

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Wednesday, May 06, 2015 9:33 AM
To: Tilton, Rebecca; Madore, David; Stewart, Jeanne; Mielke, Tom; Silliman, Peter; O'Donnell, Mary Beth
Cc: O'Donnell, Mary Beth
Subject: RE: Comments from Carol Levanen (May 5 hearing)



Good morning Rebecca:

This is to acknowledge receipt of the public comment submittal from Carol Levanen at the 5-5-15 BOCC public hearing. Staff will include in our comp plan index. It is my understanding that Susan Rasmussen also made comment but did not submit any written testimony/document into the record. Thank you very much for including Mary Beth in your email as always. Thanks.

Best Regards,

Oliver

From: Tilton, Rebecca
Sent: Wednesday, May 06, 2015 8:50 AM
To: Madore, David; Stewart, Jeanne; Mielke, Tom; Silliman, Peter; Orjiako, Oliver; O'Donnell, Mary Beth
Subject: Comments from Carol Levanen (May 5 hearing)

Hello,

Please see the attached comments received from Carol Levanen during the Public Comment portion of the Council's May 5, 2015 hearing.

Thanks,
Rebecca

Clark County Board of Councilors
P.O. Box 5000
Vancouver, Washington 98666

May 5, 2015

Re: Concerns over the Public Record Index - For the Public Record

Dear Councilors,

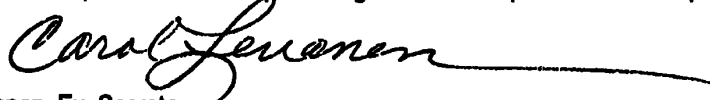
It is important that there is utmost integrity of the public record during the Comprehensive Plan 2016 update. Each item of testimony should be filed in the record index shortly after submission. When Clark County Citizens United, Inc. reviewed the index to the public record, to date, there were many missing documents that should have already been placed in the record, but could not be found. CCCU has brought this concern forward to the Auditor for review. His report claimed that staff will have the record complete by the time of the adoption of the Plan. But, that is too late for this information to be meaningful to the public process.

Alternative 1, 2, and 3 had four scoping meetings to receive public comments, prior to submission to a consulting firm, charged with writing an EIS for the documents. These meetings were held in August 2014 and open houses were held in October 2014. The public was told comments from these meetings would be submitted with Alt 1, 2, and 3 in preparation of the SEIS. The public record index is missing many of the comments that were submitted at these meetings. Certainly after eight months, one should be able to find these comments in the public record index. When one of CCCU's Board members went on-line to view their personal name, one of the generic links displayed many of those missing public documents. These were the very documents CCCU was looking for. Yet, CCCU was unable to find them in the index. The question is, did these documents get sent along with Alt 1, 2, and 3 or were they just floating around in no-man's-land?

Alternative 4 has also been sent to the same consultant for preparation of the SEIS. Two open houses were conducted by the county in March 2015 to receive public comments for the proposals. The public understands that their comments were to go along with Alt. 4, to the firm that is doing the SEIS review. But, most of those comments cannot be found, a month and a half later, in the index of the public record. CCCU, Inc does not fault the person designated to do the actual indexing as she can only list information that she receives from the planning department. But, the lacking index demonstrates similar happenings that occurred with the index in the 1994 Comprehensive Plan. Therefore, the situation is suspect.

Regardless of when the GMA requires the Index to be complete, staff owes it to the public to be as transparent as possible with the public record and it's index. Taxpayers want to know that what they have said and submitted is meaningful to the process and the only way to know that is when they see it listed in the public record index. CCCU, Inc. will be watching this index very closely to be sure that nothing is missing and that the Councilors have every opportunity to read and consider all of the public comments pertaining to the 2016 update of the Comprehensive Plan.

Sincerely,



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

601 590 934
**SECRETARY
of STATE**



Corporations Division
Office of the Secretary of State
505 E. Union, 2nd Floor
P.O. Box 40234
Olympia, WA 98504-0234
Information: (206) 753-7115

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MALIN MUMFORD
SECRETARY OF STATE

**NONPROFIT CORPORATION
ARTICLES OF INCORPORATION**

The undersigned, for the purpose of forming a corporation under the nonprofit laws of the State of Washington, RCW 24.03, hereby adopts the following Articles of Incorporation:

ARTICLE I

The name of the corporation shall be: CLARK COUNTY CITIZENS UNITED

ARTICLE II

The term of existence shall be: (check only one box) perpetual _____ (number of) years

ARTICLE III

The purposes for which the corporation is organized are as follows:

TO PROMOTE REASONABLE AND APPROPRIATE LAND USE PLANNING IN CLARK COUNTY
IN ORDER TO MAINTAIN A HIGH QUALITY OF LIFE FOR OUR CITIZENS WHILE
PRESERVING AND PROTECTING PRIVATE PROPERTY RIGHTS.

