

Rec'd from Carol Levanen - RLT
cc'd- BOCC; Orijako; & Schroeder

7/19/16

Clark County Board of Councilors
P O Box 5000, Vancouver, Washington 98666

July 19, 2016

In Superior Court, King County, Case No. 12-2-40564-6 KNT - Findings of Fact - Conclusions of Law in Support of Promissory Estoppel, the Court ruled similar to the Poyfair Orders. The decisions state the agency had an end in sight and purposefully delayed the process. To meet that end, commissioners /councilors, staff and counsel devised a secret plan and performed unfair treatment of landowners, later promising to "make things right". As parties waited for promises to be fulfilled, a very different outcome was created. Similar to SeaTac, Clark County went through motions of appearing to comply with the Poyfair decision, while promising landowners, after finishing the urban areas, the rural areas would be rezoned, in compliance to court orders. Promises by Betty Sue Morris and Marc Boldt, from 2003 to as late as 2012, claimed new rural land zoning would satisfy CCCU and the Courts. But that never happened. In 2003, attorney, Rich Lowery, discussed the remaining Poyfair Orders with the Planning Commission, saying no one wanted to complete the process. Meanwhile, CCCU waited for compliance.

In both cases, landowners lost their lands through recession and default, while waiting for compliance by the agency. The staff pretended to work and consult on the project, while creating a very different outcome, behind the scenes. Those inactions degraded the value of land, which resulted in persons buying it at a reduced price, in many instances, to the degree of millions of dollars less than fair market value. Clark County's "phantom buyer" is the Conservation Futures Fund, where land is bought at a lesser price, only to be sold later, for a much higher price. The SeaTac case discusses "behind the scenes" documents, of which CCCU has discovered many, during the Clark County 2016 update. One such 2010 document describes planner, Gordy Euler, telling Community Planning Director, Oliver Orijako, how he spent over two years working with the Food System Council to compose the Comprehensive Plan. He says they didn't know anything about land use planning, but they did want to preserve land. He recommended they use the "conservation" word, instead of the "preservation" word. CCCU has often heard him tell Friends of Clark County to keep up the good work and once he advised them to collect more money.

The inaction of staff, drove up land values thereby dampening development interest. The SeaTac case mentions the "public-private partnership" that staff proposed, similar to the C-Tran "public-private" proposal that was earmarked to finance light rail, which voters rejected. The recent Dean Report supports SeaTac "backroom" efforts of staff by using them as the source for an "investigation" while claiming a rural vacant lands model was never used, even after clear evidence to the contrary. There is no mention of Friends of Clark County in the narrative, even though the small environmental group worked closely with staff for over four years to create the 2016 Plan. CCCU was disparaged when asking for (DSEIS) information from ESA, and removal of two reports from the Plan, because they had no meaningful public process for citizens to know the impact. As in the SeaTac case, the Report shows a clear bias for staff when it says a councilor interfered, motivated, attempted, acted, over-simplified, argue, asserts, presses, misrepresent, mischaracterized, cast, was angry, attempting, responding, reacted to various actions, when no legitimate proof is given. The author admits she is not educated in planning, but claims factual conclusions using staff information. In the SeaTac case, staff degraded the landowner with disparaging remarks and threats.

More alarming in the SeaTac case was behind the scenes effort by the Mayor to block development of the land, for his own financial gain, while driving out refugees in the neighborhood. Staff acted to protect the Mayor and he sold his land soon before the trial. Before the 1994 Plan, members of the favored CCNRC, now Friends of Clark County, also sold their land, and then lobbied for preservation and large lot zoning.

Sincerely, Carol Levanen
Carol Levanen, Exec, Secretary,
Clark County Citizens United, Inc., P.O. Box 2188, Battle Ground, Washington 98604



Schroader, Kathy

From: Tilton, Rebecca
Sent: Wednesday, July 20, 2016 3:57 PM
To: Orjiako, Oliver, Schroader, Kathy
Subject: Public Comment (Levanen) - Comp Plan
Attachments: 071916_CompPlanComments_Carol_Levanen.pdf

Hello,

Attached for your records please see the comments submitted from Carol Levanen at yesterday's public comment portion of the board's hearing

Thank you!

Rebecca