proud past, promising future

CLARK COUNTY
WASHINGTON

# DEPARTMENT OF COMMUNITY PLANNING

## STAFF REPORT

**TO;** Clark County Planning Commission

**FROM:** Oliver Orjiako, Director

**DATE:** December 17, 2015

**SUBJECT:** Public Hearing, Establishment of a Rural Industrial Land Bank

---

BACKGROUND

The purpose of the hearing is for the Planning Commission to consider an application for a rural industrial land bank (RILB) Such land banks are allowed by the Growth Management Act (GMA), RCW 36 70A 367

An application for a RILB was received by the county in February of 2014 As the application is to re-designate and rezone property, the application was treated like an annual review The GMA has specific requirements that must be met, and those requirements and the work that has been done to meet them are described below Per the Clark County Code, land that becomes part of a RILB is zoned for light industrial uses

The Board of County Councilors approved a contract to prepare the RILB application package BERK out of Seattle was hired to work with the county on meeting the RILB requirements

The GMA requires preparation of several work products as part of the application process

- Inventory of Available Sites
- Consultation with Affected Cities
- Programmatic Level of Environmental Review
- Master Plan Concept
- Development Regulations

In addition, because the RILB application is for lands currently zoned for agriculture (AG-20), a de-designation analysis is included as a work product All of these are described below

Materials are organized as 1) Programmatic Environmental Review, and 2) Addendum to the Clark County Comprehensive Plan These are further organized, as follows

Addendum Part 1 Inventory
Addendum Part 2 Alternative Sites Analysis
City Letters
Addendum Part 3 Appendices

- Appendix A Conceptual Plans
- Appendix B Agricultural Lands Analysis
- Appendix C Critical Areas Reports
- Appendix D Docket Application SEPA Checklist
- Appendix E Docket Site Utilities Analysis
- Appendix F Docket Site Transportation Analysis
- Appendix G Excerpt, 2007 Comp Plan EIS

Proposed Development Regulations
SEPA Comments

THE APPLICATION SITE

The application site comprises two areas that straddle SR-503 north of NE 119th St. (Addendum Part 1 Inventory, page 3) The Lagler property on the east side of SR-503 contains 378 71 acres and is made up of five parcels The parcels abut the Vancouver urban growth area in part along their south and west sides All of the parcels were brought into the Vancouver UGA with the 2007 Comprehensive Plan update, and then designated Area VB after the 2007 Plan was challenged. They were changed back to AG-20 when the UGB shrunk in 2009 Even though the land is zoned for agriculture, the entire area has an Industrial Urban Reserve overlay on it

The Ackerland property on the west side of SR-503 contains 223 72 acres Three of the seven parcels have a railroad industrial overlay on them, and that overlay extends to the south of the Ackerland site The largest parcel was designated with railroad industrial zoning in the 2007 Comprehensive Plan update, but the zoning was changed back to AG-20 when the UGB was shrunk in 2009.

INVENTORY OF AVAILABLE SITES

RCW 36 70A 367(2)(b)(i) requires that an inventory of developable land be conducted and that the county determines and enters findings that land suitable to site major industrial development is unavailable within the urban growth area Two things were done to satisfy this requirement.

The Columbia River Economic Development Council did a 'Clark County Employment Land Inventory study in 2011 (Addendum Part 1 Inventory, page 5) The study looked at the availability of lands for industrial development both within cities and in urban growth areas No parcels were identified that meet the county's 100-acre minimum requirement The county adopts that document as meeting the inventory requirement

The second thing that was done was develop a list of sites that would otherwise meet the requirements of the Comprehensive Plan and the Clark County Code (CCC) The Comprehensive Plan requires that 'new industrial sites that are part of a major industrial land bank be required to have a minimum of 75 acres or more .' (Policy 9.3 1) CCC Section 40 560.010(J)(2) requires that rural industrial designations be 100 acres or more BERK applied a standard list of what makes a good industrial site to parcels in the county that meet the minimum parcel size requirement (Addendum Part 1 Inventory, page 7), and identified four sites in addition to the docket site (Addendum Part 1 Inventory, pages 12 and 15) This accomplished two things 1) it showed that the county examined possible alternative sites to the docket site, and 2) it provided a list of sites to compare to the docket site in the programmatic environmental review (more on that below)

CONSULTATION WITH AFFECTED CITIES

RCW 36 70A 367(1) states that a county. . may establish, in consultation with cities a process for designating a bank of no more than two master planned locations The potentially affected cities for this application are Vancouver and Battle Ground. Letters were sent to the cities in December of 2014 notifying them that the county had received an application and was proceeding to process it

There hasn't been any formal input from either the city of Vancouver or the city of Battle Ground to date

PROGRAMMATIC LEVEL OF ENVIRONMENTAL REVIEW

RCW 36 70A 367(2)(b) requires that 'the environmental review for amendment of the comprehensive plan must be at the programmatic level...' and must include an inventory of developable land and 'an analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside urban growth areas '

Further, the State Environmental Policy Act allows agencies to use existing environmental documents WAC 197-11-600(2) states that "an agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents "

The process for establishing available sites is described above For the environmental review process, an additional criterion was used. All of the docket site properties were

included in the EIS on the 2007 Comprehensive Plan update. Given the county's desire to adopt the 2007 EIS, sites were chosen for further study that were also part of the 2007 EIS study area All sites were considered for industrial or employment center purposes in the 2007 EIS The 2007 EIS considered a range of natural and built environment topics addressing the cumulative effects of the subject Sites 1-4 becoming urban and changing to employment uses along with other urban and rural growth proposals. Accordingly, the environmental impacts of the subject proposal are covered by the range of alternatives and impacts analyzed in the existing environmental documents (WAC 197-11-600(3(b)(ii))

Building on the 2007 EIS already completed, the addendum provides the programmatic level environmental review required in RCW 36 70A.367(2)(b) and adds analyses or information about the proposal, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document (WAC 197-11-600(4)(c) where the subject properties had been evaluated for conversion to industrial or employment uses As stated above, four sites in addition to the docket site were chosen for further study (Addendum Part 1 Inventory, page 15) The environmental review is included in Addendum Parts 2 and 3 (appendices) Most of the work was done on identifying the environmental effects of developing the docket site, but all the sites were analyzed for industrial site suitability, critical areas, and agricultural viability Appendix C looks at critical areas among the alternative sites Appendix D is a SEPA checklist that was submitted by the applicant Appendix G contains a summary excerpt from the 2007 EIS

MASTER PLAN CONCEPT

Master planning is mentioned in both RCW 36 70A 367(1) and (2) as something that is required Clark County has a master planning code section (CCC Section 40 520 070) but at the time of the RILB application there were no provisions for master planning for a RILB. In December of 2014, a new code section was adopted by the Board CCC Section 40 520 075 deals specifically with master planning for rural industrial development

There was a lot of discussion about what the master plan should be As a practical matter, it is not possible to develop a precise master land use plan, because at this point it is not known who will be locating in the land bank and what and how they will wish to develop

Appendix A lists goals and objectives for a master plan It also contains a master plan concept map for the docket site as well as maps for the alternative sites Appendix E contains a utilities analysis prepared by Mackay Sposito and a utilities concept plan for the docket site Appendix F contains a transportation analysis developed by Kittelson & Associates There have been several conversations with WSDOT about access to the site from SR-503.

With this information and information about how the docket sites are constrained, a master plan concept land use map has been developed (Appendix A, page 2). It is important to note that a 100-foot perimeter setback is proposed for the site(s) With this proposal along with the portions of the site(s) that are environmentally constrained, the amount of developable land drops to about 380 acres

DEVELOPMENT REGULATIONS

RCW 36 70A 367(3) states in part that 'in concert with the designation of an industrial land bank area, the county shall also adopt development regulations for review and approval of specific major industrial developments through a master plan process'.

Draft development regulations are included in the packet By county code, lands designated in RILB must be zoned light industrial. What is proposed for the RILB is a light industrial overlay district, IL-RILB zone overlay This would in essence allow all uses that are otherwise allowed in a light industrial zone (there are some listed exceptions), but additional language regarding things like the 100' perimeter buffer and other master planning requirements from CCC Section 40 520 075 are incorporated as well

COMPREHENSIVE PLAN POLICIES

It is proposed that comprehensive plan text and policies be added to the Land Use Element (Chapter 1), as follows

**20-YEAR PLAN DESIGNATIONS AND LOCATION CRITERIA, RURAL LANDS** (page 1-16)

**Rural Industrial Land Bank**

A rural industrial land bank is a master planned location for major industrial developments established consistent with RCW 36 70A 367 The minimum size of the land bank is 100 acres

"Major industrial development" means a master planned location suitable for manufacturing or industrial businesses that (i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area, (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent, or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

"Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria in

"Major industrial development" above, and is suitable for manufacturing, industrial, or commercial businesses and designated by Clark County through the comprehensive planning process specifically for major industrial use

Add a new section to **GOALS AND POLICIES** (page 1-18), based on the RILB concept plan guiding principles.

