lake Lowlands. During the past twenty five years I have served in multiple volunteer capacities involving growth issues in Clark County including as a member of the Boundary Review Board of Clark County, including a term as Chair; a member of multiple task forces addressing growth related issues including: the Rural Centers Task Force, the Vacant Buildable Lands Committee, the Forest Conversion Task Force, the Agricultural Task Force and, early on, the Technical Advisory Committee.

In addition I helped draft legislation on growth issues including the first Sensitive Lands Ordinance for the City of Ridgefield. I have also been lead and/or co-counsel representing a number of different groups and individuals on land use issues including litigation in conjunction with, as well as opposing, our County's land use policies. I have litigated cases in front of the WWGMHB and the local Superior Court in support of, and in opposition to, our County's land use policies. Finally, as a private citizen, I have testified more times than I can remember on land use policies as legislation and as applied to site specific projects, in front of Clark County Hearings Examiners, the Clark County Planning Commission, the Clark County Board of County Commissioners and the equivalent legislative bodies in the City of Ridgefield.

I have seen a lot of misinformation, and disinformation, regarding what has been dubbed the "Poyfair Remand" and, therefore, my initial comments are a summary of the history of the GMA in this county with a focus on providing the current councilors with a legal and factual history regarding Judge Poyfair's decision, the subsequent actions by the County on Remand and the final finding of compliance. Any statements that the County is not in compliance with Judge Poyfair's ruling are, at best, inaccurate.

It is with the foregoing background that I provide you with the following comments.

History of GMA Clark County

The legislature enacted the GMA in 1990 and 1991 largely " 'in response to public concerns about rapid population growth and increasing development pressures in the state, especially in the Puget Sound region.' " *King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wash.2d 543, 546, 14 P.3d 133 (2000) (quoting Alan D. Copey, *Including Best Available Science in the Designation and Protection of*

Critical Areas Under the Growth Management Act, 23 SEATTLE U.L.REV. 97, 97 (1999)). I 547 qualified for the ballot but, before the election, the state legislature enacted the GMA. After decades of lax and optional land use regulations, the legislature's stated intent was to combat "uncoordinated and unplanned growth." RCW 36.70A.010.¹

"In seeking to address the problem of growth management in our state, the Legislature *paid particular attention to agricultural lands*." *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, at 555(emphasis supplied). Most importantly when determining the populations, and attendant zoning in the rural and resource lands areas, any innovative techniques used to create a variety of rural densities must be "consistent with the overall meaning of the Act, a development regulation must satisfy the Act's mandate to conserve agricultural lands for the maintenance and enhancement of the agricultural industry". *Id at 560*. The explicit purpose of RCW 36.70A.177 is to provide for creative alternatives that *conserve* agricultural lands and *maintain* and *enhance* the agricultural industry. *Id at 561*(emphasis in original).

After the passage of the Growth Management Act, and prior to the County adopting its own plan, many attempted to circumvent the provisions of the Act. For example, in 1993, according to a County staff report drafted by then Planning Director Craig Greenleaf, the dawn of the GMA triggered an onslaught of property divisions not before seen in the County. Planning Director Greenleaf determined that "the rapid pace of development in Clark County which would undermine the goals of the Growth Management Act in the absence of emergency moratoria has continued at ever increasing rates". By October 1993, the Planning Division received an average of 135 permit applications per month, an increase of 17% from 1992. Subdivision applications increased over 1992 by 27%. Cluster subdivision applications averaged 6 per year between 1980 and 1989. The rate more than doubled to 13.3 per year.

According to this same staff report, areas that would have qualified for designation as natural resource lands were particularly hard hit. A comparison of the number of lots created for the months of May and June for the years 1992 to 1994 shows that while fewer than 40 new lots were created in 1992, that number had risen to over 270 for the same two month period by the year 1994.

Specifically, Planning Director Greenleaf stated:

¹ "One of the primary purposes of the Act is to direct new growth into IUGAs or UGAs. The Legislature has determined by adoption of the GMA that directing growth to urban areas provides for better use of resource lands and more efficient uses of taxpayer dollars. A county must size an IUGA large enough to accommodate the growth that will be directed into it. A recognition of growth that has already taken place will prevent undue oversizing of the IUGAs. Likewise a recognition of the growth that will occur outside IUGAs (due to preexisting lots in rural areas) should not encourage growth in those areas but merely recognize its existence. The GMA requires counties to adopt policies, DRs and innovative techniques to prohibit urban growth outside of properly established IUGAs and UGAs. The more a county utilizes these techniques to funnel growth into urban areas, the more discretion is afforded under the Act in sizing IUGAs or UGAs." *C.U.S.T.E.R. v. Whatcom County*, WWGMHB #96-2- 0008,

There has clearly been a significant increase in [large lot] segregation in recent years in response to potential changes in county code. The County Assessor's Office has few records from prior to 1989. In 1989 there were 117 segregation requests. In 1990, the year of the initial Growth Management legislation, the number of requests jumped to 789. In the month of April, 1993, during which the emergency ordinance was announced, there were requests for the segregation of 407 parcels, which represents an 800% increase from March of 1993, and is more than were received during the entire 1992 calendar year. From January 1990 to the inaction of the emergency ordinance on April 19, 1993, requests for the segregation of a total of 2,473 parcels have been received. *At an estimated 5 acres per parcel, this corresponds to 12,365 acres, or over 19 square miles. The 2,473 parcels represent about 2,000 or more students added to local school districts.* (Emphasis supplied).

As part of the GMA process, several focus groups were formed to address various issues. One such group was the Rural and Natural Resource Lands Focus Group which was divided into an agricultural group, a forest group and a mineral group. Those groups then made recommendations to the county staff, which in turn made recommendations to the Planning Commission and the BOCC. On October 13, 1994, Craig Greenleaf issued a staff report to the Planning Commissioners. In that report he concluded that:

In the work of the Forest Focus group, the delineation of the Rural Resource line was developed to recognize the difference in character of the two areas. Less parcelization has occurred in the area north of the East Fork and aerial photos also illustrated that much of the parcelization shown on the map did not actually have buildings constructed. Based upon this work and the need to support the population projections forecast for the rural areas, staff recommends a minimum lot size of five acres south and west of the Rural resource line *and 10 acres* north and east of the Rural Resource line.

In that report, Mr. Greenleaf proposed a matrix of alternatives including the use of Purchase of Development Rights, Transfer of Development rights and Conservation Easements to prevent further unmitigated building upon rural lands beyond the need for the 20 year

population projection. The Planning Commission agreed with the staff report and

Finally, in that document, Mr. Greenleaf stated that: "Cluster developments and rural Planned Unit Developments allow for significant increases in rural development densities, which *deplete and undermine agricultural and forest resource activities, and result in incompatibilities with existing rural uses.* (Emphasis supplied).²

In 1994, after work by multiple task forces, scores of public hearings and intermediary lawsuits, our county adopted our first comprehensive plan. The plan was appealed by a myriad of parties and became known as the *Achen* appeal. The WWGMHB issued a Final Decision and Order (FDO) and there were 16 separate motions on reconsideration on which the WWGMHB ruled, many involved rulings with respect to whether the plans of the various cities were in compliance.

