

**O'Donnell, Mary Beth**

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CP 16 # 0520

**From:** Orjiako, Oliver  
**Sent:** Tuesday, February 17, 2015 8:15 AM  
**To:** Euler, Gordon; Alvarez, Jose; Anderson, Colete; O'Donnell, Mary Beth  
**Cc:** Cook, Christine  
**Subject:** FW: Alternative 4 Decisions on February 18  
**Attachments:** Alt 4 Letter to BOCC 021615.docx

Interesting! FYI

**From:** DONALD MCISAAC [<mailto:donaldmcisaac@msn.com>]  
**Sent:** Monday, February 16, 2015 6:44 PM  
**To:** Madore, David; Mielke, Tom; Stewart, Jeanne  
**Cc:** McCauley, Mark; Orjiako, Oliver; Silliman, Peter; Susan Rasmussen; Carol Levanen; Zachary McIsaac  
**Subject:** Alternative 4 Decisions on February 18

Councilors,

Please see attached letter regarding decisions that might be made on February 18 regarding the addition of a new alternative to the Comprehensive Growth Management Plan update, as noticed to the public.

I regret I will not be able to attend the upcoming BOCC work session, but have been committed to another meeting in Washington DC for nearly a year. We ask that you consider this letter as you work your way through these important considerations Wednesday.

Thank you,  
Don McIsaac

Mr. David Madore  
Mr. Tom Mielky  
Ms. Jeanne Stewart  
Clark County Councilors

February 16, 2015

Re: Adding an Additional Alternative to the SEIS Analysis for the Comprehensive Growth Management Plan Update

Dear Councilors,

First, I would like to thank Chairman Madore for providing rural landowners representation at the table at the last Board of County Councilors (BOCC) work session dealing the Comprehensive Growth Management Plan (CGMP) update, alongside representatives from cities. The CGMP update is an extremely important issue to those of us in rural areas and we appreciate the expression of fairness.

I apologize for not being able to attend the February 18, 2015 BOCC work session due to a long-standing prior commitment out of State. We ask that you consider the recommendations and comments below as you work through the agenda on Wednesday.

1. **We recommend you confirm the intent to move forward with analysis of a new Alternative 4 focusing on rural area changes.** You need a reasonable range of alternatives analyzed so that you can make a fully informed decision in May of 2016. The single alternative to status quo currently being considered for rural areas (Alternative 2) is insufficient, falling far short of establishing a reasonable range. Further, there were procedural and public notice problems with a decision point on October 22, 2014 that the final range of alternatives for rural areas would be constrained to the limited elements in Alternative 2.
2. **We recommend you decide to include at least two features in Alternative 4 at the Wednesday BOCC work session, for purposes of analysis, and allow for additional elements to be added at the March 3 work session.** Currently proposed elements for Alternative 4 are appended to this letter. Additionally, I understand GIS maps may be available for the following two proposed elements.
  - Allowance for a predominant lot size (PLS) exception to minimum lot size<sup>1</sup>.
  - A proposal to re-zone lot sizes less than 10 acres but greater than 5 acres.We recommend you adopt these two features at this meeting and provide until March 3 for further development of the other recommended elements. We understand cities in the county may be allowed until March 3 to propose modifications of Alternative 3. If it is not possible to provide until March 3 to refine rural flexibility options within Alternative 4, then we recommend you adopt all of the elements in the attached Alternative 4 Detailed Description, for purposes of analysis.
3. **We recommend you provide guidance to the staff on analysis focus or emphasis.** As one example, the announcement for the February 18 BOCC work session notes the question of whether proposed elements for a new alternative can be analyzed within the legal boundaries of the SEIS, or whether a new EIS would be required. Any proposed elements that are thought at this time to require a new EIS should be assigned to staff for further possible refinement that would enable them to be analyzed within the current SEIS process, with a report due to the BOCC at the March 3 work session. There may be other analytical points of interest to the BOCC that will inform decisions made on March 3.

Sincerely,



Donald O. McIsaac, Ph. D

Distribution:

Mr. Mark McCauley, County Manager  
 Dr. Oliver Orjiako, Director of Community Planning  
 Mr. Peter Silliman, BOCC Policy Analyst  
 Ms. Susan Rasmussen, President, Clark County Citizens United  
 Ms. Carol Levanen, Executive Director, Clark County Citizens United  
 Rural Landowners Distribution

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<sup>1</sup> There are more than one PLS criteria than could be applied to this element; it is unclear at the time of this letter preparation which criteria description may have been used in producing a GIS map display for the February 18, 2015 BOCC work session.

**ALTERNATIVE 4 ELEMENTS COMPARED TO STATUS QUO AND ALTERNATIVE 2**

<u>Feature</u>	<u>Status Quo</u>	<u>Alternative 2</u>	<u>Proposed Alternative 4</u>	<u>Rationale/Comments</u>
AG Minimum Lot	AG-20	AG-10	AG-5	Flexibility Precedence in other Counties
Forest Tier 2 Designation	FR-40	FR-20	FR-10	Flexibility Precedence in other Counties
Forest Tier 1 Designation	FR-80	FR-80	FR-40	Limited areas N/A to land owned by gov't or corporations
Largest Rural Designation	R-20	R (w/5a min)	R-5	Recognition of rural characteristics, etc
Intermediate Rural Designation	R-10	R (w/5a min)	R-5	Recognition of rural characteristics, etc
Smallest Rural Designation	R-5	R (w/5a min)	R-5	Recognition of rural characteristics, etc
<10 Acre AG & FR Lot Rezone	not included	not included	included	Future flexibility No new lots created
Predominant Lot Size Process	not included	not included	included	Equity with neighbors Several variations of "neighboring area" possible
Cluster Development in AG	not included	not included	included	Flexibility. Precedence in other Counties.
Cluster Development in FR	not included	not included	included	Flexibility Precedence in other Counties
Cluster Development in R	included	unclear	included	Flexibility. Precedence in other Counties
Enhanced REC recognition	not included	not included	included	REC = Rural Economic Centers (but not cities, e.g. Hockinson)
Temporary Provision to Urban Reserve Overlay	not included	not included	included	Flexibility; unlocking growth
Soild Type Updates	not included	not included	included	Scientific updates
Transferable Development Rights	not included	not included	included	Flexibility Creative clustering