**GOAL:** ***SUPPORT THE CREATION OF A RURAL INDUSTRIAL LAND BANK CONSISTENT WITH THE GROWTH MANAGEMENT ACT TO PROVIDE A MASTER PLANNED LOCATION FOR LIVING WAGE JOBS AND INDUSTRIES SUPPORTING RURAL COMMUNITIES IN AN ENVIRONMENTALLY SENSITIVE MANNER.***

**1.7 Policies**

1 7 1 Designate a rural industrial land bank that is compatible with surrounding land uses and that creates long term value for both the community and the industrial users

1 7 2 Develop rural major industrial developments within the designated rural industrial land bank that promotes sustainable development by minimizing our environmental impacts, protecting natural resources, and reducing waste.

1 7 3 Anticipate changing market and industrial needs and maintain the flexibility required for a variety of light industrial uses within the rural industrial land bank

1 7 4 Ensure rural major industrial development within the rural industrial land bank respects and preserves critical areas functions and values, and develops a stormwater solution that mimics the natural hydrology of the site while developing buffers both internally and externally Incorporate low impact development strategies

1.7 5 Ensure infrastructure requirements are met to maximize the land value. Coordinate infrastructure analysis and planning with public and private agencies so that their long term planning can anticipate the future light industrial development within the rural industrial land bank

1.7 6 Develop a roadway and site infrastructure backbone within the rural industrial land bank that allows for phased development based on the market needs Accommodate rail access.

1.7 7 Promote a level of predictability for future light industrial developers and the County through the flexibility of standards and consolidated reviews

## ARTERIAL ATLAS AMENDMENTS

Part of the master planning process includes how the RILB will be connected to the surrounding transportation system The primary access is proposed to be a signalized intersection at SR 503 and NE 134th Street. The site, however, also needs to be connected to other roads in the area Appendix F contains proposed Arterial Atlas amendments, which are as follows:

- Commercial/Industrial Classified Road from NE 139 St Extension to NE 149th St at approximately NE 106th Ave west of Chelatchie Prairie Railroad,
- Commercial/Industrial Classified Road from NE 144 St Extension to Dead End east of the Chelatchie Prairie Railroad, and
- Commercial/Industrial Classified Road from NE 134 St Extension to NE 139th St Extension at approximately NE 110th Ave east of Chelatchie Prairie Railroad

## DE-DESIGNATION ANALYSIS

Because the docket site lands proposed for the RILB are zoned for agriculture, a de-designation analysis was done De-designation criteria are listed in WAC 365-190-050

The docket sites were included in a de-designation study that was done for the 2007 Comprehensive Plan update The areas were brought into the Vancouver urban growth area (UGA). The inclusion of these parcels in the Vancouver UGA was challenged As a result, the county shrank the Vancouver UGA in 2009, and the parcels were re-zoned back to AG-20

The de-designation analysis is included in Appendix B, in Exhibit 3 on page 7 and Exhibit 17 beginning on page 24 The analysis was done not only for the docket site, but for the alternative sites, since they are all zoned for agriculture as well. Additionally, each site was considered but an areawide analysis was also conducted for each addressing the extent of the AG-20 zone abutting the studied sites

The docket site(s) meet several of the de-designation criteria, but not all of them (see the de-designation Chapter 2 analysis of the docket site and the areawide analysis) The site is in agricultural use and uses the current use taxation program, and has prime soils The site is also in proximity of urban uses with urban services, permit activity is fairly frequent south of the site, and there is a high volume of traffic on SR 503 The local agricultural market shows activity and increases in small, value added production and direct sales. The challenges of dairy operations are described in the report

Agriculture would continue to be an allowed use in the IL – RILB zone overlay. The perimeter buffer described in the development regulations and example cross-sections illustrate how agriculture could occur in the perimeter buffer

## PUBLIC INVOLVEMENT

The GMA requirements for early and continuous public involvement apply to this project. Work sessions on the project were held with the Planning Commission in October and November of 2014 and in May and November of 2015 Work sessions with the Board were held in October and December of 2014 and in June of 2015. Four public open houses were held in 2015 (January, April, July and October) Presentations were given to NACCC, the county's Economic Development Action Team (EDAT), the Railroad Advisory Board, and the Brush Prairie and Meadow Glade Neighborhood Associations A webpage for the project has been maintained throughout the project at http //www clark wa gov/planning/landbank/ Comments from each of the open houses are included on the webpage

## SEPA PROCESS

Pursuant to WAC 197-11-600(2), the county adopted the 2007 Comprehensive Plan EIS as part of the process, because the docket site(s) as well as the alternative sites were covered in the analysis done in that EIS The 2007 EIS assumed that docket site parcels would be zoned for industrial or employment purposes, similar to what is proposed in the land bank application

WAC 197-11-600(4) states that existing documents may be used for a proposal by employing one or more of several methods Section 4(c) allows for preparation of an addendum 'that adds analysis or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document ' Pursuant to this section, the county published a Notice of Determination of Significance with an addendum that contains the alternative sites analysis, the master planning process, and the development regulations Comments on the SEPA process are included as the last item in the PC packet

A SEPA appeal was filed on November 4, 2015 The appeal will by code be heard before the Board hearing on the RILB application

## STAFF RECOMMENDATION

Staff has reviewed the body of work prepared by BERK, and believes that the requirements of have RCW 36 70A 367 been met. Staff recommends that the Planning Commission forward a recommendation to approve to the Board of County Councilors

Attachment A

Commenter 1

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Southwest Region 5 • 2108 Grand Boulevard, Vancouver, WA 98661
Telephone: (360) 696-6211 • Fax: (360) 906-6776

October 21, 2015

Oliver Orjiako
Clark County Community Planning
Attn: Rural Industrial Land Bank
PO Box 9810, Vancouver WA 98666

**RE: WDFW Comments on Clark County Rural Industrial Land Bank Programmatic Environmental Review Addendum**

Dear Mr. Orjiako,

Thank you for the opportunity to comment on the proposed Clark County Rural Industrial Land Bank (RILB) Programmatic Environmental Review Addendum. The Washington Department of Fish and Wildlife (WDFW) has reviewed this RILB proposal and offers the following comments for your consideration.

In order to reduce potential impacts on fish and wildlife and their habitat, WDFW recommends the adoption of Site 1 as the Clark County RILB site. The five sites are diverse in offerings for the proposed RILB as well as potential impacts on direct and surrounding land parcels. The proposed industrial manufacturing and light commercial land use of this bank poses significant threat to viable fish and wildlife habitat and resources on all sites. 1-1

Site 1 has the least direct impacts on Priority Habitat and county critical areas, as well as the lowest direct impact on ESA listed species. With that said, the proposed Site 1 will still have a large direct and indirect impact on the natural landscape and species that occupy it. The presence of Oregon White Oak and several emergent wetlands as well as riparian priority habitat and mature forest lends to more strict classification of zoning in the area. 1-2

Along with the selection of Site 1 for the RILB, WDFW recommends strict site specific on and offsite mitigation of development for light to heavy industrial use in this bank. Site 1 is surrounded by priority riparian habitat and Salmon Creek, which holds several ESA listed species and provides many resources for fish and wildlife. The proposed site also includes a mature forest and White Oak priority habitat, which should be protected from future development on the site. A habitat specific appropriate buffer is recommended for any wetland encroachment from development as well as the forested area in the NE corner of Site 1.

The west side of Site 1 houses a parcel that is currently under the proposed conservation acquisition area for Clark County. It is recommended that Site 1 is reduced in size to allow for the western parcel to be acquired for conservation purposes. The habitat value that parcel provides is vital to local fish and wildlife due to the advancement of urban and industrial development in the area. 1-3

WDFW is hopeful for the continued opportunity to work with the county and brainstorm creative approaches to habitat conservation and mitigation techniques for the newly established Rural Industrial Land Bank. 1-4

Again, we thank you for the opportunity to provide input. Please contact me should you have any questions or need additional information.

Sincerely,

Emelie McKain
Region 5 Assistant Regional Habitat Program Manager
2108 Grand Blvd. Vancouver, WA 98661
Emelie.mckain@dfw.wa.gov
O: 360.906.6764 | M: 360-401-5317

Cc: Dave Howe, WDFW Region 5 Habitat Program Manager
Kevin Tyler, Clark County Resource Enhancement and Permitting Manager
Keith Folkerts, WDFW Land Use Policy Lead

Commenter 2

futurewise
Building communities
Protecting the land

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

2-1

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 areas.[1] 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. 2-1 cont.

## 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 Court.[3] 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] 2-2

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]

2-3

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:

2-4

> 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/aging/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 jobs[11] 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*. 2-4 cont.

