

Schroader, Kathy



From: susan rasmussen <sprazz@outlook.com>
Sent: Wednesday, May 11, 2016 4:52 PM
To: Cnty 2016 Comp Plan
Cc: Mielke, Tom, Boldt, Marc, Madore, David, Stewart, Jeanne, Olson, Julie (Councilor)
Subject: Flawed Formula remains as the foundation of the county plan

FOR THE PUBLIC RECORD OF THE 2016 CLARK COUNTY COMPREHENSIVE PLAN UPDATE

The Western Washington Growth Management Hearings Board had a definitive view of what comprehensive growth planning should look like. The Board's formula was specific. It was clearly intended to stop all rural growth. This formula remains as the foundation of the county plan today.

Clark County applied the Board's formulaic approach and used it as the foundation for all county comprehensive plan land use and zoning regulations. Because of this basic decision, it was necessary for the county to incorporate drastic, prescriptive measures to stop rural growth and force it into urban areas. This was counter to what was happening at the time. The county eliminated all rural centers, and created a new agri-forest zone. Ultimately, the county relied on aggressive rural downzoning to forcibly stop rural growth. The downzoning resulted in overwhelming numbers of non-conforming, substandard parcels to their zone size throughout all rural and resource zones.

Most importantly, the actions the county undertook failed to resemble the county's unique rural character and failed to consider long-standing rural cultural practices. The plan was highly controversial. Rural citizens came forward in droves to contest the plan. To this day, the 1994 Clark County Comprehensive Plan remains as the most contested growth plan in GMA history. Over 64 appeals were filed against the plan with the Hearings Board. Clark County Citizens United, Inc was one of the appellants.

CCCU's appeal resulted in prevailing court actions in the Superior Court, and the Court of Appeals. The Courts have ruled the formula, that provides the basis for the county's 1994 comprehensive plan, is an "unauthorized formula" according to GMA law. Judge Poyfair's ruling is overarching and addresses the very foundation of the county's plan. By inference, all elements of the plan instituted as a consequence of using the "unauthorized formula" should be addressed as they all suffer from impacts of the formula. The elements, tainted by using an "unauthorized formula," are the planning assumptions, policies, all land use and county zoning regulations.

CCCU is primarily concerned the county has failed to take the necessary corrective measures to accomplish full and complete compliance to the Superior Court Orders. The unlawful formula, along with the impacted elements, remains as the foundation of the county's plan today.

The comprehensive plan updates are the appropriate times to make the corrections. Instead, the county has cleverly devised ways and means to ensure the unlawful formula is advanced at every update. Population projections are set low, numbers for all vacant buildable lands are always healthy. Resource lands are designated via aerial photography and staff interpretations, not according to GMA law. The urban/rural ratios have failed to accurately reflect real percentages. All 14 GMA planning goals aren't granted equity. Entire chapters are devoted to the environment, and community design. Property rights are allowed 2 sentences in the entire 2 volumes of work. Overwhelming numbers of non-conforming parcels remain since corrections to the down zoning (referenced in Poyfair's Conclusions of Law) and land use regulations have failed. Urban holding and reserve overlays linger over 20 years. Updates to the State's Current Use Taxation Program for 5 acres of trees fails to be recognized. Current trends in agriculture (USDA Census of Ag, Globalwise Report) fail recognition. The citizens were denied a broad range of alternative plans from which to choose, and exclusionary practices are repeatedly employed to eliminate the rural land owners in the important business of designing the futures of their properties.

When all actions are viewed in combination, one can clearly see an advocacy campaign that intentionally sets a goal to disadvantage rural concerns at every opportunity throughout the planning process. This campaign is ostensibly directed at the county Councilors and for the most part, is very effective. This has gone undetected for years. This campaign only reinforces the flawed formula and short-changes the public process.

Questions should be asked and challenges need to be brought forth

- 1 Has Clark County fully complied with all aspects and intentions of the Judge Poyfair's Superior Court Orders?
- 2 Has there been a well-reasoned, balanced discussion of the relationship of our constitutionally protected property rights, and the other 13 GMA planning goals?
- 3 Has there been any assessment to determine if Clark County's Comprehensive Plan, policies, and land use regulations are actually working as they are intended to work?
- 4 Is the comprehensive plan improving the overall quality of life issues for all citizens?
- 5 Is one segment of Clark County society singled out, and overburdened as a consequence of land use regulations and zoning?

Respectfully submitted,
Susan Rasmussen for
Clark County Citizens United, Inc

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