



Madore's growth plan approved

Clark County councilor authored version favored by rural landowners

By **Katie Gillespie (/author/katiegillespie)**, Columbian County Government Reporter

Published: November 24, 2015, 8:05 PM

To those who sat through Tuesday's six-hour Clark County council meeting, the outcome may have seemed written before it began. The Clark County council approved sweeping changes to the framework of its 20-year growth plan and adopted zoning policies that included the reduction of rural parcel sizes.



Councilors David Madore and Tom Mielke voted in favor of new planning assumptions for the Clark County Comprehensive Growth Management Plan update that will consider fewer lots buildable than under previously adopted planning policies.

Both Republicans also voted in favor of a preferred alternative that included all of Alternative 4, which shrinks the minimum allowed parcel size of some rural, forest and agriculture lots across Clark County. Councilor Jeanne Stewart, also a Republican, voted against both proposals

Both components of the growth plan were authored by Madore, who for the last nine months has taken the county's 2016 update into his own hands on behalf of rural residents who claim their property rights were stolen from them with the adoption of the county's first growth plan in 1994

In recent weeks, Madore developed the new planning assumptions and his own version of the preferred alternative. That version of the preferred alternative was posted on the council website, The Grid, on Monday afternoon

"So much of what has been offered has been offered by one councilor and offered within the last two or three weeks," Stewart said. "That is an issue because that does not represent collaborative working with the planning commission, other councilors and the planning staff. We need more time to work this out"

The decision disregarded the recommendations made twice by the Clark County Planning Commission, which most recently voted not to support Alternative 4 or the new assumptions Thursday.

When asked what is next for the plan update, Community Planning Deputy Director Gordy Euler said simply, "I don't have a clue."

Public comment

Tuesday's lengthy public comment period followed a similar formula to those before it, as dozens of familiar names and faces voiced their support for or concerns over Madore's Alternative 4.

Susan Rasmussen and Carol Levanen, president and executive secretary, respectively, of rural landowners' group Clark County Citizens United, spoke as they have dozens of times before in favor of Alternative 4.

Rasmussen criticized the draft environmental report prepared by Seattle-based Environmental Science Associates, saying it does not reflect the realities of existing development. The report said Alternative 4 could have the greatest environmental impacts of any of the proposed zoning plans

"The real story here is the apparent fact that the draft (environmental report) has incomplete information that degrades and disregards rural concerns," Rasmussen said.

Jim Malinowski, also a frequent and vocal supporter of Alternative 4, disputed claims that Alternative 4 might violate the Growth Management Act by creating sprawl, and said, "I strongly believe that the vast majority of rural citizens" support the zoning plan.

"Honor the letter and intent of the (Growth Management Act)," Malinowski urged the council.

City officials, meanwhile, were among those critical of Alternative 4.

"The City of Vancouver urges the county to stop ignoring the findings of its own studies," Vancouver Planning Manager Sandra Town said.

Clark County Planning Commissioner Ron Barca also testified, encouraging the county to adopt the Planning Commission's recommendations. To do otherwise could risk going to and possibly failing in court if the growth plan update is challenged.

"If a business was to radically change their business model, they would run a risk assessment," Barca said. "That's what the Planning Commission did for you."

But in the end, the county council chose a plan that mirrored the one posted on the county website Monday afternoon: A preferred alternative that clarifies details on the county map, incorporates requests made by the cities of Washougal, Ridgefield, La Center and Battle Ground, and includes all of Madore's Alternative 4.

Next steps

The council — also by a vote of 2 to 1 with Stewart dissenting — approved a slew of new policies dictating the growth plan process moving forward.

They include granting the council the authority to select an alternative consultant if ESA is unable to produce the final supplemental environmental report within the budget and time constraints; requiring that all materials supplied for the environmental report be "wholly consistent" and "fully supportive" of the board's policies, and prohibiting documents not published by the county council or county staff from being posted as reports on the growth plan on the county website.

The council will further discuss its deadline for adopting the final environmental impact statement at its 6 p.m. meeting on Tuesday. The council also is slated to adopt its supplemental 2016 budget at that meeting.

