

Schroader, Kathy



From: Orjiako, Oliver
Sent: Tuesday, June 21, 2016 9:00 AM
To: Albrecht, Gary; Alvarez, Jose; Anderson, Colete; Euler, Gordon; Hermen, Matt; Kamp, Jacqueline; Lebowsky, Laurie; Lumbantobing, Sharon; Orjiako, Oliver; Schroader, Kathy; Wisner, Sonja
Cc: Tilton, Rebecca; McCauley, Mark; steve.dijulio@foster.com
Subject: FW: COV Comments for June 21 Clark County Comprehensive Plan Hearing
Attachments: 06 21 16 COV ltr to BOCC fnl.pdf

FYI and for the record. Thanks.

From: Armour, Rosemary
Sent: Tuesday, June 21, 2016 8:56 AM
To: Cnty 2016 Comp Plan; Schroader, Kathy; Orjiako, Oliver
Subject: COV Comments for June 21 Clark County Comprehensive Plan Hearing

Attached.

Thank you.

Rosemary Armour/Support Specialist



CITY OF VANCOUVER, WASHINGTON
Community and Economic Development Department/Economic Development
PO Box 1995 • Vancouver, WA, 98668
((360) 487-7813
TTY: (360) 487-8602 | **WA Relay:** 711
www.cityofvancouver.us | www.cityofvancouver.us/socialmedia





June 21, 2016

Clark County Board of County Councilors
1300 Franklin Street
Vancouver, WA 98660

Re: City of Vancouver Comments for June 21 Clark County Comprehensive Plan Hearing

Honorable Council Chair Boldt and Councilors Madore, Mielke, Olson, and Stewart

Thank you for the opportunity to comment on the Comprehensive Plan.

The City of Vancouver, as you know, supports the Clark County Planning Commission recommendation to adopt a final Clark County Comprehensive Plan based on EIS Alternative 3. We believe the data shows this option provides for sufficient employment and residential growth in urban and rural areas countywide (Please see previous Vancouver correspondence dated May 24, 2016, and joint letter from all cities, dated May 2).

This letter is to address increasing concerns that Vancouver legal and planning staff has with the implications for all of our communities if the County adopts Preferred Alternative 2. These concerns have been heightened by several recent developments including.

- A recent Planning Commission staff report and subsequent commission deliberations point to a loss of \$169 million in potential County urban and rural transportation grants if the County becomes non-compliant with GMA
- At the June 8 Board work session, one Councilor suggested that non-compliance would require a court ruling which he believed was not a realistic possibility. In fact, only an adverse Hearings Board invalidity order is required. If the Hearings Board issued, such an order it could take several appearances before the Board before it would be vacated. At the June 8th work session, County staff informally estimated past Clark County revenue losses from previous non-compliance orders were in the area of \$10 million
- The legality of the Preferred Alternative has been questioned by both environmental and development attorneys during this process. To our knowledge, neither past nor present County counsel has answered these questions. Recent efforts to shore up legal concerns are appreciated, but do not appear likely to be implemented, and raise additional concerns. County staff has suggested mandatory clustering of resource lands as a means of increasing legal viability, but this does not appear to have Board support. Nor does clustering address the inherent tension and pressure for future upzones created by locating one-acre rural lots immediately next to five and ten-acre properties. Last week

County counsel indicated the need to build up the record with additional studies (see 766866 in comments received).

- Impacts of non-compliance are not limited to the County. Of particular concern for cities is a recent entry into the record indicating that state Transportation Improvement Board (TIB) staff believes that local cities may also become ineligible for transportation grants. (778105). How this would play out in practice is unclear, but even the possibility of losing out on substantial grant dollars needed to support growth and economic development should give pause.

We believe the Planning Commission's recommendation provides the best long term policy option for all of our communities, The City respects the fact that the decision is for the Council. If the Council elects to go with the Preferred Alternative, please consider the following:

First, do not adopt the Preferred Alternative until you have been advised by counsel and are satisfied that it is not only legally defensible but also likely to survive the inevitable legal challenges from environmental groups that will follow. This advice should include an assessment of the consequences of non-compliance to cities and all Clark County citizens.

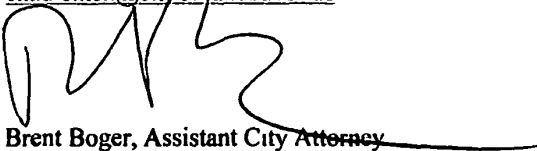
It would be reasonable for the Board to take additional time to consider which alternative to adopt. The Board could deal with issues like growth forecasts and UGAs that need to be addressed now, and defer rural zoning issues until the next year to get things right. Unlike the other components, rural zoning changes are not a mandatory component of the update subject to the June 30 deadline.

Second, if the Board feels compelled to adopt significant rural zoning changes now, please do so through a separately adopted ordinance from the other components. Segregating mandatory aspects of this update from discretionary rural zoning changes not required by law might limit the impacts to the Cities and County if the rural zone changes are ruled invalid. A similar approach is being taken with the Rural Industrial Lands Bank, which has proceeded under separate adoption even though it overlaps with the Comprehensive Plan in terms of area, policy implications and timing. Given the financial stakes, we would urge this be considered for any rural upzones whose legality is in question.

Sincerely,



Chad Eiken, AICP, Director
Community and Economic Development Department
chad.eiken@cityofvancouver.us



Brent Boger, Assistant City Attorney