From:	Jeffrey Delapena
To:	Angie Merrill
Cc:	Oliver Orjiako; Jose Alvarez; Rebecca Messinger
Subject:	FW: Planview Submittals 2026-S-14100, 14101 - Draft Comment Letter - Clark County
Date:	Friday, September 25, 2026 8:42:00 AM
Attachments:	image005.png City of La Center"s Response to Clark County 60 day Commerce Checklist.pdf image001.png image002.png image003.png image004.png

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Good day, Angie,

Thank you for submitting the City of La Center's draft comments related to Commerce's 60-Day review of the 2025 Comprehensive Plan Update.

These comments will be added to the Index of Record and are being forwarded to be shared with the County Council.

Best regards,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

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From: Angie Merrill <amerrill@ci.lacenter.wa.us>
Sent: Thursday, September 24, 2026 3:04 PM
To: Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Cc: Tracy Coleman <tcoleman@ci.lacenter.wa.us>; beth@lighthouselawgroup.com; Bryan Kast <bryan@crescentde.com>; David Toyer <david@toyerstrategic.com>
Subject: RE: Planview Submittals 2026-S-14100, 14101 - Draft Comment Letter - Clark County

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Oliver & Jose,

Please see the attached response to the Clark County Draft Comment Letter.

Thank you,

Angie Merrill
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Clark County Community Planning

1300 Franklin Street

Vancouver, WA 98660

September 24, 2026

Director Orjiako & Program Manager Alvarez;

Thank you for the opportunity to assist in responding to the final comment letter received from the Department of Commerce date September 22, 2026. The City of La Center would like to address comments (2), (3), and (4).

Commerce Letter Comments

The comments below have been extracted from the draft letter (dated 9/9/2026) from the Department of Commerce to Clark County's Board Chair Sue Marsall. The draft letter is in response to Commerce's 60-day review of Clark County's periodic update to the Comprehensive Plan and Development Regulations. The letter touches on a number of Comprehensive Plan issues, including but not limited to Land Capacity Analysis, Urban Growth Boundary Expansions, De-designation of Resource Lands, Transfer of Development Rights (TDR) Program, and Future Land Use Map. Clark County staff has requested a response from La Center to the UGB Expansions, De-designation of Resource Lands and Transfer of Development Rights (TDR) Program.

2. Urban Growth Area Expansions

a. In our review, we did not find sufficient analysis supporting the proposed expansion of various urban growth areas outside of Vancouver to meet future population and growth targets. WAC 365.196.310(1)(e) outlines that, "The combined urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor." From our understanding of the county's Vacant Buildable Lands Model (2023), it appears the current urban growth area boundaries are sufficient for the projected population increases expected within Clark County (HAPT compared to Alternative 1).

b. Additionally, we did not find any discussion or analysis documenting whether other zoning strategies have been utilized before concluding expansion of the various urban growth areas were necessary. The County's Land capacity analysis is the appropriate place to document and justify the need to expand the urban growth areas proposed in the draft comprehensive plan. As mentioned above, we did not find the city's land capacity analysis documenting such need.

c. Finally, in our review we did not find documentation indicating how the County expects urban levels of service will be provided to the expanded areas over the 20-year planning horizon.

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La Center's Response:

Per the County's latest Vacant Buildable Lands Model (VBLM) analysis for La Center's preferred land use alternative, vacant and underutilized lands within the City's Urban Growth Area (UGA) have the capacity to accommodate approximately 2,122 housing units, 5,713 residents, and 2,096 jobs. The County's adopted 2045 allocations for La Center include 2,123 housing units, 3,884 residents, and 2,142 jobs. To provide a more representative assessment of future capacity, the City requested that the County adjust the VBLM results to account for lands acquired into Tribal Trust ownership by the Cowlitz Indian Tribe and to reflect the adopted Downtown and Timmen Landing Subarea Plans. Based on these adjustments, the City maintains an overall surplus of housing capacity and population capacity relative to its adopted growth allocations as shown in Table 1.