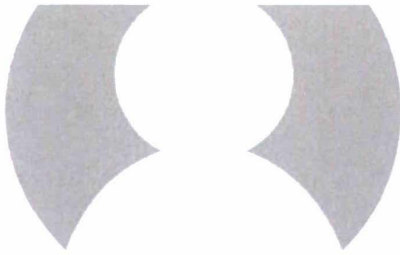
Planning staff have previously suggested that adopting new planning assumptions and an updated Alternative 4 could trigger a new draft environmental impact statement.

In addition to approving its final environmental report, the county also must develop and approve a capital facilities plan outlining how the county will pay for its proposed growth.

The final plan must be completed and accepted by the state Department of Commerce by June 30. County planning staff have said the county's work must be completed sometime in April in order to meet that deadline.

Katie Gillespie (/author/katiegillespie)





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19 Comments

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David Arnett

There has been talk about a deadline next Summer - that if the growth management plan update doesn't make that date, the county and its cities will lose out on a pot of State and federal dollars.

How much cash is at stake here? How much of that cash is lost forever outright, and how much do we lose only during the interim between that date and when the plan update is actually finalized?

Reply · Nov 25, 2015 1:36pm



Betty Sue Morris · Vancouver, Washington

It's very hard to tell what the eventual cost of losing state dollars will be. However, there will be muiple appeals and those will cost every one a lot of money.

Reply · 👍 2 · Nov 25, 2015 2:50pm



Buzz Avery · Real Estate Investor at Self-Employed

I can only hope the new Coucilmembers rescend this awful, anti-Vancouver decision in their first posted meeting in January. Unfortunately, many special interests waiting for this will shoehorn through before the decision can be rescended. They will have grounds for being grandfathered through.

Reply · Nov 25, 2015 12:03pm



Michele Wollert

Clark County professionals with state certification or licensure, like attorneys and engineers, may be placed in the uncomfortable position of having to defend a preferred alternative they know is inaccurate and based on faulty assumptions. That introduces the conflict between their job

demands and professional ethics.

Reply ·  4 · Nov 25, 2015 10:49am



Jeffrey Gibbons

Michele, Honest question, you say "faulty assumptions". Where do they go wrong? I'm sure a lot of "professional opinion" is involved in this stuff. Could Madores position/assumptions be held to be reasonably "justified" by the court?

Reply ·  2 · Nov 25, 2015 7:13pm



Michele Wollert

Jeffrey Gibbons Good question. I believe Madore's assumptions are faulty, but my opinion does not count for much. We'll soon find out if Madore's assumptions will survive legal scrutiny and you and I, as property tax payers on multiple tax accounts, will be helping the county to foot this legal defense bill. Lawsuits are becoming regular government business around here.

Reply ·  1 · Nov 26, 2015 8:21am · Edited



John Ley · Camas, Washington

The Columbian goofed by stating "prohibiting documents published by the county council or county staff from being posted as reports on the growth plan on the county website."

The truth is stated here:

"2.6 Documents not actually published by the Board or by Clark County staff shall not be posted as Comp Plan reports or plans on the Clark County website."

Reply ·  1 · Nov 25, 2015 9:48am



Katie Gillespie · County Government Reporter at The Columbian

Oh, you're right, I did goof. Must have missed a word in my haste to make early holiday deadlines. Will fix that now.

Reply ·  3 · Nov 25, 2015 10:18am



Ron Goodman · Vancouver, Washington

That wording would appear to preclude Councilmember Madore from posting unilaterally, as hje has been doing. "By the Board" requires at least two votes in a publicly-noticed meeting. It would appear that now that he has secured his rogue efforts - constantly posting away - he wants to shut the door on the other two commissioners.

Reply ·  1 · Nov 25, 2015 11:48am



Bob Verrinder · Chief Executive Officer at Retired

Thank you, Jeanne Stewart.

