

Schroader, Kathy



From: Orjiako, Oliver
Sent: Monday, October 19, 2015 12:33 PM
To: Wisner, Sonja, Schroader, Kathy
Cc: Tilton, Rebecca
Subject: FW: 3B NW Attachments to letter
Attachments: info@horensteinlawgroup.com_20151016_174604.pdf

Follow Up Flag: Follow up
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Hello Sonja and Kathy

This is another comment from Horenstein for La Center

-----Original Message-----

From: Steve Horenstein (<mailto:Steve@horensteinlawgroup.com>)
Sent: Friday, October 16, 2015 5:49 PM
To: Orjiako, Oliver
Cc: Kenneth Boal (ken@porterelectricinc.com), Jeffrey B Sarvis (jsarvis@ci.lacenter.wa.us); James D Howsley (jamie_howsley@jordanramis.com)
Subject: 3B NW. Attachments to letter

Oliver, attached are the exhibits for the letter regarding the 3B property. I neglected to attach them when I sent the letter under separate cover.

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Figure 2
3B NW Property With Key Nearby Land Uses, Zoning
and New Interchange Roads



WGS 1984 Web Mercator Auxiliary Sphere
Clark County WA GIS <http://gis.clark.wa.gov>

Future interchange alignment shown courtesy of
Kittelson & Associates

This map was generated by Clark County's
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Persons seeking a rural lifestyle with farming are largely excluded from purchasing the 3B NW property due to the amount of acres involved and its prime frontage when NW Paradise Park Road is realigned through this property. The demand for land for development and this property's attractive location have pushed the value of the subject property well beyond what farmers could reasonably pay to operate it for crop or livestock production.

14. Proximity of Markets

Distance to markets for agricultural products is highly variable and depends on many factors. As stated earlier, the grass hay production is an incidental by-product of the owners wishing to keep noxious weeds off the land. Mr. Kane, who cuts the grass and bales it, reports that he feeds it to his cattle that are nearby or the excess is sold in the local area.

Conclusions

For many reasons the 3B NW property does not meet the criteria of agricultural land as defined by the GMA. The main factors are:

- The property's excellent current location vis-a-vis I-5 exit 16 and La Center Road will soon have even more prime road frontage when NW Paradise Park Road is relocated on this property.
- The new road location for NW Paradise Park Road will split the 3B NW property into two parcels. In addition to losing land for the roadway, the 3B property will lose net usable acreage due to placement of a proposed storm water drainage system. The sizes of the remaining parcels are not precisely known but clearly dividing this property with a major road makes each parcel even less feasible to farm than currently. Economic analysis included in this report shows that the current property is already economically infeasible.
- In 1994 Clark County has placed an Industrial Urban Reserve overlay on the 3B NW property as well as many nearby properties to the east and north. This is a strong signal that county sees this area as best suited for urban, non-agricultural use. As further evidence of that view, the county has approved developments for a school bus facility, a public water treatment plant and an electric substation that are further from the La Center city limits than the 3B NW property. These developments, in conjunction with the La Center city limits and long approved truck stop land use to the south, are all urban-attracting land uses near the subject property. None of these uses are compatible with prospective agricultural land use of the 3B NW property.
- The Industrial Urban Reserve overlay also "freezes" the property out of investment for agricultural improvement. Farmers would not invest in placing farm buildings, drilling an irrigation well or building new livestock pens, etc. because of the risk that the investment would not be recovered due to expected near-term land conversion to development use.
- The City of La Center has a clear economic development strategy to encourage and support commercial and retail businesses in the vicinity of the subject property with the primary purpose of increasing employment opportunities for La Center residents. This is stated in the La Center Comprehensive Plan, the proposed La Center Junction Subarea Plan and the Economic Development Strategy Action Study for La Center. The city has already annexed land that adjoins the 3B NW property. Nearby the city entered a rezoning agreement with Circle C properties to assist them in bringing new business and employment to the area.

- La Center has a sanitary sewer agreement with the Cowlitz Tribe to provide this service to their reservation by 2017. This in turn is going to make such utility services easily accessible to other properties, including the 3B NW property.
- In addition to sanitary sewer service, other major infrastructure including road improvements at the I-5 interchange, new water supply lines and expanded electrical service are planned for placement along La Center Road. This makes these services readily accessible to the 3B NW property. These major infrastructure improvements should all be available in 2017 or possibly sooner.
- The current owners of the subject property, who have no farming interests, have not been approached by anyone wanting to buy, lease or rent this land for farming use. The lack of interest in farming this property is compounded by the fact that no agricultural improvements exist thereon.
- Recognition by the federal government of the Cowlitz Tribe's trust land status is a major signal that ultimately the Tribe will establish their 152 acre site west of the I-5 interchange as their cultural and business home. This is another major factor that will add to development of the 3B NW property as well as other surrounding property in many commercial and related urban land uses.

Revision of the La Center UGA to include the 3B NW property and the rezoning to de-designate this land as non-agricultural should not be denied on the basis that this property is productive agricultural land resource land or that it has long term significance for commercial agriculture.