



**Leslie Clark**

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**Subject:** FW: Formula that caps rural growth is unlawful, flawed public process

**From:** [susan.rasmussen](mailto:susan.rasmussen)

**Sent:** Saturday, June 18, 2016 1:00 PM

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**Subject:** FW: Formula that caps rural growth is unlawful, flawed public process

#### FOR THE PUBLIC RECORD OF THE CLARK COUNTY 2016 COMP. PLAN UPDATE

In 1997, Superior Court Judge Poyfair ruled the county's application of a formula that, "*capped rural growth*," as unlawful. The ruling is supported by the Court of Appeals, 1999. The formula compelled the county to downzone substantial portions of rural areas. Compliance to the Court Orders requires dismantling the "*erroneous formula*." This should have a transformative effect on the county's comprehensive growth plan, and require staff's cooperation with rural landowners. This has never happened in Clark County's 22 years of GMA planning history.

Staff continually uses an exclusionary public participation process with the rural landowners. Controversial policy recommendations, written in the Growing Healthier, the Agriculture Preservation Strategies Reports, and the Aging Readiness Plan indicate staff's preference for select elite groups that are sympathetic to their no-growth policy agenda. If you eliminate the rural land owners, or anyone that doesn't embrace staff's no-growth agenda, this allows them to easily drive policies towards a devised outcome. This public process is flawed and enables staff to advance the, "*erroneous formula*," instead of dismantling it. State public participation laws say to intentionally reach out and incorporate communities that are impacted by regulations and court actions per RCW 36.70A.140. This ensures a lawful process. This is important because the integrity of the character of the public participation process is foundational to everything in state GMA planning laws.

The exclusionary attitude shows the care and extreme measures, at public expense, staff used to create new reports and policies that preserve the "*unlawful formula*." This attitude robs the citizens from benefits realized from true participation, disempowers citizens, and improperly elevates staff's agenda as the top-ranked driving force. What should provide the horse power that propels good policy, is devalued and is best defined as theatrics that support staff's predetermined outcome. This renders the process meaningless. This threatens the democratic process and everyone should be alarmed.

This process is unworkable. It doesn't recognize healthy, diverse views of stakeholders whose lands are impacted by the regulating policies. There is no collaboration and reciprocity. You can't build a unified county with policy driven by faulty processes; it doesn't work. Ultimately, you will get lines drawn by divisiveness, resulting in lengthy court battles.

This public participation process is discriminatory and amoral. Planning staff can't target a particular group of citizens and exclude them from the process. This action should be concerning to everyone because it not only disadvantages rural concerns, but effectively eliminates a practical means of oversight that ensures compliance to court orders. That is exactly what happened between planning staff and CCCU's membership. Staff eliminated CCCU's members from participating in the planning

process because their views support court orders that counter capping rural growth. Staff has cleverly papered over a moral void, and devised new reports supporting policies that continue to advance their no-growth agenda. The, "*erroneous formula*," remains and court orders ignored. That isn't right.

The rural landowners are tax-paying citizens and deserve honest representation by the entire Board of County Councilors.

Susan Rasmussen for  
Clark County Citizens United, Inc.

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