Reply ·  7 · Nov 25, 2015 9:38am



Lorretta Thomas

Well well May be getting a little closer to answering Jeanne Stewart's questions about the 'source'

Well, well. may be getting a little closer to answering some Stewart's questions about the source of the wording and last minute changes Madore added to Alternative 4. ALEC, with their motto of 'limited government, free markets, and federalism', also has a rural land use plan, many such plans, in fact.

<http://www.alec.org/.../an-act-granting-the-authority-of.../>

Reply ·  5 · Nov 25, 2015 9:09am



Bob Burda · Brush Prairie, Washington

Its hard to comprehend that 2 people could be so arrogant and self centered in dismissing any and all of our democratic process. i think I get this now. "In God we trust" is on the dollar bill. TBD in the saga of Dollar Dave's direct deposit to the developers to destroy your quality of life. Need to make light of this as it is extremely disturbing !!!

Reply ·  6 · Nov 25, 2015 8:47am



Chris Young · IT Desktop Support at Legacy Health

Uh, Bob, the United States is NOT a Democracy. It is a REPUBLIC, governed by REPRESENTATIVE democracy. For recent Public School graduates, that means the voters elect representatives whom they feel will best represent their wishes. The representatives, then put forth policy that (in a perfect world) matches what the electorate desires. Unfortunately, in our polarized world, people think that "Colaboration" means that the other side caves to everything that "my side" wants. Madore has pretty faithfully done that. IN SPITE OF the demogogary spouted about. In the selected plan, both the Urban, suburban and rual concerns are addressed, none get everything they want, nobody gets left out in the cold, as the Rural landowners were 20 years ago. It is actually a pretty good example of how government should work.

Reply ·  2 · Nov 25, 2015 9:39am



Mike Yancey · Clark College -- Vancouver, Washington

This is a last chance for the King and the Jester to pass any of their resolutions before the real council is seated. Keep fighting them Jeanne help is on the way.

Reply ·  2 · Nov 25, 2015 8:31am



Chris Young · IT Desktop Support at Legacy Health

Uh, Mike, this is the "Real" council.

Reply · Nov 25, 2015 9:40am



Stuart L. Riley · Vancouver, Washington

Chris Young In name only.

Reply · Nov 25, 2015 10:16am



Thom Rasmussen · Salmon Creek, Washington

Chris Young , this would be "The Kangaroo Council"

Reply · Nov 25, 2015 11:59am

**David Arnett**

Chris Young, unfortunately many folks here either did not read, or do not believe, what the Charter says. Yes, this is the Real County Council exercising the authority that is theirs under the Charter.

When the Council gets it additional council members in January, these same folks will believe that all their worrie have magically gone away. They will soon find that 3 of 5 votes can pass things these folks dislike just as well as 2 of 3 votes does.

Reply · Nov 25, 2015 1:28pm

**John M. Kowalski** · Camas, Washington

David Arnett Presumably if this violates the GMA, courts will speak, and the net result will be that the actions taken are not in the authority of the County Council.

Reply · 2 · Nov 25, 2015 1:56pm

**Jeffrey Gibbons**

John M. Kowalski For better or worse I suspect the courts would find in favor of the Madore assumptions as well as alternative 4. There may well be a stronger case for the counties original assumptions but I don't think Madores would be found to be so far out of line to be overturned.

Reply · Nov 28, 2015 8:48am

**Thom Rasmussen** · Salmon Creek, Washington

So will this allow LaCenter to build sewer to the new casino?

Reply · 1 · Nov 25, 2015 7:39am

**John Ley** · Camas, Washington

Several citizens testified about their family owning lands prior to the 1994 GMA plan, and the hugely negative consequences of that plan.

Michael Langsdorf (sp) shared that his family had a large parcel of land since 1990. It was zoned & surveyed for 5 acre lots. But they had not yet requested dividing the property, as some of their neighbors had already done. Suddenly, with the enactment of the 1994 GMA plan, their zoning was changed and they could no longer subdivide their land. The family "plan" was stopped, and it's been 21 years of them "fighting the system" to regain their property rights.

http://www.cvtv.org/vid_link/17589?start=11087&stop=11273

Other citizens shared similar stories about the 1994 plan creating all the "noncompliance".

