

**Anderson, Colete**

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**From:** Heather Tischbein <htischbein@wa-net.com>  
**Sent:** Monday, April 13, 2015 11:59 PM  
**To:** Orjiako, Oliver; Cnty 2016 Comp Plan  
**Subject:** resubmit testimony  
**Attachments:** GMA\_ALT4\_FINAL\_4\_14\_2015.doc



File # 0666

I am resubmitting testimony for tomorrow. The previous email attachment was a draft version, not my final version.

I apologize for the inconvenience.

April 14, 2015

Clark County Councilors  
P.O. Box 9810  
Vancouver, WA 98666-9810

Oliver Orjiako  
Director, Clark County Community Planning  
P.O. Box 9810  
Vancouver, WA 98666-9810

Dear Clark County Councilors and Dr. Orjiako:

I am submitting this testimony for the record in objection to the inclusion of Alternative 4 for consideration and analysis in the SEPA Supplemental Environmental Impact Statement on the grounds that

- It conflicts with the intent of the Growth Management Act by knowingly creating conditions that support suburban sprawl and diminish the size and productivity of agricultural lands; that set the stage for infrastructure failures, negative environmental impacts on air and water quality and wildlife protection; and that risk the depletion of ground and surface water supplies.
- It creates real financial risk to taxpayers in terms of wasted planning staff time; likely increases in property taxes to all property owners to cover infrastructure development, required environmental mitigations, and increases in property tax valuations; and costs to defend against likely lawsuits re non-compliance with GMA rules and regulations.
- It was developed contrary to customary and normal planning and public participation processes which violates the spirit, and possibly the fact, of the appearance of fairness doctrine as it is applied in Washington state.

Specifically in regards to the potential violation of the appearance of fairness doctrine: I understand that Councilor Madore may not be in technical violation of the appearance of fairness doctrine, but his actions are contrary to everything county government states they are doing to be more transparent. It is my understanding the Councilor Madore has had a major role in drafting and revising Alternative 4 in response to requests from Clark County Citizens United (CCCU) a single, special interest group claiming to speak for rural landowners seeking redress from what they feel to have been a taking of their property rights by the GMA. It is also my understanding that Councilor Madore directed Peter Silliman, who is not a member of the Community Planning Department, nor a planner at all, to help these few individuals craft a plan to completely restructure rural and resource land zoning. I also understand that Councilor Madore, without consulting planning staff, circumvented the normal and customary practice for developing comprehensive plan information by having GIS staff work directly with him on Alternative 4. This action appears to have been a deliberate exclusion of the county's professional planning staff and a direct contravention of the procedure used to vet the other Alternatives, all of which is, in effect, a willful circumventing of the public process used to vet Alternatives 1-3

I recently reviewed 123 pages of emails, released through an FOIA request for all emails between the dates of 10/01/2014 and 2/18/2015 of David Madore, Tom Mielke, Jeanne Stewart, Oliver Orjiako and Peter Silliman with the keywords: Carol Levanen; Susan Rasmussen; Growth Management Act; Rural Alternative; Alternative #4; and Clark County Citizens United.

By my count there are approximately 60 emails in this FOIA request that document the breadth and depth of input CCCU has had in the drafting of Alternative 4, to the exclusion of all other members of the public. There were no emails to or from any other groups or individuals, much less the planning staff, despite the expansive nature of the keywords "Growth Management Act; Rural Alternative; and Alternative #4." In addition to the extent of email input from CCCU into the drafting of Alternative 4, in what was a most unusual circumstance, there was an individual who identified as being an officer of CCCU actually seated at the table with county councilors and representatives of the cities during the board work session on March 11, 2015. I am told that this, too, is neither usual nor customary procedure.

These reasons are the basis of my concern that the development of Alternative 4 appears to violate both the Public Participation element of the GMA and the County's own public participation resolution. In my opinion, choosing to include Alternative 4 in the EIS analysis is a failure of the council's fiduciary responsibility to taxpayers and a failure of the council's ethical duty to serve a diverse public with fairness and impartiality. I therefore request that Alternative not be considered as an alternative for analysis in the SEPA process.

Finally, given Councilor Madore's often stated concerns about integrity and transparency, and his statements that other Boards and political bodies not hide behind attorney-client privilege, I am also requesting that the council waive all exceptions to the production of documents under the public records act, including the waiver of its attorney-client privilege, and release to the public into this record all documents pertaining to advice they have received from counsel and all of the legal counsel public records to planning staff. I make this request so that we, the public, have full and transparent information regarding the county councilors' understanding of what laws, rules and regulations they may be choosing to ignore in going forward with including Alternative 4 in the EIS review. As a demonstration of his commitment to transparency I ask Councilor Madore to lead the council in waiving all privileges and to produce all documents between legal and planning staff and the councilors, and between legal and the county manager regarding this Comprehensive Plan update.

Sincerely,

Heather Tischbein  
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