

Rec'd June 7, 2016 from Susan Rasmussen
- RLT

From: susan rasmussen
Sent: Tuesday, June 7, 2016 5:59 PM
To: susan rasmussen
Subject: FW: The real issue is compliance to all Court Orders



For the public record

All work sessions have included questions regarding compliance to all of Judge Poyfair's ruling. A direct answer is never given. Included is an email from Mr. DiJulio:

"From my review of the most recent decisions of the courts and the GMHB, and based on direction from County Administration regarding that review, the County is in current compliance, and there are no outstanding issues of noncompliance."

All answers planners, County Administration, and Mr. DiJulio are misleading. The county has yet to comply to the heart of the Poyfair Decision. . the erroneous formula and resulting impacts to the rural and resource zones and densities. The Superior Court and Court of Appeals ruled it is illegal to apply a ceiling on rural growth, yet the formula remains woven throughout this plan. The outstanding issues in the orders should have been front and center in the framing of the 2004 comprehensive update. However, we were told to hold off since the county was not addressing rural areas. We believed the planners and impatiently waited. We fully expect the county to incorporate strategies into this update to satisfy complete compliance to the primary element in the Orders.

The planners and legal staff will present documents that say the county is GMA compliant. That isn't the issue here. The distinction needs to be made for Complete compliance to all Superior Court and Court of Appeals orders. This is the issue. Staff are unable to truthfully say the county has complied with all aspects of the Poyfair Decision.

- They are unable to produce any Superior Court Compliance Reports
- The case was closed by the Hearings Board without validation of compliance to outstanding issues.

A well-reasoned understanding of the Poyfair decision, clearly indicates three elements. Dr. Orjiako lent recognition to only two at the P.C. worksession May 24th. This indicates a misunderstanding of the orders. Regardless of how, when, or who made the ill-fated decision to cherry-pick compliance to court orders, the result is only partial compliance. That is truth. Why is it that all concerns about the erroneous formula fail to be recognized . .let alone resolved? The county may be technically GMA compliant. However, records easily reveal that extreme measures have been taken that not only avoid compliance to the heart of the Remand, but bolster support for the erroneous formula. This demonstrates shameful and immoral actions directed at unsuspecting, trusting citizens. Is this action supported by this sitting Board of elected officials?

The planners have failed to dismantle the erroneous formula. All things considered, they have been reinforcing it all these years. The "Cap on rural growth," remains strongly woven throughout this plan. Thousands of acres of large lot resource parcels remain. Based on physical qualities, these lands are incapable of contributing in a meaningful way to commercial farming or forestry, as mandated in state laws. They do contribute to rural lifestyles, horses, gardening, and 4-H activities. Variety of densities, and support for rural communities and lifestyles are supported by the GMA. CCCU duly advanced our concerns through all proper judicial channels. We thoroughly expect this Board to override the planners and county manager. Councilor Olson, as my elected representative, I ask you to exercise your power and responsibilities as a member of the policy-determining body of officials. Make the necessary corrective measures to remedy and rid the county from all impacts rooted in the illegal formula

Related plans, policies, and reports:

Exploring the Clark County Food System 2008, Community Report Card 2009, Agriculture Preservation Strategies Report 2009, Rural Lands Task Force Recommendations 2010, Clark County Bicycle and Pedestrian Master Plan 2010, Clark County Aging Readiness 2012, Growing Healthier Report 2012. (Ostrom 2013 Progress Reports #1, #2, Small-Scale Food Farming grant)

The Food Systems Council (under guidance of Clark County Public Health) is the lobbying agency for a campaign tied to specific land use zoning. The campaign includes the agenda that supports, defends, and expands the "unauthorized formula." The pertinent background work that supports the agenda is contained within Ostrom's work that was grant funded. This report is intimately involved in developing a campaign tied to specific pending legislative issues that impact land use zoning regulations. That is an intentional act that lobbies government officials. The federal Anti-Lobbying Act prohibits spending federal funds to influence any government, unless Congress authorizes it. The use of a USDA grant to fund reports from the Health Department to bolster the Growing Healthier Report may be a violation.

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