## Schroader, Kathy

**From:** Cnty Board of County Councilors General Delivery
**Sent:** Wednesday, February 24, 2016 1 51 PM
**To:** Mielke, Tom, Madore, David, Stewart, Jeanne; Olson, Julie (Councilor), Boldt, Marc
**Cc:** Tilton, Rebecca, Schroader, Kathy
**Subject:** Comments for Rural Industrial Land Bank Public Hearing
**Attachments:** Futurewise Comments on Rural Industrial Land Bank for BOCC Public Hearing Feb 23 2016 pdf, RILB Vicinity Google Earth 2015 Images for Emailing pdf

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**From:** Tim Trohimovich [mailto:Tim@futurewise.org]
**Sent:** Tuesday, February 23, 2016 3:49 PM
**To:** Cnty Board of County Councilors General Delivery; Cnty 2016 Comp Plan
**Subject:** Comments for Rural Industrial Land Bank Public Hearing

Dear Sirs and Madams:

Enclosed please find Futurewise's comments on the proposed Rural Industrial Land Bank for the Board of County Councilors March 1, 2016 public hearing and enclosures. Please contact me if you need anything else.

**Tim Trohimovich, AICP**
**Futurewise | Director of Planning & Law**
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February 23, 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: Comments on the proposed Rural Industrial Land Bank for the Board of County Councilors March 1, 2016 public hearing.**
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. We urge the Board of County Councilors to deny the Rural Industrial Land Bank because it is unneeded and will pave over working farmland.

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 Rural Industrial Land Bank is unneeded because land suitable to site the major industrial development is available within Clark County's existing urban growth areas and therefore the Rural Industrial Land Bank violates the Growth Management Act (GMA)

The Growth Management Act (GMA), in RCW 36.70A.365(2)(h), provides that one of the requirements for a "major industrial development" is 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. The *Addendum* identifies land suitable for major industrial development in the existing urban growth areas.[1] Consequently, the Rural Industrial Land Bank cannot be approved at this time

[1] *Clark County Rural Industrial Land Bank Programmatic Environmental Review pursuant to RCW 36.70A.367(2)(b), and Addendum to the Clark County Comprehensive Growth Management Plan Final*

and, therefore, a Rural Industrial Land Bank on any of the non-urban growth area sites will violate the Growth Management Act.

## There is enough land in the County's UGAs to accommodate the County's planned residential and job projections

The most recent *Clark County Buildable Lands Report* documents that there is more than enough land in the County's urban growth areas (UGAs) to accommodate the County's planned employment growth. The *Clark County Buildable Lands Report* states:

> 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 [Vancouver Buildable Lands Model], 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 7,400 new public sector jobs estimated by ESD [State of Washington Employment Security Department] will occur on existing publicly owned facilities.[2]

So there is no need for the Rural Industrial Land Bank. We recommend that the Board of County Councilors should deny this proposal.

## The Rural Industrial Land Bank is unneeded because Commercial and Light Industrial is already located in this area

Not only is there enough land in the UGAs, but Commercial and Light Industrial land is already located west and south of the proposed Rural Industrial Land Bank. The existing Vancouver urban growth area is also just south of the site. While this proposal is being sold on the grounds that rural residents could easily drive to jobs on the new site, there are already opportunities for jobs in this area. So again, the Rural Industrial Land Bank is unneeded.

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*Environmental Impact Statement* (October 2015) pages 13 and 14 of the *Addendum Part I: Inventory* accessed on Feb 22, 2016 at https://www.clark.wa.gov/community-planning/rural-industrial-land-bank Hereinafter referred to as the *Addendum*.

[2] *Clark County Buildable Lands Report* p. 11 (June 2015) accessed on Feb. 22, 2016 at https://www.clark.wa.gov/sites/all/files/the-grid/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and enclosed with the paper original of Futurewise's October 16, 2015 letter commenting on the *Addendum*.