Table 1: La Center Capacity and 2045 Allocations (City Preferred Alternative)

	Capacity	***Allocation***	***Surplus/Deficit***
Housing *(units)*	*2,381*	*2,123*	*+258*
Employment *(jobs)*	*1,945*	*2,238*	*+96*
Population	*5,713*	*3,884*	*+1,829*

While the City maintains an overall surplus of housing capacity within its existing Urban Growth Area (UGA), the City evaluated future housing needs through the 2024 La Center Housing Needs Assessment and Housing Strategy and the County's Housing for All Planning Tool (HAPT) allocations. Consistent with Growth Management Act housing requirements, the City assessed capacity not only on a total housing unit basis but also by income segment. The Housing Needs Assessment identified the need for additional housing choices and expanded opportunities for households earning less than 80 percent of Area Median Income (AMI), while encouraging a broader range of housing types throughout the community.

Prior to considering expansion of the UGA, the City evaluated and implemented several capacity-enhancing measures within the existing UGA. These measures included adoption of the Downtown and Timmen Landing Subarea Plans, introduction of Downtown Mixed Use (DMX) and High Density Residential (HDR) zoning districts, and targeted rezonings from Low Density Residential (LDR-7.5) to Medium Density Residential (MDR-16). The City evaluated the capacity of these zoning districts to accommodate housing needs by income band based on historic permitting activity, current development regulations, and market trends.

Following implementation of these strategies, the City determined that sufficient residential capacity exists within the current UGA to accommodate its adopted housing allocations, including a surplus of approximately 169 housing units serving households below 80 percent AMI and a surplus of

approximately 90 housing units serving households above 80 percent AMI. These findings demonstrate that the City first relied on infill development, redevelopment opportunities, density increases, and strategic rezonings within the existing UGA before considering limited UGA expansion. See Table 2.

Table 2: La Center Readjusted Housing Capacity (City Preferred Alternative)

Area Median Income (AMI)	***Allocation (units)***	***Zone Category Serving Needs***	***Aggregate Housing Needs (units)***	***Total Capacity (units)***	***Capacity Surplus/Deficit w/ ADUs (units)***
*0 – 30% PSH**	*124*	*Medium Density & ADUs*	*1,050*	*1,218*	***+168***
0 – 30% Non-PSH	*211*				
30 – 50%	*311*				
50 – 80%	*404*				
80 – 100%	*234*	*Low Density*	*1,073*	*1,163*	***+90***
100 – 120%	*172*				
>120%	*667*				
Total	***2,123***			***2,382***	***+258***

The proposed UGA expansion is therefore not intended to address a shortage of overall housing capacity. Rather, it is intended to address long-term employment land needs created by the conversion of a substantial portion of the Junction Plan employment area into Tribal Trust ownership. The preferred land use alternative pairs employment land expansion with nearby residential opportunities to further the goals of the Housing Needs Assessment by promoting workforce housing in proximity to jobs, services, and transportation facilities.

3. De-designation of Resource Lands

a. In our review of the draft comprehensive plan and agricultural lands study, we did not find any discussion clearly demonstrating that the lands proposed for de-designation no longer meet the designation criteria. WAC 365.190.040(10)(c) outlines that amendments to resource land designations should be based on consistency with either:

- a change in circumstance related to the designation criteria,
- a change in circumstance to the subject property that is related to the designation criteria,

- an error in designation, or
- new information related to designation criteria.

b. Further, de-designations of agricultural lands based solely or primarily on proximity to urban growth that otherwise meet the definition of agricultural lands, historically has not been found to be defensible by the Growth Management Hearings Board.

La Center's Response:

The City appreciates the County conducting a countywide agricultural lands study as required by WAC 365-190-050(1) when considering resource land designation and de-designation decisions. Beyond the relevance to the DEIS and site-specific decisions, the City is supportive of the inquiry to truly identify and protect farming as a natural resource industry contemplated in Goal 8 of the GMA. The 2025 study contains a lot of essential information that can help guide these decisions in Clark County. Unfortunately,

the report's "determinations" and "final evaluation" consciously ignore much of that information while purporting not to make recommendations.