## 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. 2-5

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] 2-6

---

[10] *Clark County Buildable Lands Report* p. 11 (June 2015) accessed on Oct. 15, 2015 at: http://www.clark.wa.gov/thegrid/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*. 2-6 cont.

## 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. 2-7

## 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] 2-8

---

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.crwwd.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. 2-8 cont.

## 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 current 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. 2-9

However, instead of considering the state's official agriculture strategic plan, the *Addendum* uses unsubstantiated opinion to argue that the dairy farm current 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 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/fof/ 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.

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.

2-10

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,

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

# Rural Industrial Land Bank Environmental Review

*What are your comments on the addendum to the 2007 Environmental Impact Statement prepared for the Rural Industrial Land Bank proposal?*

All Statements sorted chronologically

As of October 22, 2015, 8:05 AM

*As with any public comment process, participation in Engage Clark County is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.*

# Rural Industrial Land Bank Environmental Review

*What are your comments on the addendum to the 2007 Environmental Impact Statement prepared for the Rural Industrial Land Bank proposal?*

As of October 22, 2015, 8:05 AM, this forum had:

| | |
|---|---|
| Attendees: | 41 |
| All Statements: | 5 |
| Minutes of Public Comment: | 15 |

This topic started on October 5, 2015, 10:53 AM.



001638

# Rural Industrial Land Bank Environmental Review

What are your comments on the addendum to the 2007 Environmental Impact Statement prepared for the Rural Industrial Land Bank proposal?

Commenter 3

Name not available (unclaimed) October 21, 2015, 4:49 PM

Dear Members of the Commission: I am writing because I feel it is critically important NOT to rezone farmland for light industrial use. In particular, I am concerned about the Lagler farmland. While I understand the financial difficulties farmers so often face, having come from several generations of small farmers myself, at the same time once this land is gone, it is gone. How many more large box stores and storage units does one county need? Twenty, or even ten years from now, we will wish we still had intact farmland in order to feed a growing population. If we preserve it now, we are sure to find that we have an inestimable treasure later on. In addition, there are fewer and fewer parts of Clark County which are habitat for some of the wild creatures we thrill to see: the bald eagles, great blue herons, woodpeckers, and other birds and animals which still exist in the area of the Lagler farm. The CASEE educational center, part of the Battle Ground School District, is right across the road from this farm area, fulfilling an urgent need to educate youth and inspire them in environmental and farming careers. Please consider the future -- our future -- and do not turn Clark County into wall-to-wall concrete and light industrial zoning. Enrich our future in a sustainable way. Thank you.

Terry Covington
13717 NW 2nd Ave., #G87
Vancouver, WA 98685
tcovington4@hotmail.com

---

Commenter 4

Barb Rider inside Clark County (on forum) October 21, 2015, 9:07 AM

21 October 2015
Clark County Community Planning
Attn: Rural Industrial Land Bank
PO Box 9810
Vancouver, WA 98666-9810

Dear Planning Group,

I'd like to give you input on the Environmental Review RCW36.70(2)(b) and Addendum to the Clark County Management Plan Final concerning all the farmland areas proposed to be re-zoned to "light industrial" or other uses in Clark County, and specifically, the Ackerland and Lagler Properties in "Exhibit 1".

AGRICULTURE ZONING CHANGES: In short, I would argue that the last thing Clark County should be doing is re-zoning ANY of its agricultural lands to light industrial, industrial or residential, or any other non-agricultural use. This is an argument to retain the current zoning of ALL the farm land in the entire county as it currently exists – no changes.

FUTURE NEEDS: Clark County has experienced extremely rapid growth over the last 30 years. Understandably, the county leaders are trying to plan for future needs of the county residents. But, instead of looking only at the desire for more housing and industrial "parks", we must also look to the importance of food produced in our own local area, too.

FARMLAND LOST: I have witnessed firsthand what happened, and continues to happen, in California, Texas, Florida and the mid-Willamette Valley, Oregon, when rapid growth ensues and the sprawl from the nearby cities is allowed to gobble up good quality or even moderate quality farmland. In those areas, as is already happening in Clark County, once large tracts of farmland have become surrounded and bisected by non-farm use, the ability to farm becomes more and more difficult, and the price of land formerly zoned agricultural, becomes too high priced for farmers to afford it and it is broken up and sold, never to be farmed again.

ADJACENCY OF FARMS IMPORTANT: Farmers rely upon each other. There is a synergy and sharing of tools, knowledge and labor that is not measurable in any study performed by an external group relying upon satellite maps and geological surveys Farmers trade services with each other, including tractors, tools and "know-how" They use local roads to move animals, feed, seed, materials and fertilizer from one area to another, as they "go about their business" They group together to ship their products to share the cost and efficiencies of larger volumes.

CUSTOMER ZONES: And farmers rely upon the locality of their individual businesses (yes, farming IS a business, too!) to attract customers who KNOW there are a multitude of different farm products in their specific area. For instance, within the 5 mile range of the Ackerland and Lagler properties, raspberries, pumpkins, lavender, strawberries, tomatoes, cucumbers and honey – to name a few - are sold at "fruit stands" and "farm stores" in season and people flock to buy them all! Not to mention the multiple nurseries, as well!

How many in our community realize that the Lagler dairy is part of the Tillamook Cooperative and the Tillamook cheese and milk products they eat, are, in part from this local farm?

There are also a number of CSAs (direct sale produce farms) which sell their produce to both their regular customers and seasonal customers

And quite a few farmers in the Clark County area amend their income by throwing their farms open to the public during seasonal activities – like Halloween and spring – to come and enjoy a little taste of "the farm life" In fact, many of the local elementary schools make it a routine "field trip" for their students to go to a farm so they can "see where their food comes from". Ask your kids about these field trips!

NEW NEIGHBORS, NEW PROBLEMS. By breaking up the continuity of farmland in Clark County, there is another problem, as well. When non-farm residential areas are embedded in a farm area, the new residents typically do not enjoy or appreciate the "unknown side" of farming and begin to complain and request "reductions" in the "annoying attributes" of living next to a farm that they previously were unaware of – dust, smells, tractors in the road, the occasional loose animal on the run, early and late use of tractors during seasonal period such as harvest or planting when farmers may work from dawn to dusk, or, even in the dark with lights on their tractors showing their way. While many non-farmers enjoy the bucolic looking fields of crops and animals as they drive by swiftly in their vehicles, when they actually LIVE next to a working farm, they often do not want to deal with the reality of being this close to a farm. Then, often, begin the demand for limits to normal farm activities by the new neighbors.

A farmer who cannot work the long hours required because of the seasonal and sometimes urgent nature of farming activities – like getting a crop in before the weather takes a dramatic turn for the worse - is a farmer

who will not be farming very much longer.

MY KNOWLEDGE BASE: As to where I glean my knowledge from, I grew up in a farm and logging town from the mid-50's to the mid-70's in the mid-Willamette Valley area of Oregon State. The land near the small town of Lebanon, Oregon looks remarkably like Clark County – mostly flat farm land surrounded by hills covered in Douglas fir-treed forests.

As a kid and teen, my siblings and friends spent our summers picking berries, beans, and walnuts, moved irrigation pipe on farms and also worked at the local cannery (which is still functioning today serving farmers for miles around). We helped friends and neighbors get their hay in during haying season, too, and knew when visiting farm kid friends we would help them with their chores before playing could begin

No, I'm not a farmer and my parents are not farmers. But, I still have family and friends who still farm and I hear and see what transpires when farm land changes to tracts of homes or industrial areas after agricultural zoning is lost. Farmers have an incredible synergy and ties with each other and their community – ties which are hard to codify from a satellite view.

WHY IS FARMING IMPORTANT: But, why is it important to keep farming alive and well in Clark County?

The farmland all over our nation is disappearing or becoming less productive. Some of it has been covered up by concrete and industrial buildings Some has been gobbled by suburbia. But, lately, as in California and Arizona, more of it is so drought-stricken, the land is becoming a wasteland of dry beds of soil that blow away in the next high wind.

FOOD SECURITY: We need to keep farming in Clark County. We need to be able to take up some of the slack of lost farm production in other areas of our nation so we can continue to provide food security within our county and country's boundaries Food generated within the USA boundaries is a GOOD thing. Covering up and splintering quality farm land is the last thing we should be doing in Clark County today. Planning for a future that includes farming in our county is more important than ever

IN-FILL NOT SPRAWL. Instead of sprawl, let's require more "in fill" using the existing non-farm land available We need many, many more multi-story apartment buildings for our county residents, not huge houses on huge lots surrounded by huge lawns Situate large buildings for storage and distribution facilities in the existing industrial park lands in the county – many still very empty – or add more industrial parks near other industrial parks. Let's do the right thing and not turn Clark County into another Jacksonville, Florida – one of the biggest cases of urban sprawl in the USA!

Let's keep our farm land whole and safe for the present and the future.

Thank you for listening!