## The proposed Rural Industrial Land Bank qualifies as agricultural lands of long-term commercial significance and should be conserved

The proposed Rural Industrial Land Bank is Area VB from the County's illegal 2007 attempt to dedesignate this agricultural land.[3] Area VB was found to be illegally dedesignated by both the Growth Management Hearings Board and Clark County Superior Court.[4] 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."[5] So this land qualified, and as the *Addendum's* analysis shows, continues to qualify as agricultural lands of long-term commercial significance.[6] And this land continues to have an Agriculture comprehensive plan designation.[7] The enclosed Google Earth images show in that proposed Bank Industrial Land Bank, outlined in red on two of the images, continues to be farmed and are many adjoining parcels.[8]

Agriculture has long-term commercial significance in Clark County. Income from farm-related sources is up sharply in Clark County, 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.[9] Between 2007 and 2013, the average market value of products sold per farm increased five percent from $25,079 to $26,367.[10] Clark County farmers rank second in Washington State in the number of "broilers and other meat-type chickens" they are raising.[11] The Clark County Food System Council reports that "in the past 5 years Clark County has seen an increase in the number of Community Supported Agriculture programs, growth in

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[3] 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 Futurewise's October 16, 2015 letter commenting on the *Addendum.*
[4] *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.
[5] *Id.*
[6] *Addendum* Appendix B Agricultural Lands Analysis pages 7 - 10
[7] County/UGA Comprehensive Plan Clark County, Washington accessed on Feb. 22, 2016 at https://www.clark.wa.gov/community-planning/maps
[8] See the enclosed file "RILB Vicinity Google Earth 2015 Images for Emailing.pdf."
[9] 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) accessed on Feb. 22, 2016 at http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/Washington/ and a copy of *2012 Census of Agriculture Washington State and County Data Volume 1* was enclosed with the paper original of Futurewise's October 16, 2015 letter commenting on the *Addendum.*
[10] US Department of Agriculture National Agricultural Statistics Service, *2012 Census of Agriculture County Profile Clark County, Washington* p. *1 accessed on Feb 22, 2016 at: http://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Washington/cp53011.pdf and enclosed with Futurewise's December 14, 2015, letter to the Clark County Planning Commission.
[11] *Id.*

the number of farmers markets, and more interest in locally sourced and organically grown food."[12] So farming and ranching has economic benefits for Clark County.

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.[13] 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."[14] The *Addendum* discloses that this land is current available to agriculture and in fact is currently being farmed.[15] 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."[16] As both this letter and the *Addendum* have documented, the site of the proposed Rural Industrial Land Bank is high quality agricultural land.[17]

The Rural Industrial Land Bank proposal is simply an attempted end run around the fact that this land qualifies as agricultural land of long-term commercial significance and so cannot be included in the urban growth area. We urge the Board of County Councilors to deny this proposal. If there was a needed to expand the UGA or provide sites outside the UGAs for major industrial developments, which there is not, there are sites that are not agricultural lands of long-term commercial significance that could be paved over.

## The proposed Rural Industrial Land Bank qualifies as "Clark County's Best Farm Land" and should be conserved

The Clark County Food System Council has identified all of the proposed Rural Industrial Land Bank and much of the land in its vicinity as "Clark County's Best Farm Land."[18] The Clark County Food System Council identified this land "by looking at characteristics of the land that make it suitable for food production."[19] These included

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[12] *Promoting Agricultural Food Production in Clark County*, A proposal developed by the Clark County Food System Council p. 2 (November 2013) accessed on Feb. 22, 2016 at: https://www.clark.wa.gov/sites/all/files/community-planning/Planning%20Commission/2015%20Meetings/FSCProposalDraft.pdf and enclosed with enclosed with the paper original of Futurewise's October 16, 2015 letter commenting on the *Addendum*

[13] Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* pp. 50 – 52 (2009) accessed on Dec 14, 2015 at: http://agr.wa.gov/fof/ and enclosed with the paper original of Futurewise's October 16, 2015 letter commenting on the Addendum

[14] *Id.* at p. 50.

[15] *Addendum Appendix B Agricultural Lands Analysis* p. 37

[16] 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) and enclosed with the paper original of Futurewise's October 16, 2015 letter commenting on the Addendum

[17] *Addendum*.Appendix B: Agricultural Lands Analysis pages 7 – 10.

