



Schroader, Kathy

From: Orjiako, Oliver
Sent: Friday, June 17, 2016 3 34 PM
To: Albrecht, Gary, Alvarez, Jose, Anderson, Colete, Euler, Gordon, Hermen, Matt, Kamp, Jacqueline, Lebowsky, Laurie, Lumbantobing, Sharon, Orjiako, Oliver, Schroader, Kathy, Wiser, Sonja
Cc: Tilton, Rebecca, steve dijulio@foster.com
Subject: FW Comments on PC Recommendation to Councilors
Attachments: Friends of Clark County-Ltr-160617.pdf

All

Attached, please find comments submitted by Mr David McDonald on behalf of Friend of Clark County and as a citizen Kathy, please include in our 2016 comp plan index of record Thanks

-----Original Message-----

From David McDonald [<mailto:david@mcdonaldpc.com>]
Sent Friday, June 17, 2016 3 07 PM
To Orjiako, Oliver
Subject Comments on PC Recommendation to Councilors

Dr Orjiako

Attached are comments that I am providing to the record on behalf of FOCC as well as in my individual capacity

Unfortunately, I will be unable to attend the hearing next week and so I would appreciate it if you could confirm that these comments will be able to be a part of the current record

Thank you for your professionalism and professional courtesies

Best Regards,

David T McDonald
Ridgefield, Washington

Friends of Clark County
PO Box 513
Vancouver, WA 98642

June 17, 2016

Board of County Councilors
% Dr. Oliver Orjiako

FOCC Comments on Planning Commission deliberations of June 2, 2016 on the 2016 Preferred Alternative for the Comprehensive Plan.

1. Resource Lands (listed as "1. Rural" on the Decision Table)

The Friends of Clark County (FOCC) agree with planning commission's recommendation to protect and conserve resource lands by preventing the further parcelization of those lands that are so important to our community. (See Planning Commission's Decision Table 1.b-1.d). We request that the Councilors follow the Planning Commission's recommendation (5-2 vote), which would ensure compliance with the GMA. On three separate occasions the majority of the Planning Commission has voted to leave the current resource land zoning in place and have recommended to you that the prudent, responsible and best action would be for the county to prevent any further parcelization of our resource lands.

The record supports the planning commission's determination. Many have provided written and oral testimony that such further parcelizations would lead to incompatible uses in the resource lands. Others, most notably PC member Bill Wright have stated that such further parcelizations would create an unconscionable situation due to the limitations of the roads and services in the rural and resource areas. In addition, the record shows that the County has a surplus of developable parcels in the rural and resource areas and the record supports the fact that the current surplus of developable lots will more than accommodate the projected 20 year growth allocated to those areas by the Plan. Although allowing further parcelization may be responsive to some vocal rural residents, absent any justification, augmenting the current surplus of developable lots in the rural and resource lands with additional divisible resource lots is inconsistent with multiple goals of the GMA. See RCW 36.70A.020¹. Allowing such land divisions would, in essence, be a *de facto* de-designation of those lands, which would be inconsistent with the Rural Element that is required by the GMA.

¹ For example, allowing such divisions would run afoul of goals 1, 2, 3 and 8: 1) This would encourage Development in the rural area rather than the Urban areas, 2) Would increase Sprawl and inappropriate conversion of lands, 3) Would require infrastructure (roads) that are inconsistent with "efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans", and 8) Would not promote or maintain resource industries and would discourage the conservation of productive forestlands and productive agricultural lands, and encourage incompatible uses.

Furthermore, agricultural and forestry activities exist throughout Clark County, and farmers and foresters have continually asked the county to protect and preserve those resource lands so that those activities can thrive and be sustainable in the face of the creation of the "rurban" development that is prevalent in some of the rural areas. The record supports the importance of our agriculture lands, and our local food systems, to all of the residents of the county. A recent study from the CREDC continues to show that we need to encourage the ongoing practices, and create new ones, that promote sustainable agriculture and related food industries in Clark County. Allowing further parcelization of Agriculture Lands would be totally inconsistent with helping promote our local food systems and would diminish rather than encourage production of local and sustainable agricultural products. Therefore, to "grow" that opportunity, county residents need this Council to ensure the protection of our lands by leaving them intact as recommended by the Planning Commission.

Also, creating over a thousand additional lots would violate the concurrency requirements of the Act. The current plan shows that the CFP is already underfunded and FOCC is not aware of any additional funding that will cover the expensive costs of additional services, especially roads, that will be required if the land divisions are approved. Also, although allowing for further subdivisions of lots would increase land values for rural owners, it would have the same consequence for both those who divide their land and those who would choose not to further divide. For those who do not want further divide, they would be shouldered with the additional tax burdens irrespective of whether their lands are in current use. The addition of the lots projected would further increase the burden on county tax/bond/rate payers for services of the sprawled development.

