

**Schroader, Kathy**



**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Saturday, May 07, 2016 5:40 PM  
**To:** Cnty 2016 Comp Plan  
**Subject:** FW: For the Public Record of the 2016 Clark County Comprehensive Plan Update

Sent from Mail for Windows 10

**From:** susan rasmussen  
**Sent:** Saturday, May 7, 2016 5:17 PM  
**To:** julie olson2@clark.wa.gov, tom mielke@clark.wa.gov, jeanne stewart@clark.wa.gov, david madore@clark.wa.gov, marc boldt@clark.wa.gov  
**Subject:** BOCC's Lawful Duties

The process for this comprehensive plan update has demonstrated flaws and a biased approach from the beginning

Because the citizens were only offered 3 alternative plans to choose, (one plan being status quo), they were denied a range of alternative plans, let alone a broad range of options that would enable diverse views and choices to be recognized

The rural property owners were denied recognition and inclusive opportunities to participate in the developmental process for the three alternative plans. This exclusionary practice is counter to GMA law, especially considering rural landowners are heavily burdened by county land use zoning and regulations. Given the fact their lands have been frozen over 20 years, this is a real issue of contention. Clark County Citizens United has provided many testimonies on the faults of using exclusionary practices.

Many months prior to the introduction of the 3 plans, Clark County Citizens United presented before the Planning Staff at several work sessions. CCCU has provided hundreds of testimonies at public hearings over the past 3 years on behalf of thousands of rural landowners. That was intentional to ensure the recognition of the needs of the landowners would be acknowledged in this update. Much to our disappointment, the issues provided in those hundreds of testimonies, are ignored in the Comprehensive Plan. It is as if Clark County Citizens United never presented at a public hearing over 3 years.

Many changes have occurred over the past 25 years regarding the trends and conditions of agriculture in Clark County. The changes in this industry, along with their requirements, aren't acknowledged in this update. They are well documented in the USDA Census of Agriculture, Clark County Profiles extending back to 1950-2012. The changes in the industry are also documented in the Clark County Globalwise Report. These documents fail to be mentioned in the two volumes of the Comprehensive Plan. The Globalwise Report, and the USDA Census of Agriculture Clark County summaries have been quoted numerous times in various testimonies by CCCU.

The Rural and Resource lands still suffer from massive downzoning as a result of the 1994 Plan. Some land owners went from Rural 1 acre lots, to Forest-80 zoning. The economic and cultural impacts, stemming from reductions in functions and loss of economic values of thousands of acres of private properties, have never been studied and failed to be recognized. There has never been a county attempt at mitigation for those losses despite the suffering imposed on many rural families. CCCU has provided testimony on this issue. The Comprehensive Plan fails to mention this issue.

The Resource Lands were designated without benefit of proper GMA protocols. Resource lands were designated via aerial photographs and staff interpretations (according to the Metadata). The soils, pertaining to the Resource zones, have never benefited from a review of their capabilities and productivity classifications according to GMA law. The 1972 NRCS Soils Manual should have provided the necessary means to apply the analysis to deem the soils worthy of conservation into a Resource zone. The NRCS Soils data had already been applied to prior County comprehensive growth maps. The maps, showing properly designated prime soils, were available to use for the resource designations in the 1994 Plan. The County failed to use the historic soils maps and chose, instead, to rely on a method that is non-compliant to GMA lawful standards. This information is verifiable and has been included in many CCCU's public testimonies.

There have been changes in the Dept. of Revenue's Current Use Taxation Program for Forestry since the county's 2007 update. The update to this program currently allows a minimum 5 acres of trees and a forest management plan to qualify for the benefits of this updated program. The intentions of the Legislature is important to recognize. The Legislature recognizes the importance forestry families provide to the state's economy, and supports the viability of the many small, privately owned family woodlots. This is especially important for Clark County since 75% of the county forests are privately owned small woodlots. The statewide average is 50%. The volumes of the Comprehensive Plan fail to acknowledge the updated current use state taxation law. CCCU has provided numerous testimonies concerning this subject that is of great concern to the many Clark County Forestry families.

The GMA has much language on the importance of recognizing, "unique rural character." GMA grants much deference to local jurisdictions in defining their unique rural qualities. The massive downzoning, from the 1994 Plan, fails to recognize and accurately define rural character. Each subsequent update has also failed at attempts to define rural character. The Globalwise Report mentions this failure. As a result, only 17% of the AG-20 zoned parcels conform to their zone size, and 7% of FR-40 parcels conform to their zone size. The predominance of non-conforming lots in their zones, fails to conform to the county's rural character. This is not GMA compliant. This is the primary issue in Judge Edwin Poyfair's Superior Court Orders written April, 1997, and supported by the Court of Appeals, Division II decision.

The Superior Court Orders further define the 1994 Plan as "erroneous," and using an "unauthorized formula." Judge Poyfair elaborates and says, "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," NO. 96-2-00080-2, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER. This was confirmed in a recent interview with the Judge. The membership of Clark County Citizens United, Inc. has been waiting for the County to be brought into full and complete compliance to the Superior Court Orders. It is the duty of this County Board of Councilors to uphold the laws, and fully comply with all aspects and implied intentions as written in the Court Orders, and the GMA laws. Clark County Citizens United has provided numerous testimonies on the county's non-compliance to our Superior Court Orders. The contents of the county update fail to mention CCCU's court actions, the Superior Court Orders, and the county's responsibility to comply with the Superior Court Orders.

Respectfully submitted for the Public Record of the Comprehensive Plan Update,  
Susan Rasmussen for  
Clark County Citizens United, Inc.