[18] *Promoting Agricultural Food Production in Clark County*, A proposal developed by the Clark County Food System Council p 4 (November 2013).

[19] *Id* p 5.

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."[20]

This is another reason that this land should be conserved. The Board of County Councilors should deny this proposal.

## The Addendum does not identify reasonable mitigation measures and so violates the Washington State Environmental Policy Act (SEPA) and the Growth Management Act (GMA)

An environmental impact statement (EIS), including an addendum, must identify reasonable mitigation.[21] The GMA, in 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 is not available at this site.

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 failure to identify mitigation violates both the Washington State Environmental Policy Act (SEPA) and the GMA. This is other reason the Board of County Councilors should deny the Rural Industrial Land Bank.

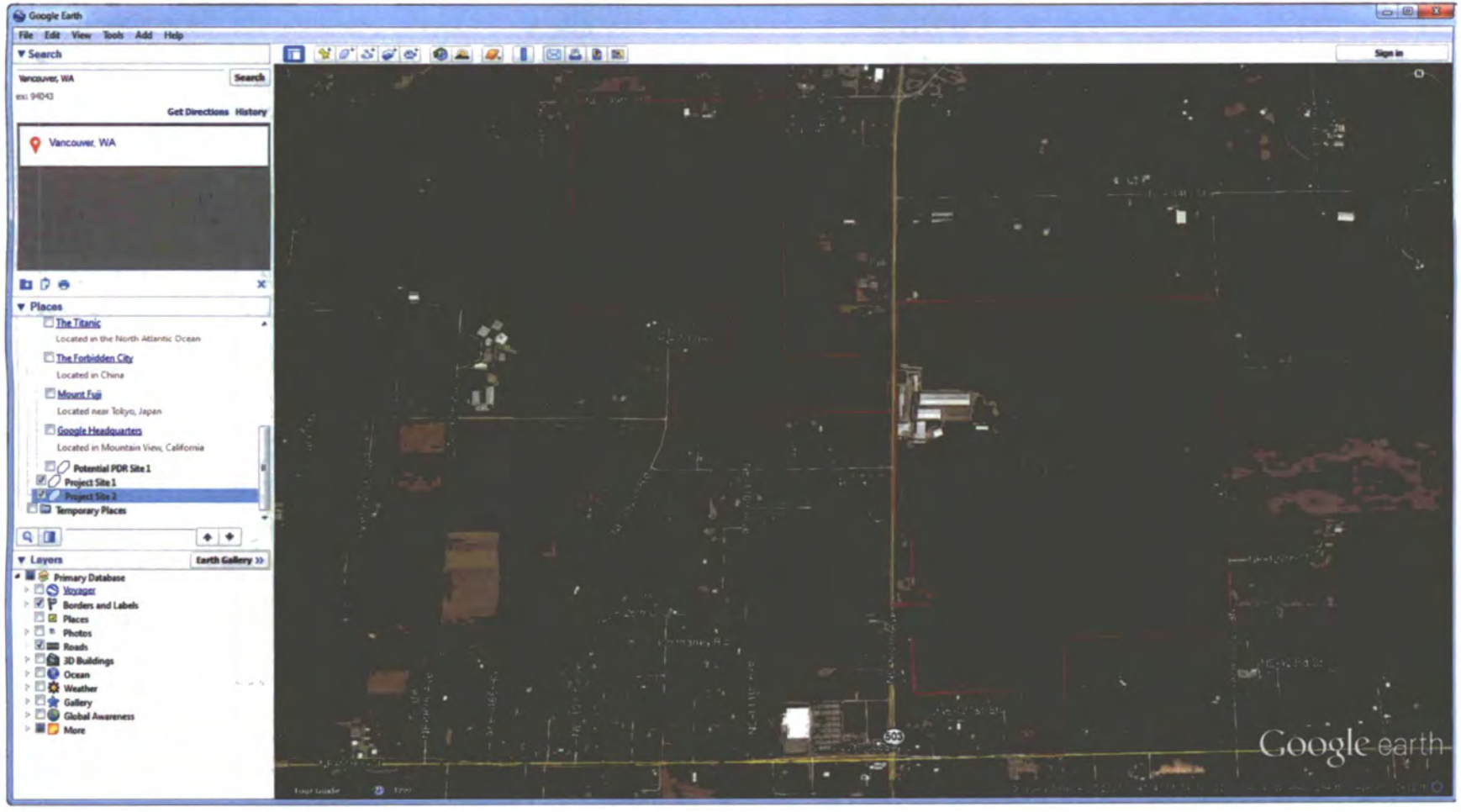
Thank you for considering our comments. If you require additional information please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