Sincerely,
Barb Rider
PO Box 647
Camas, WA 98607

# Rural Industrial Land Bank Environmental Review

What are your comments on the addendum to the 2007 Environmental Impact Statement prepared for the Rural Industrial Land Bank proposal?

360 834-9695
bhrider@comcast.net

**1 Attachment**

https://pd-oth.s3.amazonaws.com/production/uploads/attachments/13j8oxtfnoo0.30o/MapOfLaglerArea_JPEG.jpg (217 KB)

2 Supporters

---

Commenter 5

Name not shown (unverified) October 20, 2015, 10:09 PM

Keep the agriculture. We don't need more development. We need to better utilize what we have, plain and simple.

---

Commenter 6

Jean Dougherty inside Clark County (on forum) October 20, 2015, 9:40 PM

If there is an existent farm, in the area designated industrial, can they keep farming? Or do they have to be "grandfathered " in? If a company want to be a commercial farmer, with crops grown in a building, is that possible , in an area zoned commercial or industrial?

---

Commenter 7

Name not shown inside Clark County (on forum) October 10, 2015, 4:51 PM

I would like to know if the native vegetation buffer will be applied where the Industrial Zone is bordered by a road. I would also like to know where the planned vehicular access points would be for Site 1.

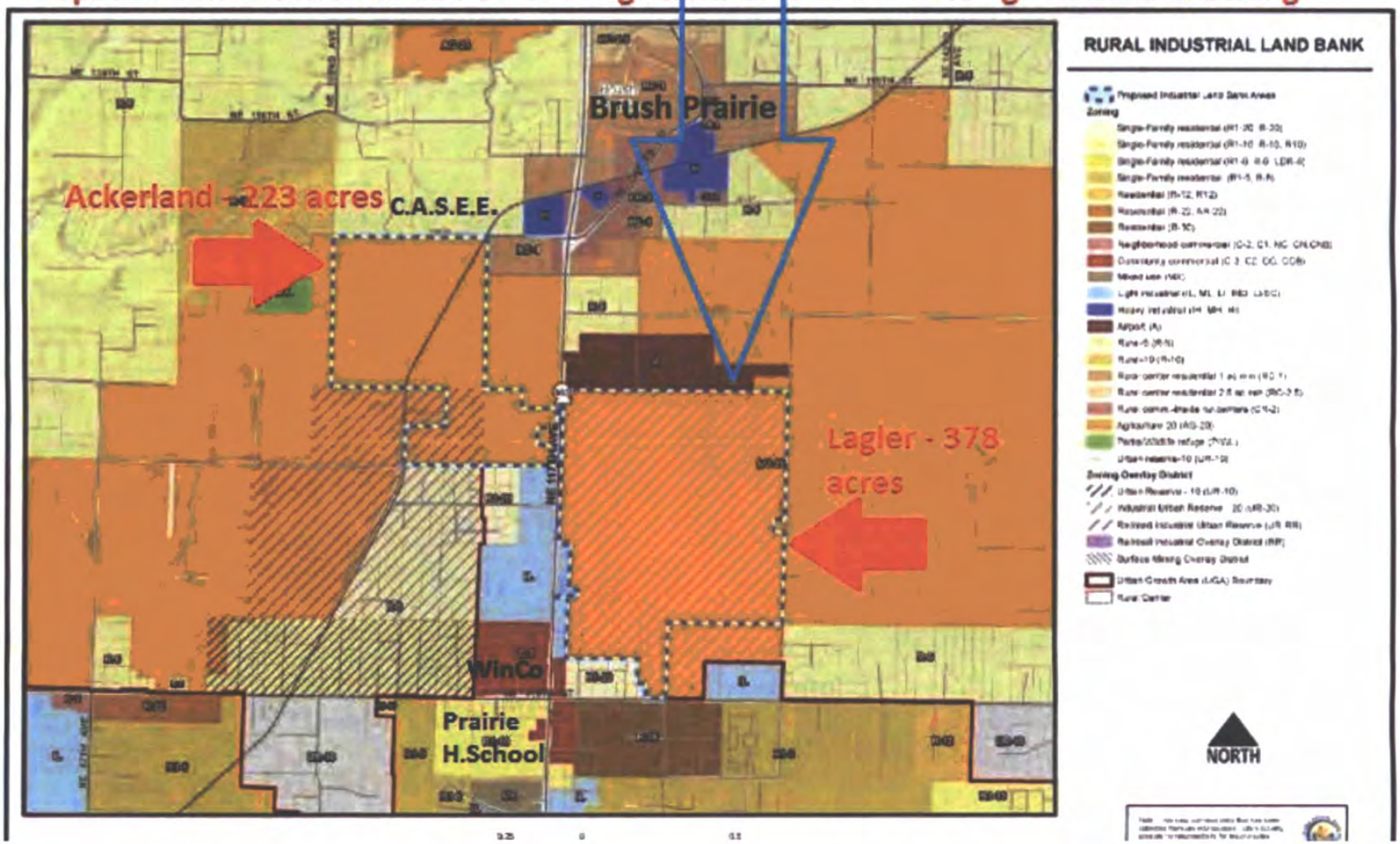
---

Exhibit 1 below shows these areas. Presently the zoning for both properties is Agriculture (AG-20). The requested zoning is Light Industrial (IL). The IL zone uses are listed in Clark County Code (CCC) Section 40.230.085.

**The white & blue striped areas are the proposed re-zone areas from agricultural to light industrial.**

## Exhibit 1. Ackerland and Lagler Properties

**Proposed Conversation of 600 acres of agricultural zoned land to light industrial zoning**



Commenter 8

RECEIVED

October 19, 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(2) (b), and Addendum to the Clark County Management Plan Final Environ Imapt Statement May 4, 2007 (October 2015)

Thank you for the opportunity to comment.

QUALIFICATIONS OF COMMENTER. I live and farm in close proximity to the Lagler Dairy and proposed Rural Industrial Land Bank. Perhaps, more importantly I have made it my life's work to contribute to creating a more socially, economically and environmentally sustainable agricultural system in this country and this county. I have extensive academic and professional experience in agricultural policy, as well as practical experience working on farms across the state and region. I have been observing the subject area of the "docket site" for the last twenty years. 8-1

SUMMARY OF COMMENTS. The analysis provided by Berk in the Addendum is flawed and inadequate. Direct observation reveals that medium to large size farms are thriving and expanding in and around the subject area of the docket site. The consolidation of the local dairy industry into a few large dairies suggests that careful assessment of the consequences of losing an additional dairy and more dairy land should be conducted before de-designating the docket site. 8-2

The docket site is key to maintaining a number of economic, social and environmental values that the wider subject area, and surrounding rural lands provide. De-designation of this property will have far reaching consequences. These consequences and alternative policies should be considered. 8-3

INADEQUACY OF BERK ANALYSIS. Based on my experience and expertise in agriculture, I find the designation analysis of the docket site woefully inadequate. Perhaps the most flagrant error is the mis-identification of cane berry (raspberry, blackberry, etc.) acreage in the vicinity, as "cranberries". While this example might seem minor, it is diagnostic of the hazards of hiring contract analysts from a distant city, who relied on remote satellite imagery and the outdated published work of others, to compile their data. The direct knowledge that could have been gained from local sources is glaringly absent. 8-4

Berk sites a previous study that identifies 3 farms (of commercial significance) in the subject area. This number is likely out of date, inaccurate and low. Including Chapman's Nursery, Lavender Accent and Lagler Dairy, three such farms have frontage on SR 503. But for the sake of argument, we could assume the three farms cited are Lagler Dairy, Silver Star Farms and Bi-Zi Farms. Removal of the Lagler Dairy will cut Bi-Zi farms off from the larger fabric of Ag Resource lands in the area. This isolation will likely intensify pressure for Bi-Zi to cease operation and be absorbed into the Urban Growth Boundary. 8-5

TREND ANALYSIS. In the past some of this development pressure has come from County 8-6

Government itself. As long as county government continues to approve and appear to encourage de-designation of agricultural resource lands, that expectation will be built into the market price of these lands, pricing them out of the agricultural production market. 8-6 cont.

Berk cites a variety of reasons for a trend of increasing numbers of small farms and decreasing number of large farms. However, it does not adequately address the degree to which development pressure and government policy may be affecting or driving the trend.

It would be incorrect to conclude from the juxtaposition of these trends in the document, that small farms are replacing large farms. They occupy different market niches and different land use zones. If anything, the small farms have strengthened the larger farms by identifying markets for fresh local products that they cannot by themselves serve. 8-7

One possible explanation is that government policy and development pressure are the common factor between the two trends. The expectation of land use policy changes prices beginning farmers out of the market for larger Agricultural Resource parcels, decreasing the demand for farmland as farmland. Retiring farmers experience the lack of demand and pursue re-zones, continuing a vicious cycle. A consistent land use policy could break the cycle and protect farmland, as the Growth Management Act intends.

