

Schroader, Kathy



From: Tim Trohimovich <Tim@futurewise.org>
Sent: Friday, April 22, 2016 3:34 PM
To: Cnty Board of County Councilors General Delivery, Cnty 2016 Comp Plan
Cc: alane@cairncross.com
Subject: Comments on the proposed Industrial Land Bank, proposed Ord No 2016-04-03
Attachments: Futurewise Comments for County Council on Industrial Land Bank Deadline April 24 2016.pdf

Dear Sirs and Madams

Enclosed please find Futurewise's comments on the Industrial Land Banks and proposed Ordinance No 2016-04-03 the Board is considering on Tuesday, April 26th. As the letter explains, Clark County's deadline for designating industrial land banks has expired. Thank you for considering our comments.

Tim Trohimovich, AICP
Director of Planning & Law
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April 22, 2016

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 Madore, Mielke, Olson, and Stewart

Subject: The Deadline for Clark County Clark County to adopt the comprehensive plan and development regulation amendments needed to designate one or more industrial land banks has passed.

Sent via email to boardcom@clark.wa.gov, comp.plan@clark.wa.gov

Thank you for the opportunity to comment on the proposed Rural Industrial Land Bank. The purpose of this letter is to draw your attention to the deadline for Clark County to designate an industrial land bank.

The Growth Management Act contains a deadline for Clark County to adopt the comprehensive plan and development regulation amendments needed to designate one or more industrial land banks. RCW 36 70A 367(6) provides in full that

(6) In order to identify and approve locations for industrial land banks, the county shall take action to designate one or more industrial land banks and adopt conforming regulations as provided by subsection (2) of this section on or before the last date to complete that county's next periodic review under RCW 36 70A 130(4) that occurs prior to December 31, 2016.¹

RCW 36 70A 130(4) provides in relevant part that

(4) Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows

(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties,

The only provision of subsection (6) related to RCW 36 70A 130(4) that applies to Clark County is

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established

¹ Underlining added


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in subsections (4) and (5) of this section Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so²

The Growth Management Act “is not to be liberally construed”³ Reading these provisions together, we see that Clark County was required to designate any industrial land bank “[o]n or before December 1, 2004”⁴ Since that deadline expired years ago, we urge the county to follow the plain language of state law and not enact proposed Ordinance No 2016-04-03

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

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Tim Trohimovich', consisting of two stylized, overlapping loops.

Tim Trohimovich, AICP
Director of Planning & Law

cc Andrew Lane, Cairncross & Hempelmann PS via email alane@cauncross.com

² RCW 36 70A 130(6)

³ *Thurston Cty v Washington Growth Mgmt Hearings Bd*, 164 Wn 2d 329, 342, 190 P 3d 38, 44 (2008)

⁴ RCW 36 70A 367(6), RCW 36 70A 130(4)