1. On page 9 of the Ag Study, it is accurately stated that for a legally sufficient review of whether resource land designations are appropriate, "the first factor for agricultural resource lands is that the land is not characterized by urban growth". However, without any legal analysis or support, the report determines that only "[l]ands within existing UGA boundaries were considered characterized by urban growth and excluded from the agricultural land base". The Growth Management Act is clear in RCW 36.70A.030(48) that ""[c]haracterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth." Further, the Court of Appeals in Clark County WA LA GM LLC v. Western WA Growth Management Hearings Review Board (2011), ruled that under the "first prong of the Lewis County test, the statutory definition of "urban growth" requires an assessment of the overall context of the land's relationship to the surrounding land—not just an evaluation of the land itself. See former RCW 36.70A.030(18); Lewis County, 157 Wash.2d at 502, 139 P.3d 1096"

Thus, the Ag Study must also consider the relationship between properties being analyzed and the area surrounding it. This analysis is especially important to accurately classify site-specific requests adjacent to existing City UGAs being studied in Alternative 2 of the DEIS.

2. To adequately review whether lands are "characterized by urban growth", given the required analysis above, there are a number of essential criteria under WAC 365-190-050(3)(c) that help evaluate lands for long-term commercial significance. These include:

a. (c)(ii) The availability of public facilities;

b. (c)(iv) The availability of public services;

c. *(c)(v) Relationship or proximity to urban growth areas;*

d. *(c)(vii) Land use settlement patterns and their compatibility with agricultural practices;*

e. *(c)(viii) Intensity of nearby land uses; and*

f. *(c)(ix) History of land development permits issued nearby.*

The Ag Study included information about all the WAC criteria specified above. However, drafters of the study made the "determination" that none of these essential criteria would be "included in the final evaluation". Drafters' reasoning in the report for these actions suffer from two key flaws. First, by creating an inappropriately narrow definition of lands "characterized by urban growth", drafters avoid any evaluation of land in the context of adjacence to that which is already in a UGA ((c)(ii), (vii), (viii), and (iv)). Second, while emphasizing criteria with a significant positive impact on commercial significance for agricultural production such as tax status ((c)(iii), the drafters specifically eliminate criteria with a significant negative impact ((c)(iv) and (v). There is no guile in this narrow and slanted analysis. For example, when sharing the "determination" of whether to include availability of public services in the final evaluation model, drafters state that "[t]he use of applying public service proximity as a negative indicator for commercial significance (as often has been in practices by other peer counties) raises concerns due to its sizeable effect on existing agricultural land.

It would appear Commerce reviewed Clark County's Agricultural Lands Study (November 2025) authored by ECOnorthwest to make its first statement above, without regard to any documentation highlighting comments and critiques of the criteria that the study considered and criteria dismissed. In addition to pointing out the shortcomings of the countywide study[1], which largely dismissed a majority of the criteria that qualifies agricultural land of ***long-term commercial significance****, the city contends that a change in circumstances to the subject property related to the designation criteria is in play.*

Highlighting the city and county coordination, the city produced a document that outlined community and public engagement, as well as changing circumstances related to the proposed Urban Growth Boundary expansion. In this document (dated 10/20/2025) shared with Clark County, the city points out a number of salient points that speak to some of the long-term commercial significance criteria.

Regarding a change in circumstance to the subject property that is related to the designation criteria, in that document, the following information is highlighted:

- *Proposed UGA expansion recognizes the* ***tens of millions of dollars*** *of urban scale investments – in both public and private money – at the I-5/La Center Road Junction as shown below between 2015 and 2023 (below), which includes:*
  - *a new span across I-5;*
  - *two new roundabouts;*
  - *realignment of Paradise Point Road; and*
  - *commercial development and a fueling station just east of the eastside roundabout.*

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[1] *See comments dated 11/26/2025 re the Comprehensive Plan EIS*

La Center Junction circa 2015



(Source: Clark County GIS)

La Center Junction circa 2023



(Source: Clark County GIS)

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- *Proposed UGA expansion along the east side of I-5 recognizes the urban infrastructure and services (e.g., municipal water supply facility from CPU, electrical substation, regional school transportation facility - KWRL) currently adjacent to and serves other urban development.*

CPU Water Facility, KWRL Transportation Facility, CPU Electric Substation (l. to r.)



