

COUNCIL HEARING FOR NOVEMBER 12, 2019

MINUTES OF HEARING

QUIRING: Now we're moving on to public hearing of Annual Reviews and Dockets, CPZ2019-00032, Growth Management Act Compliance, the Rural Industrial Land Bank.

ORJIAKO: Good morning, Councilors. For the record, Oliver Orjiako with Gary. The first item before you is following Council direction to see that the County comp plan comes into compliance, so that is the first item relating to the rural industrial land bank. So Gary will go over what we have done and have you to vote to allow us to proceed to bring the County comp plan into compliance.

ALBRECHT: Thank you, Oliver. Good morning, Council. Good morning, Chair. It's a rather long quick presentation on the rural industrial land bank, so this is for CPZ2019-00032. Here's an agenda of what we'll discuss.

On October 17th, 2019, Clark County Planning Commission voted 6 to 0 to forward a recommendation to remove all references to the rural industrial land bank and they're all listed right there. There's a background and overview of the process.

In 2014, the County receives an application to establish the rural industrial land bank. Several development codes were amended in 2014. In 2016, the rural industrial land bank was adopted through the comprehensive plan. Arterial atlas was amended and the comprehensive plan was appealed to the Growth Management Hearings Board. From 2017 to 2019, there were three Growth Management Hearings Board decisions about the appeal. In August of 2019, the Court of Appeals' decision was issued and Clark County does not appeal the decision and proposes amendments to come into compliance with the GMA.

And here is the vicinity map with the rural industrial land bank. As you can see it's between the UGAs of Battle Ground and Vancouver. In 2016, the County de-designated agricultural land adjacent to the cities of Ridgefield and La Center. They were -- they annexed those lands before the decision of in 2017. The August 20th decision indicated the County is not able to plan for annexed land and the Hearings Board cannot compel the County to take action that would bring the County into compliance.

The Court upheld the Hearings Board ruling that the de-designation of agricultural land was out of compliance with the GMA. At the Council direction, the Council is not appealing the August 20th, 2019, Court of Appeal decision and the proposed amendments to bring the County into compliance with the Growth Management Act.

So what is being removed? Basically everything that is related to the rural industrial land bank. It's captured in the next, this slide and the upcoming slides. So the rural industrial land bank is on about 600 acres of land. We're amending the comprehensive plan and zoning

designation taking it back to agricultural. Here are the comprehensive plan text amendments that are proposed. The proposed Clark County Code amendments. Proposed arterial atlas amendments. Here's a map of where those amendments will occur. This is a slide on the public process.

The Court of Appeals' decision was issued August 20th of 2019. Submitted a Department of Commerce notification, a SEPA. We had a Planning Commission work session on October 3rd and a hearing on October 17th and there was a Council work session on October 23rd and the hearing is today. And that's it for the presentation and I'm here to answer any questions as best as I can.

QUIRING: Thank you, Gary. I would entertain any comments from the Council, but I'd just make a comment first that it's really with sadness that we're removing this because I think, I think Clark County was right but apparently the Boards, the various Boards, the Hearing Boards and the Court did not see it our way, so it's reluctant but we do need to be in compliance because it's prohibiting the grant funds and loans, et cetera, so I think it's really wise that we make this move. Other comments from the Council?

MEDVIGY: Madam Chair, I just have a brief comment, but a question. So the brief comment is, one, we're hoping to go move, at least on my part, very quickly toward compliance so we get in the good graces of the Growth Management Act and Board and get those bonds and loans at low cost, so I'm hoping we can continue to progress in that regard and come into compliance as quickly as we can.

My question goes to the rail dependent use and we have a lot of hash, different hash marks on these different maps and color changes. In our original work session we had discussed very briefly what impact, if any, returning this to agricultural land would have on those areas that are immediately adjacent, 500 feet within the rail line that are, that kind of overlap with this rural industrial land bank?

ORJIAKO: Councilors, I will respond this way. When the Council initially designated area for the freight rail overlay, the 200 acres to the west was included, that will, this action will not change that because that property will remain agriculture. The way that the legislature was written, it allows you to place the overlay on resource land.

The Council have not yet made a decision either to expand what that -- right now what we have was 500 feet along the rail line, there have not been any change to that at this point. So if in the future the Council changes that, then that could extend to this property, but the Council have not made that change, so the 500 feet still remains, this action will not affect that initial designation because it was not appealed.

QUIRING: Councilor Blom.

BLOM: I would make a comment that it's challenging and frustrating that we lost this appeal

largely on the fact that we didn't conduct an area-wide assessment of agriculture and yet nowhere in State law or in case law is there any description of what an area-wide assessment of agriculture is, so we were guilty of not doing something but no one will actually tell us what it was that we were supposed to do. So I agree that we need to move forward with this, but it would be nice if the legislature and the courts would actually give a definition of what it is they want us to do.

QUIRING: Councilor Olson.

OLSON: Yeah, and I'm going to absolutely agree with that. In addition, yeah, this is one of these situations that we are, we're confronted with routinely where we're trying to balance resource lands and ag lands and trying to also plan for the future where we have a growing community, a growing county and we need to have lands for jobs and so it's a -- I would agree, it's unfortunate I think for most of us who were up here during the time we adopted this, but it's the right thing to do today to get back into compliance and just continue to do the work that we think we need to do to get to where to go in terms of lands for jobs and balancing resource lands.

QUIRING: Councilor Lentz.

LENTZ: I am pleased that we are going to be with this getting into compliance with GMA, it's been a long time coming and look forward to hopefully continuing that trend as we move forward into the next update to the comp plan.

QUIRING: Okay. If there are no further comments, I would entertain a motion.

ORJIAKO: Councilors, I don't know if anyone signed up.

QUIRING: No. No. I'm sorry, I should state that, nobody has signed up for comment.

LENTZ: Move to approve Ordinance No. 2019-11-16.

MEDVIGY: Second it.

QUIRING: It's been moved and seconded to approve Ordinance No. 2019-11-16. Any further discussion? Would you call the roll, please.

LENTZ: AYE

OLSON: AYE

BLOM: AYE

MEDVIGY: AYE

QUIRING: AYE

QUIRING: Motion passes. Thank you.