[20] *Id.*
[21] WAC 197-11-440(6)(a)

Very Truly Yours,

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures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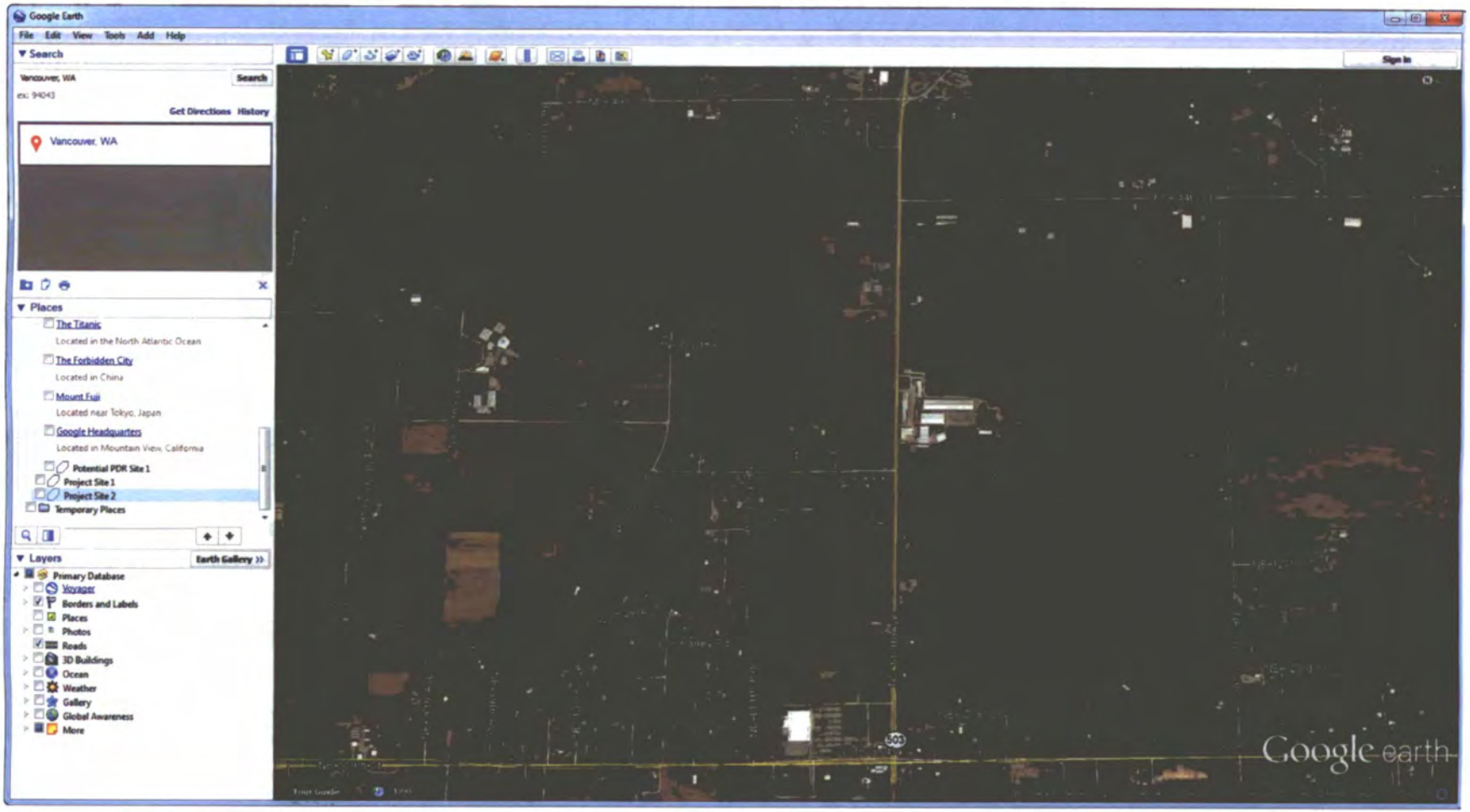
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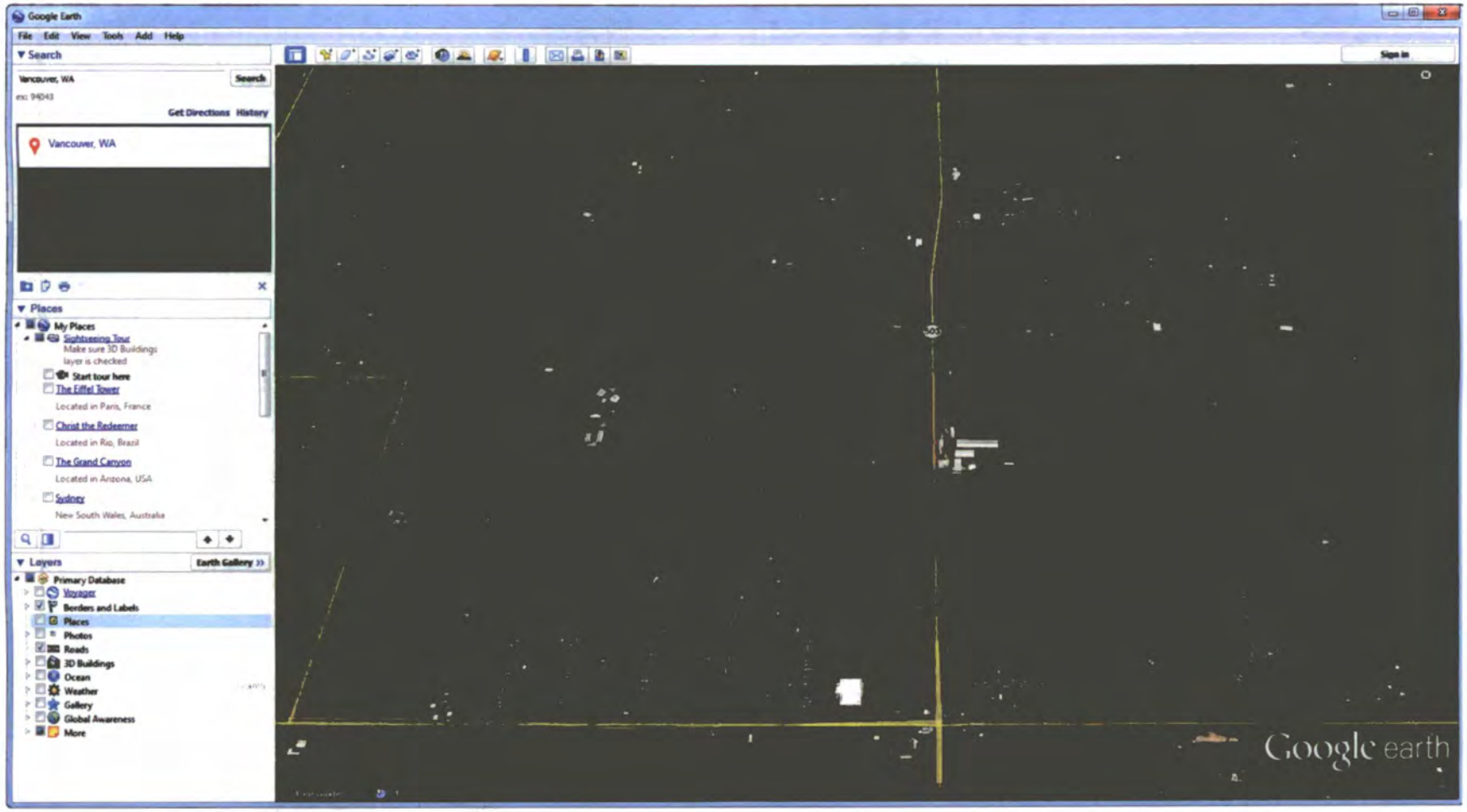