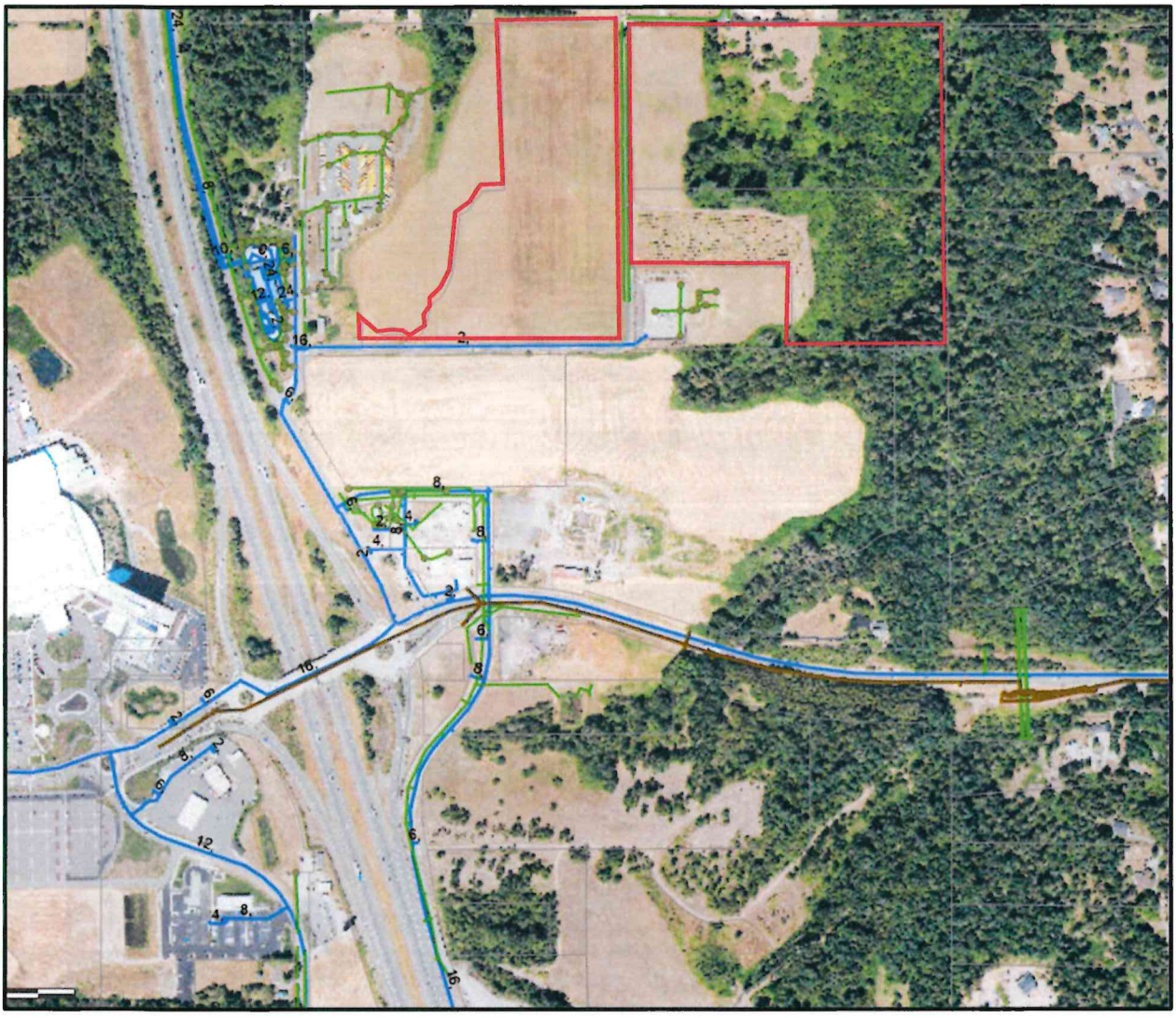
(Source: Clark County GIS)

- *The proposed UGA expansion properties at the I-5/La Center Road Junction have been designated **Urban Reserve since 2007** and, in that, time have not been used for agricultural of long-term commercial significance in nearly two decades.*
- *Although the soils in the area are suitable for most crops and pasture use, the lack of water rights and the cessation of hay production and cattle grazing render the agricultural use of the property*

economically infeasible; soils conditions alone are not the sole criterion for determining whether property should be designated Agricultural of long-term commercial significance.