LAND USE PATTERN. Berk's failure to utilize direct local knowledge, and the choice to include only a contiguous pattern of Agriculture Resource lands, leads them to false conclusions about the pattern of agricultual use and the commercial significance of agriculture in the subjec area of the docket site.

Silver Star Farms operates on numerous small to mid-sized parcels across the subject area and beyond. A common complaint of the Laglers and other farmers is the harassment they experience when moving equipment along local roads between parcels they are farming. As a neighbor to Silver Star's home site, I witness constant traffic of equipment leaving that site for other parcels. Siting an industrial facility that may greatly increase road and rail traffic would seriously impede their operation. Silver Star is mainly a cane berry and strawberry operation. Its farming of numerous parcels across the area suggest that there is a great deal of interdependence between the various parcels they own and lease, contrary to Berk's analysis of no known interdependence. I believe Bi-Zi also grows some berries, and it is likely that cooperation takes place between these farms in terms of equipment use, and supply purchasing. 8-8

I can also attest to cooperation between Silver Star and Lagler in the areas of equipment sharing, custom farming and emergency assistance.

ECONOMIC ASSESSMENT NEEDED. The justification for de-designation of the Lagler Dairy is creation of jobs. While we commend the landowner's vision of a high tech facility, warehouses and distribution centers are a more likely outcome.

An assessment should be done comparing the quality and quantity of jobs created by such facilities, to the jobs lost if these farms disappear. Between them, Lagler, Bi-Zi and Silver Star, probably employ around 40 people full time, plus considerable part-time and seasonal labor. A younger generation is active on all three farms and could be expected to continue the operations. 8-9

As well as assessing current employment, it should be recognized that the Lagler, Silver Star and Bi-Zi owners have been farming and employing others for from 50 to 100 years, and could go on doing so for

an equal time into the future, whereas industrial developments such as Hewlett-Packard have come and left the area over the course of a few decades, leaving empty buildings behind.

8-9 cont.

In addition to direct employment, the employment created for suppliers to the farms and processors of the farms' products should be evaluated.

ALTERNATIVES SHOULD BE CONSIDERED. Before taking the irrevocable step of de-designating prime agricultural soils, a consideration of possible alternatives to the present situation should be considered. The Lagler/Ackerlands have expressed concern that they may not be able to remain competitive into the future. In addition they feel harassed by the encroaching population and have difficulty working around and across the highway that bisects their operation.

8-10

ALTERNATIVE I. FACILITATE A MORE WELCOMING ENVIRONMENT FOR OUR LOCAL FARMERS. Public education could be done to make the public aware of the rights of farmers, and the essential role they play in providing food, open space and habitat for wildlife. Motorists could be educated about how to safely and courteously navigate around farmers moving equipment on the roads.

Ways of mitigating the impacts of the State Highway could be funded by State and//or local government. At a minimum, a pipe hole could be drilled under the highway allowing manure slurry to be pumped to the Ackerland property, nearly doubling the area available for manure management.

More ambitiously an underpass could be built that would ease transfer of equipment and livestock under the highway. State government could be lobbied to provide grants to dairies to help meet more restrictive manure management regulations. Perhaps such improvements would allow the Laglers to remain competitive, meet the coming stricter regulations on manure management and continue to produce milk and provide other values to the community.

8-11

ALTERNATIVE II. FACILITATE TRANSFER OF THE PROPERTY TO A DAIRY PLANNING TO CONTINUE OPERATION. The transition process in the industry is not only one of dairies leaving the area, but also of remaining dairies increasing size to remain competitive. If the Laglers are resolute in leaving the area, the community should consider the possibility of using the land to assure continued production of one of our most basic foods.

ALTERNATIVE III. ENCOURAGE THE LAGLER/ACKERLANDS TO SELL THEIR LAND FOR OTHER KINDS OF AGRICULTURAL PRODUCTION. If, in fact, industrial dairy production is not suited for operation on the urban fringe, it is not necessarily true that other forms of agriculture could not utilize the property. It is typically the case that livestock producers occupy lands not suitable for production of more lucrative crops such as berries. This is not the case in this instance. As the soil survey for Clark County put out by the Department of Agriculture Natural Resources Conservation Service indicates, the soils occupied by the Dairy have no limitations for fruit and vegetable production. The utilization of adjacent lands by fruit and vegetable producers provides additional evidence. It is estimated that these operations generate revenues of $7,000 to $10,000 per acre, much higher than what growing grass for cows will generate.

Some areas of the dairy are already paved over, and these could be used for agricultural processing facilities or other light industrial uses.

ALTERNATIVE IV. Local investors could form a Real Estate Investment Trust (REIT)to purchase lands such as the Lagler/Ackerland properties and lease them to mid-sized and small farms for

commercially significant production. Such REITs already exist particularly leasing land for organic production, but a locally owned REIT with flexible parameters would be preferable. A partnership could be established between the REIT and the 78th Street Farm to create a small to mid-size farm business incubator, to prepare beginning farmers to succeed in utilizing this valuable land resource. 8-11 cont.

AREA WIDE CONSEQUENCES OF DE-DESIGNATION. I commend the Lagler family for the civic mindedness and long term thinking of their proposal. However, the wider implications of removing the dairy from Agriculture Resource status, in my opinion, outweigh the benefits of industrial jobs and tax revenues.

The remaining large to mid-sized farms will experience increasing pressures of development and traffic congestion. Support services and markets for remaining farming operations throughout the county will be weakened by shrinking demand.

The Lagler/ Ackerland Properties anchor a rural/agricultural district that defines the boundaries of Vancouver and Battle Ground and provides a relief from the experience of endless commercial and residential sprawl. These properties provide the plug in the dam that keeps development from flooding down the banks of Salmon Creek, banks that are characterized by steep canyons of loose soil, poorly suited to residential development. 8-12

Some argue that economic prosperity is not achieved by "chasing smokestacks", but by providing a quality of life that attracts innovative start-ups to locate in your community. A man recently moved in next door to us who is a software engineer who works from home. He and his wife manage a small herd of alpacas and sheep from which she creates and sells fiber art. Our current landscape is surely a factor in their choice to locate here. Need I say more?

Along with the adjacent riparian zone, the open prairie-like environment of the properties' fields and pasture offer a diverse and rich environment for wildlife. Thousands of migratory birds stop to graze the Lagler Dairy grasses. Diverse raptors from kestrels to bald eagles can be seen hunting the open fields. Development will fragment and isolate the few protected wild land parcels, diminishing their habitat value.

Finally, even the commendable suggestions Berk makes for berms and and trees to buffer the population from the proposed industries will destroy the expansive panoramic views the Dairy provides to commuters and residents passing through the area.

A WORD ABOUT FOOD SECURITY. The Berk analysis quotes one view of food security expressed by the Clark County Food Systems Council. This view approaches "security" as we think of "social security," concerned with assuring that vulnerable populations have access to adequate, wholesome and healthy food supplies.

A second view of food security considers the food system from a perspective more related to "homeland security." Is our food supply safe from various societal and/or natural threats? Can we assure our food will be safe to eat? Can we assure that our food supply won't be interrupted as a result of human conflict or natural calamities? 8-13

Fluid milk is a very basic, critical element of our food supply. It is highly perishable and expensive to transport. The Lagler dairy likely produces about a quarter of the milk produced in the county. As we consider the future of our food supply, should we not ask whether the capacity to produce milk to be

consumed locally might not be a high priority?

The Berk study suggests that the Lagler Dairy is not part of the local food system. I don't know about my neighbors, but I buy my Tillamook ice cream, butter, sour cream and yoghurt at the super market within sight of the dairy. It is not even accurate to say that the Laglers sell their milk to a creamery in Tillamook, Oregon and that they sell it back to us. As a member of the Tillamook Dairy Co-op, the Lagler Dairy is the processor, and some of the profits, in addition to the direct milk revenue returns to Clark County to be spent and invested here. 8-14

Local is a relative term, and buying cheese from Tillamook made from milk from Brush Prairie adds more to food security, and does more for our community than buying Parmesan from Parma, Italy.

IN CONCLUSION. The planners who present this proposal to the public, make much of the fact that this proposal originated with the landowners, despite the fact that the governing regulations specify that, "The intent of a landowner to use land for agriculture or cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production." 8-15

While I commend the landowners intentions, approving this proposal because he wishes it, creates chaos in the planning process. Many would want to build houses on the land, but the landowner recognizes that jobs are needed to employ the people who live in the houses. But, of course land is also needed to feed the people who have the jobs and live in the houses. The Growth Management Act recognizes this need and requires that the planning process address it.