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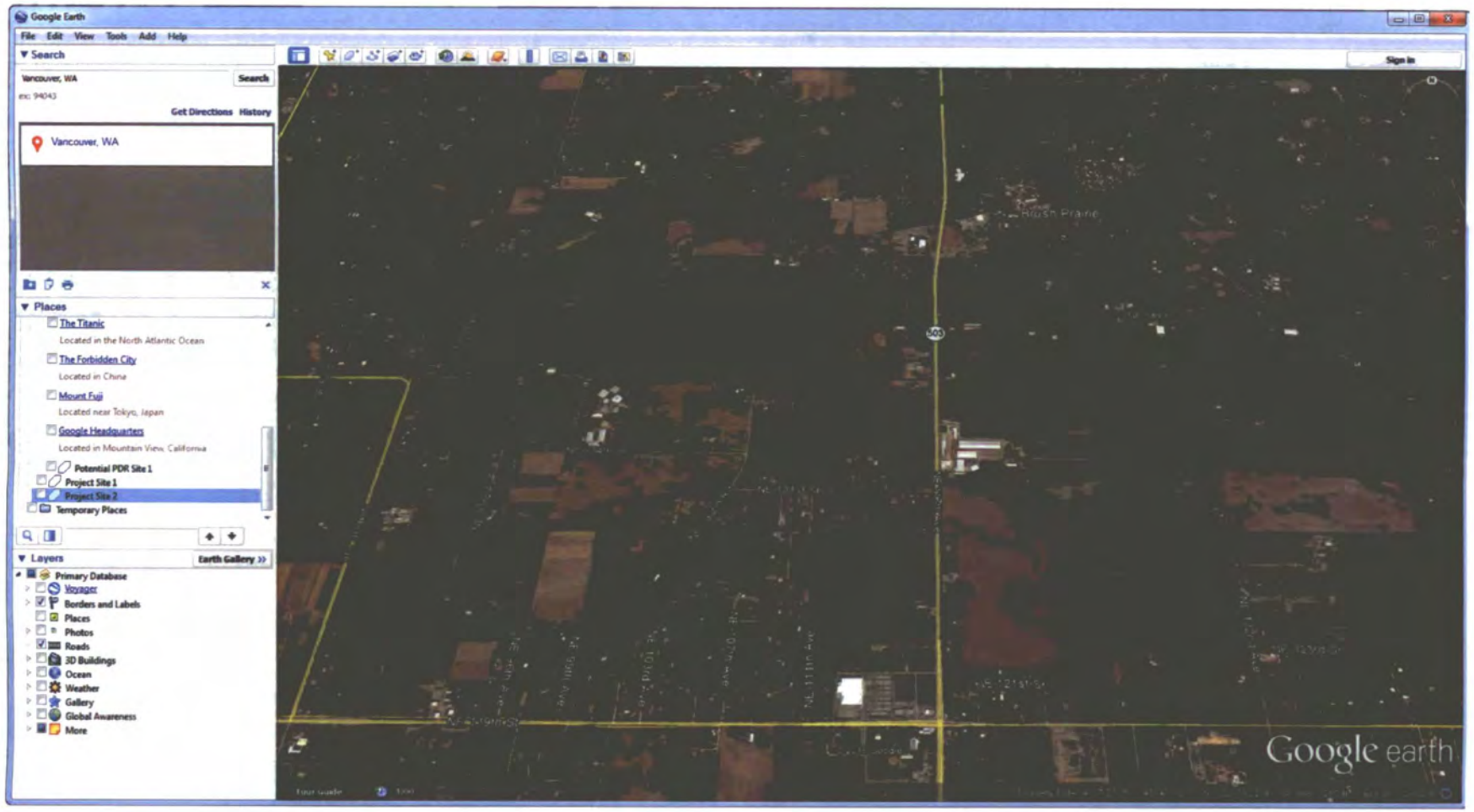
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