ARTICLE IV

The name of the Registered Agent of the corporation is: LONNIE E. MOSS

The street address of the Registered Office, which is also the address of the Registered Agent is as follows:

Number and Street 28320 NE 172nd AVENUE

City BATTLE GROUND, , WA Zip Code 98604

The post office box number, which may be used in conjunction with the Registered Agent address, located in the same city, is:

PO Box # 2188 City BATTLE GROUND, , WA Zip Code 98604

Clark County Citizens United

"Promoting Rural Interests"

CCCU

P.O. Box 2188, Battle Ground, WA 98604

NEWS

SUMMER 1996

CLARK COUNTY CITIZENS UNITED

Since its formation nearly two years ago, Clark County Citizens United (CCCU) has become an effective and reasonable voice for rural interests and has been a growing influence in areas important to rural people. CCCU shares common goals with other organizations in the county and has worked cooperatively with them for the benefit of all. Listed below are some of the more important events and policy formation in which CCCU has played a part:

1. Influenced Board of Commissioners decision to adopt 5-acre zoning in rural lands and 20-acre zoning in agricultural and agri-forest lands, rather than the proposed 10 and 40 acres.
2. Have filed and appeal in Superior Court which seeks to have the designation of resource lands redone, with the hope that more reasonable zoning will result in those areas.
3. Assisted in formation of Clark County Well Drillers' Association. CCCU worked with them and others to defeat a proposal to outlaw new private wells in rural area where public water is within 1500 feet of property boundary. This decision is now left to the property owner.
4. Helped defeat proposed county fire code proposal which would have required fire sprinklers in houses on rural lots smaller than 2.5 acres.
5. Worked successfully with Washington State Farm Bureau, Association of Realtors, Homebuilders Association, local legislators and others to pass Referendum 48 "Private Property Fairness Act" in Clark County. This referendum passed by a wide margin in the rural areas.
6. Co-sponsored the Referendum 48 debate at Clark College.
7. Successfully lobbied for significant changes in Clark County's proposed historic preservation ordinance to ensure protection of property rights while preserving historic structures.
8. Worked to reduce negative impacts of Clark County's 1996 vegetation clearing ordinance on rural landowners. Influenced the Commissioners' commitment to re-examine this ordinance and consider further changes to reduce impacts on rural landowners.
9. Successfully pushed for lower County road standards for rural roads to reduce the cost of rural home construction. Rural residents now have the option of either gravel or paved private roads as they did before 1994.
10. Presented position statement to Washington State Land Use Study Commission recommending changes in growth management planning process to ensure consideration of rural issues.
11. Represented rural interests in public forums sponsored by Identity Clark County and InterACT.
12. Influenced Commissioners' decision to keep the 5-acre zoning north of the East Fork even though the Regional Growth Management Hearings Board directed the County to rezone to larger size.
13. Influenced decision to avoid further "buffering" of resource lands directed by the Hearings Board.
14. Influenced decision to avoid recombining rural lots created between 1991 and 1995.
15. Intervened in "Jensen Ridge" lawsuit in Superior Court to argue that rural land divisions since 1991 should not be found in violation of the Growth Management Act.

Clark County Citizens United

"Preserving Future Options"
P.O. Box 2188, Battle Ground, WA 98604
687-1257 or 687-1097

Dear Friend:

As you know, the new Clark County comprehensive plan had some severe impacts on rural landowners. We appealed the plan to the Growth Management Hearings Board, but that brought no relief. The Board simply ignored the legal arguments and rubber-stamped what the county had done.

Since that ruling, many people have contacted us to urge that we continue the process. Consequently, our board of directors has decided to proceed to Superior Court if we can raise sufficient funding. We need your support.

