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OCT 19 2015

October 16, 2015

Clark County Community Planning
Attn: Rural Industrial Land Bank
PO Box 9810
Vancouver, Washington 98666-9810

Dear Sirs and Madams:

Subject: Comments on the Clark County Rural Industrial Land Bank Programmatic Environmental Review pursuant to RCW36.70A.367(2)(b), and Addendum to the Clark County Comprehensive Growth Management Plan Final Environmental Impact Statement May 4, 2007 (October 2015).

Sent via U.S. Mail and email to: commplanning@clark.wa.gov

Thank you for the opportunity to comment on the *Addendum to the Clark County Comprehensive Growth Management Plan Final Environmental Impact Statement (EIS) (Addendum)*. We agree with Clark County that the preparation of an environmental impact statement was necessary to comply with the Washington State Environmental Policy Act (SEPA) given that the dedesignation of agricultural lands of long-term commercial significance is being proposed. While we believe some aspects of the addendum are adequate, we do identify features and impacts that were not adequately addressed in the *Addendum* and should be addressed in a new Environmental Impact Statement (EIS).

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including Clark County.

The Addendum fails to disclose that land suitable to site the major industrial development is available within the Clark County urban growth areas

RCW 36.70A.365(2)(h) provides in full that “[a]n inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area.” RCW 36.70A.367(2)(b)(i) applies this requirement to major industrial developments

with master planned locations. While the *Addendum* acknowledges the inventory requirement, it does not acknowledge that suitable land cannot be in the urban growth areas if the Rural Industrial Land Bank is going to be allowed. The *Addendum* identifies suitable land in the urban growth areas¹ Consequently, the *Addendum* should acknowledge the fact that suitable land is available within the UGAs and therefore a Rural Industrial Land Bank on any of the non-urban growth area sites will violate the Growth Management Act.

The Addendum fails to disclose that Site 1 qualifies as agricultural lands of long-term commercial significance and fails to disclose that the conversion of agricultural lands of long-term commercial significance is a significant environmental impact

Site 1 is Area VB from the County's illegal 2007 attempt to dedesignate agricultural land.² Site 1 was found to be illegally dedesignated by both the Growth Management Hearings Board and Clark County Superior Court³ The "County passed an ordinance redesignating parcels BC, VB, and the portions of parcels CA-1 and RB-2 that were not purportedly annexed, as [agricultural lands of long-term commercial significance] ALLTCS"⁴ So this land qualifies, and as the *Addendum's* analysis shows, continues to qualify as agricultural lands of long-term commercial significance.⁵ And this land continues to have an Agriculture comprehensive plan designation.⁶

But the *Addendum* does not identify as a potential adverse impact of this action the dedesignation of agricultural lands of long-term commercial significance. This is a major deficiency of the *Addendum*.

Also, in discussing the readiness of this property for industrial development compared to sites in the urban growth area, the *Addendum* does not note that there will be years of litigation over this site as occurred after the illegal 2007 dedesignation. Again, this is a deficiency of the *Addendum*

¹ See pages 13 and 14 of the *Addendum Part I Inventory*

² See *Comprehensive Growth Management Plan NE Vancouver UGA – Map 1 Deliberation Components* and *Comprehensive Growth Management Plan NE Vancouver UGA – Map 2 Deliberation Components* enclosed with the paper original of this letter

³ *Clark Cnty Washington v W Washington Growth Mgmt Hearings Review Bd*, 161 Wn App 204, 220, 254 P 3d 862, 868 (2011) *vacated in part Clark Cnty v W Washington Growth Mgmt Hearings Review Bd*, 177 Wn 2d 136, 298 P 3d 704 (2013) This portion of the decision was not vacated

⁴ *Id*

⁵ *Addendum Appendix B Agricultural Lands Analysis* pages 7 – 10

⁶ County/UGA Comprehensive Plan Clark County, Washington accessed on Oct 14, 2015 at http://www.clark.wa.gov/planning/comp_plan/documents/AmendComplan_2013.pdf

The Addendum fails to disclose that Site 1 qualifies as “Clark County’s Best Farm Land” and fails to disclose the conversion of “Clark County’s Best Farm Land” as a significant environmental impact

The Clark County Food System Council has identified all of Site 1 and much of the land in its vicinity as “Clark County’s Best Farm Land.”⁷ The Clark County Food System Council identified this land “by looking at characteristics of the land that make it suitable for food production.”⁸ These included soils with land capability 1 through 4 soils, land that is flat and rolling, lands that have at least four acres outside the buffers around stream habitats, and “lands that are currently zoned for agriculture or rural residences . [They] excluded lands that are tax exempt because they are owned by churches, land trusts, or governments.”⁹

However, the *Addendum* does not disclose that this land has been identified as some of “Clark County’s Best Farm Land ” Nor does it discuss the consequences of paving over “Clark County’s Best Farm Land.” This is a significant deficiency of the *Addendum*.

