



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

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December 1, 2016

Agri-forest - Rural Centers a diversion - For the public record and 2016 Comprehensive Plan update

The 1994 Comprehensive Plan Agri-forest and Rural centers policies were used as a diversion to prevent appeals against a massive downzone of rural, agriculture and forest land. The county admitted they had nothing in the record to justify what was done. The five acre rural zone prevented a variety of lots, thus allowing the county to make even larger lots in that zone at remand. The goal was to downzone all rural and resource lands and keep them static for 40 years to create a new rural "character" of large lots, even though very few existed. When CCCU appealed these policies and won in court in 1997, the remand process was manipulated to include only the agri-forest and rural center issues. All of the other court orders were ignored. Staff then used rural centers to claim a variety of lots, with no change to other rural zoning. The Plan was proposed to remain status quo in the 2016 update, until Councilor Madore recognized something was amiss, and asked staff to review all rural zones for accuracy. Staff did not follow directives, so he asked GIS to help with the research. The result is Alternative 4.

Judge Poyfair ruled much more than Agri-forest and rural centers. **Conclusions of Law and Order:** state, (1, 2) 3. *statutory mandate - the Board is not above the law*

4. *Agri-forest - the Board erroneously interpreted the law - failure to solicit meaningful public participation*
(5) 6. *Comprehensive Plan EIS - violates the State Environmental Policy Act - changes to the pattern of rural development was clearly erroneous.*

7. *Rural land density - The county's rural and resource development regulations are inconsistent with the GMA - It is evident the rural land density regulations were driven by earlier GMHB decisions - This formulaic view ...is fatally flawed - ...the county to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements - The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character. While the GMA contains no restrictions on rural growth, it does require a variety of residential densities. - the county violated a GMA planning goal.*

******the Board had an end in sight and disregarded the GMA's mandate in applying an unauthorized formula to the review.....of theland use densities. The board's interpretation was erroneous andThe result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the GMA. He did not isolate his discussions to agri-forest and rural centers. He said the whole plan in the rural areas used an unauthorized formula and was erroneous. The commissioners kicked this sham down the road year after year. In the 2004 update, CCCU was ordered by the county not to get involved because rural lands were not being considered and would come later. Even so, CCCU gave testimony regarding the EIS, but was ignored. The Hearing Board closed the case in 2006, with outstanding items, assuming the 2004 Plan corrected them. It did not.*

The courts will look closely at compliance of previous court orders. The Poyfair remand was extensive and the Court of Appeals upheld the OFM portion of it. Under RCW 36.70.710 - Final authority. states, "and final determination shall rest with the administrative body..." It's time for Clark County to get it right.

Sincerely,

Carol Levanen, Ex. Secretary
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