- *The properties within the proposed UGA expansion are all readily available to public infrastructure and services, especially those at the Junction.*

Map Showing Utilities [Water (blue), sewer (brown), and stormwater (green)]



(Source: Clark County GIS)

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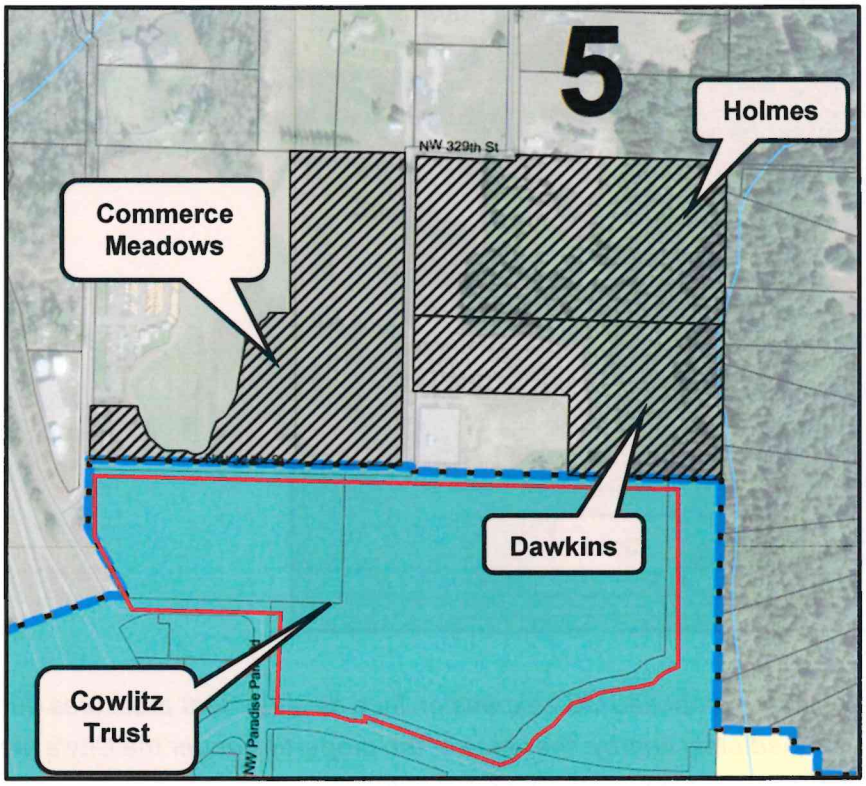
- *The proposed UGA expansion properties at the I-5/La Center Road junction will 'make up' for similarly sized properties in the immediate area taken into trust land for the Cowlitz Indian tribe.*

Cowlitz Tribal Trust Lands (in red) within La Center Near the I-5 Junction (Property Ownership in Tags)