The Addendum fails to disclose that there is enough land in the County’s UGAs to accommodate the County’s planned residential and job projections and, further, that the long-term prospects for annexation the Rural Industrial Land Bank are low

While the *Addendum* mentions in several places that the long-term prospects for annexation of the Rural Industrial Land Bank must be discussed, it fails to discuss the prospects for annexation. The *Addendum* also fails to disclose that there is more than enough land in the County’s urban growth areas to accommodate the County’s planned employment growth. As the most recent *Clark County Buildable Lands Report* documents.

In 2014, the Board of County Commissioners chose to plan for a total of 91,200 net new jobs The County has an estimated capacity of 101,153 jobs as follows. The 2015 VBLM, indicates a capacity of 76, 978 jobs. The cities of Battle Ground, La Center, and Ridgefield, have indicated they have additional capacity to accommodate 16, 755 jobs Publicly owned land is not included in the model, therefore we assume that the

⁷ *Promoting Agricultural Food Production in Clark County*, A proposal developed by the Clark County Food System Council p 4 (November 2013) accessed on Oct 15, 2015 at http://www.clark.wa.gov/Planning/agric/documents/14-0218_FSC_PP.pdf and enclosed with the paper original of this letter

⁸ *Id* p 5

⁹ *Id*

7,400 new public sector jobs estimated by ESD will occur on existing publicly owned facilities.¹⁰

Since the urban growth area can only be expanded to accommodate the County's need for housing and jobs¹¹ and the existing urban growth areas can already accommodate both projections,¹² it is unlikely the urban growth area will be legally expanded anytime soon. Since land outside the urban growth areas cannot be legally annexed, the prospects for annexation over the next 20 years are poor. The *Addendum* does not disclose that adequate capacity already exists in the County urban growth areas and the prospects of annexation over the next 20 years are low. These are significant deficiencies in the *Addendum*.

The Addendum does not identify reasonable mitigation measures

An EIS, including an addendum, must identify reasonable mitigation.¹³ RCW 36.70A.365(2)(a) requires that the "[n]ew infrastructure is provided for and/or applicable impact fees are paid" for the Rural Industrial Land Bank. But the *Addendum's* discussion of mitigation measures on page 26 of the *Addendum Part II: Alternative Sites Analysis* includes no information on how the new infrastructure will be provided or how the impact fees the county charges will be updated to include the considerable costs of the needed infrastructure. Nor are any systems development changes discussed for providing water and sewer service.

Similarly, RCW 36.70A.365(2)(f) requires that "[p]rovision" must be "made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands[.]" But again, the *Addendum* does not include this required mitigation. Given that these properties are agricultural lands of long-term commercial significance and are adjacent to agricultural lands of long-term commercial significance this is a significant deficiency.

The Addendum fails to disclose that that Site 1 and other sites are outside any sewer service area

While the *Addendum* discusses sewer service for Site 1 and other sites, it fails to disclose that Site 1, and other non-urban growth area sites, are outside of the Clark Regional Wastewater District and the City of Vancouver's Sewer Service Boundary.¹⁴

¹⁰ *Clark County Buildable Lands Report* p. 11 (June 2015) accessed on Oct. 15, 2015 at http://www.clark.wa.gov/thegnd/documents/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and enclosed with the paper original of this letter.

¹¹ *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 - 52, 190 P.3d 38, 48 - 49 (2008). See RCW 36.70A.110 and RCW 36.70A.115 which limit the size of UGAs.

¹² *Clark County Buildable Lands Report* pp. 9 - 14 (June 2015).

¹³ WAC 197-11-440(6)(a).

¹⁴ *Addendum Part II: Alternative Sites Analysis* pp. 17 - 18, Figure 5.8 Existing Sanitary Sewer System Source: Vancouver Public Works Department from the *City of Vancouver Comprehensive Plan* accessed on Oct. 15, 2015 at

So sewer service to Site 1 and other non-UGA sites is speculative since the sites are not in a sewer service area. That Site 1 is outside any sewer service area is important information for the public and decision makers to know and its omission is a serious deficiency of the *Addendum*.

While we appreciate that the Addendum acknowledges that the various non-UGA alternative sites have good access to local markets, it fails to acknowledge good access to regional markets

We appreciate that the *Addendum* acknowledges that the various non-UGA alternative sites have good access to local markets.¹⁵ The Globalwise, Inc. *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington Preliminary Report* shows that local farmers do sell their products at local markets.¹⁶ These sites also have good access to regional markets. The two major poultry processors are in Western Washington,¹⁷ so these areas have good access to them. The areas' and the county's good access to I-5 also provides good access to regional livestock markets.¹⁸ We request that the EIS be updated to reflect these important facts.