## Alternative 4: Rural Growth Initiative

### 020315 Draft Detailed Description

1. Rural and Resource Lands

a. Rural Lands

**Create a "Rural Lands" comp plan designation implemented by R-5 zones. Change Rural implementing zone R-20 to R-5 as shown below, with exceptions for a predominant lot size determination process<sup>1</sup> and cluster development<sup>2</sup>.**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Rural-5	Rural-5 (R-5)	Rural Lands (RL)	Rural-5 (R-5)
Rural-10	Rural-10 (R-10)		Rural-5 (R-5)
Rural-20	Rural-20 (R-20)		Rural-5 (R-5)

b. Resource lands

**Create a "Forest" comp plan designation implemented by Forest-40 and Forest-10. Change FR-80 to FR-40 and FR-40 to FR-10 as shown below, with exceptions for a predominant lot size determination process<sup>1</sup> and cluster development<sup>3</sup>.**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Forest Tier I	Forest Tier I-80 (FR-80)	Forest (FR)	Forest-40 (FR-40)
Forest Tier II	Forest Tier II-40 (FR-40)		Forest-10 (FR-10)

**Change Agriculture implementing zone from AG-20 to AG-5 as shown below, with exceptions for a predominant lot size determination process<sup>1</sup> and cluster development<sup>4</sup>.**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Agriculture (AG)	Agriculture-20 (AG-20)	Agriculture (AG)	Agriculture-5 (AG-5)

c. Surface Mining Overlay

**Implement the SMO comp plan and zoning overlay based on BOCC direction from June 3, 2014 hearing.**

d. Rural Center

**Create a "Rural Center" comp plan designation implemented by RC-0.5, RC-1, RC-MX overlay. Where there are inconsistencies in rural centers such as Meadow Glade, do not change at this time.**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Rural Center Mixed Use (RC-MX) Overlay		Rural Center	Rural Center Mixed Use (RC-MX) Overlay
Rural Center Residential	RC-1 RC-2.5		RC-0.5 RC-1

e. Rural Commercial

**Create one Rural Commercial comp plan designation as show below:**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Rural Commercial (CR)	CR-1	Rural Commercial (CR)	CR-0.5
Rural Center Commercial (RC)	CR-2		CR-1

f. Urban reserve

**Combine urban reserve comp plan designation and overlays into one urban reserve overlay. Remove UR-10, UR-20, UR-40 zone and replace with rural zones as identified by spreadsheet. Apply a temporary Urban Reserve-10 overlay on residential and Urban Reserve-20 overlay on all other zones, which is removed in 5 years if not replaced by a specific use plan that allows economic development by property owners.**

Current Comp plan map	Current Zoning map	Proposed Comp plan map	Proposed Zoning map
Urban reserve	Urban reserve-10 (UR-10)	Urban Reserve overlay (UR)	Urban reserve-10 overlay (UR-10) with temporary definition
Urban reserve overlay	Urban reserve-10 overlay (UR-10)		Urban reserve-20 overlay (UR-20) with temporary definition
Industrial urban reserve overlay	Industrial urban reserve-20 overlay		
Railroad industrial urban reserve overlay	Railroad industrial urban reserve overlay		

2. Soil Type Updates

Soil type information currently in use for agriculture and forest soils will be updated with the most recent scientific information consistent with definitions and applications in the GMA.

3. Transferable Development Rights

A provision will be added such that cluster development rights allowable under Alternative 4 will be fully transferable to any rural property owner under recorded contractual agreement, with transferred rights forfeiting cluster development allowance on the original property

<sup>1</sup> The predominant lot size exception is designed to recognize the rural nature of development that occurred prior to the adoption of the first CMP under the GMA. For analytical purposes, the process for a predominant lot size exception is intended to be a simple Title 40 application process by a landowner for a new minimum lot size applicable that landowner's property, with the determination to be based on the following defined calculation and not administratively denied for reasons unassociated with the results of this calculation. A predominant lot size is defined as the most frequent lot size in the neighboring area. Neighboring area is defined as the area within a one square mile section, as currently designated on county maps, in which application is made for a predominant lot size determination. Size of a particular lot within the circle of neighboring lots will be rounded to the nearest half acre for the purposes of counting in the most frequent calculation. Lots that have been involved in a cluster development in the past will not be counted in the most frequent calculation. In any case where there is an equal number of lots of two or more sizes within a particular neighboring circle, the smallest of the tied lot sizes is to be used as the most frequent lot size in determining the predominant lot size. Any lot determined by this predominant lot size process will retain their resource land classification unless changed by soil type updates. An additional option should be analyzed using a neighboring area definition as the area within a one mile circle of the geometric center of the lot for which application is made for a predominant lot size determination.

<sup>2</sup> Cluster developments to be allowed in areas zone R-5 under the constraint of keeping the total lot average density at 2.5 acres.

<sup>3</sup> Cluster developments to be allowed in areas zoned FR-40 under the constraint of keeping the total lot average density at 40 acres; cluster developments to be allowed in areas zoned FR-10 under the constraint of keeping the total lot average density at 10 acres.

<sup>4</sup>Cluster developments to be allowed in areas zoned under the agriculture category under the constraint of keeping the total lot average density at 5 acres.