If you have property that was improperly designated as *Agri-forest*, *Agriculture*, or *Forest*, you should support us. We will be arguing for you when we ask the court to decide that the County's designation of these lands did not comply with the Growth Management Act. If you own, or would like to own, rural property and believe that the widespread down-zoning was wrong, you should also support our suit.

CCCU has retained one of the best attorneys specializing in Washington land-use law. He believes there are solid legal arguments to be made on behalf of rural property owners. We want the opportunity to present those arguments in a court of law. We can do so now because our petition to the Hearings Board gave us the legal standing we need to continue to court. We will lose that right forever if we don't file soon, and so will you.

As individuals, none of us has the financial resources to pursue this legal battle alone. Nevertheless, if we band together, we can jointly afford the cost. So, we're asking you to consider what changes to rural elements of the plan might mean to you or your family. Then make a positive decision to help us continue our efforts to achieve fairness for all Clark County citizens by returning the enclosed slip with as large a contribution as you can afford. Thank you for your support!

Board Members

Alan Schumacher
Velde Sutton
Cal Ek
Lonnie Moss
Jim Malinowski
Carol Levanen
Fred Pickering
Jim Kasid
Jerry Olson
Rick Dunning
David Groth
Marvin Case
Don Kemper
Keven Sutton
Frank White
Rita Dietrich
Butch Korpela
Susan Rasmussen

Alan Schumacher Rick Dunning Carol Levanen Lonnie Moss
Rita M. Dietrich Frank White Jim Malinowski Cal Ek
Butch Korpela Susan Rasmussen Marvin J. Case Jerry Olson
Jim Malinowski Fred Pickering Donald M. Kemper Velde Sutton

- Printing was donated -

Reflections

Independent
But Not Neutral

Guilty until proven innocent

Clark County maps and aerial photos show some water and wetland features that don't really exist.

Property owners are challenged to prove that such features are erroneous in order to have them removed from county documents.

Researching this situation has been enlightening to this writer, to say the least. Here is the apparent chain of events.

Beginning about 15 years ago, the state Department of Natural Resources developed maps to help them oversee timber and forest practices. A DNR official said the Department examined topographic maps developed by the U.S. Geological Survey and drew in streams on maps where they *could* exist. That is, he said, swails and gullies that dip downhill could have water running in them, at least at some time of the year.

The process, he said, provided a "resource, a starting point." He said all such DNR maps boldly declare that the water feature information has not been field verified. That is, no one knew for sure that streams or runoff actually existed in the marked locations until someone actually visited the site.

The DNR official said the vast majority of water features on DNR maps do exist, at least within 100 feet of where they are depicted.

Clark County officials periodically take aerial photos throughout the county. They then use DNR maps to add a "water layer" to the aerial photos. They use DNR water information as if it were accurate. They apparently ignore the "not field verified" proviso.

When a property owner has reason to examine county aerial photos of his land, the streams, lakes or other water features that have been added to the photos are obvious. They have clearly been drawn on or added to the photos. Such "water layer" additions to the photos may be accurate--or they may be wrong.

If the property owner believes that a drawn-in stream is in error, what to do? The head of mapping for Clark County says that county officials won't remove the stream even if the property owner brings in evidence or testimony from a geologist. The stream has got to be removed from DNR maps, he said, before the county will accept it.

Of course the streams on DNR maps were only hypothetical in the first place. But they somehow have become gospel in county mapping procedure. They exist until DNR says they don't. The landowner is guilty until proven in-

nocent.

The head of Clark County mapping is frank in his assessment: "This information is inappropriate for many site specific applications," he said.

The issue is anything but academic. The Clark County commissioners are set to adopt new rules in early July that would remove the exemption agriculture now enjoys in habitat rules. One option that those engaged in agriculture will have will be to fence both sides of any creek or seasonal water. Anyone with one horse, one goat or one chicken will fall under the new rules. Exactly where water exists on such properties will become very important.

So, what to do? Clark County has a good system of Maps OnLine. County officials also have offices in Vancouver and Battle Ground where the public may ask questions about maps. Property owners may wish to examine the maps and aerial photos that the county maintains for their locations.

But to make any changes in maps, property owners need to contact DNR in Castle Rock. DNR officials will provide water maps along with modification request forms. For non-forested areas, DNR officials will deal with the state Department of Ecology and the state Department of Fish and Wildlife. Maps will be changed, officials say, when appropriate.

