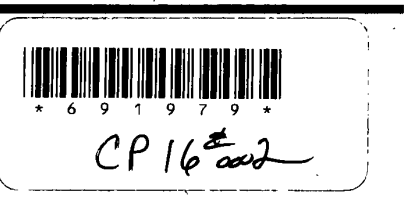
McCall, Marilee



From: franzel5394@comcast.net
Posted At: Thursday, February 28, 2013 8:47 AM
Conversation: Rural Study Group
Posted To: Inbox

Subject: Rural Study Group

To Director Oliver Orjiako,

Dear Sir,
Attached are some emails I exchanged with Mr. Gordy Euler. Since you have been involved in some of the processes I refer to, I thought the content of these messages, which contain my overall reaction to the planning process, might be something you might wish to know about. Please feel free to circulate my message as you see fit. I would especially like it to be read by as many people connected to the Rural Lands Task Group as possible. It would be too much, perhaps, to expect to get any of the County Commissioners to read it, as well, but one can always hope.

sincerely yours
Tom Franzel

From: franzel5394@comcast.net
Sent: Wednesday, February 27, 2013 9:20 AM
To: Euler, Gordon
Subject: Re: TRANSFER OF DEVELOPMENT RIGHTS

Gordy:
My apologies for not being clearer in my earlier two emails to you about where I'm coming from and the viewpoint I wish to get across while this "Rural Lands Study" process is still going on. Please allow me to try again.
Circa 1978, perhaps when you were still in college and perhaps living elsewhere in the county, I made the mistake of joining another of the Planning Department's many, "conversation[s] with the community" as you so gently put it. The offshoot was that my family decided to leave a 23 acre parcel of land, purchased to fund our retirement, and located about 2 miles from the LaCenter High School and Post office, undivided. We were taken in by the Planning Departments appeal to people not to divide their property into 5 acre "weed patches," as they put it, and to rely upon their public spirited plan to allow clustering on all rural lands, regardless of whether they had tentatively been designated AG, Forest, or Ag Forest. Every landowner was to be treated alike, all for one and one for all. These designations went into effect after a County wide public vote. Naturally, no good deed goes unpunished.
So at present, we are still the owners of record (we have a contract buyer who has been struggling mightily) of a down-zoned 23 acre parcel, still 2 miles from the high school and post office and surrounded by McMansions on 5 acre grandfathered lots. PUD forced us to buy two water hookups because we have 700 ft. of frontage on Landerholm Road. We had to buy in because we cannot locate any well-water on our property. We had wasted thousands of dollars on brackish or nil water as deep as 210 feet. We could not sell our land without a source of water, although we tried many times. We also appealed for help from the Planning Department,

multiple times, explaining the situation carefully. You say that "zoning was based upon parcel size and on soil study information," thus implying that it was "science based." Pardon me, but this is an extremely annoying statement for us to hear, coming from a Planning official of your stature. First of all, the parcel size was a result of the zoning process, not its cause. And second, to our knowledge, the County never did a survey of ground water resources at all. This certainly would have been a "scientific" necessity for designating a parcel of land "agricultural." Even more depressing is the fact that bulk of the soil on our property happens to be swampy or "hydric," in fact, so much so, that much of it has been classified as "critical habitat" and cannot be drained or farmed (my correspondence with Pat Lee, in his files, goes over this issue in greater depth, if you are interested in the fine details.)

I feel that your department has a moral obligation to argue our case, and those of others in the same boat, thereby helping all of us out. I've made this case many times over many years to various people in your department without making any apparent dent in the problem. Several "Dockets" have been unsuccessful for us. The most recent failed Docket ended with the suggestion by the County Commissioners and the Planning Department to take my case to the "Rural Lands Study Group." When I appeared before them and told them that, the "Group" did not like hearing it. I got the distinct impression that they felt resolving problems like ours was did not fall within their purview; they had neither the authority, nor had it been stated as part of their mission. What are they doing if they are not working on problems like ours?

Re-establishing clustering for land like ours would solve our problem. But the way this issue is being studied seems not to be motivated by the desire to correct an injustice; instead it seems to be weighed only with an eye towards doing "what is good for agriculture," good for "open space," or good for the communities enjoyment and well being. Thus, new clustering may not be enacted for the owners of downzoned 20+ acre parcels, because it may not help with all these community goals. Then, our only option will be to throw money at the problem by paying the ($15,000???) fees for a case by case review, with the "burden of proof," whatever that may be in a totally political, non-scientific process, falling entirely upon us.

For that reason, I absolutely oppose any program of "transfer of development rights." If the Planning Department wishes to stop remaining development on parcels that they feel ought to remain undeveloped, then let them propose more down-zoning, plain and simple. For this will promote awareness of the the skeleton in Clark County's land planning history closet. It will also swell the ranks of those who are fed up with the theft of our land value for public purposes, rather than an orderly and fair process of exercising eminent domain with compensation for those property owners adversely affected. No more "tools" for the Planning Department, and no more "conversations" with the community. For these are soon forgotten as planners retire and are replaced by new ones, who conduct entirely new conversations.

