

**From:** [Oliver Orjiako](#)  
**To:** [Sonja Wiser](#)  
**Subject:** FW: Demanding unnecessary covenants must be removed from the Wetland and Critical Land Ordinance.  
**Date:** Tuesday, February 20, 2024 8:54:28 AM

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FYI. Thanks.

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**From:** Clark County Citizens United, Inc. <cccuinc@yahoo.com>  
**Sent:** Saturday, February 17, 2024 2:25 PM  
**To:** Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@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>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>  
**Subject:** Fw: Demanding unnecessary covenants must be removed from the Wetland and Critical Land Ordinance.

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Clark County Council  
2024  
Clark County Planning Commission  
P.O. Box 5000  
Vancouver, Washington 98666

February 17,

## **FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN UPDATE**

### **Re: Demands for unnecessary permanent covenants on private property must be removed from the Wetland/Habitat Ordinance**

Dear Councilors and Planning Commission,

On behalf of the membership of Clark County Citizens United, Inc., please add the following comments and recommendations for consideration in deliberations by the Clark County Planning Commission and Clark County Council, in the Comprehensive Plan update 2025. This request is concerning permanent unnecessary covenants filed with the deeds of private property, by Clark County.

The following information is CCCU's request as it regards permanent covenants placed on private lands that have been reviewed by county staff under the Wetland and Habitat Ordinance.

**1. Delete any and all requirements that mitigation be required “in perpetuity.” via a permanent covenant attached to the property deed. That’s unreasonable,**

**unnecessary, creates personal and financial burdens on private properties, and diminishes zoned uses of private land. In essence, permanent covenants cause a great deal of damage to private property rights.**

**2. Instead of a permanent covenant recorded on deeds, the wording should be changed to read; “for the duration of the applicants permitted project.” If the permitted project no longer exists, why would anyone need continued mitigation extended forever in perpetuity without a sunset? Additionally, it’s nearly impossible. What is possible, is that it is highly likely to be legally indefensible.**

**3. Follow the Growth Management Act directives to assure that “no net loss” has been accomplished. The GMA does not mandate that enhancements be performed, as that language is only recommended, but not mandatory. First, there needs to be a true justification, for the designations, backed up by best available science, before applying wetland and habitat determinations, and the associated mitigations, to private property.**

In all of the cases that CCCU has reviewed and documented, For the Public Record, not one of those wetland and critical land county reports were correct. What CCCU did see is that the landowner felt threatened by overreaching government interference coupled with highly unreasonable mandates. When in fact, these landowners were just trying to do the right thing.

For properties for which wetlands, buffers, critical area impacts and mitigation projects are approved, the smaller land owner is negatively affected far more than larger developments. Developers may not like it, but they have come to expect to have swaths of property “taken” in the permitting process. However, smaller, single family rural homeowners may not realize that the county holds them to designations and buffer impacts, that may lock up their properties and prevent any further uses of the land.

All parcels must support a house, garage, driveway, lawn, landscaping, decks and an engineered septic system with possible private well. If there are legitimate wetlands and critical lands, all improvements must be set back from them and their buffers. The septic system alone may cover 1,000 sq. ft. or more. What CCCU sees, is that county staff designations are consuming almost all of the parcel with those designations, thereby leaving the parcel useless, for the zoned uses. County codes allow for many uses in the rural and resource areas, such as orchards, gardens, pastures, farming and forestry. In order for these activities to happen, there must be enough land remaining on the parcel to allow those activities to occur. But with the designations, buffers and covenants, this is virtually impossible.

Clark County Citizens United, Inc. asks the Planning Commission and the Clark County Council to make the requested changes to the Wetland and Habitat Ordinance by removing the permanent covenant language in the document. In addition, it would be wise to remove all prior private property permanent covenants, and by using an addendum, allow for a sunset after three years.

Sincerely,

Susan Rasmussen, President

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