

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



February 16, 2016

Dear Councilors,

Rural and resource landowners have allowed free use of their land by environmentalists and cities for over 20 years and they want it back. The economic loss in the 1994 down zoning was extreme. A person owning 20 acres who could have generated eight 2.5 acre parcels, prior to 1994, lost \$800,000 at the stroke of a pen. Now his land, with poor soil, lays fallow while he pays \$5,000.00 a year in taxes and generates no income. For 20 years he has lost revenue plus the initial loss to equal almost a million dollars, and still counting. The majority of the resource zoned parcels in Clark County make less than 10,000 a year.

Reasonable economics does count, when zoning resource lands under the GMA. Rural and resource landowners have lost billions as a result of the 1994 down zoning, and nothing in the Plan has changed to compensate them. Washington State Supreme Court in *Lewis County v Western Washington Growth Management Hearing Board*, #76553-7, August 10, 2006, states, "**if the state wants to conserve all land that is capable of being farmed without regard to its commercial viability, it may buy the land**".

In Superior Court, # 96-2-00080-2, April 4, 1997, Judge Poyfair said, "*previous Growth Management Board decisions appeared to prevent the County from allowing any growth in rural areas. The Board is not above the law which gave it its existence.*" *The Board must...comply with express statutory mandates...The Board had an end in sight (restricting growth in rural areas)... The Board erroneously interpreted and applied the GMA when it failed tomeet the statutorily mandated definitional criteria for resource lands. Additionally, the failure to solicit meaningful public input....violated the public participation provisions of the GMA.... The Comprehensive Plan EIS issued by the County violates the State Environmental Policy Act... The Board's decision to uphold the adequacy of the EIS absent additional environmental analysis regarding....changes to the pattern of rural development was clearly erroneous.a variety of residential densities and housing types, which the Clark County Community Framework Plan met by identifying pre-existing small development patterns in rural areas... There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas This Board decision, however, compelled the county to downzone substantial portions of the rural areas...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 Board had an end in sight and disregarded the GMA's mandate in applying an unauthorized formula to the review of the Clark County Comprehensive plans land use densities. The Board's interpretation was erroneous... the result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA.*

The Preferred Alternative with Alt 4, adopted on November 24, 2015, is the only alternative that comes even close to complying with court mandates and the GMA. It is critical the Councilors understand the repercussions, if Alternative 4 is removed. CCCU wants to support the county in land use decisions but, we cannot support the economic ruin of rural and resource landowners for the sake of Sunday drivers and irrational cities. If they want the land, they must buy it.

Sincerely,

Carol Levanen, Ex. Secretary
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