

Schroader, Kathy



From: Orjiako, Oliver
Sent: Thursday, May 26, 2016 8:17 AM
To: 'Steve Horenstein'; Euler, Gordon; Albrecht, Gary; Alvarez, Jose; Anderson, Colete; Hermen, Matt; Kamp, Jacqueline; Lebowsky, Laurie; Lumbantobing, Sharon; Orjiako, Oliver; Schroader, Kathy; Wisner, Sonja
Cc: Jeffrey B. Sarvis (jsarvis@ci.lacenter.wa.us)
Subject: RE: Response to Futurewise

Good morning Steve:

Thank you. Staff will forward to the PC/BOCC and include the response in our index of record.

Best Regards,

Oliver

From: Steve Horenstein [<mailto:Steve@horensteinlawgroup.com>]
Sent: Wednesday, May 25, 2016 5:00 PM
To: Orjiako, Oliver; Euler, Gordon
Cc: Jeffrey B. Sarvis (jsarvis@ci.lacenter.wa.us)
Subject: Response to Futurewise

Oliver and Gordon , It is 4:58 on my clock and this is a comment letter responding to Futurewise letter of May 23rd 2016 re the la Center UGA.

Thanks...Steve



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May 26, 2016

The Honorable Marc Boldt, Council Chair
Clark County Board of County Councilors
PO Box 5000
Vancouver, WA 98666-5000

Mr. Steve Morasch, Chair
Clark County Planning Commission
Clark County Community Planning
Attn: 2016 Comp Plan Record
PO Box 9810
Vancouver, WA 98666-9810

Re: **Response to Futurewise Letter regarding La Center Urban Growth Boundary Expansion dated May 23rd 2016.**

Dear Council Chair Boldt, Councilors Madore, Mielke, Olson, and Stewart, Planning Commission Chair Morasch and Planning Commissioners Wright, Blom, Quiring, Barca, Johnson, and Bender:

We represent 3B Northwest LLC in support of the expansion of the La Center Urban Growth Boundary to include its property. (3BNW Property).

This letter responds to a number of allegations asserted by Futurewise in regard to the proposed expansion of the Urban Growth Boundary of the City of La Center in a last-minute letter delivered to the planning commission and the Board of County Counselors dated May 23, 2016 and made available on May 24, 2016.

The following is our response to the issues raised in the Futurewise letter:

The La Center urban growth area expansion violates the GMA because the agricultural comprehensive plan de-designation does not take into account an area-wide approach.

Futurewise cites *Futurewise v. Benton County* for the proposition that the proposed de-designation of the 3BNW Property does not take an area wide approach. In fact, the actions of La Center and Clark County did follow the mandates of the case cited. In 2007, on behalf of Clark County, Globalwise, Inc. produced a study titled, "Analysis of the Agricultural Trends and Conditions in Clark County, Washington". In 2015 Globalwise analyzed the 3B NW Property under the criteria for de-designation of Agricultural land and 1) found that the 3B NW Property met the requirements for de-designation; 2) relied on its own 2016-2007 report in completing the requisite area wide analysis. I would refer you to a letter from the honorable Greg Thornton, Mayor of

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La Center dated and submitted for the record May 26 2016 and a letter from Globalwise dated May 26th 2016 attached thereto confirming the above and providing more detail.

Futurewise's assertion that an area wide analysis was not completed is simply incorrect.

The La Center urban Growth area expansion violates the GMA because the property meet(s) sic the GMA and Clark County Criteria for Agricultural Lands of Long-Term Commercial Significance.

Although the title above is taken from the Futurewise letter of May 23rd 2016, the title is not clear. It would appear from the text that follows this title that Futurewise believes that the 3B Northwest Property does not meet criteria for de-designation from its agricultural designation. This is incorrect:

1. Futurewise does nothing to address or rebut either the 2006-07 or the 2015 Global Wise Report that addresses the de-designation criteria as it applies to the 3BNW Property. The 2015 reports was submitted into the record early in the GMA planning process by the City on behalf of itself, my client and others. The 2006-07 report is part of the SEPA record for the current GMA planning process. Rather, Futurewise relies on generic maps and data that is controverted in many respects in the Globalwise Reports.
2. Futurewise over generalizes its analysis when it refers to "56.66 acres" in analyzing the de-designation criteria as it applies in this matter. The 3B NW Property includes only about 12 of those acres. As to the 3B Northwest LLC property in particular the following is the case:
 - a. The 3B Northwest LLC property is adjacent to the truck stop and convenience store immediately to the south. This latter property is within the municipal boundary of La Center. The presence of gas and diesel trucks immediately adjacent to the 3B Northwest LLC property does not contribute to its viability for agricultural use.
 - b. The 3B Northwest LLC property has not been utilized for agricultural production since the 1950s.
 - c. The 3B Northwest LLC property is an area characterized by urban growth. This growth is right across the property boundary and immediately adjacent across Interstate 5 as well.
 - d. The 3B Northwest LLC Property is certainly near population and is vulnerable to more intense uses given all of the commercial property located immediately adjacent as described above and further south across the La Center Road. And, the Cowlitz Tribe Resort and Casino is immediately adjacent across Interstate 5. This is a rapidly urbanizing area at high density.
 - e. Water and Power are currently in the permitting stages and will be available to the 3B Northwest Property within a matter of months.
 - f. The property is not in an agricultural current use classification.

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Please disregard the Futurewise letter of May 23rd 2016 and include the 3B NW Property in the La Center Urban Growth Boundary.

Sincerely,



Stephen W. Horenstein
SLH:at