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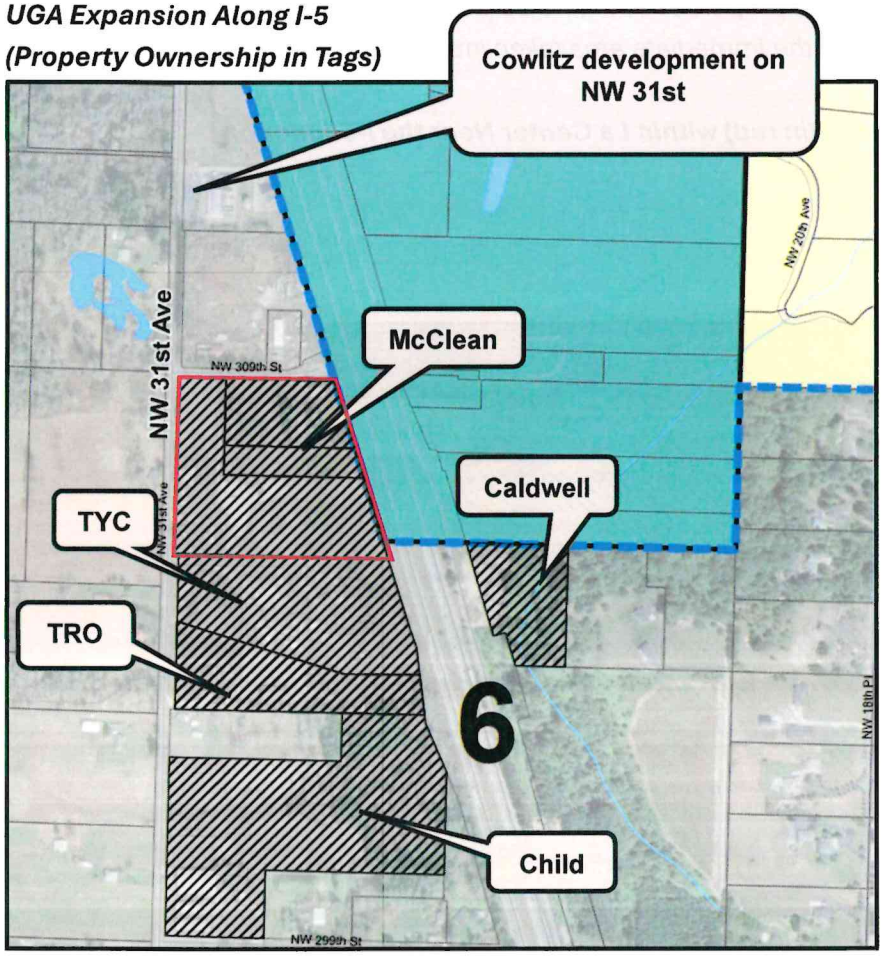
UGA Expansion Along I-5
(Property Ownership in Tags)



- *The properties included within the proposed UGA expansion face development pressures due to the proximity of development immediately nearby; the value of the properties under the City's preferred alternative is substantially higher than leaving them as Agricultural.*
- *The proposed UGA expansion(s) are supported by the property owners, some of whom have submitted Site Specific Requests with accompanying Agricultural Resource Land Analysis reports.*

Regarding new information related to designation criteria, the city again points to the lack of consideration to the criteria that qualifies property that is deemed to have ***long-term commercial significance****. A presentation to a joint Planning Commission and City Council work session points to which criteria the study considered and which were not considered. The slide below points to the criteria considered and which were not. Any careful consideration of any of the crossed-out criteria would most certainly yield different findings and, likely, conclusions as to long-term commercial significance.*

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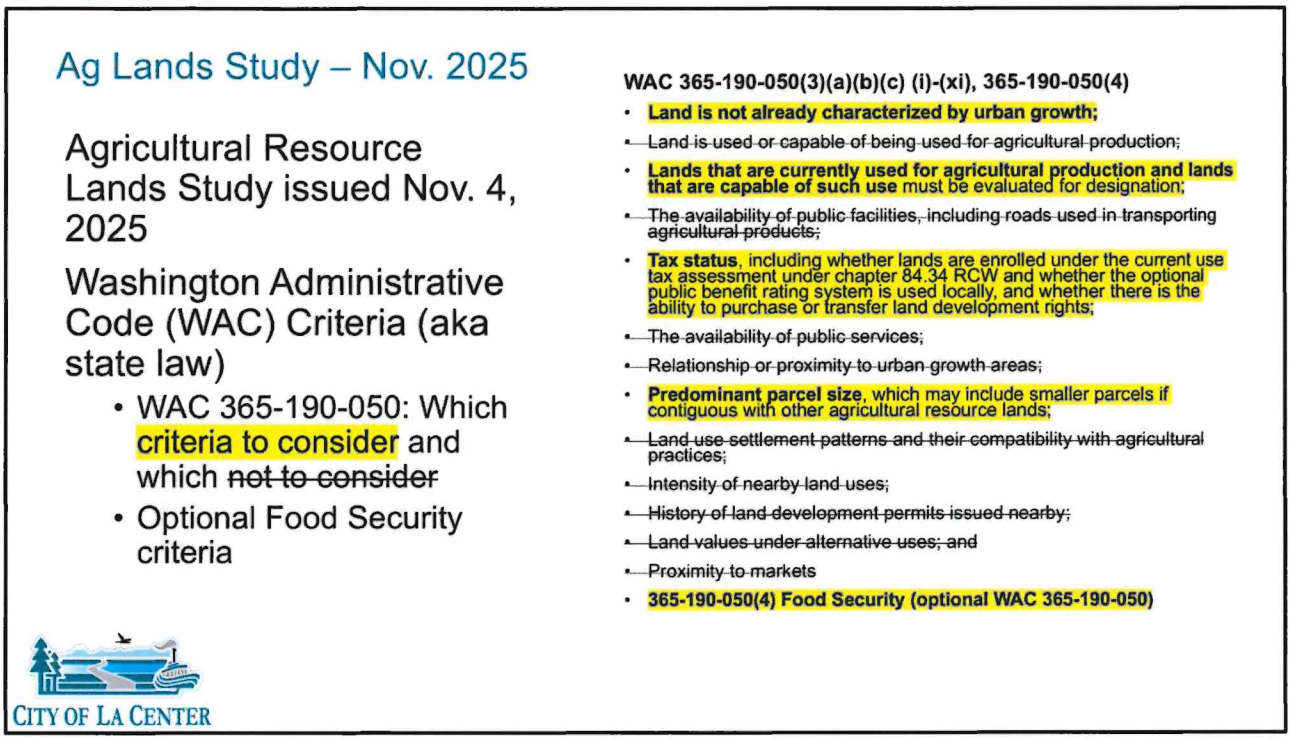