In 1995, while the matter was being appealed to the WWGMHB, Clark County executed a stipulation in WWGMHB Case No. 94-2-0014 stating that the County failed to enact interim development regulations designed to designate and protect critical areas and natural resource lands. Instead, the County relied on various combinations of existing non-GMA ordinances and zoning, which it admitted failed to meet the identification, designation or protection requirements of state law.

However, several appeals were taken from the WWGMHB FDO. Clark County Superior Court Judge Poyfair heard one such appeal. Judge Poyfair's opinion reversed the WWGMHB Final Decision and Order (FDO) on several grounds and held the following: 1) The agri-forest designation violated GMA; 2) Failure to solicit meaningful public input for the ag-forest designation violated the public participation provisions of the GMA requiring early and continuous public participation in the development and adoption of the comprehensive plans; 3) The county failed to ensure a variety of densities in the rural area because it removed the designation of rural centers from its Community Framework Plan and set 5 acre minimum lot sizes based upon the OFM numbers. Most importantly, Judge Poyfair found there was substantial evidence in the record to support the County's designation of agricultural resource lands. CCCU did *not* appeal that decision. On remand to the WWGMHB, the Board issued a Remand Order remanded the matter to the county. Order on Remand³. See WWGMHB #95-2-0067

After Judge Poyfair's ruling, an appeal was taken to the Washington State Court of Appeals on the sole issue of whether or not the County was *required* to use the

² In April 1993, the County finally issued an emergency moratorium, but it was specifically limited to cluster subdivisions and planned unit developments in the rural areas. It specifically did not address the continuing parcelization and development of other rural areas, including as yet undesignated and unprotected critical areas and natural resource lands.

³ <http://www.gmhb.wa.gov/LoadDocument.aspx?did=869>

OFM number in determining a cap on rural population allocations. The appellate court ruled that, although GMA did not *require* the county to use OFM's projections as a cap on non-urban growth, it *could* use the OFM projection number if doing so would otherwise met the goals of the Act. Specifically, the court stated:

Without so holding, we assume that the GMA *permits* a county to use OFM's population projections when planning for lands outside its urban growth areas.

Clark Cnty. Natural Res. Council v. Clark Cnty. Citizens United, Inc., 94 Wash. App. 670, 676, 972 P.2d 941, 944 (1999)(emphasis in the original)

While the matter was pending in front of Judge Poyfair (his hearing was held on October 16, 1996), other actions were being taken on the *Achen* case because the County was attempting to take actions in response to the original *Achen* opinion by the WWGMHB that were not appealed to Judge Poyfair. On October 1, 1996, the WWGMHB issued a Compliance Order and Order of Invalidity regarding multiple issues. The WWGMHB found the County non-compliant on a number of issues. One such issued involved growth in the rural area. The WWGMHB found that the work on the population allocation, and zoning and designations, in the rural areas regarding rural, resource lands and urban reserve areas to be invalid⁴.

While the matter was pending in the Court of Appeals on the sole issue of the use of the OFM number, Clark County went back to work to comply with Judge Poyfair's order⁵. As a result of the remand, the County engaged in an extensive public participation process as to both the rural activity centers issue and the agri-forest designation issue (Poyfair had ruled that the county had been non-compliant as to the public participation element in the development of the agri-forest zone and the elimination of the rural centers from the Community Framework Plan). There were no challenges to those processes. The County appointed a Rural Centers Task Force (upon

⁴ Clark County has adopted a maximum population projection, maximum market factor; maximum vacant lands analysis and maximum urban growth areas. It must be consistent with that process by minimizing rural growth and doing anything and everything available to direct new growth into the urban growth areas. The rural growth protection of 25,071 does not provide for any new lots and only a 95% build-out of existing lots. Given the evidence contained in this record particularly the neglect of Clark County to take action from 1991 through 1994 for rural and resource lands, the current failure to take effective steps to conserve resource lands once they were designated and prevent the kind of sprawl in rural areas that the Act is designed to prohibit, the present rural zoning code DRs adopted at the time of the CP and as part of Ordinance #1996- 05-01 substantially interfere with the goals of the Act and are found to be invalid under the test provided in RCW 36.70A.300. Specifically CCC 18.302, 18.303 and those sections of Ordinance #1996-05-01 relating to resource lands, rural lands and urban reserve areas are declared to be invalid. Those sections substantially interfere with goals 1, 8, 9 and 10." The county had allowed for a 5-acre minimum in the rural area, as opposed to a 10-acre minimum. The County and CCCU appealed the Order of Invalidity in part and Judge Nichols reversed the WWGMHB as to the validity of the 5-acre minimum in the rural area. Judge Nichols held that the county's five-acre minimum for the rural area complied with the Act. Thus the current zoning of one dwelling unit per five acres is GMA compliant. The proposed reductions by Alternative #4 would be in contravention of that compliance.

⁵ <http://www.gmhb.wa.gov/LoadDocument.aspx?did=869>).

which I served) to review the original Rural Activity Centers that had been deleted from the Community Framework Plan *and* do so in light of the new 1997 amendments to RCW 36.70A.070(5). It is important to note that the County undertook this process *while Judge Poyfair's opinion was being appealed to the Washington Court of Appeals.*

The RCTF made recommendations that substantially expanded the boundaries of the designated Rural Centers (Amboy, Brush Prairie, Chelatchie Prairie, Hockinson, MeadowGlade—Farghar Lake was added later). For example, in the 2004 plan, Amboy had 400 acres in land use, Brush Prairie had 327 acres, Chelatchie Prairie had 523, Dollars Corners had 329 acres, Hockinson had 264 acres and MeadowGlade had 1308 acres. The county ultimately adopted the Rural Centers majority report asserting that the designation of the rural centers represented the use of innovative techniques within the rural element to create a variety of densities without diminishing the rural character. Thus, these rural centers acted in the way projected by GMA, to have some higher densities concentrically moving to the edge of the less dense five acre rural element and, if abutting to resource lands, permitting a buffer to those lands.

The task force started in December 1997 and ended in March 1998. The Task Force issued a majority report, a minority report and an alternative report. The Planning Commission recommended adoption of the minority report but the Board adopted the majority report (which had a 75% consensus). As to the remand on the agri-forest zone, the public participation process was robust:

The BOCC began its work regarding the 35,000 acres by appointing a 13-member task force composed of a variety of stakeholders with interest in this issue. The public participation process involved 17 different task force meetings at which public comment was solicited and received, four separate open house meetings resulting in written comment, two separate direct mailings to all property owners within the 35,000 acres, newsletters, press releases, ads and use of the County website. After the task force issued its final report to the planning commission (PC), the PC held a public hearing and issued a recommendation to the BOCC. The BOCC then held two public hearings on May 19, 1998, and May 28, 1998, and held four separate deliberative open meeting sessions. The public participation in this record was shown to be not only "early and continuous" but also extensive. The County should be justifiably proud of the manner in which it conducted this public participation process.

