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COMMUNITY PLANNING

MEMORANDUM

TO: Board of County Councilors

FROM: Oliver Orjiako, Director

DATE: March 11, 2015

SUBJECT: 2015-2035 Comprehensive Plan Update Memorialization

Councilors present: Tom Mielke, David Madore, and Jeanne Stewart

Staff present: Mark McCauley, Oliver Orjiako, Chris Cook, Chris Horne

City Staff: Robert Maul (Camas), Erin Erdman (Battle Ground), Bryan Snodgrass (Vancouver), Eric Eisemann (La Center), Jeff Niten (Ridgefield), and Mitch Kneipp (Washougal)

Representative of Clark County Citizens United: Jim Malinowski

The purpose of the work session was to review Alternative 3.1 and a new Alternative 4 and to advance to public comment.

Oliver Orjiako, Director of Community Planning, provided an overview of the purpose of the meeting and progress to date. He then outlined the city initiated changes since June 2014 that resulted in Alternative 3.1.

Councilor Madore presented Alternative 4 for Board consideration. The presentation focused on the purpose of developing Alternative 4; to provide a more reasonable range of alternatives to be analyzed in the SEIS. He then discussed the guiding principles and goals and options to be analyzed.

Councilor Madore stressed that the goal was to allow consistency in the rural area and to recognize adjacent parcels.

Madore stated the following:

(1) Step one is to map the nonconforming lots. Step two is to rezone to match the reality of the majority size of lots. Other counties have done a better job at this, and Clark County has a mismatch.

(2) Urban Reserve and Urban Holding keep properties frozen in a virtual moratorium. The solution is to develop a countywide policy that sets a reasonable timeline for review and if possible, action.

(3) Map I recognizes what is already out there. It shows the degree to which we have non-conforming lots because we have established bad zoning.

(4) Map 2 shows the parcels currently in urban reserve and urban holding.

Jim Malinowski said that Alternatives 1-3 support the status quo. Councilor Madore noted that we should not fear that if we request what is already out there, we are going to get sued. Alternative 4 should not generate environmental impacts. There is no legal consequence to analyzing it in the EIS. He's read SEPA and GMA and feels it is inappropriate to limit options before analyzing them, because the county does not yet have enough information to eliminate them.

Councilor Mielke expressed concern about clustering. It is his understanding that when you create a cluster development the remainder is not protected in perpetuity. Oliver Orjiako explained that when a parcel is brought into a UGA the remainder lot can be developed under an urban zone.

Councilor Stewart asked whether we permit new residential lot development of properties in resource zones. Oliver Orjiako said yes, we do allow home sites if they meet the minimum lot size for the zone. We also issue building permits on smaller parcels if they are legal lots, and can perc.

Councilor Stewart asked how legal lots came about. Oliver Orjiako reviewed the history of FX (1-acre) zoning and the transition to the GMA. He stressed that the county follows state platting laws and county zoning requirements. He also noted that there is a variety of reasons tax lots can be created; for example, for business partners to divide responsibility for property taxes. Each partner is responsible for paying the taxes for their tax lot. Creating a tax lot is not illegal, but it is not a legal lot for platting and zoning purposes. Chris Horne added that state law, RCW 58.17.210, prohibits the county from issuing building permits for properties divided in violation of platting law.

Councilor Stewart asked Councilor Madore if he could give an example of what "fallow" as it applies here. Councilor Madore reviewed the history of large lot farms in the county (both in agriculture and forest). Farmers historically could make a living off the land. Today, only a small number of farms are full-time farmers. The majority are part-time, having employment elsewhere and only farm

on a piece of the property, leaving the remainder “fallow”. It is too expensive to buy for farming, and takes too much time to manage. The county has rich soil and should put the land back in the market.

Councilor Stewart stated that she appreciated the explanation and suggested that when the countywide policy goal is crafted that we use a different term than “fallow”, be more specific.

Jim Malinowski has heard stories of property owners being denied permits or too many conditions were requested in order to get the permit. He applauded the concept of clustering. He stated that 20-40 acres was not manageable, 5-10 was better.

Councilor Madore asked what conditions to obtain a legal lot determination?

Christopher Horne referenced chapter 58.17 RCW as a starting point to determine legal lot status. Since 1980, the county has a grandfathering provision for legal non-conforming lots. He’s unaware of any conditions needed other than satisfying what is required under platting and zoning.

If a parcel is illegal then state law and county code provide flexibility to a property owner who can demonstrate either: 1) innocent purchaser status or 2) public interest exception.

Councilor Madore mentioned that the county map today is in violation of platting laws.

Christopher Horne said no, we are compliant and follow state law.

Councilor Madore stated that Alternative 4 would decrease the cost and complexity for property owners.

Councilor Mielke questioned whether Alternative 4 would do anything. His recollection was that very few property owners are affected.

Councilor Madore stated that time was of the essence.

Oliver Orjiako noted the dates and location of the open houses. March 25 at Ridgefield HS and April 1 at Hockingson HS. Both are 5:30pm – 7:00 pm. The Board is scheduled to have a hearing on April 14 at 10:00am.

He also mentioned that a 4th alternative is going to cost more and he would be back before the Board for a supplemental request.

Councilor Stewart said that looking at the map she just received it appears that spot zoning might be a concern. She inquired whether the county had a policy or restriction against spot zoning. What happens if we take a map out that does not legally defensible?

Councilor Madore said that is not a concern.

Christopher Horne noted that he needs to spend more time with the Board.

Councilor Madore said that the EIS process prepares more detail. A solution may be for GIS to look at each individual lot.

Councilor Madore said he was committed to working with staff and to proceed.

Orjiako stated that he cannot make the March 25 and April 1 date if the map is still going to be refined.

City representatives then stated their perspectives.

Robert Maul, Camas, asked for clarification on urban reserve and urban holding.

Councilor Madore said that property owners feel left out. This is correct for all cities, not just in the Discovery Corridor.

Robert Maul asked if an analysis has been done for new lots that may be created out of this process. Does it affect the rural/urban split?

Councilor Madore said that he believes there will be zero new lots.

Eric Eisemann, La Center, stated that they look at Urban Holding as a “halo” or an opportunity – where the city will grow into the future

Eric Eisemann asked what the definition of “reasonable.” La Center and Ridgefield entered into an ILA to jointly plan the area along I-5 in between their two cities.

Eisemann asked if there would be distinct policies for each city.

Mitch Kneipp noted that we needed to exclude cluster lots when we run the analysis on sizing.

Bryan Snodgrass, Vancouver, wanted a detailed list of what zoning changes are being proposed.

Councilor Stewart stated that there were unintentional consequences when GMA was implemented. It failed to look at the big picture.

The work session adjourned with the understanding that a 4th alternative needs to be added to the SEPA process, and with direction from Councilors Madore and Stewart to go forward with the planned open houses and public hearing.