

From: [Rebecca Messinger](#)
To: [Oliver Orjiako](#); [Sonja Wiser](#)
Subject: FW: Clark County Must Rely on Best Available Science mandated by the GMA
Date: Tuesday, December 12, 2023 9:10:08 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please see the below comments from CCCU. Thanks!



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

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From: Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Sent: Monday, December 11, 2023 8:16 PM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Kristin Phillips <Kristin.Phillips@clark.wa.gov>
Subject: Fw: Clark County Must Rely on Best Available Science mandated by the GMA



Kathleen Otto
County Manager

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From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Monday, December 11, 2023 5:20 PM
To: Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Gary Medvigy

<Gary.Medvivy@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>

Subject: Fw: Clark County Must Rely on Best Available Science mandated by the GMA

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Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD
December 11, 2023

Re: Clark County Must Rely on Best Available Science mandated by the GMA

Dear Councilors,

Clark County Citizens United, Inc. is a 501c4 non-profit organization formed in 1994, on behalf of rural landowners. As we work through various landowners regulatory problems, CCCU sees a consistent disregard for property rights. In the Growth Management Act Goals, Property Rights are equal to all of the other goals, and counties are directed to protect those rights from arbitrary actions.

In CCCU's research, it is clear that Clark County private properties are weighed down by some of the heaviest environmental permitting regulations in the state. Clark County Citizens United, Inc. is recognizing how the County has increasingly burdened rural private properties with unnecessary easements and/or covenants. There is no analysis, to speak of, regarding the impacts to private property rights, yet, this represents a significant shift away from critical protections of coveted property uses and rights assured within the zoning.

Time and again, CCCU is seeing county staff demanding to pause permits, lodging complaints with code enforcement, withhold occupancy permits and *demanding* covenants on private lands from property owners. We're seeing faulty data used as a backdoor way to achieve strict, unnecessary regulatory actions.

These actions then lead staff to demand burdensome covenants on private properties. It's unfortunate staff reports are allowed to be tainted with mischaracterizations and bias. The covenants then add another layer of restrictions that override the land use zone.

The GMA would never let an agency impose such demands without the use of best available science, which is void in county actions. Manipulations of data that impact private properties must be avoided. Unfortunately, staff's outsized powers enable them to hold the land owner's permits hostage, unless demands are met. As stricter environmental regulations are imposed, covenants are demanded. The land owners, under fear of retaliation, have no choice but to comply. Staff's intimidating behaviors

produce a type of standard by default. Unsuspecting landowners are left without recourse, if they want to advance their project.

It appears as if there is another County Comprehensive Plan running parallel to the adopted, authorized Plan, with the whole idea and goal to reduce protections for private property rights, eliminate uses of the land and increase agency controls over private property. County planning, code enforcement and environmental agencies and staff have become de facto policy makers and regulators. These questions must be asked

- **1. Should county agencies and staff enjoy unfettered authority to indefinitely suspend or cancel permits?**
- **2. Should county staff be allowed to set limitations or eliminate zoned uses of private land with covenants?**
- **3. Should county staff be authorized to use trespass in order to achieve certain goals?**
- **4. Should county agencies be allowed to gather, analyze and manage data with bias.**
- **5. Should data be grounded in science and truth, according to the GMA, or should it be made up?**

For example: All these permitting projects contained faulty or mischaracterizations in the reports. Not one report contained best available science, accurate research and due diligence by staff, required under GMA law.

- 1. The Merriman family**, misidentified wetlands requiring large 100 feet buffers. Historical research showed the "wetlands" identified by staff were actually old borrow pits used for the Celatchie Prairie Railroad grade
- 2. The Ek family**; unresolved legal lot that was recognized In a court divorce decree.
- 3. The Massie Family**; misidentified wetlands, county failed to recognize a legally vested septic system
- 4. The Traffie Family**; misidentified fish bearing stream requiring large buffers. The water body is road runoff from Dobler Hill Rd and there is a 100 feet and 80 feet vertical drop of the water that comes from the culverts.
- 5. The Scott Family**; County misidentified legal lot as illegal lot, resulting in a \$365,000 judgement against the Scotts. Research confirmed the lot had been legal since 1934.
- 6. The Kangas Family**, County agents confirmed the landowner had two legal homesites on their land. But then said if either of the homes were replaced, the county would take away one of those homesites.
- 7. The Bong Family**; denied occupancy permit for pool, misidentified stream and wetlands. Threatened to not recognize the legal septic system on the property
- 8. The Becker Family**; Staff trespass issues, code enforcement issues, misidentified legacy road, misidentify wetlands, misidentify streams, misidentify buffers, misidentify Oak Woodlands, coerced permit application
- 9. The Hallstrom Family**; Staff agreeing to a determined outcome and then

changing that outcome without consultation with the land owner, misidentified wetland, misidentified stream, misidentified buffers.

The Rural population growth failed the 10% population allocation, adopted in the 2016 Comprehensive Plan update. The rural areas grew at less than 1%, according to the recent Buildable Lands Report. There's been no correction or review of this policy failure, yet, it has massive implications for Clark County's rural communities and puts their affordable housing at risk. In these times of equity and inclusion, surely the Clark County Council believes that those terms also apply to rural housing. It appears as if there is another County Comprehensive Plan running parallel to the adopted, authorized Plan. The whole idea and goal of that Plan appears to be to reduce protections for private property rights, eliminate uses of the land and increase agency controls over private property. This results in county agencies and staff becoming de-facto policy makers and regulators.

On multiple occasions, CCCU has seen deliberate attempts by staff to base decisions on inaccurate, faulty data. Such manipulations of data lead to certain beliefs and actions that ultimately harm property rights and uses. These faults are difficult to correct. They may be spread through a trusted source, like the Clark County GIS, which provides the framework to gather, manage and analyze data that goes into real world permitting projects. GIS is a powerful tool, as many rely on it to make informed decisions and strategic solutions. All county property data needs to be as accurate as possible and managed responsibly. CCCU is suspicious that is not happening.

Sincerely,

Susan Rasmussen, President

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

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