

To: Honorable Mark Boldt, Chairman Clark County Council, Councilor Jeannie Stewart, Councilor Julie Olson, Councilor David Madore, and Councilor Tom Mielke

CC: Dr. Oliver Orjiako, Director of Community Planning

From: Heidi Owens, Board Member Friends of Clark County

Date: 14 June 2016

Subject: Rural Element Recommendation for the 2016 Comprehensive Plan

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The Friends of Clark County (FOCC) agree with the planning commission's recommendation to protect and conserve resource lands by preventing any further parcelization of those lands. On three separate occasions the PC has recommended leaving the current zoning for Clark County resource lands intact. We believe that following the PC's recommendation is the prudent, responsible and best action by this board, and by doing so, it will ensure the resource lands remain compliant with GMA.

The record supports the PC's determination. Many have testified that further parcelization would lead to incompatible uses and create, in the words of Bill Wright, and unconscionable situation due to the limitations of the roads and services for the rural and resource areas. In addition, the record shows a surplus of developable parcels in rural and resource areas that can more than accommodate the projected 20 year growth allocated to those areas.

Furthermore, agricultural and forestry activities exist throughout Clark County, and farmers and foresters have repeatedly asked the county to protect and preserve resource lands so that resource activities can sustainably thrive. The record also supports the importance of agricultural land in our local food system and that impacts all county residents. A recent study from CREDC shows the continued need to support, encourage, and promote sustainable agriculture and related food industries in Clark County. Allowing further parcelization of the resource lands would be inconsistent with economic efforts to promote our local food system, diminish, rather than encourage agricultural production in the county, and squash the exciting opportunities to promote related food industries. This board can and should seek to grow economic opportunities throughout the county; therefore, residents need the council to protect our resource lands and leave them intact as recommended by the Planning Commission.

Consistent with the protection of the resource lands, Friends of Clark County support maintaining the three rural designations (R-5, R-10, R-20) on the Comprehensive Plan Map. The county should not be encouraging a more lenient individual process for parcelization throughout rural lands. Current code requires a type IV review process for a request to parcelize a rural-zoned property in the rural area. FOCC recommends that the board maintain that current review process and we believe the change to one Rural designation is inconsistent with GMA.

Removing the three rural zone designations from the Comprehensive Plan map would be a direct violation of WAC 365-196-425(3)(a) for two reasons: 1) need to provide a variety of rural densities and 2) the need to show the designations on the land use map. Placing the three rural designations under one big-R designation will eliminate the Type IV reviews of rural designated parcels and essentially removes the need to ensure GMA compliance in any petition for site-specific rezone, including consistency with other elements of the plan such as assumptions and capital facilities. A type III review results in site-specific rezoning and does not allow interested parties to raise GMA compliance issues. The quasi-judicial process

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under RCW 36 70C (which would guide a type III review) does not provide for specific guidelines to ensure the land use change remains consistent with the Rural Element outlined by the Comprehensive Plan. Essentially, the lack of rural densities can circumvent GMA. This issue has been raised and held by both the Eastern and Western Growth Management Hearing Boards and the State Supreme Court. By pursuing this single designation, the county risks being found non-compliant through the appeal process. Therefore, FOCC asks this board to deny the change from three rural designations to one rural designation.

Thank you for your time and consideration. Again, Friends of Clark County recommends that this board Deny items 1A-1D on your 2016 Comprehensive Plan Decision Table to ensure GMA compliance of the 2016 Comp Plan.

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WAC 365-196-425 (3)(a) states "The rural element should provide for a variety of densities that are consistent with the pattern of development established in its definition of rural character. The rural comprehensive plan designations should be shown on the future land use map."