Between global political unrest and global and regional climate change, there is plenty of uncertainty in relying on distant sources for our food. I urge you to consider this and the other factors in these comments. 8-16

Respectfully submitted,

Jim Hunter
Hunters' Greens Farm
15716 N.E. 112th Ave.
Brush Prairie, WA 98606
360 256-3788
huntersgreens@spiritone.com

# CLARK COUNTY RURAL INDUSTRIAL LAND BANK

## Responses to SEPA Comments

## 1.0 INTRODUCTION

Clark County is considering the establishment of a rural industrial land bank (RILB) as provided in the Growth Management Act (GMA; RCW 36.70A.367). Clark County received an application to establish the RILB on two properties that front SR-503 north of the Vancouver urban growth area (UGA): Ackerland property west of 117th Avenue, 223.72 acres and Lagler property east of 117th Avenue, 378.71 acres.

Based on the proposed establishment of a RILB, on October 7, 2015, Clark County issued a Determination of Significance and Adoption of Existing Environmental Document, and provided an Addendum, in accordance with State Environmental Policy Act (SEPA) rules (WAC 197-11-600 and WAC 197-11-630). The County voluntarily included a comment period of 14 days from October 7 to October 21, 2015, whereas SEPA rules do not require it.

During the comment period the following comments were received. Responses to the comments are provided below. These voluntary responses to comments (not required by SEPA) provide clarifications to public comments on the Addendum and are incorporated into the County's SEPA record as part of the Addendum.

**Exhibit 1. List of Commenters**

| Commenter | Date | Agency/Individual |
|---|---|---|
| | **Agencies** | |
| 1 | October 21, 2015 | State of Washington Department of Fish and Wildlife |
| | **Organizations** | |
| 2 | October 16, 2015 | Futurewise |
| | **Individuals: Peak Democracy Online** | |
| 3 | October 21, 2015 | Terry Covington |
| 4 | October 21, 2015 | Barb Rider |
| 5 | October 20, 2015 | Anonymous |
| 6 | October 20, 2015 | Jean Dougherty |
| 7 | October 10, 2015 | Anonymous |
| | **Individuals: Letter** | |
| 8 | October 19, 2015 | Jim Hunter |



001649

The County also included an appeal period following the comment period from October 21 to November 4, 2015 consistent with CCC 40.570.080.D.2.b(2).During the appeal period, one appeal was filed.

**Exhibit 2. Appeal**

| Date | Agency/Individual |
|---|---|
| November 3, 2015 | James Hunter |

CCC 40.570.080.D.3 requires that the County prepare a record for any appeal including findings and conclusions, testimony under oath and a taped or written transcript. The appeal of a determination where the proposals involves the Planning Commission making a recommendation including comprehensive plan amendments and rezones is to be decided by the Board of County Councilors in conjunction with its decision on the underlying recommendation. The Planning Commission and Board of County Councilors will hold hearings on the proposal and would create the record for the appeal. This document provides responses to the appeal comments to be considered by the Planning Commission and Board of County Councilors and would be part of the record. Per CCC 40.570.080.D.4, "[t]he procedural determination by the county's responsible official shall carry substantial weight in any appeal proceeding."

## 2.0 RESPONSES TO COMMENTS

Comments that state an opinion or preferences are acknowledged with a statement that the comment is noted. Comments that ask questions or request revisions to the Addendum are provided with a response that either explains the approach of the programmatic analysis, or offers clarifications or corrections.

**Exhibit 3. Matrix of Responses to Comments**

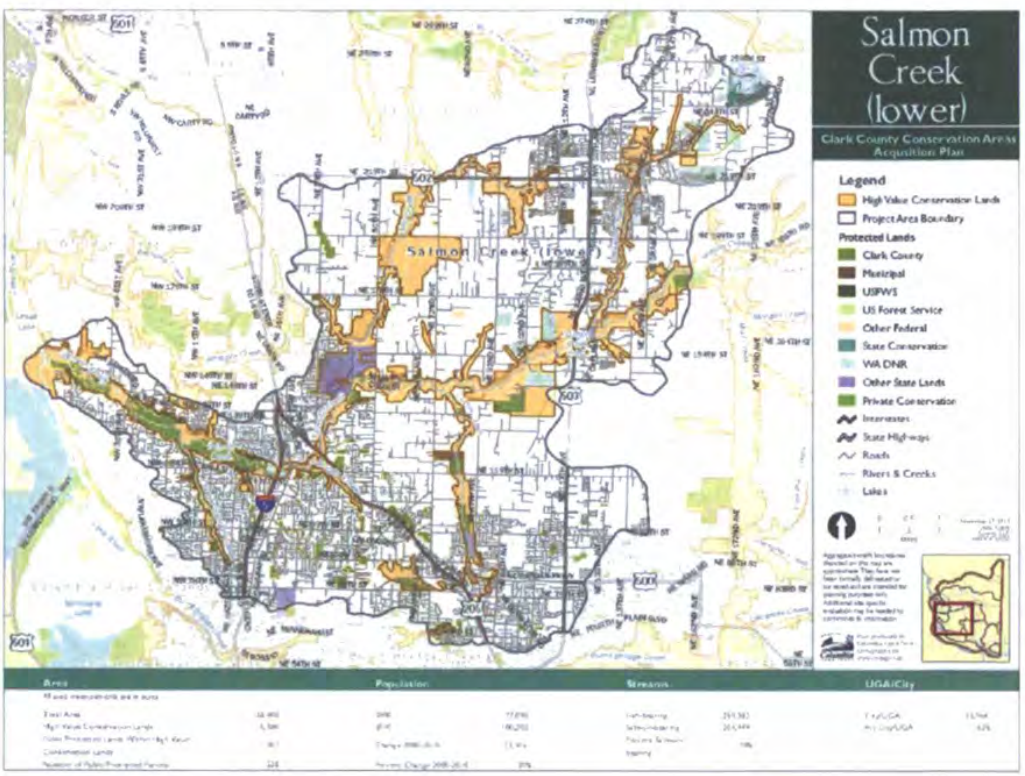
| Num | Letter / Response |
|---|---|
| | State of Washington Department of Fish and Wildlife |
| 1-1 | Comment noted. Potential implications of development on fish and wildlife are addressed in the 2007 EIS, Addendum Alternative Sites Analysis, and Addendum Appendix C. |
| 1-2 | Comment noted. Please see Addendum Appendix C analysis of the docket site which included onsite reconnaissance, and analysis of present and potential fish and wildlife habitat. The application of the County's critical areas regulations is also addressed. The concept plan in Addendum Appendix A identifies the potential wetlands, riparian areas, and woodland oak habitat, buffers, as well as low impact development measures. Due to the desire to sensitively develop the site, it is assumed much of approximate 600 acres would not be developed, including: 66 acres of wetlands, 26 acres of buffers, and 71 acres of stormwater management, to be designed for habitat connectivity. This reduces the developable area significantly. |
| 1-3 | The comment suggesting reduction in size for Site 1 is noted and forwarded to County decision makers.<br>The Clark County Legacy Lands Program has prepared a Conservation Areas Acquisition Plan, final draft January 2014. The purpose of the plan is as follows:<br>*The Conservation Areas Acquisition Plan provides a vision for preserving and enhancing a countywide system of conservation lands, including greenways, habitat, farm and forest resource lands. The plan identifies specific project opportunities to pursue over the next six years, identifies high value conservation lands, and highlights a variety of funding mechanisms that can support project implementation. The plan also encourages the* |

| Num | Letter / Response |
|---|---|

*development of partnerships between public and private agencies that have supported development of the conservation lands system for over 25 years.*

The Site 1 land west of SR 503 is identified on the Conservation Plan, along with many other properties in the basin.

**Response to Comment Exhibit A. Salmon Creek Basin (Lower)**
**Clark County Conservation Areas Acquisition Plan**




Under this plan long-term open space protection would be based on acquisition, and an acquisition agreement has not been executed at the time of this writing with the private property owner west of SR 503 in Site 1.

See also Response to Comment 1-2 regarding the land area to be protected and buffered to meet County critical areas ordinance requirements and to promote low impact development. Further a 100-foot perimeter landscaped buffer would be required; the means by which this could occur are shown in Addendum Appendix A.