See WWGMHB #95-2-0067 Compliance Order (May 1999)⁶

The WWGMHB found that the county was compliant with its designation of all but 3,500 of the 35,000 acres it designated on Remand. NO party took exception to, or appealed, that 1999 Compliance Order on Poyfair's Remand. Therefore, the

⁶ <http://www.gmhb.wa.gov/LoadDocument.aspx?did=871>

actions taken by the County are deemed valid. The Poyfair Remand formally ended in 2006 when the WWGMHB sent out notice to all parties requesting objections to the whether or not the County had complied with Judge Poyfair's remand. No party replied and the WWGMHB held that "Based upon the foregoing, COMPLIANCE on the remaining issues in this case is found and the case is CLOSED" (upper case in original).⁷

The RCTF spent hundreds of hours reviewing the various rural centers in the county, setting boundaries for those centers and focusing on concentrically increasing lot sizes from the "hub" of the rural centers out to their defined boundaries. The entire purpose was to allow a variety of densities as a part of the rural element. None of those decisions has ever been challenged. By 1999, the second comprehensive plan effort was launched. The state Office of Financial Management (OFM) projected a 20-year Clark County population increase to between 453,280 and 571,061 people. As adopted, the county's 2004 plan assumed an annual growth rate of 1.69 percent, resulting in a projected mid-range population forecast of 517,741 (according to the current US census, Clark County's 2014 population is 451,008 which is lower than the low end of the 1997 projection). Urban growth areas were expanded by 6,124 acres, or 9.57 square miles.

Fourteen appeals challenging the 2004 plan were filed with the hearings board. The appeals focused, in part, on a last-minute reduction in the assumed growth rate, moving it from 1.83 percent to 1.69 percent. There was no challenge to the rural element by the parties to the matter in front of the WWGMHB. The hearings board upheld the county's plan on the issues raised. The court noted that:

In 2005, a new Board found the growth rate assumed in the 2004 plan was unrealistically low based on historic trends, and agreed to reopen the plan. Relying on county assurances for an increased local process, the city of Battle Ground and development petitioners withdrew their appeals. On Nov. 23, 2005, the hearings board issued its amended Final Decision and Order in the case of *Building Association of Clark County v. Clark County*, WWGMHG No. 04-2-0038c. The decision upheld the 2004 plan.

In the final findings of fact, the WWGMHB found the following:

"The County's development regulations to conserve agricultural lands and prevent interference from incompatible uses are unchallenged and therefore deemed compliant... A property owner who wishes to change the designation of commercially significant agricultural land that also has an Urban Reserve or Industrial Urban Reserve overlay, must still meet the criteria for designation and zoning map changes outlined in CCC 40.50.010. Any

⁷ <http://www.gmhb.wa.gov/LoadDocument.aspx?did=263>

owner of commercially significant agricultural land would be obliged to do the same.... The limitations in county code at CCC. 40.50.010 deter the conversion of adjacent lands designated agricultural lands within the current twenty-year planning horizon” Decision at 48-49.

In June 2005, the Board of County Commissioners launched a two-year update process that culminated in adoption of a 2007 Comprehensive Plan amendment. The plan assumed a 2.2 percent growth rate for the first six years and a 2.0 percent growth rate for the remainder of the 20-year plan. Those assumptions resulted in a population forecast of 584,310, and urban growth areas were expanded by 12,023 acres.

The 2007 plan was appealed. The appellants were, in order, Karpinski, Clark County Natural Resources Council, and Futurewise, They were arguing that the county had erroneously moved 4,351 acres from agricultural designation to a non-resource designation, and included those lands within urban growth areas. As a result of the appeals process, the rezoning of about 1,500 acres was ruled invalid (1/3), and those lands were removed from urban growth areas and again designated as agricultural lands. All 1,500 acres had been zoned for employment lands. After approximately 7 years of litigation, the final order on compliance was issued by the WWGMHB on September 4, 2014.

Rural and Resource Land Element of CP

The Washington Supreme Court has emphasized that any county’s actions, although entitled to some deference, are constricted by the goals and requirements of the GMA. *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wash. 2d 543, 561, 14 P.3d 133, 142 (2000)(“Local governments have broad discretion in developing [comprehensive plans] and [development regulations] tailored to local circumstances.” *Diehl*, 94 Wash.App. at 651, 972 P.2d 543. Local discretion is bounded, however, by the goals and requirements of the GMA).

The statute provides for specific planning goals that are applicable to the allocation of population to the rural and resource land zones:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

RCW 36.70A.020

In 1997, the Washington State Legislature amended the Growth Management Act in Senate Bill 6094. One aspect of the amendments concerned the Rural Element. Under §7(5), the purpose of the Rural Element is to limit areas of "more intensive rural development" as follows:

1. Rural development may consist of infill, development or re-development of "existing commercial, industrial, residential or mixed use areas;

2. Limited small scale recreation and/or tourist uses "principally designed to serve the existing and projected rural population" which may be served by public services which "shall be limited to those necessary to serve the recreation or tourist" and shall not be allowed to expand "low density sprawl";

3. Limited **intensification** of development of non-residential uses and business, which, although not designed to serve the existing and projected rural populations, do provide job opportunities for rural residents;

4. A county shall adopt measures to minimize and contain the existing areas for intensive rural development as appropriate.

Therefore:

A. Lands should not extend beyond the logical outer boundary of the existing area or use and thereby allow a new pattern of low-density sprawl.

B. Existing areas should be clearly identifiable and contained within a logical boundary delineated predominately by the built environment.

C. The county shall establish the logical outer boundary of an area of more intensive rural development considering the following factors:

i. The need to preserve the character of existing natural neighborhoods and communities;

ii. Physical boundaries such as bodies of water, streets and highways and land forms and contours;

iii. Prevention of abnormally irregular boundaries; and

iv. The ability to provide public facilities and public services in a manner that *does not permit low density sprawl*.

The continuing purpose of the "Rural Element" factor in the Growth Management Act is to:

1. Preserve open space, the natural landscape and vegetation over the built environment;

2. Foster traditional rural lifestyles and rural-based economies;

3. Provide visual landscapes traditionally found in rural areas;

4. Only encourage land uses, which are compatible with the use of the land by wildlife and for fish and wild habitat;

5. Land uses which reduce the inappropriate conversion of undeveloped land into sprawling low-density development;

6. Land uses should not require the extension of urban governmental services; and
7. Land uses which are consistent with protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Importantly, Rural character in the GMA has a visual element. Rural character is defined as patterns of land use where natural landscapes and vegetation predominate over the built environment and where traditional visual landscapes are provided. RCW 36.70A.030(15)(a) and (c). The rural element of a county plan must contain measures governing development that “assure visual compatibility” with surrounding rural areas. RCW 36.70A.070(5)(c)(ii). The visual element goes to densities as the increase in the number of residences, and the attendant development to those residences, affects the visual character of the rural area.

CURRENT PROCESS

Alternative # 4 constitutes site-specific, spot zoning created by circumventing the usual and customary public participation process system to satisfy the demands of a limited single interest non-diverse group of citizens with a specific and limited agenda. The Alternative was created with complete disregard of the County’s planning process and without any input from the Department charged with updating the County’s Comprehensive Plan. The site-specific zoning changes ignore, and violate, the statutorily mandated criteria for designating rural and resource lands. It fails to follow the mandates of the Washington Supreme Court and ignores years of development of the County’s own Comprehensive Plan and development regulations. It does not represent an “update” but rather is a tidal change by removing any Growth Management Act policies, processes and criteria for determining zoning for the rural and resource lands of the County.

