

**STAFF REPORT**

TO: Clark County Board of Councilors

FROM: Oliver Orjiako, Director

DATE: February 16, 2016

SUBJECT: Public Hearing: Reconsideration of a “preferred alternative” and of planning assumptions; corrections of mapping errors, if necessary; and a path forward.

INTRODUCTION

On January 13, 2016, the Board had a work session on the comprehensive plan update to review actions that had occurred to that date and to receive a consultant's¹ report regarding the planning assumptions for the preferred alternative. The Board decided at that time to revisit the preferred alternative. The purpose of this hearing is to review and reconsider the Board's selection on November 24, 2015 of a preferred alternative under SEPA, and, if necessary to consider adoption of proposed corrections to the preferred alternative map. The hearing regarding corrections to the preferred alternative map was originally scheduled for January 19, 2016.

BACKGROUND

Clark County is updating its comprehensive plan to meet its Growth Management Act deadline of June 30, 2016. As part of the update process, the county is required to analyze the impacts of growth alternatives through the SEPA process. The county readopted the environmental impact statement prepared for the 2007 update and retained a consultant² to prepare a draft supplemental EIS (DSEIS). The DSEIS, which analyzed four potential growth alternatives for the 2015-2035 time horizon, was issued in August 2015.

Based on the DSEIS, on joint public hearings with the Board, and on the record, the Planning Commission (PC) on September 17, 2015 recommended a preferred alternative to the Board. The PC recommendation included all of Alternative 1 and parts of Alternatives 2 and 3.

At a Board hearing on October 20, 2015, the Board introduced a new Alternative 4 (Alternative 4B). In addition, on November 4, 2015, the Board reviewed new planning assumptions (Choice B) for Alternative 4B. At the request of the Board, a joint PC/BOCC work session on the proposed Choice B planning assumptions and Alternative 4B was held November 9, 2015. Staff conducted two public open houses on the new proposed planning assumptions and Alternative 4B on November 16 and 17, 2015. On November 19, 2015 the Planning Commission held a public hearing on the proposed new Choice B planning assumptions and on the preferred

¹ The presenting consultant was RW Thorpe & Associates, Inc. (Thorpe), represented by Lee Michaelis and Steve Jackson.

² The consultant that prepared the DSEIS was Environmental Science Associates, (ESA).

alternative, reviewing the comparison between those assumptions and the ones used in the DSEIS (Exhibit 1) and giving consideration to the revised Alternative 4B. At the November 19 hearing, the PC voted to uphold their September 17 recommendation to the Board, and rejected the Choice B assumptions.

On November 24, 2015, the Board selected a preferred alternative that included Alternatives 1 and 3 and parts of Alternative 2, as well as Alternative 4B, which alone was based on the Choice B planning assumptions also adopted that day. The Choice B assumptions are attached as Exhibit 2. The result was to reduce the number of potential lots in the rural area from the 12,401 reported in the DSEIS to 6,140 lots as proposed in Choice B. The problem was that the Choice B planning assumptions were not applied to all four alternatives in the DSEIS, rather to just Alternative 4B.

PREFERRED ALTERNATIVE MAP

Until the November 24 Board hearing, proposed changes to Rural, agriculture, and forest lands were mapped separately for the original four alternatives studied in the DSEIS. GIS staff then undertook the effort to combine the three maps into a single map. The combined mapping for Alternative 4B revealed errors that affected 320 individual parcels in the rural area. Property owners were notified of the mapping situation in case they had been following the development of Alternatives 4 and 4B. A Board hearing on January 19 was originally scheduled to address the mapping errors.

PLANNING ASSUMPTIONS

As stated above, the Board of County Councilors held a hearing on November 24 and selected a Preferred Alternative. The Board considered the PC recommendation, the Choice B planning assumptions, revised Alternative 4B and the other alternatives. At that hearing the Board adopted the Choice B assumptions and a Preferred Alternative that included all of Alternative 4B and elements of the other Alternatives. The Board for a second time did not accept the recommendation of the PC. The mapping for Alternative 4B contained errors that affected 320 individual parcels in the rural area.