With 57% of the R zoned lots being nonconforming, 77% of the AG zoned lots being nonconforming, and 89% of the FR (forest) zoned lots being nonconforming due to the 1994 GMA plan, these citizens deserved a "fix" and the restoration of their property rights.


Alt. 4 gives all the cities what they wanted, as expressed in the Planning Commissions

recommendation of Alt. 3. Those "urban" improvements are included.

What it also does, is "fix" a substantial portion of the noncompliance for rural land owners. This restores their property rights, and adds flexibility for some growth in the rural areas.

Government is supposed to serve the people. If the 1994 GMA plan and zoning map had not caused such huge harm to rural land owners, none of this would have been necessary. But as one citizen testified, we are the only county in the state that has NOT down-zoned rural lands in the last 20 years. Today's action, "while not perfect" as Councilor Tom Mielke stated in his closing remarks, goes a long way towards rectifying a 21 year-old problem.

Citizens Carol Levanen and Susan Rasmussen and Don McIsaac and many, many rural landowners have fought this battle for years. I was truly happy that inspite of all the obstacles, our county elected officials finally addressed the concerns of the people they were elected to serve. Thank you, Councilor David Madore for digging into the details, for spending hours meeting and listening to citizens all around Clark County, and leading the effort to be responsive to rural land owner concerns.

Reply  3 Nov 25, 2015 10:12am · Edited




Harry Smith · University of Oregon

John Ley, you have stated the problem seeking a "Madore" solution is the fact that some rural landowners failed to do their due diligence prior to the 1994 GMA update when you state "But they had not yet requested dividing the property, as some of their neighbors had already done. Suddenly, with the enactment of the 1994 GMA plan, their zoning was changed and they could no longer subdivide their land." I challenge you to justify your editorial adjective "suddenly."

No GMA process is sudden!

With this "Madore" solution on the table, IMO the real concerns for all citizens of Clark County are:

1. Can we meet the state's timeline of making state's GMA changes without losing state and federal benefits?
2. Can the "Madore" solution pass legal scrutiny without costing us huge amounts of time, financial penalties (lawsuits, etc.), and restricted opportunities and/or lost benefits from state and federal resources?
3. Can the impact of the "Madore" solution have more extenuated impacts because it failed to incorporate our county's land use professional's opportunity to thoroughly evaluate all its ramifications on our county's future infrastructure needs?
4. And lastly, why does the "Madore" solution place more emphasis upon a very small minority of citizens who apparently failed to do their own due diligence years ago, vs. the huge majority of citizens that will likely be negatively impacted by the infrastructure changes necessary to support this small minority?

Reply  7 Nov 25, 2015 8 22am



Mike Yancey · Clark College -- Vancouver, Washington

What will you do when your King loses his re-election bid?

Reply · Nov 25, 2015 8:32am



Dennis Ohearn

Is this the same Michael Langsdorf who is listed as an administrative law attorney in Vancouver? If so, not sure I would hire him to do a simple will. Oh, wait. Could the fight all those years be over just 5 acre minimums when the property owners really wanted high density subdivision?

Reply · Nov 25, 2015 9:17am



Betty Sue Morris · Vancouver, Washington

John Lew - existing lot size is irrelevant under GMA. If COuncilor Madore wanted to restore rural property rights, he should have done it within the context of the GMA. The approach he used will never survive the Hearing Board or the Courts.

Reply · 5 · Nov 25, 2015 9:21am



John Ley · Camas, Washington

Betty Sue Morris -- the existing zoning prior to 1994 for many of these larger lots was 5 acres. So if they had a 20 acre parcel, they would have been allowed to subdivide it into 4 smaller, 5 acre lots. But the upzoning is what changed, and suddenly they went from a 5 acre minimum to a 20 acre minimum. THAT is the property rights taken away in 1994. Existing zoning was removed and revised upward.

Reply · Nov 25, 2015 11:56am · Edited



John Ley · Camas, Washington

Harry Smith -- the Madore solution incorporates BOTH the requests of the urban cities AND the requests of rural land owners.