The Addendum misstates some facts about farms and omits important information on growing farm income

The *Addendum* claims that "[t]he agricultural activities are taking place in the context of declining large and mid-sized farms."¹⁹ But large farms are not declining in Clark County. Between 2007 and 2012, the number of farms 1,000 to 1,999 acres in size increased from zero to two and the number of farms 2,000 acres or more in size increased from one to two.²⁰

http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/874/vancouver_comprehensive_plan_2014.pdf and enclosed with the paper original of this letter, Clark County Regional Waste Water District map accessed on Oct 15, 2015 at <http://www.crrwwd.com/about/service-area.html> and enclosed with the paper original of this letter

¹⁵ *Addendum Appendix B Agricultural Lands Analysis* p 8

¹⁶ Globalwise, Inc., *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington Preliminary Report* p 27 (Prepared for Clark County, Washington April 16, 2007) accessed on Oct 16, 2015 at

http://www.clark.wa.gov/planning/comp_plan/documents/final_ag_analysis_prelim_report.pdf and cited pages enclosed with the paper original of this letter

¹⁷ *Id.* at p 24

¹⁸ Stephanie Meenach, Eric L. Jessup, and Kenneth L. Casavant, *Transportation and Marketing Needs for the Washington State Livestock Industry SFTA Research Report #12* p 5 (Washington State University School of Economic Sciences Nov 2004) accessed on Oct 16, 2015 at

http://www.sfta.wsu.edu/research/reports/pdf/rpt_12_livestock.pdf and enclosed with the paper original of this letter

¹⁹ *Addendum Appendix B Agricultural Lands Analysis* p 7. See also *Addendum Appendix B Agricultural Lands Analysis* p 37 "The long-term trend is of decline in large and mid-size operations"

²⁰ United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-12-A-47 Chapter 2 County Level Data, Table 8. Farms, Land in Farms, Value of Land and Buildings, and*

Income from farm-related sources is up sharply, increasing from \$4.2 million in 2007 to \$5.98 million in 2012. This is an increase of 41 percent, a much larger percentage increase than the Washington State increase of 27 percent.²¹ The county should correct these errors in an EIS and provide a more balanced picture of agriculture in Clark County.

The Addendum fails to disclose the impacts on the Washington State Department of Agriculture's Washington Agriculture Strategic Plan 2020 and Beyond and the agricultural industry

Washington State Department of Agriculture's *Washington Agriculture Strategic Plan 2020 and Beyond* documents the need to conserve existing agricultural lands to maintain the agricultural industry and the jobs and incomes the industry provides.²² As the strategic plan concludes "[t]he future of farming in Washington is heavily dependent on agriculture's ability to maintain the land resource that is currently available to it."²³ The *Addendum* does disclose that this land is currently available to agriculture and in fact is currently being farmed.²⁴ Globalwise, Inc. concluded that "[o]ne of the key obstacles in Clark County is the limited access to high quality agricultural land at an affordable cost."²⁵ As both this letter and the *Addendum* have documented, Site 1, and the other alternatives, are high quality agricultural land.

However, instead of considering the state's official agriculture strategic plan, the *Addendum* uses unsubstantiated opinion to argue that the dairy farm currently using the site should be allowed to relocate to eastern Washington.²⁶ But this will reduce the farmland currently available to agriculture by paving it over and is inconsistent with the state's official agriculture strategic plan. It will also increase the problem of access to high quality agricultural land at an affordable price because there will be a loss of over 600 acres of agricultural land. Again, the *Addendum* fails to disclose these impacts.

Land Use 2012 and 2007 p 271 (May 2014) accessed on Oct 15, 2015 at http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_2_County_Level/Washington/wav1.pdf and a copy of *2012 Census of Agriculture Washington State and County Data Volume 1* is enclosed with the paper original of this letter.

²¹ United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-12-A-47 Chapter 2 County Level Data, Table 6 Income from Farm-Related Sources 2012 and 2007* p 261 (May 2014).

²² Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* pp 50 – 52 (2009) accessed on Sept 10, 2015 at <http://agr.wa.gov/fofi/> and enclosed with the paper original of this letter.

²³ *Id.* at p 50.

²⁴ *Addendum Appendix B Agricultural Lands Analysis* p 37.

²⁵ Globalwise, Inc., *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington* Preliminary Report p 48 (Prepared for Clark County, Washington April 16, 2007).

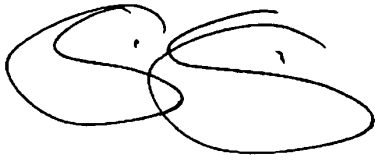
²⁶ *Addendum Appendix B Agricultural Lands Analysis* p 37.

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We strongly urge the County to issue a new EIS that addresses these deficiencies.
Please inform me if the County decides not to do so

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

Very Truly Yours,

A handwritten signature in black ink, consisting of several overlapping loops and curves, appearing to be the name 'Tim Trohimovich'.

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures