

County reviews after growth plan decision

Council must produce report in compliance with ruling by September

By **JAKE THOMAS**
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When it comes to how Clark County will grow in the years ahead, there are still many unsettled questions even after a recent much anticipated land-use decision.

Last month, the Growth Management Hearings Board issued its decision addressing a long list of challenges to Clark County's comprehensive growth plan.

Land-use attorneys, county officials and advocacy groups knew it could have significant consequences for the area's future. But they all needed some time to figure out exactly what the quasi-judicial land-use board's 101-page decision would mean for agriculture, housing, industry and growth in Clark County.

Now parties involved have a bet-

ter idea of what's clear and what's not in the decision. The county is also mulling its options for how to respond.

At a county work session held Wednesday on the decision, Christine Cook, senior deputy prosecuting attorney, told the county council that Clark County had prevailed on 18 of the 25 issues brought against its comprehensive plan, a state-required document intended to guide growth over 20 years.

"I kind of like those numbers myself, but we need to discuss what to do going forward about (the other issues)," she said.

Despite the county's success, local environmental group Friends of Clark County along with Seattle-based land-use group Future prevailed on other key challenges they brought against the plan after it was approved last summer. The groups successfully argued that the county violated the Growth Management Act by improperly signing off on expansions of La Center, Battle Ground

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and Ridgefield.

The board also determined that the county's plan didn't do enough to preserve farmland and prevent sprawl. It also found that the county erred in how it created a rural industrial land bank on agricultural land.

In response to these problems, the board sent the plan back to the county for revisions that are due this fall. In the meantime, here are the key takeaways from the decision.

Winners and losers

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tle Ground and Ridgefield didn't need to expand because there is already enough land available for development, the cities hadn't reached planned density and the expansion would have occurred on farmland.

Tim Trohimovich, director of planning and law for Futurewise, speaking on an episode of Clark Talks, said that the decision will help preserve farms and forests. He also said that the decision will mean residents will pay less for services as a result of more compact urban growth.

"I think the winners, in this case, are the taxpayers because they are not going to have to serve

oversized urban growth areas," Trohimovich said.

He also said the decision would have a positive effect on housing affordability by requiring denser developments.

But Jamie Howsley, a land-use attorney with Jordan Ramis PC who intervened in the case on behalf of developers, drew different conclusions. Also speaking on Clark Talks, Howsley said that the county used population projections from the state Office of Financial Management that were deflated from the Great Recession and don't reflect actual

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growth.

"I think that the big losers are the county citizens, because we are experiencing rapid growth, and we're seeing the higher cost in houses and land to do commercial and industrial development and actually bring jobs to this community," Howsley said.

Clark County Citizens United appealed the plan on grounds that the county skirted public participation requirements, used low ball population projections and unfairly limited development, specifically by not allowing smaller lot limits. All of the group's challeng-

es were dismissed or withdrawn.

Susan Rasmussen, president of CCCU, declined a request for an interview, but wrote in an email that the plan doesn't give enough consideration to property rights and treats rural landowners as "second-class citizens." In another email, she attributed the decision to "bias."

"It is clear, we are not treated on equal footing," she wrote. "As a result, the plans are inadequate to meet existing deficiencies, let alone recognizing our children's and grandchildren's lifestyle choices, rural cultural practices."

Howsley said CCCU might be better off seeking a legislative fix to state law. Trohimovich said that what CCCU is seeking is not fea-

sible. He said the county has already approved developments that don't have access to water, let alone accommodate the even smaller lots sought by CCCU.

Annexation pickle

During arguments before the board, attorneys for Ridgefield and La Center pointed out that they expanded their boundaries through annexations, which they argued the board doesn't have jurisdiction over. The GMHB agreed that it lacks jurisdiction yet still ruled the expansions to be invalid, meaning that development applications cannot be accepted in those areas.

Trohimovich said this puts the GMHB in a "real pickle." He said he's not sure

how the GMHB could force a remedy, but said it could mean deannexation.

When the issue was raised by Councilor Julie Olson during the county's work session, Cook responded, "we should talk about that in more detail in another setting," possibly a reference to executive session, where the council can discuss pending legal matters privately.

Land bank uncertain

The GMHB upheld Friends of Clark County's challenge against the county's decision to convert the dairy farm owned by the Lagler family in Brush Prairie into a 600-acre rural industrial land bank.

During the county work session, Cook explained

that the GMHB made its decision on the grounds that the county failed to set a maximum size for it. She also explained that the GMHB required the county to do an analysis of farmland before designating the land bank.

Trohimovich told The Columbian that this doesn't mean there's a quick fix for the county. He said that he expects the land to be deemed as having long-term agricultural significance, meaning it can't be converted.

But Steve Horenstein, an attorney representing the Laglers, said plans for the land bank are proceeding.

"It is going to be appealed," he said after the work session. "We don't have to guess the best place where the environmental community

thinks is for a land bank."

A way forward

The GMHB's decision gives the county until September to produce a report on how it has come into compliance. Afterward, challengers can object to the report and the county has the option to appeal to Superior Court.

But the council's response remains unclear. During the work session, Council Chair Marc Boldt asked Cook if there was a middle ground between compliance and an appeal.

Cook responded with a refrain she had repeated throughout the session, "Can we discuss that later?"

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