

Rec'd 3/22/16 from Carol LeVane - RLT
cc'd = BOCC; Orjiako, Schroeder

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



March 22, 2016

Dear Councilors,

May 14, 2008, the Western Washington Growth Management Hearing Board issued a **Final Decision and Order for Case # 07-2-0027, John Karpinski, et al. v Clark County**. Pages centered on a county Matrix, in place since 1994, purportedly indicating prime agriculture soil. Recent definitive research determined the matrix is erroneous and agriculture and forest zones were simply created by aerial photography and staff interpretation, not via the NRCS 1972 Soils Manual, as Clark County claims. Using the matrix to review resource land, would be erroneous.

Page 2 (19) ...the county developed a principle / values statement that put economic development as it's primary goal to increase the tax bases of the county, city, school districts.....**The 2-23-2016 Preferred Alternative meets none of these principle and value goals**. The Board finds that the Supreme Court held that the GMA creates a mandate to designate agriculture lands because the Act includes goals with directive language and specific requirements.....WAC 365-190-050. **Clark County claims, since 1994, they followed these directives. Documents show they have not.**

Page 11 (21) While OFM does not make the policy choices for counties about how much growth to actually plan for, it does set the parameters...the county selects a projected 20 year population on which to base its Comprehensive Plan. This decision is a policy choice based on data, discussion, local knowledge, and opinion. **County planning staff simply dictated a no growth number, regardless of other factors, as illustrated by the Portland Metroscope Report, historical trends, the DSEIS and other research data.**

Page 15. The county says the data showed that since 1990, the county's growth rate had exceeded 2 %. The county reasons it would have been unreasonable for them to use a growth rate less than was actually occurring. **Clark County ignores the same reasoning in the 2016 Comprehensive Plan update and has determined a much smaller growth rate in the DSEIS.**

Page 25 (25) Regarding their conclusion concerning predominant parcel size... **Alternative 4 simply used predominant parcel size and is the most accurate alternative considered.**

Page 26 (19) Petitioner.. asserts...the county's analysis of the soils criteria is unclear. **Karpinski knew those lands were originally created using aerial photography and staff interpretation.**

Page 29 The county characterizes...Globalwise...describes how the Report documents the history of agriculture in Clark County.. it has been on a steady decline...accounts for only one percent of employment and .05% of...economy. **Alternative 4 created over 1,000 more agriculture resource parcels, giving more opportunity for small scale farming, even without prime soil.**

Page 30 The county denies that it's Comprehensive Plan says that all soil classifications should be protected, and asserts that it's analysis focused on Class I, II, III soil, the same soil classifications that were used in the 1994 designations. **Clark County designated such soils using aerial photography. Many landowners testified in 1994, over soil tests of poor soil. But all of it was ignored by the county.**

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Page 35 The Board notes that soils play a significant role....This requires an assessment of five different factors, three related to capability of soils....

Page 36 Soils weigh heavily on the designation of agriculture land...


Page 47 Petitioners ...say all the areas in question have prime soils according to the USDA/SCS soil classification system. **This is not true, because this classification system, adopted in 1979, was replaced with aerial photography and staff interpretation, when the matrix was created in 1994.**

Page 58 ...water lines can be urban as well as rural service....

Page 74 #14 - The County's principle and values statement is not an amendment to the Comprehensive Plan nor is it a requirement of the GMA.

Clark County Citizens United, Inc. believes that changing the zone parcel size to recognize predominant parcels and existing development is the most cost effective way to create more opportunity for small scale farming, even though the soil is marginal or poor. If prime and good soil is to be used, most of the resource lands and rural zones in the 2016 Comprehensive Plan would need to be corrected. Clark County would then comply with the mandates and directives of the GMA regarding resource land designations and the court orders regarding using an erroneous unauthorized formula set fourth by the Superior Court and the Court of Appeals.

Sincerely,



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

Schroader, Kathy

From: Tilton, Rebecca
Sent: Thursday, March 24, 2016 10:19 AM
To: Orjiako, Oliver, Anderson, Colete, Schroader, Kathy
Subject: Written Testimony of 3/22/16 (Carol Levanen)
Attachments: Levanen_Carol_032216CompPlanComments.pdf

Attached for your records is a copy of the letter submitted by Carol Levanen on Mar 22, 2016

Rebecca