

Schroeder, Kathy



**From:** susan rasmussen <sprazz@outlook.com>  
**Sent:** Sunday, May 15, 2016 6:58 PM  
**To:** Cnty 2016 Comp Plan; Mielke, Tom; Madore, David; Stewart, Jeanne; Olson, Julie (Councilor); Boldt, Marc  
**Subject:** Cluster division ordinance

FOR THE PUBLIC RECORD OF THE CLARK COUNTY 2016 COMPREHENSIVE PLAN UPDATE  
Dear Councilors,

Clustering is a tool that allows people to use land they otherwise may not be able to develop. In addition, it enables land owners to minimize roads that serve the subdivision, and allows an opportunity to site buildings according to the topography. Clustering can be a good tool and should be encouraged, not penalized by excessive regulations for every land division in the proposed AG-10 and FR-20 zones.

Please take a close look at the wording of the only land parcelization method proposed in the AG-10, and FR-20 zoning districts.

*The provisions of this subsection **shall** apply to all land divisions in the AG-10, FR-20 zoning districts.*

The provisions for clustering are found in the chapter for Energy and Natural Resources; 5.3 Mitigation in the Final SEIS. Mitigation implies remedy for a loss of functions and values. As proposed, this ordinance is highly restrictive, and impacts private property rights. **This is a good example that demonstrates an imbalance of the GMA planning goals.**

Table 40.210.010-4 Lot Requirements – FR-20 and AG-10 Cluster indicates the Remainder Lot will be 85% or greater of the parent parcel. This is an extremely high remainder size requirement. The Clark County Agricultural Preservation Strategies Report frequently references cluster developments as a tool. **There is no documentation of a high percentage remainder parcel. There is no documentation of this ordinance being used for AG and FR land divisions.**

If use of the large remainder lot is further limited by requiring **preservation “in perpetuity,”** some form of an offset of impacts (to the land owner) would be needed. Otherwise, cutting the remainder parcel size to 70% minimum would be needed. Mitigation should be considered a two-way street. The county must mitigate the landowner for the loss of functions and values if the 85% remainder parcel is to remain as such in perpetuity. Use of perpetuity is not further supported by the GMA’s balanced planning goals, but relies on a WAC adopted by the Dept. of Commerce in 2010. This rule is written as a suggestion and uses “**should**” in lieu of “**shall**.”

*(b)(ii) The open space portion (the reserve area). . .**should** be held by an easement. . .for open space or Resource (farming or forestry) use. This (portion) **should** be held in perpetuity without an expiration date. WAC 365-196-425 (5)*

**This ordinance provides a good opportunity that demonstrates the imbalance of the GMA Planning Goals.** Please ask, where did the idea come from to support the high percentage? What is the norm? How does this proposal support rural housing affordability? If the landowner will only get one parcel, would it be economically viable? If remainder parcels are going to be required to remain undeveloped in perpetuity, what recompense is the county going to offer landowners?

To require land owners to only make land divisions via this ordinance (as written) clearly advances the environmental goals over the protections of private property rights. Many times, **property rights are recognized and assured by minimizing land use regulations** so people can use their property as they wish, unless county codes say differently.

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Please refrain from using the term "mitigation measure," "scenic views in tact," "would be more efficient for providing energy and other natural resources " Public welfare, health and safety already address the public interests

Respectfully submitted,  
Susan Rasmussen for  
Clark County Citizens United, Inc

Sent from Mail for Windows 10