There are those within the single interest group that has dominated the development of the Alternative #4 that are making inaccurate statements regarding the *Poyfair* opinion and the history of Growth Management in this County. It is important to note the individuals who identified themselves with the rural area to Councilor Madore, and specifically identify themselves with CCCU, were prominent figures on all of the task forces appointed by the County. Not only were they active participants but also they succeeded over many objections to obtaining higher densities than had originally been proposed along with development regulations that allowed for increased uses and the development and implementation of the Rural Centers. The few individuals in this single interest group may claim that they are still waiting for the County to comply with the original Remand but, as set forth in detail above, Judge Poyfair’s order was fully complied with over 15 years ago, confirmed, and the case finally closed in 2006. The agri-forest designation was eliminated and the rural centers were returned to the plan were authorized.

Alternative #4 violates the edicts of the GMA and the County's own resolutions that have been enacted as part of this process in the following ways:

1. The development, and consideration of, this alternative violates the Public Participation element of the GMA and violates the County's adopted Public Participation resolution that the county passed in January 2014 (2014-01-10) and therefore should not be considered and should not be considered as an alternative in the SEPA process that had been ongoing until halted in January of this year.

2. The development of Alternative #4 violates the county's own resolution (2014-06-17) in that it considers changes to the Comprehensive Plan that violate the county's adoption of the OFM number, the 90/10 split on allocation of population between the Urban Growth Areas and the rural and resource land areas;

3. The development of Alternative #4 violates the County's policies on the rural area, fails to protect rural and resource lands and fails to protect the rural character as defined by state statute;

4. The inclusion of Alternative #4 should be excluded from the SEPA process as it violates the Board's Principle and Value to minimize the conversion of farmland in the rural area; and

5. Alternative #4 does not represent the actual "legal buildable" lots on the site specific zoning changes proposed in the Alternative.

Public Participation Element Violated

The first issue is whether the development of Alternative #4 meets the "public participation" component of the Growth Management Act. The answer is no, it does not meet either the letter or the spirit of that provision.

RCW 36.70A.130(2)(a) provides:

Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year

RCW 36.70A.140 provides:

Each county and city that is required or chooses to plan

under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

In this case, the county adopted a public process model in Resolution #2014-01-10 and adopted the Clark County Public Participation Plan and Preliminary Scoping Schedule (Public Participation Plan or PPP). The PPP first recognized the purpose of GMA is to ensure “*early* and continuous public participation” and requires that “local programs clearly identify schedules and procedures for public participation in the periodic update process” with a goal to “ensure broad participation by identifying key interest groups, soliciting input from the public and “*insuring that no single group or interest dominates the process*” (emphasis supplied).

The document also states that the county will coordinate with the cities on countywide planning issues and “will coordinate meetings to discuss issues and seek consensus with each municipality before taking final action”.

In this case, Councilor Madore specifically excluded Planning Staff, including the planning director Oliver Orjiako and Gordy Euler, from participating in the development of the plan. Rather, according to e-mails discovered through a PRA request, the alternative was initially being developed between a few individuals who identify with one single issue special interest group and Peter Silliman (who has no background in planning of which I am aware and who did not work with any member of the planning department). Those e-mails show that Councilor Madore was being sent e-mails regarding this process to both his business (US digital) and county e-mail address but none of them appear to have been forwarded to staff, much less made known to staff.

This clandestine and exclusive method of developing a proposal that has widespread impact on every citizen of this county is exactly what the GMA is designed to prevent. There is no explanation for this action except that Councilor Madore deliberately excluded any individual from staff or the public that might have provided a different perspective than his own. This is purely and simply a result oriented Alternative completely void of complete, open and transparent public process. Therefore, what now appears to be Councilor Madore's preferred alternative for the SEPA process violates both the statutory provisions of the GMA and flies in the face of the County's own resolution passed in January 2014 (2014-01-10).

The lack of public process in the development of Alternative #4 pales in comparison with how the county has traditionally developed Comprehensive Plan Amendments (see history of public participation above). For example, in the 2004 review process, the county the County appointed a steering committee of elected officials from all Clark County cities and a technical advisory committee that included the planning staff of the local jurisdictions and the staff from special districts to develop the assumptions that Clark County would use to size its UGAs. These committees met regularly from 2000-2004 to examine data and make recommendations to the County Commissioners on various aspects of the comprehensive plan including assumptions on which to base the size of the urban growth areas (UGAs). The minutes of the Steering Committee show that a wide range of opinion and analysis based on studies done by diverse groups was gathered and evaluated.

GMA and the county's own resolution require "*early*" participation by the public. As can be seen by the vetting of the other three Alternatives, they went through a much greater public process including but not limited to the following:

- a) Vetted at Open Houses in August;
- b) A City/County coordination meeting in September;
- c) A scoping hearing before PC;
- d) A second Councilor WS;
- e) A second City County coordination meeting;
- f) Review of Alternatives by PC in October;
- g) BOCC WS on three alternatives on 10/22;
- h) OH on 10/29-10/30;

- i) Planning commission meeting on alternatives; and
- j) A third City county coordination meeting.

Even before the August Open houses, all members of the public were able to meet with staff and view the alternatives in their development stages. Plus the county had issued a number of policy issue papers.

NONE of that was followed in the behind the scenes development of Alternative #4. Moreover, this Alternative has no analysis by staff so that at the 2 open houses where it was touted, staff could not answer the questions of the public because staff had no had in the development of the alternative.

Therefore, Alternative #4 cannot be submitted for the SEPA process because it has not even gone through the required public process as set forth in GMA and the county's own resolutions.

Alternative #4 Violates The County's Own Resolution (2014-06-17) In That It Considers Changes To The Comprehensive Plan That Violate The County's Adoption Of The OFM Number, The 90/10 Split On Allocation Of Population Between The Urban Growth Areas And The Rural And Resource Land Areas

Resolutions promulgated by this Board adopt two important numbers regarding population totals and allocations (2014-01-9 and 2014-06-17). At bottom, the County resolutions adopted a population figure of 562,000 people with 90% of the increases to occur within the current UGAs and 10% to non-urban. Alternative #4 would violate the Board's own resolutions and Principles and values determinations by increasing the number of lots to over 17,0000 (almost 8000 more than under two of the three alternatives), which would have the impact of increasing the total population at a minimum of 21,280 in the county forecast, all of which to occur in the rural area. Even assuming that the county could not increase its OFM number, in order to keep the 90/10 split, the County would have to select a population increase for the entire county of 191,000 people which dwarfs the high OFM number. Such an increase in the rural area is not only unsustainable but it is in violation of two of the County's resolutions and disregards GMA standards for planning.

Moreover, the county is on a deadline, ***and a schedule imposed by this Board and the mandates of GMA***. Even assuming that the County was to change its numbers, it would have to do so by starting the entire process over including notices of hearings. Engaging in that reckless conduct would no doubt result in this County being out of compliance with the GMA as it would not be able to make the June 2016 deadline.

