

From: [Oliver Orjiako](#)
To: [Jeffrey Delapena](#)
Subject: FW: Clark County Citizens United, Inc. OPPOSES Legacy Lands Farm Conservation -
Date: Monday, September 16, 2024 8:12:51 AM

Jeff,

FYI. For the index of comp plan record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Saturday, September 14, 2024 6:17 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>; Brent Davis <Brent.Davis@clark.wa.gov>; CommDev OA Land Use <CommDevOALandUse@clark.wa.gov>
Subject: Clark County Citizens United, Inc. OPPOSES Legacy Lands Farm Conservation -

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Clark County Council
14, 2024
P.O. Box 5000
Vancouver, Washington 98666

September

FOR THE PUBLIC RECORD AND COMPREHENSIVE PLAN

Re: Clark County Citizens United, Inc. OPPOSES Legacy Lands Farm Conservation

<https://clark.wa.gov/sites/default/files/media/document/2024-09/091824-legacy-lands-farm-conservation.pdf>

Legacy Lands Farm Conservation - Work Session

County Council

Clark County Public Works,

Lands Management Division September 18, 2024

Dear Councilors,

Clark County Citizens United, Inc. is shocked, to say the least, over the idea that park funding would be used to prevent landowners from using their rural land for the highest and best use. That use in the rural area is housing. CCCU agrees that when the housing is located on acreage, there is a potential for the landowner to use the

land for farming. But to put land into a conservation covenant, and deed it to the county to preserve "farming" is pure lunacy. CCCU does not believe the Growth Management Act advocates or allows for this kind of agriculture preservation, and certainly not through the parks division. Agriculture under the GMA requires agriculture soil and under the WACs, a number of other criteria that must first be considered. None of this would occur with this staff proposal. Who came up with this idea?

What is needed in the rural zoned land is housing. What right does this staff and the council have, to use the park funds from the Legacy Lands funding, paid for by taxpaying landowners, and give it to private parties, according to the county's whim. That money is to be used for parks, not private land. This proposal is just plain wrong and should be rejected by the Council.

We need rural housing, plain and simple! But what the county staff is doing now, is putting major roadblocks in front of the landowners, making it too costly and time consuming to create that housing. CCCU sees that if there is no legitimate reason for placing costly regulation upon a rural housing proposal, staff makes one up. As one former councilor said at a hearing, *"They can't develop because of the zoning, and if that doesn't work, the county will make it too expensive"*.

Clark County Citizens United, Inc. believes that instead of staff concocting these outrageous proposals, they should instead, focus on true agricultural land according to the GMA.. The former 1979 Clark County Comprehensive Plan, used the USDA soil study Manual for Clark County to discuss which lands are appropriate for agriculture zoning, and why. CCCU has a copy of that information, which we would be happy to share. The original resource committees in 1993-1994 did the same thing, but their work was tossed out of the record, and replaced by John Karpinski's "Green Alternative". All other land outside the urban growth boundaries, that are not appropriate agriculture and forest land, needs to go back to a rural zone, where it came from and used for rural housing. For staff to use *"aerial photography and staff interpretation"*, to determine resource land in 1993, was not legal under the GMA.

Sincerely,

Carol Levanen, Exec. Secretary

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

Legacy Lands Farm Conservation - Work Session
County Council
Clark County Public Works,
Lands Management Division September 18, 2024

<https://clark.wa.gov/sites/default/files/media/document/2024-09/091824-legacy-lands->

Legacy Lands Program

Clark County's diverse natural landscape is made up of broad river valleys, narrow creek canyons, wetlands, lakes, riparian zones, forests, mountains, meadows, foothills and farms. The Legacy Lands program (Clark County's Conservation Futures Program)

FUNDING

The program's primary county revenue source is the Conservation Futures levy. Conservation Futures funding has supported over 100 distinct acquisition projects in Clark County. Almost all of these combined local revenues with grants and donations to accomplish the acquisitions.

Acquisitions also occurred through the State Department of Natural Resources Trust Land Transfer Program and privately owned land donations. The county also coordinates its acquisitions with other land conservation entities such as the United States Fish and Wildlife Service, State Department of Fish and Wildlife, cities and towns and private land trusts.

The "Conservation Futures" legislation is part of Chapter 84.34 of the Revised Code of Washington.

RCW [84.34.020](#) Definitions.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the

wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Parcels of land described in (b)(i)(A) and (c)(i) of this subsection will, upon any transfer of the property excluding a transfer to a surviving spouse or surviving state registered domestic partner, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands";

(f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes;

(g) Any land that is used primarily for equestrian related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed and that otherwise meet the requirements of (a), (b), or (c) of this subsection; or

(h) Any land primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not, subject to the following:

(i) The land is not primarily used for the storage, care, or selling of plants purchased from other growers for retail sale;

(ii) If the land is less than five acres and used primarily to grow plants in containers, such land does not qualify as "farm and agricultural land" if more than twenty-five percent of the land used primarily to grow plants in containers is open to the general public for on-site retail sales;

(iii) If more than twenty percent of the land used for growing plants in containers qualifying under this subsection (2)(h) is covered by pavement, none of the paved area is eligible for classification as "farm and agricultural land" under this subsection (2)(h). The eligibility limitations described in this subsection (2)(h)(iii) do not affect the land's eligibility to qualify under (e) of this subsection; and

(iv) If the land classified under this subsection (2)(h), in addition to any contiguous land classified under this subsection, is less than twenty acres, it must meet the applicable income or investment requirements in (b), (c), or (d) of this subsection.

History

The "Conservation Futures" legislation is part of **Chapter 84.34** of the Revised Code of Washington. The Board of County Commissioners (BOCC) adopted the **Conservation Futures levy in October 1985** as Clark County Code Chapter 3.24. The general purpose of the legislation is to conserve open space, **farm land, and timber land, as defined by the statute**. This manual, an update to the 1997 manual, explains how the Clark County Conservation Futures Program (CFP) operates including relevant legislation, program, policies and procedures.

The goals and objectives of the Conservation Futures Program (also known in Clark County as Legacy Lands) are aligned with the following legislative declaration: "RCW 84.34.200 Acquisition of open space, etc., **land or rights to future development by counties**, cities, or metropolitan municipal corporations—Legislative declaration—Purposes. [development is] eliminating, numerous open areas and spaces of

varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities, and many others having significant recreational, social, scenic, or esthetic values. Such areas and spaces, if preserved and maintained in their present open state, would constitute **important assets to existing and impending urban and metropolitan development**, at the same time that they would continue to contribute to the welfare and well-being of the citizens of the state as a whole.....”

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