In closing, my dealings with the Planning Department over more than three decades have been like dealing with an individual who has dementia, or at least a bad case of amnesia. If I were in your job, I would be embarrassed to tell a citizen that "I understand (since I was not here) that the zoning was based on parcel size and on soil survey information." I would feel an obligation to maintain some kind of institutional memory within the Planning Department. I'm unable to detect any.

sincerely yours

Tom Franzel

From: Euler, Gordon
Sent: Tuesday, February 26, 2013 1:51 PM
To: franzel5394@comcast.net
Subject: RE: TRANSFER OF DEVELOPMENT RIGHTS

Tom:

Thanks for your inquiry, and my apologies for not responding to your August e-mail. I am not sure I fully understand the concerns you raise below, but let me mention a couple of things that might help.

First, zoning in the rural areas of Clark County was set by the 1994 Comprehensive Growth Management Plan (the first under the GMA), and there is no plan to revisit it. I understand (since I was not here) that the zoning was based on parcel size and on soil survey information. I also have heard that many property owners who had the option pre-1994 to subdivide property lost that option when the 1994 plan went into effect. We know today that a lot of agricultural activity

is taking place on lands that are zoned non-resource (Rural), and that a lot of land zoned for agriculture (AG-20) is not being used for such purposes. Agricultural (and forest) activities are allowed in virtually every zone in the county. Many folks have told us that, even though soils vary widely in the county, most will support some kind of crop.
I'm not sure what you mean by land designation resulting in an unequal development value. Certainly how land is zoned has some effect on its price. The county complied with the Growth Management Act requirement of designating resource lands (for agriculture and forestry) and balanced that by allowing mostly the same types of activities anywhere in rural Clark County.
A transfer of development rights (TDR) program is a market-driven approach to land use. What has to be decided upon before a TDR program is developed is what purpose(s) are to be achieved. This means a larger conversation with the community about the reasons for the program and where development rights would be transferred to. It has been included as a strategy in the comprehensive plan since 1994. I don't know if or when a TDR program will be developed. But it could be a tool in the land-use tool box to achieve agreed-upon community goals.
Hopefully this information is of benefit. We have asked for a work session with the Board to update them on the progress of the Rural Lands Study, and that will likely be sometime in early April. We can notify you if you want to know when it is.
Gordy Euler
Clark County Community Planning

From: franzel5394@comcast.net [mailto:franzel5394@comcast.net]
Sent: Saturday, February 23, 2013 8:14 AM
To: Euler, Gordon
Subject: Fw: TRANSFER OF DEVELOPMENT RIGHTS

Dear Gordy,
I never received an answer from you on my earlier email (see below). Is any provision being considered to grant "development rights," which can be transferred for money to willing developers, to previously downzoned owners of AG 20 parcels? I testified that it was necessary to purchase two PUD hookups in order to get water from the new water main due to having over 700 ft. of road frontage on our parcel, despite having been downzoned to just one building site. Also, that due to hydric soil and no ground water, it is obvious that the "farmland" designation was a careless error of classification which needed to be corrected and that it was unfair to expect the owner to pay approximately $15,000 to the County for a review of the absurd zoning, and that it was unfair to place this "proof" burden on the hapless property owner, who had been told by the Planning Department circa 1978 that whether land was designated AG or Forest, or Ag-Forest would not result in unequal financial treatment (i.e. development value). This principle of policy guidance was also the subject of a positive public vote, rather than the later relatively ad hoc process of small groups of citizens, simply appointed by the County Commissioners. Can you please respond to this email, and notify me of any future opportunities for me to re-state these concerns in upcoming public forums?
thank you
Tom Franzel

From: franzel5394@comcast.net
Sent: Thursday, August 02, 2012 6:13 PM
To: gordon.euler@clark.wa.gov
Subject: TRANSFER OF DEVELOPMENT RIGHTS

Dear Gordy,
I've read through some of the most recent material about the so-called "transfer of development rights" program. As I understand it, or as the study itself recommending it reads, the purpose is to "conserve lands with public benefits such as working lands, farms and forests, ecologically sensitive areas, or open space." My question is this: since this definition also seems perfectly to define the so-called "resource lands" where the development rights there have effectively been transferred to the moon, why don't you guys propose exactly the same procedure in this case. Why downzone some properties properties with these unique benefits to the community at large and and not others? And why not just sell development rights outright, wherever you think they should be placed—again, for the public benefit, of course--so that the the general property tax rates can be reduced through such sales to private developers lucky enough to own such non-special land? Can you please explain the logic to me; I'm having a hard time following it. Is consistency considered a virtue by your department or your hired consultants?

sincerely yours
Tom Franzel
This e-mail and related attachments and any response may be subject to public disclosure under state law.