"Yes" it can meet the state's timeline, so no state or federal funds are lost.

#2 -- any solution would have triggered legal challenges, even if the Councilors chose Alt. 1, the "no change", Alt. 2, or the Planning Commission's recommendation -- Alt 3. There is no way to please "everyone" and avoid legal challenges. Alt. 4 gives the cities what they requested, and also restores rural property rights that they enjoyed prior to the 1994 GMA plan adoption.

#3 -- it might... See More


Reply · Nov 25, 2015 12:05pm



Betty Sue Morris · Vancouver, Washington

John Ley No one knows what happened with the 94 plan better than me. I spent my first three years on the County Commission dealing with the remands from that growth plan. So let me say it again: GMA doesn't care what existing lot sizes were. However, if you can find


a reference in RCW 36.70A to prove me wrong !I'll happily stand corrected!

Reply ·  1 · Nov 25, 2015 2:53pm



Betty Sue Morris · Vancouver, Washington

John Ley In fact, one of the remand issues dealt with INCREASING the minimum lot size north of the East Fork Lewis River. The hearings board said they were too small.

Reply ·  1 · Nov 25, 2015 2:55pm · Edited



Bridget McLeman


John Ley What the new alternative does not do is protect landowners who purchased land in a rural area because they WANTED it to be rural. The new plan provides freedom for massive subdivision of existing large lots. Some will, as they testified, split land between their children. But others will subdivide as much as they can to reap their individual benefit at great cost to the future of the community. There is no protection for rural landowners who chose the rural lifestyle they currently have let alone the farmer, tree farmers, wineries and the like who end up with neighbors who complain loudly about noise, smells, dust, spraying, slow tractors on the roads and all that goes along with the business of agriculture. While Alt 4 aims to give some rural landowners what they have been fighting for for "the past 21 years," if you read all the public comment on the current alternatives, you will see that there is an equally significant number of rural landowners protesting loudly at the idea that CCCU represents them and clearly stating that they do not support alternative 4. Somehow, the Councilors have ignored these people's opinions: If Alt 4 passes, these people (along with those of us who live within the UGB who accept density in return for protecting the rural areas) could be fighting for the next 21 years but with this alternative the change will be irreversible.

Reply · Nov 27, 2015 8:06pm



Douglas Green · Publisher at Telecom Reseller Inc

And now folks you see why the voters first changed the governing structure and then elected adult supervision. To those who said no charter change was needed, observe... What would happen now if the new members about to be seated.

Reply ·  5 · Nov 24, 2015 11:40pm



Betty Sue Morris · Vancouver, Washington

Thank you, Jeanne Stewart.

Reply ·  16 · Nov 24, 2015 11:13pm



Betty Sue Morris · Vancouver, Washington

"requiring that all materials supplied for the environmental report be "wholly consistent" and "fully supportive" of the board's policies; and prohibiting documents published by the county council or county staff from being posted as reports on the growth plan on the county website" is a fascinating definition of

"transparency" and a total rejection of "professionalism!"

Reply ·  13 · Nov 24, 2015 11:05pm

Reply ·  10 · Nov 24, 2015 11:00pm



Douglas Green · Publisher at Telecom Reseller Inc

... and since I know you remember ... There are the people who when out of power were demanding transparency and accusing everyone if cover ups and all sorts of plots before Madore was elected. It's one thing for the majority to make a controversial decision but quite another to not have available all the documents to the public.

Reply ·  4 · Nov 24, 2015 11:37pm



Nick Ruark · Vancouver, Washington

It's sad just how much damage one egotistical narcissistic personality can do in 3 years, isn't it ?

Reply ·  13 · Nov 24, 2015 10:19pm



Bridget McLeman

And thanks for everyone who testified on behalf on the Planning Commission's recommendations today - - and so many other times in the past year or so - - despite the knowledge that, with two votes, it was highly unlikely that anything but Council member Madore's plan would be adopted. Ours is not a futile effort. It is highlighting the dysfunction of the current Council. It is reinforcing belief in the need for the changes due to take place in January.

