

Schroader, Kathy



From: Anderson, Colete
Sent: Monday, November 23, 2015 3:56 PM
To: Schroader, Kathy
Subject: FW: Vancouver submittal for 11/24 BOCC hearing
Attachments: 11 24 15 COV Prefalt ltr to BOCC fnl.pdf

From: Snodgrass, Bryan
Sent: Monday, November 23, 2015 3:21 PM
To: Orjiako, Oliver; Euler, Gordon; Anderson, Colete; Alvarez, Jose
Cc: Towne, Sandra
Subject: Vancouver submittal for 11/24 BOCC hearing

Oliver and all Our comments for tomorrows hearing in response to the weekend postings Sandra will represent us
Thanks BRS



November 23, 2015

Chair Dave Madore
Councilor Tom Mielke
Councilor Jeanne Stewart

SUBJECT: 2016 Clark County Comprehensive Plan update – new resolution and materials for November 24 public hearing

Honorable Councilors:

Thank you for the opportunity to comment. This weekend following the Planning Commission's hearing where the new assumptions were discredited and only days before the November 24 hearing, a new version of assumptions dated 11/18 were posted. Included was a new argument, that proposed Alternative 4 is legally and otherwise sound because its projected rural population growth using the discredited assumptions is less than the rural population that was forecast in the 2007 Clark County Comprehensive Plan.

This argument misunderstands basic land use law and practice, and math. The 2007 plan included no proposed rural rezones, land use changes or other actions that significantly increased rural population capacity. It simply assumed that with no changes 10% of projected countywide growth would occur in the rural area, which recent County data indicate is exactly what has occurred since 2007. By contrast Alternatives 2 and 4 propose sweeping land use changes which increase capacity, by upzoning thousands of rural lots. As a matter of law, the 2007 assumption for rural population growth involved no land use action and was not appealed, so its legality was never brought up or tested. Furthermore and most importantly, as a matter of simple math Alternative 4 is being considered nine years after the 2007 plan, and its impacts will be in addition to the rural growth that has occurred since 2007.

The new materials further contain numerous unsupported and dubious conclusions. GMA affordable housing goals are claimed to be furthered by Alternative 4, despite the fact that new 1, 2.5 or larger rural acreage lots to be created will likely be almost all owner-occupied and unaffordable to most

County residents; economic development goals are claimed to be furthered, despite the fact that Alternative 4 provides for no new employment, and requires “potentially prohibitive” infrastructure costs according to the DSEIS; Property rights goals and permitting are claimed to be furthered, despite the County’s code provisions and track record for allowing home sites on legal lots of record.

We are particularly concerned that the new materials and proposed resolution do not address the mounting evidence from Clark County’s own studies, review bodies, and staff analyses:

- Alternatives 2 and 4 have been found by the County’s own August 2015 DSEIS document to involve upzoning of 50 and 100 square miles of properties, respectively, the largest upzoning in County history. The DSEIS analysis indicated that these proposals would negatively impact urban and rural citizens and taxpayers through a need for new infrastructure throughout the County with, “potentially prohibitive” costs, and a loss of the character of the rural area. No response has been offered either disputing these basic conclusions, or indicating how cost and rural character impacts might be mitigated.
- Local land use attorneys representing both development and conservation interests have testified at length that these proposals would substantively violate state laws for rural and resource lands, resulting in potential grant ineligibility and state sanctions, at cost to local taxpayers countywide. The County has offered no rebuttal.
- The County’s own Planning Commission has twice rejected Alternatives 2 and 4 by near-unanimous votes in September and November, noting that the proposals also threaten public safety. One Commissioner, a former County transportation official, described the proposals as “unconscionable”. These findings have not been disputed, nor has any information been offered as to how safety impacts, which would fall on rural citizens, might be mitigated
- Instead, new assumptions generated by a single individual have been proposed. These assumptions were also rejected at last week’s Planning Commission hearing, as analysis from the County’s own professional staff and other jurisdictions, as well as public testimony and the deliberations of the Commissioners themselves, all noted that the proposed rural assumptions were not supported by rural development data or a sound rationale.
- Numerous parties have also noted that incorporating these new assumptions at this late stage in the update process would require revisiting previously completed steps of the SEPA analysis and comment period. Vancouver staff confirmed that SEPA officials at the Washington Department of Ecology recently advised County staff that this would be necessary. Reopening the DSEIS makes it highly unlikely that compliance with the mandatory June 30, 2016 adoption date could be achieved, which would render Clark County ineligible for various state grants, and City plans which have relied on the County plan would be inconsistent. A joint letter signed by staff representatives of all local cities raising these very process questions was submitted When pointedly asked by the Planning Commission at the hearing if they disagreed, county planning and legal staff raised no objections
- We would be remiss if we failed to note that the proposals and process have drawn opposition from elected officials throughout the county, beyond City mayors and councilmembers. A former County Commissioner with a history of support for rural property rights has testified

that the proposals "lack any kind of substantive foundation to hold them in place under intensive scrutiny of either the Hearings Board or the Courts, and the rural land owners will lose again." A sitting County Councilor also with a history of respecting property rights has called the process "shameful."

The City of Vancouver acknowledges and supports a dynamic rural area. However, we cannot support a proposed upzone of historically large magnitude, where impacts identified by the Counties own studies, review bodies and staff recommendations are ignored. We do not believe this process forces a choice between rural and urban interests, and note that much of the opposition to date has been from rural citizens, and the negative impacts of the proposals identified thus far would impact rural citizens. Vancouver also cannot support a process which jeopardizes compliance with GMA deadlines for completion of work.

We continue to believe that risking compliance with the required June 30, 2016 completion does not benefit any party, urban or rural, in favor of Alternative 4 or against. GMA does not require completing rural issues by the June deadline, and allows them to be considered and adopted any year. Work toward this using defensible information and process, which clearly does not exist now, could begin in July 2016. We have heard of no provision in the GMA or related case law as to why such an approach should not be considered.

If you have technical comments or questions, please contact Bryan Snodgrass at 360-487-7946 or bryan.snodgrass@cityofvancouver.us

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Towne".

Sandra Towne, Planning Manager