Again, there has been no attempt to show that the increase in rural parcels is necessary to accommodate the projected population. In fact, the evidence is to the contrary and clearly shows that there is a surplus of developable land above the estimated projected population increases in the rural and resource zones. Since there is nothing in the record that establishes a need for the increased number of smaller parcels, allowing such divisions is not compliant with the GMA goal to preserve, protect and enhance sustainable use of resource lands. Even if the County attempted to mitigate the adverse consequences of further divisions through the use of clusters, those clusters would more likely compound the problem rather than mitigate it as the new clusters would generate and increase conflict between residents and resource use, even when cluster and remainder lots are protected via land deed with restrictions on subdivision.

This is especially true of the newly formed option for AG 20 to 10 acre and FR 40 to 20 acre parcel division to include what can only be perceived as flexible "envelope houses" as the allowance of these envelopes to be placed anywhere on the property would further diminish the potential use of the remainder for resource use. Allowing such "floating" envelopes exacerbates the *de-facto* de-designation of resource land caused the land division by creating parcels too small for many kinds of agriculture and forestry and allowing them to be eligible for 10-acre rural estates.

2. Rural Map (Rural 1.a on the Decision Table)

Consistent with the protection of those lands, we should not be encouraging a more lenient individual process to allow those lands to be further parcelized on a piecemeal basis. Current code requires a type IV review process for a request to further parcelized property in the rural area. We should be vigilant when reviewing such requests and therefore should not remove the three Rural zone designations (R-5, R-10, and R-20) from the Comprehensive Plan map. To remove those map designations would be direct violation of WAC 365-196-425 (3)(a) the current map shows the required variety of densities that are required under the GMA. By placing all designations under the "R" one size fits all umbrella, the county would eliminate the Type IV reviews of rural designated parcels and essentially eliminate the need to ensure GMA compliance in any petition for site-specific rezone.

It is through the more in-depth and thoughtful Type IV process that environmental and other planning assumptions can be reviewed to ensure consistency with GMA. Dissimilarly, a type III does not contain the same rigorous requirements or notice to surrounding landowners, will result in site-specific rezoning and prevents interested parties to raise GMA compliance issues as they will not have notice of the requested changes. The quasi-judicial process 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 diverse 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. Again, 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.

3. Capital Facilities Plan (CFP):

Both the current and the proposed CFP fail to present a strategy to fund the support services necessary to accommodate the projected growth that will be created by allowing additional divisions of resource lands. The proposed population growth in the rural area for the 20-year plan is currently underfunded and would become much more so if additional population growth is allowed on resource lands. For example, for roads alone, we believe the record, and the County staff would confirm, that the 2007 plan projected almost \$1 billion dollars in road improvements. However, the county has previously "revised" that CFP by deleting an estimated \$533.1 million of those requisite 2007 road projects. Based upon information and belief, the County is now projecting an additional shortfall of \$158 million. The result is that approximately \$691 million that the 2007 plan stated was required for road infrastructure is unfunded.

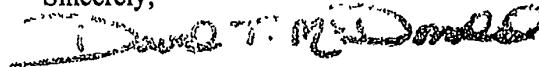
FOCC encourages the Councilors to clarify this issue with Public Works and Planning Staff. If it is correct that the County has a shortfall between \$150-700 million dollars, then funding will need to be allocated to the requisite projects or the plan will be non-compliant

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c/o Dr. Oliver Orjiako
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with concurrency requirements. This unfunded cost, if paid for from the general fund, would normally be split between the county property tax payers and grants. However, if the county loses the grants due to non-compliance, it will all fall on the county citizens. FOCC emphasizes that this projected shortfall does not include the costs for schools, law enforcement, fire, parks, and utilities, all of which will be also have to be funded. It is clear that we face the choice of decreased services, and possible non-compliance, or increased funding.

Therefore, as the Council comes to the final stages of adopting their GMA updates, FOCC urges the Council to realistically review these three issues, choose not to allow further resource and rural land divisions as set for the in 1b-1d., retain the Type IV review process for individual landowner requests for land divisions and not create any further projected shortfalls in the CFP.

Sincerely,

A handwritten signature in black ink, appearing to read "David T. McDonald". The signature is written in a cursive style and is positioned above the printed name.

David T. McDonald
On behalf of the Board of FOCC