

From: [Rebecca Messinger](#)
To: [Oliver Orjiako](#); [Jose Alvarez](#); [Sonja Wisler](#)
Subject: FW: Seek Higher Bar Before County Demands Covenants on Private Land
Date: Monday, March 25, 2024 8:48:12 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please see the below public comments. Thanks!



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

564-397-4305



From: Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Sent: Sunday, March 24, 2024 3:09 PM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Subject: FW: Seek Higher Bar Before County Demands Covenants on Private Land



Kathleen Otto
County Manager

564.397.2458



From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Friday, March 22, 2024 2:16 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>

Subject: Fw: Seek Higher Bar Before County Demands Covenants on Private Land

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Clark County Council
March 22, 2024
P.O. Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re: What should be Clark County's policy over scientific standards, before setting any environmental covenants on private lands?

Dear Councilors,

Clark County Citizens United, Inc., a 501c4 non-profit representing approximately 6,000 county citizens, has become very concerned over the loose policies regarding Covenants. Currently, the County appears to have *no level of precision, as it performs a blanket application of the regulation. There is no elevated standard* required, when collecting data that makes environmental determinations that control private land. This is important to recognize because the determinations likely result in covenants on private lands that infringe on private property rights. The membership of CCCU has seen many faulty actions because the county *lacks a guidance policy requiring precise information.* Determining *how much scientific, as well as historic data,* should be set in public policy by elected officials. This policy should set a standard for the work that directly impacts property rights, uses of the land and its value. This precise policy standard should prevail before allowing any covenant that infringes on private lands. Such policy could be addressed while updating this comprehensive growth plan.

Clark County Citizens United, Inc. has made our position known at impassioned public testimony that should be recorded in the Public Record. We have seen how staff's actions have led to overreach, faulty claims of wetlands or critical areas, or both. Ultimately, the faulty determinations lead to permanent recorded covenants that have no foundation, since they woefully lack GMA required scientific facts. As a result, there is *insufficient data* for county staff, or anyone, to be supporting even small amounts of private land to be held in covenants, Doing so, removes the land from productive use and suffers with lost values. There is a demonstrated need to set minimum guidelines *in public policy* for the use of scientific data, before determinations are made and any covenant is allowed to infringe on private property rights.

That guidance should either affirm or eliminate particular critical area covenants and set new standards, dictating how much scientific and historic data must be collected

before covenants of any kind are allowed. We have seen the need for much more precise information such as the minimum number of wetlands plants, soil types and the presence of water in specifically defined areas. An accounting of the lands historic use and topography should also be a part of that equation..

Before the county demands covenants on private lands, it needs to be based on science and the historical use of the land. *That needs further definition and written policy guidance.* Currently, the county lacks that level of scientific precision on nearly all projects that CCCU is seeing. There must be a set rule to determine how much data should be known before covenants are demanded . That is a need that could be answered while updating the comprehensive plan. The membership of Clark County Citizens United, Inc. is asking the elected officials to set a formal public policy that seeks to use a higher standard for the data used in making environmental determinations that require covenants on private land.

Sincerely,

Susan Rasmussen, President

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