

Schroader, Kathy

From: Tilton, Rebecca
Sent: Monday, August 10, 2015 4:21 PM
To: Madore, David; Stewart, Jeanne; Mielke, Tom; Silliman, Peter; Orjiako, Oliver; Schroader, Kathy
Subject: Comments re: Comp Plan Update
Attachments: Susan Rasmussen_08-04-15.pdf; Carol Levanen comments_08-04-15.pdf

Follow Up Flag: Follow up
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Hello,

The attached written testimony was received from Carol Levanen and Susan Rasmussen during the public comment portion of the 8/04/15 BOCC hearing.

Thank you,
Rebecca

Rebecca Tilton, Clerk of the Council
Board of County Councilors
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cc'd = Boce; sillima
oniko
Schroador

susan rasmussen

Tue, Aug 4 9:33 AM

to susan.rasmussen; cnldental@yahoo.com

Re: draft eis more than parcel counts

The GMA offers direction on how to prepare local comprehensive plans and development regulations to ensure early and continuous public participation. Alternative plans 1, 2 & 3 were solely written by the planning staff. The only public process these plans received were at the presentations at the four open houses.

The methodology used for writing alt 4 improved on the public process with the creation of an "all players included policy." This inclusive policy boosted the quality of the planning process and the plan. For the first time in 20 yrs. of planning, the voices of the rural communities were heard and their needs recognized.

The silence of former county commissioners and their failure to act on outstanding issues concerning our 1999 court case speaks volumes. This failure to act is the driving force behind CCCU's insistence to develop a plan that can begin to adequately address our outstanding court issues. Councilor Madore's inclusive policy shift was a giant step in the right direction.

CCCU's court actions alone grant us credibility and standing to influence the direction of this update. Common sense would dictate that compliance with a flawed hearings board isn't what we want. We want to see property owners be able to resolve many lingering issues concerning their property rights...our court cases confirm this.

The draft EIS for alt. 4 shouldn't be just about parcel counts, mitigation, change of land use regulations. It's about recognizing a shift in policy towards accountability to remedy lingering land use issues that further stifle economic and social growth. Alt. 4 should demonstrate significant change. Indeed, the 1994 plan, (the result of a flawed process,) created a massive change that downzoned thousands of acres, with resulting economic and societal impacts. To this day, the cumulative effects of the '94 plan on the rural lands haven't been studied. The plan created an artificial interpretation of the county's rural character.

In a Legal Studies Research Paper, No. 12-06-04, published June 2012, by Daniel R. Mandelker (Stamper Professor of Law), Washington University in St. Lewis, School of Law, "Implementing State Growth Management Programs: Alternatives and Recommendations," our case is cited.

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"Washington ~~is~~ not adopt the top-down Oregon approach by creating a state agency to review county compliance with the statute. Instead, they created a state appeal board that hears appeals on county compliance. Appeal from Board decisions is to the courts, which can correct board interpretations of statutory requirements. As observers have noted, however, this method of review is not entirely successful, and creates compliance problems because it relies on citizen enforcement." pg. 314-315

Alt. 4 should show change and make the necessary first steps required to correct the overwhelming majority of non-conforming rural parcels. For the most parts, these parcels proposed in the plan already exist. 93% of all the F-40 lots are non-conforming. For the most part, they are 5 acre parcels.

Common sense would dictate that after 20 years of neglect of the rural lands, substantial change to the county's comprehensive plan is called for

Sent from Windows Mail

From: susan rasmussen

Sent: Tuesday, August 4, 2015 7:51 AM

To: susan rasmussen

Legal Studies Research Paper by Daniel R. Mandelker, 6/2012

Pg. 314 (mentions Brent Lloyd and our case, and McGee & Howell argue for better delineation of proof burdens and standards of judicial review.)

Talks of the need for administrative guidance at the state level and a system in which the review of local land use plans is mandatory and does not depend on voluntary appeals in specific cases.

"Appeal from board decisions is to the courts, which can correct board interpretations of statutory requirements. As observers have noted, however, this method of review is not entirely successful, and creates compliance problems because it relies on citizen enforcement."

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