In addition, adding this document to the SEPA process now increases the cost of the SEPA process by 50%. According to staff, the original allocation for consultants on the SEPA process was \$100,000. By adding this ONE ill conceived alternative to the process at this date is going to cost the County another approximately \$50,000 all to satisfy the site specific zoning requests of a single, special interest group of individuals whose primary goal is to eliminate GMA planning.

Such reckless disregard for the ordinances already passed, as well as the ongoing planning process to date, not to mention the additional costs, and justify the council rejecting this Alternative #4 as being part of this year's Comprehensive Plan update.

**The Development Of Alternative #4 Violates The County's Policies⁸
On The Rural Area, Fails To Protect Rural And Resource Lands And
Fails To Protect The Rural Character As Defined By State Statute**

⁸ No single attribute describes the rural landscape. Instead combinations of characteristics that are found in rural settings impart the sense of what we commonly describe as rural. These factors are cumulative in nature and the more of these factors that are present influence feelings of whether a particular area is rural. In many cases these characteristics are subjective and frequently not all of them are found in each area. When describing rural conditions the public will often describe these areas in terms of a certain lifestyle. The factors listed below are those that usually describe "rural character."

- The presence of large lots;
- Limited public services present (water, sewer, police, fire, roads, etc.);
- Different expectations of levels of services provided;
- Small scale resource activity;
- Undeveloped nature of the landscape;
- Wildlife and natural conditions predominate; • closer relationship between nature and residents;
- Personal open space;
- A sense of separation from intense human activity;
- A sense of self-sufficiency; and • rural commercial supporting rural area population.

Planning for rural lands in Clark County is important for the following reasons:

- To maintain a rural character;
- To recognize their location at the urban fringe, where they are susceptible to sprawl development which can overwhelm the existing character, infrastructure and way of life;
- To serve as transition areas between urban and resource uses because urban and resource uses are dependent on each other, but are not always compatible;
- To provide services and goods that support resource activities;
- To supply nearby urban residents with locally harvested resource products which are fresh and often less costly;
- To allow the efficient provision of public facilities and services by clearly delineating between urban and rural uses so that growth is directed to more compact urban centers;
- To add an important dimension to the quality of life through the existence of rural lands, open space and natural or critical areas;
- To provide for the planned future expansion of urban uses, if necessary or needed, in the rural lands that border designated urban areas; and,
- To protect and enhance streams and riparian habitat necessary for sustaining healthy populations of salmonids.

I have set forth the broad requirements of GMA above. Recently, several Washington Supreme Court cases have re-emphasized that Counties cannot simply ignore the mandates of the act in setting zoning regulations in the rural areas. The Washington Supreme Court has been clear that the rural element must contain protective measures for rural areas to prevent site-specific rezones that circumvent the GMA. *Kittitas County v. EWGMHB*, 172 Wash.2d 144 (2011). The *Kittitas* case the County setting a 3-acre minimum zone complied with GMA. In rejecting the overall rural 3-acre minimum lot size, the Supreme Court held after lengthy analysis stated:

We hold that the Board properly interpreted and applied the law in finding that the County has failed to comply with the GMA's requirements to develop a written record explaining its rural element, include provisions in the Plan that protect rural areas, provide for a variety of rural densities in the Plan, protect agricultural land, and protect water resources.

Kittitas Cnty. v. E. Washington Growth Mgmt. Hearings Bd., 172 Wash. 2d 144, 181, 256 P.3d 1193, 1211 (2011)

Alternative #4 suffers from many of the same infirmities that caused the Washington Supreme Court to reject the County's plan, including its 3-acre minimum densities. Below are some of the descriptions that apply to what should be considered in addressing whether an action does, or does not, protect rural character and resource lands. Nothing in the record developed by Councilor Madore in his backroom work with GIS suggests any broad based public input as to any site-specific zone change much less how each and every one of his changes will enhance the rural character, much less protect resource lands. On the other end of the spectrum, Kitsap County's CP on the rural element a maximum density of one dwelling unit for five acres.⁹

The Rural and Natural Resource Element is an integral part of the county's 20-Year Plan. This element concentrates on how future land use needs within rural and resource lands will be met, and the methodology used to designate resource lands. This element emphasizes how rural and resource lands should be used in the future, supporting the ongoing and future resource activities (farming, forestry and mineral extraction) and encouraging such activities on a smaller scale in the rural non-resource lands. Together, this element in concert with the rest of the 20-Year Plan supports the long-range vision for Clark County.

⁹ "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan.....That provide visual landscapes that are traditionally found in rural areas and communities"

i. Kitsap County has a maximum density in the rural area of one dwelling unit per five acres. This zoning allows for large amounts of undeveloped land and for the protection of critical areas and rural character. Additionally, Kitsap County, through the Parks, Recreation, and Open Space Plan and through goals and policies outlined in Chapter Ten "Parks" of the Comprehensive Plan, has a mission to

This abject failure to vet this Alternative with the public, and to insert it at this late stage of the proceedings where the County is already deep into the SEPA process that started last summer (see the County's Timeline for scope of work adopted as part of its resolution 2014-01-10), is unfair to the majority of the citizens in this County.

Thus, Alternative #4 fails to comply with the rural element requirement of GMA and the current policies and elements of the Comprehensive Plan. Although anecdotal local circumstances can be considered in determining that changes to the minimum 5 acre lot sizes (and here Alternative 4 allows for substantially higher densities of 1 and 2.5 acre parcels), the Alternative totally fails to provide any details as to how the densities were arrived at (other than by a false claim that they accurately reflect what is "on the ground" a claim that cannot be verified by staff or legal counsel—see discussion below) existing.

Alternative #4 Does Not Represent The Actual "Legal Buildable" Lots On The Site Specific Zoning Changes Proposed In The Alternative.

Given the history of lot segregations in this county, there are many parcels that have been segregated that are not legal, buildable lots. At this juncture, if one assumes that Councilor Madore's map is accurate, neither he, nor staff, nor legal counsel can state which, if any, of the lots he has designated for zone change are legal, buildable lots. As set forth above, there was a land rush of segregations of lots in the non-urban areas of the county during the development of the original County Plan. It is unknown if any of those lots became legal buildable lots. According to my understanding it could take anywhere from 30 minutes to 30 hours to determine whether any lot identified by Councilor Madore for up zoning would meet what he states are the reality of what is on the ground.

More importantly, it is unclear if this broad ranging Alternative that has tentacles that stretch into the majority, if not all, of the current comprehensive plan policies and development code regulations can legally be considered in the SEPA process as an SEIS.

Since there is no analysis, or consensus, as to whether Councilor Madore's theory that his Alternative actually reflects the actual reality on the ground, there is no justification for it.

Conclusion

preserve parks and other visual landscapes for future generations. It was awarded the 2011 Governor's Smart Communities Award for "Year of the Rural".

The law says the following:

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

This planning process is not about a denial of private property rights. This planning process is about maintaining and updating legal valid county wide planning policies in compliance with state law that have been developed over years with the input of thousands of citizens, elected officials and county staff personnel and which keep our county in compliance with the worthy goals of a state wide law.