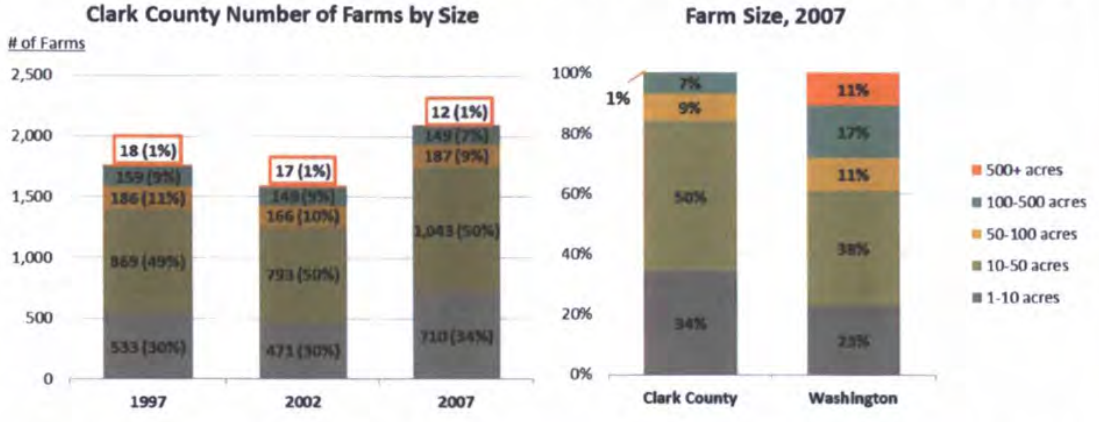
Further proposed regulations for the RILB-IL zone would require consistency with critical areas regulations, stormwater regulations, plus consistency with the overall concept plan.

| Num | Letter / Response |
|---|---|
| 1-4 | Comment noted Thank you for the offer to work collaboratively with Clark County on approaches to habitat conservation and mitigation |
| | Futurewise |
| 2-1 | The Inventory, Part I of the Addendum, summarizes the analysis of Land for Jobs issued by the Columbia River Economic Development Council (CREDC) in 2011. That analysis indicated that there were few large sites (three total), two of which were combined and studied in Site 5 of the Alternatives analysis, Part II of the Addendum. These two sites that make up Site 5 are privately owned, whereas the other remaining large site in the UGA in the CREDC study is owned by the Port of Vancouver.<br><br>The RILB law applicable in this case (RCW 36.70A.367) indicates the analysis must include "An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas " See also definitions in Section 367:<br><br>• The definition of an industrial land bank indicates that it consists of "a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city"<br>• A major industrial development is "a master planned location suitable for manufacturing or industrial businesses that: (i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area.. "<br><br>Site 1 is larger than Site 5: 602 acres versus 325 acres Further Site 1 has only two property owners, the most area under 8% slope, and the most developable area of any site reviewed. Site 5 challenges include multiple property owners and steep slopes |
| 2-2 | The Addendum description of the proposal indicates "As part of designating the RILB, the properties would be de-designated from agricultural lands of long-term commercial significance, designated as a RILB, and rezoned as Light Industrial (IL)."<br><br>Page 14 of the Alternatives analysis in Part II of the Addendum states "Agricultural Lands of Long-Term Significance. All sites in the non-UGA areas would result in a change from agricultural to industrial use if an RILB is approved. The sites meet some agricultural classification criteria and do not meet other classification criteria as identified in Appendix B." See Section 2.4 of the de-designation analysis for a summary. A comprehensive analysis of the de-designation criteria is found in Appendix B of the Addendum; see Exhibit 17 for example<br><br>The 2007 EIS studied all alternatives sites for employment purposes, and discloses the proposed conversion of agricultural land and prime soils .See the summary in Addendum Appendix G and the 2007 EIS posted at 2007 Comprehensive Plan EIS > It is contrary to the point of an addendum to restate everything previously studied in the EIS The Addendum discloses there is a potential change from Ag to Industrial.<br><br>The Inventory and Alternatives Analysis in Parts I and II of the Addendum also note the status of the sites under prior Growth Management Hearings Board determinations.<br><br>*The sites were studied for a variety of agricultural and employment uses, including urban industrial uses, in a 2007 Environmental Impact Statement (EIS). Prior Comprehensive Plan amendments included the properties in the Vancouver UGA, but the expansions were* |

| Num | Letter / Response |
|---|---|
| | *removed after a Growth Management Hearings Board determination and compliance order requiring the County to do so based on the agricultural land status. The sites have not previously been evaluated as part of potential RILB. (Inventory page 3, Alternative Sites Analysis page 3)*<br><br>While the past status of the sites is acknowledged, eight years have elapsed and planning, economic, and physical circumstances of the County and the sites are not necessarily the same. For that reason the Addendum provides updated information on a variety of topics.<br><br>The potential for litigation is not a physical impediment to RILB designation, nor to annexation of land approved in a UGA boundary. Any site could have litigation challenges. |
| 2-3 | Clark County has not adopted designations of the site as "Clark County's Best Farmland" – it is not a GMA label. The de-designation analysis addressing criteria of agricultural lands of long-term commercial significance is found in Addendum Appendix B.<br><br>See also the discussion of the County's past analysis of the potential conversion of these lands in the 2007 EIS in Response to Comment 2-2. |
| 2-4 | There is not a "sizing to targets" requirement in the RILB law. There's not a population-based requirement. There is no needs requirement. The RILB law does not require annexation.<br><br>The County assumes for planning purposes 9 jobs per acre of developable land. For the environmental review of the site (e.g. transportation) this same assumption was applied to the docket site. This resulted in nearly 3,500 jobs. That is only 3% of the County's planning target of 91,200 net new jobs for the 2016-2035 planning period. |
| 2-5 | The commenter cites RCW 36.70A.365(2)(a), which is not applicable. See RCW 36.70A.367 (3) which indicates that the development regulations are to require infrastructure concurrent with development or phasing as appropriate ("New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds"). The Addendum acknowledges the self-mitigation of the proposed development regulations. The regulations require adequate infrastructure and compliance with County codes. See page 26 of the Alternatives analysis for a summary and details of the proposed code at:<br><br>http://www.clark.wa.gov/planning/landbank/documents/RILBDraftDevelopmentRegulations.pdf<br><br>The regulations state that the applicant has to assure infrastructure is provided to the site and that the applicant is responsible for the cost of infrastructure – see the following partial summary:<br><br>*(1) Specific major industrial developments implementing the RILB Master Concept Plan shall assure that all new infrastructure is provided for by interlocal agreement between the County and the service provider or otherwise guaranteed by the service provider and the applicant and documented to the satisfaction of the responsible official.*<br><br>*(2) The applicant shall extend road and utility improvements to and within the rural industrial site consistent with the RILB Master Concept Plan and service provider requirements.*<br><br>*(a) The applicant shall be responsible for all costs of new infrastructure; provided, however, this requirement does not preclude use of government programs that fund portions of infrastructure to facilitate economic development and needed community facilities. A latecomer's agreement may be approved where an applicant installs improvements that* |

| Num | Letter / Response |
|---|---|
| | *will serve future phases or adjacent development. The applicant shall pay applicable impact fees or system development charges for system improvements supporting the development.*<br><br>Regarding protection of lands of long-term commercial significance for agriculture· please see the results of the Appendix B Agricultural De-Designation Analysis. The County studied the alternative sites themselves as well as larger areawide studies of lands abutting the sites. The sites meet some criteria but not others The County will weigh and balance GMA goals.<br><br>Further, the proposed RILB-IL code requires a perimeter buffer of 100 feet and that may include ongoing agriculture; further agriculture is allowed in all County zones and would be allowed in the RILB-IL Overlay |
| 2-6 | The availability of sewer is addressed in the Alternative Sites Analysis, Part II of the Addendum at pp 17-18. See Also Addendum Appendix E Because the sites are outside of UGAs, they are outside of sewer service areas. Last, see the letter from Clark Regional Wastewater regarding the ability to extend sewer service to the site |
| 2-7 | The criteria in the WAC says. Proximity to markets It does not specify local or regional<br><br>The analysis of the docket site in Appendix B of the addendum indicated that the dairy provides its product regionally, and that it was proximate to Vancouver as a local market:<br><br>*Vancouver is the primary market for local food However, the Lagler dairy provides its milk products to the Tillamook Cooperative The Ackerland property provides hay/silage for animal feed to the Lagler dairy.*<br><br>Similarly, the regional nature of Site 4 product sales was noted |
| 2-8 | The Rural Lands Study quoted in the analysis predates the issuance of the 2012 Census of Agriculture, but also takes a longer-term look at trends than just the change from one period referenced by the commenter The status of the 2012 information in the Rural Lands Study was disclosed on page 34 of Addendum Appendix B.<br><br>See the excerpt of the 1997, 2002, and 2007 data on farm size shown in the Rural Lands Study Most farms are small in Clark County. Larger farms of 500 acres or more declined over the 1997 to 2007 period |

## Response to Comment Exhibit B: Rural Lands Study 2012: Exhibit 8 Percent of Farms by Acres




*Land in farms is based on the number of acres reported by farm operators and includes both owned and leased lands. Total farm land for an operation may not be contiguous.

Illustrating the data in farm size from 1997 to 2012, the number of farms 500 acres or more has declined from 18 to 10, and from 12 to 10 between 2007 to 2012. See Exhibit C below. Considering only farms 500-1,000 acres, the collective size of the 600 acre docket site, there has been a decline from 13 to 6 in the period 1997-2012 and a decline from 11 to 6 considering just 2007 to 2012.

