

Schroader, Kathy



From: Orjiako, Oliver
Sent: Monday, September 14, 2015 10:14 AM
To: Euler, Gordon, Alvarez, Jose
Cc: Schroader, Kathy
Subject: FW: There is sufficient evidence in the record and the courts to support Alternative 4 - For the Public Record and DSEIS review

Follow Up Flag: Follow up
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FYI, and for the public record. Thanks

From: Carol Levanen [<mailto:cnldental@yahoo.com>]
Sent: Sunday, September 13, 2015 12:59 AM
To: Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver
Subject: There is sufficient evidence in the record and the courts to support Alternative 4 - For the Public Record and DSEIS review

Dear Planning Commission Members and Board of Councilors,

Clark County Citizens United, inc believes there is sufficient evidence in the record and court decisions to support choosing Alternative 4 as the preferred alternative in the DSEIS CCCU has forwarded numerous Hearing Board and Washington state Supreme Court decisions in the record, that demonstrate compliance and allow Clark County to adopt such a policy for the rural and resource areas of the county

At the September 10, joint CCPC and CCBOC hearing, two parties gave testimony stating that considering Alternative 4 would be illegal under the GMA. But, the HB decisions and court decisions do not confirm that statement. Deference is given the counties over particular circumstances unique to the individual county that allows flexibility when designating rural and resource lands. In the case of Alternative 4, it simply demonstrates what is on the ground and what was on the ground, prior to adoption of the 1994 Comprehensive Plan. This is a realistic way for the county to keep a legitimate record of what the rural and resource areas of the county are comprised of. Simply making the zone lot size smaller, does not reduce the ability of the lands to continue to be prime soil. Five and 10 acre agriculture land is more than adequate to preserve prime soils for farm land. Likewise, 10 acres is more than adequate to preserve forest soils for forestry.

Currently, the zoning does not reflect the reality of the rural and resource lands of small farms and rural lots in Clark County, and corrections need to be made. By zoning land in large lot zoning, the county cannot magically create that size parcel. If it is a five acre parcel of rural or resource land, it should be zoned 5 acre rural or resource. If some parcels are surrounded by such parcels, because they were once zoned as such, then to prevent isolated spot zoning, they should logically be included in the area wide designation. This formula is the basis for Alternative 4 in the rural and resource areas of the county. Numerous counties in Washington state, as well as the GMA, have also used the predominant parcel size criteria as well. Those counties using that formula have not been challenged or overturned in the courts. Alternative 4 is based on many of those policies adopted by other counties.

Alternative 3 has a component that allows three cities to include lands into their UGAs. CCCU believes this portion of Alt 3 is appropriate and ask that just those inclusions of lands requested by the cities be included into Alternative 4. We see that Alternative 2 consideration of 10 acre agriculture and 20 acre forest has already been incorporated into the Alternative 4 proposal and therefore Alt 2 has already been incorporated into Alt 4. The remaining cities, or possibly all of the cities have suggested that a one mile parameter of land be preserved around each city. In review of Alt 4 maps, one can see that has been done, already. Those lands have been proposed for 10 acre zoning, even though parcels within the zones are smaller than 10 acres. Therefore, what has been done in Alternative 4 is a composite of Alt 2, 3, and city requests. Alternative 1 changes nothing and should not be the preferred choice because it does not help to meet the housing needs of the future. Alternative 4 looks at including a cluster and TDR provision, to give landowners the option of future preservation of land, as well as meeting housing needs. Alternative 4 allows for more affordable land for the purposes of resource activity. None of the other alternatives have that provision.

Since 1950 the records show that rural and resource lands in Clark County consisted of small lot farms and large rural homesites. Alternative 4 is in keeping with the historical trends, cultural trends and rural character of lands outside the UGAs and should be considered as the most appropriate alternative to be chosen by the Planning Commission and the Board of Councilors within the DSEIS.

Sincerely,

Carol Levanen, Ex Secretary
Clark County Citizens United, inc
P O Box 2188
Battle Ground, Washington 98604