This is about public participation in a process that has been required by state law and acknowledged by this Board by several different resolutions. This is about honoring those lawful and statutorily mandated obligations. This is about respecting state law and the work that has been done by so many over so long a period of time.

Councilor Madore is simplifies the matter in a way that obfuscates the importance of countywide planning pursuant to the Act when he said the following on his public Facebook page:

“Some say that no citizen should have private property rights, that the “greater good” is served by requiring citizens to live in high density transit oriented inner cities and that rural properties should be left to nature, that government should buy up private property rights to prohibit any further rural development”

Although some “may” say what he states, although I have not heard any citizen ever say “no citizen should have private property rights”, in fact the opposite is true. The protection of private property rights is woven into every GMA policy and statutory provision. No one has the right to do whatever they wish with their property, not even a single select group of like-minded individuals who happen to have Councilor Madore’s ear. Zoning regulations go back to the early 1900s and have been repeatedly and constantly upheld. The constitution has a takings clause. If the actions taken by this

county over the past twenty-five years had constituted a "takings", then those individuals would be compensated.

One of the primary purposes of the Act is to direct new growth into IUGAs or UGAs. The natural consequence of implementing that purpose is that growth will occur at higher densities within well-designated urban growth boundaries. Such planning may result in higher density transit orient inner cities and rural areas are to be more natural. Such a result is consistent with the purpose and mandates of the law. The Legislature has determined by adoption of the GMA that directing growth to urban areas provides for better use of resource lands and more efficient uses of taxpayer dollars. This primary purpose is a statutorily mandated and, even though some may not like it, as our legal representatives, you must implement it.

Sincerely,

A handwritten signature in black ink that reads "David T. McDonald". The signature is written in a cursive style with a large, sweeping initial "D".

David T. McDonald
Ridgefield, Washington
Attorney for Friends of Clark County

Anderson, Colete

From: Orjiako, Oliver
Sent: Monday, April 13, 2015 3:58 PM
To: 'Richard Carson'
Cc: Cnty 2016 Comp Plan
Subject: RE: Comp Plan Question

Hello Rich:

Thanks for following up. In the Alt.4 the three parcels are proposed as FR-10.

Best-Oliver

From: Richard Carson [<mailto:richcarson@q.com>]
Sent: Monday, April 13, 2015 2:58 PM
To: Orjiako, Oliver
Cc: Cnty 2016 Comp Plan
Subject: Re: Comp Plan Question

Just following up. I never got an answer to this question.

----- Original Message -----

From: Richard Carson
To: Orjiako, Oliver
Sent: Thursday, April 02, 2015 2:13 PM
Subject: Comp Plan Question

I wanted to confirm that my property and my neighbors are proposed for Forest-10 (FR-10) in the new Alternative 4 of the comprehensive plan. The parcels are (PIN 206918014, 015, 016).

Anderson, Colete

From: Sue marshall <suemarshall5@hotmail.com>
Sent: Monday, April 13, 2015 4:27 PM
To: Cnty 2016 Comp Plan
Subject: Comments in Support of Option 1
Attachments: April 13, 2015.doc

Please consider the attached comments in support of Alternative Option 1 of the comprehensive plane.

Thank you.

Sue

April 13, 2015

Dear Clark County Council:

My family owns a 20 acre farm in Ridgefield, Washington. I support Comp Plan Option 1. as the option most protective of existing agricultural lands, forest lands and natural resources. Option 1. still provides plenty of opportunity for planned growth as projected there would be an estimated 7,000 new lots according to population projections.

Taking a more conservative approach to expansion of the growth boundary is advisable so that we can avoid the public risk of costly litigation as was the case last time the comp plan was revised. Learn from the past!

By contrast, Option 4. allows significant parcelization across the rural landscape. Creation of many 1 acre lots and the expansion of residential development in the rural community will undermine the future viability of agriculture in Clark County. It will increase conflicts between residents and agricultural operations. It will place a greater demand on our water resources with the drilling of multiple single family wells – not an efficient use of our limited water resources especially as we are facing hotter summers. Lack of water rights for irrigation right now is a limiting factor for agricultural expansion.

Option 4. is a giant step backward in sustainable planning for our future and places a huge burden on taxpayers who will pick up the check for the necessary infrastructure to support all those one acre parcels.

Thank you for your consideration and I urge you to adopt Alternative Option 1.

Sincerely,

Sue Marshall
4316 NW 169th
Ridgefield, WA 98642

Anderson, Colete

From: Alan Greene <algreene86@gmail.com>
Sent: Monday, April 13, 2015 8:02 PM
To: Madore, David; Mielke, Tom; Stewart, Jeanne; Cnty 2016 Comp Plan
Subject: Proposed Zoning Changes 2016 comp plan to our family property
Attachments: Our Letter of 4-10-15.docx; Alternative 4. - Rural - Forest - Options.docx; Our Letter on Comp Plan 11-17-14.docx

Dear Ladies and Gentlemen:

We attempted to send an email earlier that contained the documents that we hand delivered to the secretary of the Clark County Board of Councilors. It failed to send because the map attachments were too large.

Attached are: our letter of 4-10-15, alternative rural forest options, our letter on comp plan 11-7-14.

Please take in to consideration our proposal.

Thank you for your help,

Alan Greene, & The Greene Family.

1 April 10, 2015

2

3 To: david.madore@clark.wa.gov To: tom.mielke@clark.wa.gov

4

5 To: jeanne.stewart@clark.wa.gov To: comp.plan@clark.wa.gov

6

7 From: alliedincatl@gmail.com

8

9 Clark County Board of Councilors
10 David Madore, Tom Mielke, Jeanne Stewart
11 1300 Franklin Street, PO Box 5000
12 Vancouver, WA 98666-5000

13

14 Clark County Community Planning
15 Comprehensive Growth Management Plan Update - Comments
16 P.O. Box 9810
17 Vancouver, WA 98666-9810

18

19 Attention: Oliver Orjiako, Director

20

21 RE: Proposed Zoning Changes for Parcel Nos. 230277-000 and 230282-000 from
22 FR-40 to FR-10.

23

24 Dear Ladies and Gentlemen:

25

26 We agree with the proposed changes in Alternative 4 except as applies to our family
27 parcels Nos. 230277-000 and 230282-000 situated in Section 5, T4NR3EWM.

28

29 We respectfully request that the Alternative 4 data and the Alternative 4 map please be
30 modified to include Parcel Nos. 230277-000 and 230282-000 as zoned FR-10, NOT
31 FR-20.

32

33 Reference is made to our e-mail and mailed letter dated 11/17/2014, subject as above,
34 addressed to and received by Clark County Community Planning on 11/18/2014.

35

36 Reference is also made to separate discussions in 2014, subject as above, between
37 Stan Greene and Clark County Board of County Councilors David Madore and Tom
38 Mielke, and Gordy Euler of Community Planning.

39

40 This letter is the written confirmation of the separate discussions held on April 1, 2015 at
41 Hockinson High School between Stan Greene, subject as above, and Clark County
42 Board of County Councilor David Madore, and also discussions with Oliver Orjiako, and
43 Gordy Euler of Community Planning.

