



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

09/10/2019

Mr. Gary Albrecht
Land Use Planner
Clark County
1300 Franklins Street
Post Office Box 9810
Vancouver, WA 98666-9810

Sent Via Electronic Mail

Re: Clark County--2019-S-638--60-day Notice of Intent to Adopt Amendment

Dear Mr. Albrecht:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed comprehensive plan and development amendment to comply with the Growth Management Hearings Board. Clark County will consider amendments to the Comprehensive Plan, zoning maps and Title 40 by deleting the Rural Industrial Land Bank and repealing related ordinances.

We received your submittal on 09/09/2019 and processed it with the Submittal ID 2019-S-638. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/09/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Ike Nwankwo, (360) 725-2950.

Sincerely,

Review Team
Growth Management Services



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2019-S-638

Submittal Date Time: 09/10/2019

Submittal Information

Jurisdiction Clark County
Submittal Type 60-day Notice of Intent to Adopt Amendment
Amendment Type Combined Comprehensive Plan and Development Regulation Amendment

Amendment Information

Brief Description

Proposed comprehensive plan and development amendment to comply with the Growth Management Hearings Board. Clark County will consider amendments to the Comprehensive Plan, zoning maps and Title 40 by deleting the Rural Industrial Land Bank and repealing related ordinances.

Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Planning Commissions Date 10/17/2019

Board of County Commissioners Date 11/12/2019

Anticipated/Proposed Date of Adoption 11/12/2019

Attachments

Attachment Type	File Name	Upload Date
Ordinance or Resolution	ORD 2016-04-03 Rural Industrial Land Bank.pdf	09/09/2019 03:04 PM
Ordinance or Resolution	Ord. 2016-05-03.pdf	09/09/2019 03:04 PM
Ordinance or Resolution	ORD_2018-12-64_EO_RILB.pdf	09/09/2019 03:04 PM
Map	RILB parcels to amend.pdf	09/10/2019 11:13 AM
Combined Comp Plan and Dev Reg Amend - Draft	Clark County Comprehensive Plan and code amendments.pdf	09/10/2019 11:16 AM
Supporting Documentation or Analysis	D2 50847-8-II Published Opinion.pdf	09/10/2019 11:35 AM

Contact Information

Prefix Mr.
First Name Gary

Last Name Albrecht
Title Land Use Planner
Work (564) 397-4318
Cell
Email Gary.albrecht@clark.wa.gov

Yes, I would like to be contacted for Technical Assistance.

Certification

I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name Gary Albrecht
Email gary.albrecht@clark.wa.gov

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, October 17, 2019 at 6:30 p.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington. Clark County completed a review and update of its comprehensive plan according to the Growth Management Act (GMA) on June 28, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) and a hearing on the issues was held February 8, 2017. The GMHB ruled on March 23, 2017 that certain portions of the 2016 plan update, including the establishment of a Rural Industrial Land Bank (RILB) had not complied with certain requirements of GMA. The county appealed the RILB decision. On Aug. 20, 2019, the Washington State Court of Appeals filed its decision on review of the GMHB decision. The court decision upheld the GMHB ruling that the portion of the 2016 Plan related to the RILB had failed to comply with the GMA. The Planning Commission will consider amendments to the **Comprehensive Growth Management Plan 2015-2035, zoning maps and Title 40** as a response to the GMHB final decision and order regarding the **Rural Industrial Land Bank (RILB)**, CPZ2019-00032_GMA Compliance RILB.

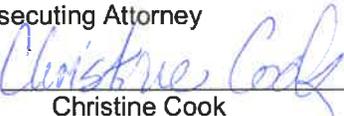
Staff Contact: Gary Albrecht at Gary.Albrecht@clark.wa.gov or (564) 397- 4318 and Oliver Orjiako at Oliver.Orjiako@clark.wa.gov or (564) 397- 4112

The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes> Copies of materials are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, WA. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711, or 800-833-6388, or Fax 564-397-6165.

Anyone wishing to attend this hearing should appear at the time and place stated above. Spoken testimony regarding this matter may be given there. Written testimony can be provided to the Planning Commission by e-mailing the clerk of the commission at Sonja.Wiser@clark.wa.gov or via US Postal Service to the Planning Commission, c/o Sonja Wiser, PO Box 9810, Vancouver, WA 98666-9810. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Planning Commission before the hearing.

Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: 

Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:
Please Bill:

Wednesday, October 2, 2019
Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810

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CLARK COUNTY



The Columbian

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Long legal fight over growth plan finally over

County decides against appealing most recent court ruling over its plan

By **JAKE THOMAS**
Columbian staff writer

A three-year legal battle over Clark County's comprehensive growth management plan has come to an end.

The county issued a news release Wednesday announcing that the Clark County Council decided against appealing the most recent court ruling over the county's comprehensive growth manage-

ment plan. The plan, required by state law to guide land-use and planning, has been in dispute shortly after being passed in June 2016.

The news release did not say when the council made the decision, but county officials later said it was made during an executive session, a closed-door council meeting, to discuss litigation.

The council's decision means that the county's goal of creating a rural industrial land bank on agricultural land is effectively quashed, annexations by La Center and Ridgefield are final, lot sizes will be larger for some areas and the county is on track to once

"The council decided last week that the likelihood of prevailing on reconsideration at the Supreme Court on the (rural industrial land bank) was minimal."

Julie Olson
Clark County councilor

again become eligible for some state grants.

"The council decided last week that the likelihood of prevailing on reconsideration at the Supreme Court on the (rural industrial land bank) was minimal," Clark County Councilor Julie Olson said in a text. She further noted that the council was ready to get the county's comprehensive plan into

compliance and move on.

But the county still has work to do before its comprehensive plan is in the clear.

Recap

Under the state's Growth Management Act, Clark County is required to produce a 20-year comprehensive growth plan. After passing an update to its plan

in 2016, Friends of Clark County and Seattle-based group Futurewise appealed it. The environmental groups alleged that the county's comprehensive plan violated the state Growth Management Act by facilitating sprawl and opening agricultural land up for development.

Property rights group Clark County Citizens United also appealed the comprehensive plan alleging that the county violated public participation requirements and excluded rural landowners. The group also argued that the plan illegally undermined prop-

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Plan

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erty rights, blocked land available for development and used a faulty population projection.

In 2017, the Growth Management Hearings Board, a quasi-judicial panel, dismissed the appeals made by Clark County Citizens United. The board found that the county met multiple procedural requirements of the Growth Management Act. But it agreed with Friends of Clark County and Futurewise that the smaller lot sizes established by the plan, the creation of the rural industrial land bank and expansion of the urban growth boundary were illegal.

The arguments continued in appellate court. Last month, a state appeals court issued ruling that upheld many of the decisions of the Growth Management Hearings Board but finalized the annexations completed by Ridgefield and La Center which had previously been challenged by Futurewise. The ruling also upheld the board's decision on the rural industrial land bank.

What's next?

In a statement, Tim Trohimovich, Futurewise director of planning and law, said that the county's decision to not further appeal meant that protections for working farms and forests had been strengthened in Clark County.

"Futurewise and the Friends of Clark County are very pleased that Clark County is taking the legally required steps to conserve the 602 acres of working farmland the County had designated as the unneeded industrial land banks," he wrote. "We also appreciate that Clark County has chosen not to appeal this common sense decision pro-

tecting working farms and farmers in Clark County."

The Clark County Council has already taken some steps to come into compliance with the Growth Management Hearings Board.

The council issued a moratorium on development of the rural industrial land bank. It's also voted to change minimum lot sizes for agriculture from 10 to 20 acres and forest from 20 to 40 acres. The council also voted to amend the county's comprehensive plan to provide three rural zoning designation of 5, 10 and 20 acres. In addition to technical changes, the council also removed 17 parcels from Battle Ground's urban growth area.

According to the statement issued by the county, the Clark County Planning Commission will make recommendations this fall on how the county can come into compliance with the Growth Management Hearings Board's decision, which the council will hold a hearing on. After that, the plan will return to the Growth Management Hearings Board for review.

Since the board issued an order of invalidity for the county's comprehensive plan, Clark County has been ineligible for millions of dollars in state funding. The review could mean a lifting of the order just as the county is seeking money for transportation infrastructure upgrades.

"This gets the county a step closer to being in compliance with (state law) and restores the ability for the county to apply for and receive grants and loans from the Washington State Public Works Fund and Transportation Improvement Board," Council Chair Eileen Quiring said in a prepared statement.

Jake Thomas: 360-735-4515; jake.thomas@columbian.com; twitter.com/jakethomas2009