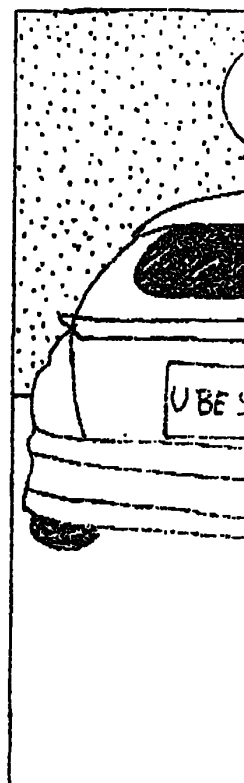
Seith Barnes and Rex Hapala with DNR in Castle Rock may be reached at (360) 577-2025.

Jerry Olson, a leading engineer in Vancouver, has affirmed that Clark County maps show features that don't really exist. He said that maps are a "best guess" as to whether streams exist and whether they contain fish.

Olson also notes that some streams are longer than shown on maps. State officials say streams may be longer or shorter than shown, or at some nearby locations, or not there at all.

Olson says a similar mapping problem exists with wetlands, where landowners must also prove that features shown on maps don't actually exist in order to have maps corrected. It's another case of guilty until proven innocent.

Neither state nor county officials have the resources to travel throughout the county to fully and accurately map streams, runoff swails and wetlands. The current system provides a place to start as long as all involved remember that the maps are not final, not accurate, not truthful until proven so.



The People

Readers are encouraged to exp one typewritten, double-spaced WA 98604. Writers are limited to address, plus phone number for individual or business will not be reflect those of The Reflector or r

Officials should

Wow. It seems to me that th government officials of Wash ington state whom we electe can change laws, add on fee to laws we, the voters, put in law.

I could not believe what saw when I opened the receipt for license tabs on my hus band's 1978 pickup. The re newal fee costs more than what it was before the fee voted in by us came into effect. The state should not try to wonder why people in Washington state who register their vehicles, register there, because their license fees are less. Oregon is look ing for automobile license Washington state license holders buy and they are

1992

LINE

Appendix 3
VACANT BUILDABLE LANDS

ISSUE - how accurate assessment data

I. Methodology

Step 1

Starting with all parcels in the interim urban growth areas subtract:

1. Public Lands
 - a. government holdings
 - 1) parks
 - 2) greenways
 - 3) municipal facilities
 - 4) road r.o.w.
 - 5) school properties
 - b. Utility facilities and major easements
BPA transmission lines, northwest pipeline, etc.
 - c. Bodies of water - creeks? & buffers
 - d. Public Wildlife Refuges
2. All parcels that are covered 75% or more by Environmentally Sensitive Areas
 - a. 100 year flood plains (FEMA)
 - b. endangered or threatened wildlife habitat areas (dow)
 - c. vulnerable aquifer recharge areas *Public well head*
 - d. severe erosion hazard areas (USGS/SCS/DNR)
 - e. unstable slopes (DNR)
 - f. slopes greater than 40%
 - g. high quality wetlands
 - h. NWI wetland areas/hydric soils
 - i. *and within 100' of body of water*
3. Parcels with structures and assessed more than \$10,000

- Railroads
- Proposed arterials
- Private open space
at 50% still a dev.

too much

appropriate?

i. area within 100' of d-h

Product: Total Vacant Buildable Land

Step 2 From all Residential Lands identify *zoned*

1. Residential land
 - a. All vacant buildable vacant land that is currently zoned residential
 - b. All residential parcels that are 3 times minimum lot size of the zone and the resultant polygon is one acre or greater. That have the potential to be further subdivided.

Product: Buildable Residential Land

- to reach larger parcels w/ little const.

Step 3 From all Commercial Lands

1. Identify all vacant buildable commercially zoned land
2. Subtract all Commercial zoned parcels of land of fewer than five acres and
 - a. land that lacks ability for full public services
 - b. land that is in inappropriate locations
 - c. land that lacks access potentials

Product: Commercial land available for Development

Step 4 From all Industrial Lands Subtract

This work is already being done by the Economic Development Subcommittee. Criteria used is available upon request.

Product: Industrial Land Available for Development

Note: For information only map all parcels that were eliminated from the vacant inventory because of having 75% or more environmentally sensitive areas.

Look @ criteria what would make it better?