On December 1, 2015 the Board approved a contract to consult with R.W. Thorpe and Associates (Thorpe) to evaluate the Choice B planning assumptions. On December 8, 2015, Thorpe's contract was modified to include 1) evaluate the Choice B planning assumptions and 2) prepare an Addendum if necessary to the DSEIS in order to satisfy SEPA for the Choice B assumptions and Alternative 4B.

THORPE REPORT

On January 13, 2016 the BOCC held a work session on the comprehensive plan update that included a review of Thorpe's evaluation of the Choice B planning assumptions. Thorpe reported that four of the eight adopted Choice B assumptions are invalid. Two are partially invalid and two are valid. One of the valid Choice B assumptions was the same assumption that had been used for the DSEIS and the original four Alternatives. To summarize, four of seven new Choice B assumptions were found invalid. Three of the invalid assumptions caused a reduction of 5,755 projected rural and resource lots from Alternative 4 to Alternative 4B. These reductions did not include the market factor used in Alternative 4B that further resulted in deduction from available rural lands inventory, and that Thorpe also found to be invalid.

Thorpe's work was done to further the county's analysis of Comprehensive Plan alternatives in movement towards completion of the final supplemental environmental impact statement (FSEIS). The analysis and findings could not further approval of Alternative 4B as the "Preferred Alternative" advanced to complete the SEPA process. The final Thorpe report is attached as Exhibit 3.

A PATH FORWARD

The county analyzed Alternatives 1, 2, 3 and 4 for the 2015-2035 time horizon in the DSEIS using one set of assumptions for all alternatives. The Board's adoption of Choice B revised those planning assumptions, but only for Alternative 4B, which became the Preferred Alternative. Neither Choice B nor Alternative 4B has been analyzed under SEPA, a deficiency that must be remedied if Alternative 4B is to be the Preferred Alternative.

In the short term, the Board needs to consider the county's obligation to meet the statutory deadline of June 30, 2016 to complete its comprehensive growth plan. A timely completion will require the county to have finished environmental review and all plan changes, including completing a new capital facilities plan and capital facilities financial plan, and all related code changes by April 30, 2016.

To complete the SEPA process on time, the Board will have to consider the four growth alternatives studied in the DSEIS. Any alternative outside of those analyzed in the DSEIS would require study and the creation of an Addendum to the DSEIS, which could jeopardize the county's ability to meet its deadline.

PROCEDURE

The Board must first determine, in light of the Thorpe conclusions and the pressing GMA deadline, whether it will continue with the Choice B assumptions and the current Preferred Alternative. A starting point would be a motion to reconsider the November 24, 2015 selection of the Preferred Alternative. If that motion passes, a second motion would be to reconsider adoption of the Choice B planning assumptions. The effect of this motion would be to return to the planning assumptions as they existed before adoption of Choice B. The original assumptions are not necessarily correctly described as Choice A on Exhibit 2.

If those motions pass, the Board may reconsider the recommendation of the Planning Commission on a preferred alternative, as a whole, or the Board may choose to reconsider each of the elements of the alternatives.

The alternatives, broken down into individual elements, are listed on Exhibit 4. A new Preferred Alternative could be a composite of elements from the different four alternatives analyzed in the DSEIS. Therefore, staff would recommend that the Board consider and vote separately on each element of the Alternatives, in the order shown in Exhibit 4, as the most clear and understandable means of choosing a Preferred Alternative.

If it reconsiders elements of the Preferred Alternative, the Board needs to recognize (1) the requirements of the Growth Management Act specifically, rural character, protection of resource lands, and capital facilities planning, (2) the environmental impacts of the alternatives, and (3) other policy choices that the Board wishes to make, consistent with the law.