

From: [Oliver Orjiako](#)
To: [Jeffrey Delapena](#); [Jose Alvarez](#)
Cc: [Christine Cook](#)
Subject: FW: Clark County commits private property crimes for generations to come
Date: Thursday, June 13, 2024 2:50:27 PM

Hello Jeffrey:

FYI and for the comp plan index of record. Thanks.

Oliver

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Thursday, June 13, 2024 2:06 PM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: Fw: Clark County commits private property crimes for generations to come

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

June 13, 2024

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re: Clark County commits private property crimes for generations to come

Dear Councilors,

Clark County Citizens United, Inc. saw that in 1994, private property looters arrived in Clark County. In the name of environmentalism, they treaded carelessly through scrubby treed farms, fallow hay fields and remnants of old dairy farms. When the looters, with the help of county staff and county commissioners, instituted large lot zoning laws, they effectively stole the land values and potential use, right out from under unsuspecting land owners. More importantly, the regulatory controls that were put on private properties served to force generations of rural children to seek housing outside of their familiar culture. It was a forced migration of the rural population. Such a regulatory displacement is not sanctioned in any formal state law or policy. In fact, just the opposite is true.

In Clark County Citizens United's Superior Court win, Judge Edwin Poyfair sounded

the alarm in **Case No. 96-2-00080-2, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, April 4, 1997**. Judge Poyfair successfully concluded and the Court of Appeals District II upheld:

“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 are adequately sized and infrastructure in those areas is provided for”. He went on to say, “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.”

Judge Poyfair’s decision was upheld in **THE COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION II, No.22164-I-II, March 12, 1999; PUBLISHED OPINION; Morgan, Bridgewater, Reynolds:**

“ More particularly, nothing in the GMA provides that a county must use OFM’s population projections as a cap or ceiling when planning for non-urban growth. Construed according to its plain meaning, then, the GMA does not require counties to use OFM’s population projections as a cap or ceiling on non-urban growth.”

While CCCU waited for County Commissioners to comply with court orders, the Western Washington Growth Management Hearing Board closed the case due to **inactivity and assumptions**, and not compliance. The courts never received compliance letters from the Hearing Board or Clark County. Obvious outstanding legal compliance issues still remain.

The staff and elected officials had access to a great deal of information to support the court order, in historical Buildable Land Reports. The 2007 BLR data was predicting an insufficient number of buildable rural parcels, necessary to meet the housing demands of current rural children by 2024. Two critical keystones of the county’s Comprehensive Plan were on diverging trajectories.

Instead of addressing inadequate rural housing, looming in the forecast, county staff diverted attention by convening special committees and writing reports. The Growing Healthier Report, 2012, is one report that leads one to conclude the county must conserve rural land to grow healthy food. Another committee was used to over-regulate equestrians, an essential part of the county’s rural character. While these committees were meeting over rural issues, a tragic rural housing crisis was forcing rural generational displacements of thousands of rural people.

This shows that growth assumptions and policies of elected officials were poorly implemented. Even though rural citizens were to be allotted 20% growth, that growth was intentionally slowed to 10% and made more burdensome with unreasonable zoning regulations. All in the name of "preserving farm land" that in reality, didn't exist. In addition, the state population allotment given to the rural area was used up in the urban area.

The time to stop a housing crises is before it happens. In the ongoing rural

displacement, the county must begin to reconcile the rural generational growth with the need for rural buildable parcels for housing. The county has a responsibility to the people that were targeted with displacement. State law requires that the rural areas must have a variety of residential densities. Growth in the rural area is now at .01% and shows the county is almost out of rural lots. Changes to fix that problem must be made.

Sincerely,

Susan Rasmussen, President

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