44

45 Our parcels Nos. 230277-000 and 230282-000 are situated near Yacolt Mt. Please see
46 the attached maps enlarged from the Clark County Alternative 4 maps. Prior to the
47 Growth Management Act in 1994 our parcels were zoned R-5 and the parcels owned by
48 our neighbors to the North were zoned R-20. Alternative 4 proposes that the parcels
49 owned by our neighbors to the North become zoned FR-10. We believe an omission
50 occurred when our parcels were not also proposed in Alternative 4 for FR-10 zoning.

51

52 The adjacent parcels on the South border of our property are the parcels of our
53 neighbors which are “predominant lot sizes” of 1.5 acre and 5 acre parcels with homes.
54 There are more than 12 homes on property adjacent to or near our property. These
55 parcels are proposed in Alternative 4 to become zoned FR-10. Our property and the
56 property of our South and East neighbors border on and have direct access to a public
57 road, Yacolt Mt. Road. The homes on these “adjacent properties” are visible from our
58 property and from Yacolt Mt. Road and show the “actual rural character” of this local
59 area. (Quotes are from Alternative 4 with bold face and underline added.)

60 To the West and North of our property are 20 acre and larger acreage parcels of our
61 neighbors which are proposed under Alternative 4 to become zoned FR-10. The area to
62 the West and North of our property has few parcels, approximately 4 parcels we
63 believe, which are 5 acre parcels. Several of the parcels do not border on any public
64 road.

65
66 Why is our property which adjoins many small parcels with homes situated thereupon
67 not proposed in Alternative 4 to be zoned FR-10 yet the areas to the West and North of
68 our property which is forest or timberland that contains few small parcels is proposed in
69 Alternative 4 to become FR-10?

70
71 Alternative 4 reads in part:

72
73 “□ **Forest zones:** Include 20 and 10 acre minimum lot size areas where appropriate
74 **(considering** the existing rural nature and **predominant lot sizes)**”

75
76 “Guiding Principles and Goals:”

77
78 “2. **Correct fundamental discrepancies between the actual predominant lot sizes**
79 **and the existing zoning map.**”

80
81 “3. Respect the actual rural character in each local area to provide better compatibility
82 and **consistency with adjacent properties.**” (Bold face and underline added
83 above.)

84
85 We have waited for more than 20 years to be able to hope for some reduction of the
86 restrictions placed upon our land by the Growth Management Act. There are 5 brothers
87 and sisters in Alan’s generation in our family. Each of us should be allowed to build a
88 home for each of us on the family property and manage each of our properties as one
89 tree farm to grow and produce commercial timber. We believe it would to be an
90 alienation of our property rights if Clark County attempts to prohibit us from building

91 homes for ourselves, for our sons and daughters, and for our siblings on the property
92 which has been owned by our family for almost 60 years.

93
94 We also believe it would be inconsistent with above described “principles and goals” of
95 Alternative 4 to ignore the actual physical attributes of our neighborhood and of our
96 adjacent properties.

97
98 To attempt to zone our property as FR-20 would ignore the actual physical attributes of
99 our neighborhood.

100
101 To propose to zone as FR-10 the land to the North, which is different from the actual
102 rural character of our property and of the properties adjacent to our South and East
103 could be viewed by us as unequal treatment by Clark County.

104
105 Please, we respectfully request that the Alternative 4 data and the Alternative 4 map be
106 modified to include Parcel Nos. 230277-000 and 230282-000 to be zoned FR-10, NOT
107 FR-20.

108 Thank you.

109
110 Sincerely,

111 Alan Greene
112 Stan Greene
113 P.O. Box 2844
114 Battle Ground, WA 98604

115
116 Enclosures: (4) maps Clark Co. 2016 Comp Plan Update Alternative 4 – Forest Zones
117 (1) page excerpt from Clark Co. Alternative 4: Rural options
118 (2) pgs: copy A. Greene letter to Clark Co. Community Planning, 11/18/14

Alternative 4: Rural options. (Councilor Madore's proposal)

Guiding Principles and Goals:

1. No de-designation of Resource Lands (AG or FR).
2. **Correct fundamental discrepancies between the actual predominant lot sizes and the existing zoning map.**
3. Respect the actual rural character in each local area to provide better compatibility and **consistency with adjacent properties.**
4. Add clustering options to better aggregate parcels and preserve resource land and open space for agricultural, forestry, and non-residential use.
5. Allow a wider range of affordable lot size choices to fill obvious market gaps and provide a better balance.
6. Add flexibility needed to convert fallow land to more manageable economically viable agricultural and forest land.

Options to be analyzed:

- Forest zones:** Include 20 and 10 acre minimum lot size areas where appropriate (**considering** the existing rural nature and **predominant lot sizes**)
- Agriculture zones: Include 5 acre minimum lot size areas where appropriate (considering the existing rural nature and predominant lot sizes)
- Rural zones: Include 1, 2.5, and 5 acre minimum lot size areas where appropriate (considering the already developed lots, the existing rural nature, and predominant lot sizes)
- Clustering Options to aggregate and preserve 70% of R, AG, and FR land into open space for agriculture, forest, or other non-residential uses.

To: comp.plan@clark.wa.gov

From: alliedincatl@gmail.com

November 17, 2014

Community Planning
Comp Plan Comments
P.O. Box 9810
Vancouver, WA 98666

RE: Proposed Zoning Changes for Parcel Nos. 230277000 and 230282000.

Dear Sirs:

We concur and support the written comments submitted by Carol Levanen at the open house meeting on 10/29/14.

It would be an injustice if Clark County were to ignore the established small existing parcels and attempt to zone them as FR-20.

Our parcels Nos. 230277000 and 230282000 are situated south of the first standard parallel north near Yacolt Mt. Prior to the Growth Management Act these parcels were zoned R-5. There are 5 brothers and sisters in my generation in my family. Each of us should be allowed to build a home for each of us on the family tree farm and also grow timber. All of the parcels across Yacolt Mt. Road and immediately south of our tree farm are 5 acre parcels with homes. It is an alienation of my property rights if Clark County attempts to prohibit us from building homes for ourselves on the property which has been owned by our family for almost 60 years. There are more than 12 homes near our property.

We know that Assessor's Parcel Account No. 230282-000, Tax Parcel No. 18 is a legal buildable lot or parcel as it was established as a separate parcel in 1948.

The following is an excerpt of the legal description for Assessor's Parcel Account No. 230282-000, recorded under Auditor's File No. 4866391 D on 6/25/12:

"This parcel is a legal lot. This parcel was created in 1949 when Clark County constructed Yacolt Mtn. Road, (re: Right of Way Deed, September 1, 1948, recorded under Auditor's File No. G08949, Book 448, Page 580) formerly known as Kelly Hill Road, said road construction in 1949 caused this parcel to be physically separated from the major portion of the SW 1/4 of the NE 1/4 of Section 5, T4 North, R3 East, WM. Subsequently, for this parcel, Assessor's Parcel Account No. 230282-000, Statutory Warranty Deed was recorded under Auditor's File No. G620280, image No. 849748, on December 4, 1972, and is that portion of the NW 1/4 of the SW 1/4 of the NE 1/4 of Section 5, T4 North, R3 East, Willamette Meridian, described as follows:

The distance measurements describing the legal dimensions of this parcel are according to the bearings taken, distance measurements made, and property line stakes set by the L. L. Knight survey of 1947. Along the parcel property lines established and marked by the L. L. Knight survey, the West property line fence was constructed in 1948 and the East and South property line fences were constructed in 1949. Thus the property lines of this parcel were established by survey and have been marked with property line fences since 1948 – 1949.” (for further legal description refer to deed).

