

Anderson, Colete

From: Orjiako, Oliver
Sent: Monday, April 13, 2015 4:07 PM
To: Euler, Gordon; Anderson, Colete; Anderson, Colete; O'Donnell, Mary Beth
Cc: Cook, Christine
Subject: FW: comments of John Karpinski/CCNRC on Clark County 2015 GMA update

Comment JK for the index and FYI. Thanks.



File # 0661

From: John Karpinski [mailto:karpjd@comcast.net]
Sent: Monday, April 13, 2015 4:06 PM
Subject: Fwd: comments of John Karpinski/CCNRC on Clark County 2015 GMA update

Here is a copy of my GMA comments to the Clark Co Board.

John Karpinski

----- Forwarded Message -----

Subject: comments of John Karpinski/CCNRC on Clark County 2015 GMA update
Date: Mon, 13 Apr 2015 16:01:29 -0700
From: John Karpinski <karpjd@comcast.net>
To: david.madore@clark.wa.gov, jeanne.stewart@clark.wa.gov, Tom Mielke <tom.mielke@clark.wa.gov>

John S. Karpinski
2808 E. 8th Street
Vancouver, WA 98661
360.694.0283 home
karpjd@comcast.net

Clark County Council

Re: Clark County 2015 GMA update, Alternatives 2, 3 and 4.
re: Clear and unequivocal violations of Washington's Growth Management Act, RCW 36.70A
re: Comments of CCNRC and John S Karpinski

Dear Clark County Counselors:

Thank you for the opportunity to comment on behalf of CCNRC and myself on Clark County's proposed 2015 Growth Management Act update.

Jadly, I must inform the County that their planning efforts, and particularly Alternative 4, clearly and unequivocally violate Washington's Growth Management Act . Only the "No change" Alternative

#1 complies with the Act.

I Alternative 4 violates GMA requirements for public participation

Washington's Growth Management Act requires "early, open, and continuous" public participation in the preparation of growth management plans.

Here, Alternative four was irregularly done outside of the normal public review process, and without benefit of County planning or legal staff input. See Columbian article of 4/13/15, incorporated by reference.

Also, Alt 4 was apparently designed to accommodate a disgruntled special interest group that repeatedly lost its GMA appeals;

See the following decisions in 95-2-0067c - Achen, et al v. Clark County, et al .

9/20/1995 Achen, et al v. Clark County, et al, Final Decision and Order
12/6/1995 Achen, et al v. Clark County, et al, Order on Reconsideration
10/11/1996 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity

See also the following Opinions of the Growth Board AFTER the Poyfair remand

2/5/1998 Achen, et al v. Clark County, et al, Compliance Order and Order of Invalidity
4/30/1998 Achen, et al v. Clark County, et al, Order on Reconsideration
5/11/1999 Achen, et al v. Clark County, et al, Compliance Order

II. LEGAL STANDARD TO EXPAND UGA'S NOT FOLLOWED :

The County did not follow the rules for expanding UGA boundaries, whether by sequencing, use of urban reserve, or avoiding protecting resource lands. This is error.

A. COUNTY DIDN'T FOLLOW THE STANDARDS FOR NEW URBAN GROWTH LOCATION OF RCW 36.70A.110(3).

The following legal requirements was not used in the County's Alternatives 2,3 and 4:

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

B. NO AVOIDANCE/PROTECTION OF AGRICULTURAL LANDS.

Clark County made no attempt to avoid existing Ag lands, allowing for the conversion of literally 1000's of acres of resource land into incomparable zones that do not protect the resource lands.

This continues the County's illegal efforts to develop resource land that has repeatedly found by the Growth Board, Clark Co Superior Court, and Washington's Court of appeals to violate the Growth Management Act, RCW 36.70A.

See 95-2-0067c - Achen, et al v. Clark County, et al ,
see also 07-2-0027 Karpinski, et al v. Clark County, et al, Final Decision and Order

III County Growth plan violates GMA's requirements for rural planning in RCW 36.70A.070 (5)

Clark County's Growth plan violates the following rural protection provisions of RCW 36.70A.070 (5):

A RCW 36.70A.070 (5) (b):

(b) Rural development. The rural element shallaccommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

B RCW 36.70A.070 (5) (c)

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

IV Growth management plan over allocates industrial land, leading to additional residential development and sprawl.

The Growth Plan over-allocates job land needs and allows conversion of "jobs" lands into housing by the County's watering down of the "no net loss" of industrial lands. This has previously been found by the WWGMHB to be in violation of the GMA in 95-2-0067c - See Achen, et al v. Clark County, et al .

V Conclusion

Each of the County Councilor's duties and oath of office requires you to follow all laws of the State of Washington; *not just the laws you agree with*. Please immediately fix these egregious violations of Washington's Growth Management Act, RCW 36.70A.

Sincerely yours,

John S. Karpinski