Maybe we have to thank Mr. Madore for bringing the community together - - even if it is a coming together around a common core of dislike for the way the public engagement process has been perverted by the continual disrespect for the intent of the GMA rules and regulations and the knowledge that our community will be changed forever if we do not fight this wholesale change in our rural environment.

Reply ·  7 · Nov 24, 2015 10:10pm



Dan Myers

Who's bottom line does this benefit? Follow the Money.

Reply ·  3 · Nov 24, 2015 10:10pm



Loren Lee

"Madore and Mielke"

Dave and Tom, oh what a pair.
Hardly any political wisdom lives there.
Two egos, both quite craven.
Determined to keep the stupid stuff amaze.
With plenty of corruption, fee waivers and GMA manipulation to spare.

To them 'IGWT' was a gift to land.
And yet neither took an honest stand,
And as they waxed forth,
Making lies of whole cloth.
They mocked the dissent of the banned.

Oh what to do asked the peeps?
 Many of whom weren't mere sheep.
 Will Dave and Tom be allowed to go or stay?
 Some marked their calendars for the distant day.
 Yet the time to vote them out seems to creep.

Dave and Tom still fiddle and play.
 Their crazy antics our future will dearly pay.
 Alas the election 2016 is not here.
 Do enough folks care to insure their end is near?
 May these painful civics lesson motivate voters come election day.

Reply ·  6 · Nov 25, 2015 9:26am · Edited



Lorretta Thomas

The exclusion of almost everyone in Clark County is ongoing and thorough, especially those professionals who's expertise has been circumvented and cast aside by improper and Machiavellian treatment.. Thank you, Jeanne Stewart, for once again being the only voice of reason and pragmatism.

Reply ·  12 · Nov 24, 2015 9:50pm



Mike George · Clark College -- Vancouver, Washington

When the new councilors arrive in January won't they just reverse what happened here today?

Reply ·  7 · Nov 24, 2015 9:27pm



Chris Prothero · Columbia Basin College

The course will be changed, yes.

Reply ·  7 · Nov 24, 2015 9:33pm



Hart Green · Works at Baxter Healthcare Corporation

I sure hope so.

Reply ·  9 · Nov 24, 2015 9:37pm



Neil Pope

What happens until then? What happens to those who go in to file a request for subdivision in the time before the new council convenes?

I have neighbor's up here north of Amboy champing at the bit for this change in the rules and the promise it brings. Do they get mired in the legal fight this is sure to bring or are they "grandfathered"-in because they struck while the iron was hot?


Reply · Nov 24, 2015 10:38pm



Betty Sue Morris · Vancouver, Washington

Neil Pope The plan itself has not been adopted. Just the "preferred alternative." The plan

will not be adopted until next year after the two newly elected Councilors have been seated. It is far too early for anyone to begin applying for a subdivision at this point.

Reply ·  10 · Nov 24, 2015 11 03pm




Neil Pope

Thanks Betty Sue!

My ignorance of the process got the better of me!

Good to hear more reasonable voices will still have a chance to weigh in!

Reply ·  1 · Nov 25, 2015 6 15am



Chris Young · IT Desktop Support at Legacy Health

Neil Pope Sounds like you mean that "reasonable voices" mean only ones that echo your own thoughts. It might not occur to you, but your neighbors have legitimate, honorable views that just differ from yours. Compromise and Colaboration, in their original views, not the current "that means I get MY way", mean that people talk, discuss, and come to an acceptable-to-both middle ground.

After the Urban areas got everything that they wanted 20 years ago, and the Rural areas got nothing, even less than nothing in some cases, this is a needed adjustment.

Add in that when over 50% of all rural lands were in "non-compliance" state, replanning based on true reality, instead of "I wish it was that way" was needed. Many of the lots deemed "buildable" by the current plan, are not buildable due to other regulatory and/or functional restrictions. Those can be wetlands, riparian setbacks, soil stability and other issues that prevent any (rational) building on those areas. Alternative 4 takes a lot of those restrictions (many not present 20 years ago) into account.

Reply · Nov 25, 2015 9 53am

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