It is requested that the above described parcels be zoned for 5 or 6 acre family home sites which allow for growing timber.

Please add us to your mailing and update list at the above E-mail address and the below mailing address.

Sincerely,

Alan Greene
P.O. Box 2844
Battle Ground, WA 98604

Anderson, Colete

From: NoReply@Clark.Wa.Gov
Sent: Monday, April 13, 2015 9:49 PM
To: Cnty 2016 Comp Plan
Subject: 2016 Comp Plan comments submitted

Following comments were submitted online:

Parcel No: 256720000

Subject: Smaller than AG-20 zoning

Comments:

When we bought our 50 acre farm in 1992 we had the ability to partition it into 5 acre parcels. Part of the appeal of the farm was that we could have our children stay in the area and build a home if they so desired. Also there was an emergency plan built into the property in a time of financial distress such as in 2008. These two points were carefully thought out at the time of our purchase. When the Growth Management Plan of 1994 came into being we tried to divide our land like so many in Clark County. The cost would have been about \$15,000, but there was no guarantee it would be processed because of the uncertainty of a moratorium by the county. That was a lot of money to gamble with, so we did not get it divided.

Basically we lost a large value in our property. In 2009 we had the economic distress as did everyone else. We were forced to sell part of the farm to maintain the rest. But because of the 1994 plan the smallest we could sell was 20 acres, and at about the same price as a 5 acre lot would have sold for. We now have 30 acres, but can do nothing with it, except have a small tree farm. Alternative 4 would at least bring our AG-20 lot closer to what it was when we purchased it. We are surrounded by mostly 5 acre lots both rural and agriculture. Agriculture on 30 acres is very difficult. (We had a neighbor call us to stop running a tractor in the field one night before a rain storm. We were in the middle of the field and it was too noisy for them. That was when we still had 50 acres.) Please consider Alternative 4 to bring our area back into conformity and possibly back to its original zoning.

Submitted by:
Steve & Denice Wisniewski

Email: rctf@tds.net

Address:
38209 NE 41st Ave
Ia Center, WA

Anderson, Colete

From: Heather Tischbein <htischbein@wa-net.com>
Sent: Monday, April 13, 2015 11:59 PM
To: Orjiako, Oliver; Cnty 2016 Comp Plan
Subject: resubmit testimony
Attachments: GMA_ALT4_FINAL_4_14_2015.doc

I am resubmitting testimony for tomorrow. The previous email attachment was a draft version, not my final version.

I apologize for the inconvenience.

April 14, 2015

Clark County Councilors
P.O. Box 9810
Vancouver, WA 98666-9810

Oliver Orjiako
Director, Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810

Dear Clark County Councilors and Dr. Orjiako:

I am submitting this testimony for the record in objection to the inclusion of Alternative 4 for consideration and analysis in the SEPA Supplemental Environmental Impact Statement on the grounds that

- It conflicts with the intent of the Growth Management Act by knowingly creating conditions that support suburban sprawl and diminish the size and productivity of agricultural lands; that set the stage for infrastructure failures, negative environmental impacts on air and water quality and wildlife protection; and that risk the depletion of ground and surface water supplies.
- It creates real financial risk to taxpayers in terms of wasted planning staff time; likely increases in property taxes to all property owners to cover infrastructure development, required environmental mitigations, and increases in property tax valuations; and costs to defend against likely lawsuits re non-compliance with GMA rules and regulations.
- It was developed contrary to customary and normal planning and public participation processes which violates the spirit, and possibly the fact, of the appearance of fairness doctrine as it is applied in Washington state.

Specifically in regards to the potential violation of the appearance of fairness doctrine: I understand that Councilor Madore may not be in technical violation of the appearance of fairness doctrine, but his actions are contrary to everything county government states they are doing to be more transparent. It is my understanding the Councilor Madore has had a major role in drafting and revising Alternative 4 in response to requests from Clark County Citizens United (CCCU) a single, special interest group claiming to speak for rural landowners seeking redress from what they feel to have been a taking of their property rights by the GMA. It is also my understanding that Councilor Madore directed Peter Silliman, who is not a member of the Community Planning Department, nor a planner at all, to help these few individuals craft a plan to completely restructure rural and resource land zoning. I also understand that Councilor Madore, without consulting planning staff, circumvented the normal and customary practice for developing comprehensive plan information by having GIS staff work directly with him on Alternative 4. This action appears to have been a deliberate exclusion of the county's professional planning staff and a direct contravention of the procedure used to vet the other Alternatives, all of which is, in effect, a willful circumventing of the public process used to vet Alternatives 1-3

I recently reviewed 123 pages of emails, released through an FOIA request for all emails between the dates of 10/01/2014 and 2/18/2015 of David Madore, Tom Mielke, Jeanne Stewart, Oliver Orjiako and Peter Silliman with the keywords: Carol Levanen; Susan Rasmussen; Growth Management Act; Rural Alternative; Alternative #4; and Clark County Citizens United.

By my count there are approximately 60 emails in this FOIA request that document the breadth and depth of input CCCU has had in the drafting of Alternative 4, to the exclusion of all other members of the public. There were no emails to or from any other groups or individuals, much less the planning staff, despite the expansive nature of the keywords "Growth Management Act; Rural Alternative; and Alternative #4." In addition to the extent of email input from CCCU into the drafting of Alternative 4, in what was a most unusual circumstance, there was an individual who identified as being an officer of CCCU actually seated at the table with county councilors and representatives of the cities during the board work session on March 11, 2015. I am told that this, too, is neither usual nor customary procedure.

These reasons are the basis of my concern that the development of Alternative 4 appears to violate both the Public Participation element of the GMA and the County's own public participation resolution. In my opinion, choosing to include Alternative 4 in the EIS analysis is a failure of the council's fiduciary responsibility to taxpayers and a failure of the council's ethical duty to serve a diverse public with fairness and impartiality. I therefore request that Alternative not be considered as an alternative for analysis in the SEPA process.

Finally, given Councilor Madore's often stated concerns about integrity and transparency, and his statements that other Boards and political bodies not hide behind attorney-client privilege, I am also requesting that the council waive all exceptions to the production of documents under the public records act, including the waiver of its attorney-client privilege, and release to the public into this record all documents pertaining to advice they have received from counsel and all of the legal counsel public records to planning staff. I make this request so that we, the public, have full and transparent information regarding the county councilors' understanding of what laws, rules and regulations they may be choosing to ignore in going forward with including Alternative 4 in the EIS review. As a demonstration of his commitment to transparency I ask Councilor Madore to lead the council in waiving all privileges and to produce all documents between legal and planning staff and the councilors, and between legal and the county manager regarding this Comprehensive Plan update.

Sincerely,

Heather Tischbein
1119 NW 131st Way, Apt. A
Vancouver, WA 98685

