

Schroader, Kathy



From: Orjiako, Oliver
Sent: Monday, November 02, 2015 9:39 AM
To: 'Nwankwo, Ike (COM)'
Cc: Wilson, Jeff (COM); Euler, Gordon; Schroader, Kathy; Cook, Christine
Subject: RE: Your Question on Consequences for Missing GMA Deadline

Good morning Mr. Ike Nwankwo:

This is to acknowledge receipt of your email reply to my question. Unless there is unforeseen circumstances, the county is working on meeting its statutory deadline. I look forward to our continued good working relationship. I thank you very much.

Best,

Oliver

From: Nwankwo, Ike (COM) [<mailto:ike.nwankwo@commerce.wa.gov>]
Sent: Friday, October 30, 2015 5:44 PM
To: Orjiako, Oliver
Cc: Wilson, Jeff (COM)
Subject: Your Question on Consequences for Missing GMA Deadline

Hi Oliver, hope all is well at Clark County planning.

I am writing in response to the following question that you brought to my attention last week regarding Clark county's GMA periodic update deadline. You wrote:

"At the Councilors public hearing on October 20, 2015 a comment was submitted into the record that as long as the county is making progress on the comp plan update the county will not be out of compliance. Clark County is among the counties required by statue to complete our update on or before June 30, 2016. Please, what are the consequences of the county for not completing our comp plan update timely."

Here is my response:

On July 1, 2016 every jurisdiction with a June 30, 2016 due date who has not submitted evidence of a fully adopted Comprehensive Plan Update to Commerce will be listed as out of compliance with the GMA. This is a deadline prescribed by statute (RCW 36.70A.130) and "making progress on the comp plan update" does not change this fact. If Clark County has not completed their GMA periodic update by June 30, 2016, then the county would be in non-compliance. Being in non-compliance would affect the ability of Clark County to execute a contract to receive a grant, not before making an application.

The Department of Commerce maintains a list that shows jurisdictions that are "Out-of-compliance." Out-of-Compliance renders a jurisdiction ineligible to receive funds (but still eligible to submit an application) to the Centennial Clean Water Fund, the Public Works Trust Fund, the Drinking Water State Revolving Fund, and the Hazard Mitigation Grant Program. It renders applications to the Recreation and Conservation Office less competitive (one point deducted from the final score). If you believe Clark County will not meet their deadline, it might be a good idea to contact potential granting agencies now to find out when their contracts would need to be executed and plan to have your plan adopted by that date.

I will like to clarify that “out of compliance” does not mean that sanctions will be imposed. Sanctions are different and only the governor may impose sanctions upon receipt of a finding of non-compliance from the Growth Management Hearings Board (GMHB). This is a separate process that requires first a recommendation from the GMHB followed by a discretionary action from the Governor. The penalties are listed in 36.70A.340 and are much more significant. This is a severe remedy for extreme, prolonged and willful noncompliance. The Governor has only imposed sanctions once in the entire history of the GMA.

I hope this response is helpful. If you need more clarification or have other questions on any GMA issue, please feel free to contact me.

I extend our continued support to Clark County in achieving the goals of growth management.

Ike C. Nwankwo
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