

5-17-16 rec'd from Carol Levanen
cc'd - BOCC; Orsiako; + Schroader

May 17, 2016

Clark County Board of Councilors
P.O. Box 5000
Vancouver, Washington 98666



Dear Councilors,

Clark County Citizens United, Inc. has continued to research Clark County documents regarding the GMA and the Comprehensive Plan. It is shocking and revealing to read in previous minutes, transcripts, and hear in videos and audios what county staff has been doing to the Comprehensive Plan process since 1992. In particular, the Hearing transcripts by Edwin J. Poyfair, county staff memorandums, Commissioner hearings and Planning Commission meetings.

Judge Poyfair says, "As I look,... it appears that the Western Growth management Hearings Board proceeded with an end in sight and not with the idea of developing the factors that would accomplish that end. My impression and my opinion and my decision is that the Hearings Board did not follow the mandate that the statute set fourth. Specifically, there are determinations of definitions regarding agricultural land and forest land. There are further explanations as to what must be included in each one of those classifications. When I see the stature that indicates forest land means land primarily devoted to growing trees for long term commercial timber products. ...I find that the mark has been missed and missed substantially. I think that there was a rush to determine a classification for property now as something that was not intended, or if intended by the Act. not followed by the intent and purposes and goals of the Act ... it appears to me that the .. Growth Management Hearing Board had an end in sight and wanted to accomplish the end and the way they were accomplishing it is to put forth what they felt was appropriate into the record. I do not agree that was .that it was substantial, that it comported with the statutes. But I think, based on what I'm seeing now, that it is tantamount to and could be classified as a taking. I think this is a real concern and that's something that I do not wish to see and that . . .that is again part of the reason for the remand

In Clark County Petition for Reconsideration, Rich Lowery states, *If no revised OFM projection is timely issued, may Clark County seek to justify a larger population projection? The latter would appear particularly appropriate given OFM's acknowledgement that as of January, 1995, Clark County was four to five years ahead of its OFM population projections.*

In the PC 11-1-94 Minutes, it is revealed that of the 36,000 acres of Agn-Forest land, only 8,000 acres was determined by the full advisory committee....the focus group members encompass more individuals than what was on the full advisory committee. One is compelled to ask, who were those other persons? This kind of process by planning staff has tainted the Comprehensive Plan since the first GMA mandates. The county must correct the Plan and demonstrate what the people of the community wants. The Plan is wrong, and it continues to be wrong, in every way

Sincerely, *Carol Levanen*

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

See attachment A

Attachment A

Page 2 of 2

Legal Reference Documents

Superior Court of Washington - No. 96-2-0080-2 - The Honorable Edwin J. Poyfair Presentation. 4-4-1997

Superior Court of Washington - Memorandum in Support of (Proposed) Findings of Fact, Conclusions of Law and Order - No. 96-2-00080-2 - 12-24-97

Transcript of Proceedings Taken Before the Honorable Edwin Poyfair 12-24-97

Superior Court of Washington - No. 96-2-00080-2 - Order on Reconsideration - 6-11-97

Superior Court of Washington - No. 96-2-00080-2 - Petition for review - 1-4-96

West. Wash. Growth Management Hearings Board - No. 95-2-0067 - Final Decision and order 9-20-95

West. Wash. Growth Management Hearing Board - No. 95-2-0067 - Order in Reconsideration - 12-6-95

West. Wash. Growth Management Hearing Board - No. 95-2-0067 - Compliance Order and Order of Invalidation 2-5-96

West. Wash. Growth Management Hearing Board - 95-2-0067 - Second Compliance Order 12-17-97

West. Wash. Growth Management Hearing Board - No. 95-2-0067 - Petition for Reconsideration 9-29-95

Growth Management Hearing Board - No. 95-2-0067 - Motion for Reconsideration/Clarification r/t Remand issue 5 Natural Resource Land - Development Regulations - 10-29-96

Western Washington Growth Management Hearing Board - 95-2-0067 - Clark County Citizens United, Inc.'s Memorandum in Support of Respondent Clark County's Motion for Reconsideration of Board's Compliance Order and Order in Invalidation - 11-29-96

West. Wash. Growth Management Hearing Board - No. 95-2-0067 - Order on Reconsideration - 11-20-96

Superior Court of Washington - Petition for Review - 96-2-00080-2 - 1-4-96

Superior Court of Washington - No. 96-2-00080-2 - Petitioners Opening Brief - 8-20-96

Building Industry Assoc. of Wash. - Amicus Curiae Brief in Support of Respondent CCCU - 8-28-98

Memorandum - Clark County Plan Commissioners - Rural and Natural Resource Element - 10-123-1994

RCCPA's Memorandum in Opposition of Motion for stay of WWGMHB Orders

West. Wash. Growth Management Hearings Board - Compliance Order and Order of Invalidation - 5-9-98

Superior Court of Washington - No. 96-2-00080-2 - Petitioners' Reply Brief - 9-30-96

Court of Appeals, Division II - No. 22164-1 - II - Brief of Respondent - 12-23-97

West. Wash. Growth Management Hearing Board - No. 95-2-0067 Compliance Order - 9-11-99

West. Wash. Growth Management Hearing Board - 95-2-0067 - Clark County Response 2-18-99

Commissioner Proceedings Verbatim Transcript Growth Management Act - December 14, 15, 1994

Planning Commission Minutes - Tuesday, November 1, 1994 - Page 31 - 50

Schroader, Kathy

From: Orjiako, Oliver
Sent: Wednesday, May 18, 2016 4:38 PM
To: Albrecht, Gary, Alvarez, Jose, Anderson, Colete, Euler, Gordon, Hermen, Matt, Kamp, Jacqueline, Lebowsky, Laurie, Lumbantobing, Sharon, Orjiako, Oliver, Schroader, Kathy, Wisner, Sonja
Subject: FW: Comp Plan Testimony (5/17/16 BOCC hearing)
Attachments: 051716_CompPlanComments_Carol_Levanen.pdf, 051716_CompPlanComments_Sydney_Reisbick.pdf, 051716_CompPlanComments_Susan_Rasmussen.pdf, 051716_CompPlanComments_Richard_Dryland.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI and for the record Thanks

-----Original Message-----

From: Tilton, Rebecca
Sent: Wednesday, May 18, 2016 2:39 PM
To: Orjiako, Oliver, Schroader, Kathy
Subject: Comp Plan Testimony (5/17/16 BOCC hearing)

Hello,

Please see the attached comments, which were submitted at the board's hearing yesterday (during public comment)

Thanks!
Rebecca

Rebecca Tilton, Clerk of the Council
Board of County Councilors
1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
PHONE 360-397-2232, ext 4305 | E-MAIL Rebecca.Tilton@clark.wa.gov