

June 16, 2017

The Honorable Marc Boldt, Council Chair
Clark County Board of County Councilors
PO Box 5000
Vancouver, Washington 98666-5000

Dear Council Chair Boldt and Councilors Blom, Olson, and Stewart, and Quiring:

Subject: Futurewise urges Clark County to maintain the limited and short-term preapplication and application moratorium on Agricultural 10 and Forest 20 land divisions and Rural 5 and Rural 10 upzones.

Sent via email to: boardcom@clark.wa.gov

Thank you for the opportunity to comment on the preapplication and application moratorium on Agricultural 10 and Forest 20 land divisions and Rural rezones in advance of Clark County's June 20, 2017, public hearing on the moratorium. Futurewise very much appreciates and supports the leadership the County Councilors' showed in adopting the limited, short-term preapplication and application moratorium. As the Board of County Councilors knows, this limited, short-term moratorium only applies to comprehensive plan and zoning amendments that violate state law. The part of the Growth Management Hearings Board decision that found these provisions in violation of state law was never appealed by any party, so there is no possibility that these provisions will ever be found to comply with state law.

In recognition of this limited and short-term preapplication and application moratorium, the Friends of Clark County (FOCC) dismissed their vested appeals of all of their issues. The FOCC dismissed those appeals, which cannot now be revived, in good faith that the moratorium would stay in effect until the Growth Management Hearings Board decides whether the County's actions to comply with the March 23, 2017 decision meet the applicable standards. The Growth Management Hearings Board compliance hearing is currently scheduled for November 7, 2017, but could potentially be sooner. Based upon the FOCC's actions, the county saved the money that would have necessarily had to have been spent to defend the FOCC's vested appeals and the County is also no longer at risk of losing on the appealed issues. Therefore, basic equity would necessitate that the moratorium now stay in place.

Maintaining the limited and short-term moratorium also reduces legal risks to Clark County. The County does not have to worry about taking steps to remediate the adverse impacts of additional developments that vest to the illegal provisions.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

Clark County Board of County Councilors

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Very Truly Yours,

A handwritten signature in blue ink, consisting of two large, stylized loops, one above the other.

Tim Trohimovich, AICP

Director of Planning & Law

cc: Dr. Oliver Orjiako, Community Planning Director via email

oliver.orjiako@clark.wa.gov

Mr. Gordy Euler, Clark County Community Planning via email:

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Ms. Christine Cook, Clark County Prosecutor's Office - Civil Division via email:

Christine.Cook@clark.wa.gov