As land capacity, UGA expansion, and de-designation of resource lands are inherently intertwined, we recommend re-evaluating each of these together. For consistency with WAC 365.190.040, RCW 36.70A.110 and RCW 36.70A.050, we recommend either:

i. Removing the areas proposed to be de-designated from the various urban growth area expansion proposals after the documentation that the land capacity analysis demonstrates adequate capacity, or

ii. Including additional justification and analysis, consistent with RCW, that demonstrates the need for expansion of the various urban growth areas and for the de-designation of the associated resource lands.

La Center's Response:

Regarding additional justification and analysis, consistent with RCW, that demonstrates the need for expansion of the various urban growth areas and for the de-designation of the associated resource lands, the City offers the following:

Please see the City's comments response to item 2 above regarding justification and analysis for the expansion of La Center's UGA and de-designation of ag resource lands, including proposed UGA expansion of ag resource lands within Clark County's urban reserve overlay.

In addition to the City's land capacity considerations, the proposed growth pattern is informed by the City's transportation and climate resilience objectives. The East Fork Lewis River and the La Center Road bridge create significant physical constraint within the community. The bridge serves as the

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primary crossing of the river and a critical connection to essential services, employment, and emergency response resources.

Concentrating future growth in areas north of the bridge would increase reliance on this single transportation connection and generate additional vehicle trips through the La Center Road corridor. Existing traffic volumes already contribute to congestion and queuing at the roundabout immediately north of the bridge, and additional growth in these areas would further increase demand on the corridor and associated transportation infrastructure.

By directing growth to areas that reduce dependence on the bridge crossing, the City can better support its long-term transportation, mobility, and climate resilience goals. This approach helps limit vehicle miles traveled, reduce congestion at key transportation facilities, and improve community resilience by reducing reliance on a single critical transportation link. It also helps ensure continued access to emergency services and other essential community functions in the event that the bridge is closed or impaired due to flooding, seismic activity, or other hazard events.

4. Transfer of Development Rights (TDR) Program

In our review, we found Policy 1.1.24 potentially inconsistent with state statue. While the stated goal of resource land preservation is aligned with RCW.43.362.005, TDR programs are not intended to be used as a mechanism to expand UGA boundaries. When designated resource lands are already within a UGA, TDR programs provide a valuable mechanism to ensure those lands do not face development pressure (WAC 365.196.310 (5)(e)(v)). We recommend separating the establishment of the TDR program from components of UGA expansion. Please see Commerce's Transfer of Development Rights website for more information.

La Center's Response:

Please reference the letter the David Toyer submitted in response to the TDR Program.

Sincerely,

Angie Merrill

Angie Merrill, City of La Center Planner

CC: Tracy Coleman, City of La Center Community Development Director

Beth Ford, City Attorney

Bryan Kast, Crescent Design

David Toyer, Toyer Strategic Advisors