## Response to Comment Exhibit C: Farms by Size in Clark County: 1997-2012

| Farm Size | 1997 | 2002 | 2007 | 2012 |
|---|---|---|---|---|
| 1 - 10 acres | 533 | 471 | 710 | 851 |
| 10 - 50 acres | 869 | 793 | 1,043 | 814 |
| 50 - 70 acres | 96 | 98 | 92 | 71 |
| 70 - 100 acres | 90 | 68 | 95 | 67 |
| 100 - 140 acres | 59 | 63 | 64 | 29 |
| 140 - 180 acres | 32 | 35 | 28 | 28 |
| 180 - 220 acres | 19 | 27 | 13 | 24 |
| 220 - 260 acres | 15 | 6 | 15 | 13 |
| 260 - 500 acres | 34 | 18 | 29 | 22 |
| 500 - 1,000 acres | 13 | 14 | 11 | 6 |
| 1,000 - 2,000 acres | 4 | 1 | - | 2 |
| 2,000 acres + | 1 | 2 | 1 | 2 |
| **Total** | **1,765** | **1,596** | **2,101** | **1,929** |

In terms of the value of farm products, there has similarly been a decline from 1997 to 2012.

**Response to Comment Exhibit D: Market Value of Products Sold**

| | | 1997 | 2002 | 2007 | 2012 |
|---|---|---|---|---|---|
| Net cash farm income of operation (see text) | farms | | | 2,101 | 1,929 |
| | 1000 | | | -1,289 | 2,398 |
| Average per farm | dollars | | | -614 | 1,243 |

In terms of farm income, see Section 8.0 of the Rural Lands Study for a long-term analysis of proprietor income and expenses from a variety of federal and state sources through 2010. An excerpt of net farm income is presented below:

**Response to Comment Exhibit E:**
**Rural Lands Study 2012: Exhibit 20 Total Farm Net Income 1983-2009**

Source: Bureau of Economic Analysis, Table CA45

- *Total Farm Net Income is a difficult metric to assess what is happening in Clark County. The trend seen above is confounded by two key trends.*
  - *o First, it captures much of the loss of large commercial farms in the County that account for the vast majority of commodity income.*
  - *o Second, it captures the growth in small farms that typically post net operating profits due to the cost deduction that most proprietors take to account for their unpaid time.*

When considering the net cash farm income published by the Census of Agriculture, there is an increase from 2007 to 2012 but a decline between 1997 to 2012 over the longer term.

**Response to Comment Exhibit F:**
**Net Cash Farm Income, Census of Agriculture 1997-2012**

| | | 1997 | 2002 | 2007 | 2012 |
|---|---|---|---|---|---|
| Net cash farm income of operation (see text) | farms | 1,174 | 1,595 | 2,101 | 1,929 |
| | $1,000 | 6,478 | 4,648 | -1,289 | 2,398 |
| Average per farm | dollars | 5,518 | 2,914 | -614 | 1,243 |

The summary and conclusions in Section 2.4, page 37, are based on the analysis of the WAC criteria in Section 2.3. The discussion of dairies moving eastward is not unsubstantiated. The article cited in the De-Designation Analysis from the Seattle P-I as reposted in "diary heard.com" identifies the trend of dairies

| Num | Letter / Response |
|---|---|
| | moving from western to eastern Washington – the article cites statistics from government agencies and interviews state agency representatives, environmental stakeholder representatives, and property owners.[1] Also, contact with WSU Clark County Extension noted in the De-Designation Analysis provides local input on the factors influencing trends in costs and difficulties in maintaining larger operations such as the Lagler dairy The docket applicants do not want to be a large farm in Clark County. |
| 2-9 | The State's agricultural strategic plan is relevant to Washington's statewide agricultural industry and guides State activities. The Washington State Department of Agriculture has not provided comment to the County on the docket site<br><br>The docket application analyzed for its consistency with GMA statutory requirements to establish a RILB as part of Clark County's GMA Comprehensive Plan and development regulations The County will weigh GMA goals and the RILB analysis, as well as public comment, in its decision<br><br>See also Response to Comment 2-8. |
| 2-10 | RCW 36 70A.367(2)(b) requires that "the environmental review for amendment of the comprehensive plan must be at the programmatic level .." and must include an inventory of developable land and "an analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside urban growth areas "<br><br>Further, the State Environmental Policy Act allows agencies to use existing environmental documents WAC 197-11-600(2) states that "an agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts The proposals may be the same as, or different than, those analyzed in the existing documents."<br><br>All of the docket site properties were included in the EIS on the 2007 Comprehensive Plan update All sites were considered for industrial or employment center purposes in the 2007 EIS. The 2007 EIS considered a range of natural and built environment topics addressing the cumulative effects of the subject Sites 1-4 becoming urban and changing to employment uses along with other urban and rural growth proposals. Accordingly, the environmental impacts of the subject proposal are covered by the range of alternatives and impacts analyzed in the existing environmental documents (WAC 197-11-600(3(b)(ii))<br><br>Building on the 2007 EIS already completed, the addendum provides the programmatic level environmental review required in RCW 36.70A.367 (2)(b) and adds analyses or information about the proposal, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document (WAC 197-11-600(4)(c)) where the subject properties had been evaluated for conversion to industrial or employment uses As stated above, four sites in addition to the docket site were chosen for further study (Addendum Part 1 Inventory, page 15) The environmental review is included in Addendum Parts 2 and 3 (appendices). All the sites were analyzed for industrial site suitability, critical areas, and agricultural de-designation (rural sites).<br><br>A new EIS is not required. The 2007 EIS with the Addendum addresses the environmental impacts of the proposal and alternatives regarding establishing a RILB. The County has issued a Determination of Significance and adopted the 2007 EIS as augmented with the Addendum |

[1] Dairy Herd News Source January 17, 2011 Washington dairies moving to eastern part of state
http //www dairyherd com/dairy-news/latest/washington-dairies-moving-to-eastern-part-of-state-113939604 html

| Num | Letter / Response |
|---|---|
| 3 | Terry Covington |
| 3 | The comments are noted and forwarded to County decision makers. |
| 4 | Barb Rider |
| 4 | **Agriculture Zoning Changes, Future Needs, Farmland Lost, My Knowledge Base, Why Is Farming Important, Food Security, In-Fill Not Sprawl:** The comments are noted and forwarded to County decision makers.<br><br>**Adjacency Of Farms Important:** Addendum Appendix B, Agricultural De-Designation Analysis, notes that the Site 1 Lagler and Ackerland properties are farmed in coordination; however, based on discussion with the WSU Clark County Extension staff, other interdependencies are not known (page 32). Some anecdotal information has been provided by other commenters on sharing of equipment (see Section 4.0).<br><br>**Customer Zones:** The products of the Lagler dairy provided to the Tillamook Cooperative as stated on page 31 of Addendum Appendix B. Also in Appendix B, it is acknowledged that Sites 1-4 abut local markets. Further in relation to Site 3, the local agri-tourism and products associated with Oltmann Farms Inc. is described.<br><br>**New Neighbors, New Problems:** Please note the County has a Right to Farm ordinance at CCC Chapter 9.26. |
| 5 | Anonymous, October 20, 2015 |
| 5 | The comments are noted and forwarded to County decision makers. |
| 6 | Jean Dougherty |
| 6 | Agriculture is allowed in all zones in the County and would also apply in the proposed RILB-IL zone. |
| 7 | Anonymous, October 10, 2015 |
| 7 | The proposed 100-foot perimeter buffer would apply when the site abuts a rural zoned property to the side/rear on the perimeter of the RILB plan designation– see Table 40230.085-2 of the draft development regulations:<br><br>**Response to Comment Exhibit G: Excerpt of Draft RILB Regulations**<br>**Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements**<br><br>Minimum building setback: **IL-RILB Overlay**<br>Front/street side: 20 feet<br>Side (interior): 0/100 feet[7]<br>Rear: 0/100 feet[7]<br>Minimum site landscaped area[1]: 10 percent<br><br>[1] Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See Sections 40.230.085(E) and (F) and40.320.010<br>[7] 100 feet required on perimeter of RILB comprehensive plan designation and implementing zone. On interior lot lines 0 feet applies.<br><br>The County's landscape standards would apply to street frontages and other areas consistent with CCC Chapter 40.320. |

| Num | Letter / Response |
|---|---|
| | See proposed 100-foot opaque screen standards in the draft regulations, D.4.b(8), and graphic illustrations in Addendum Appendix A:<br>http://www.clark.wa.gov/planning/landbank/documents/RILBDraftDevelopmentRegulations.pdf.<br>Planned access routes for Site 1 are illustrated in Addendum Appendices A and F. A traffic signal is proposed along SR 503 to serve both portions of Site 1. |
| 8 | Jim Hunter |
| 8-1 | The comments are noted and forwarded to County decision makers. |
| 8-2 | Please see responses to comments 8-4 to 8-16 below. Also see Response to Comment 2-8. |
| 8-3 | The comments are noted and forwarded to County decision makers. |
| 8-4 | The scope of the RILB study and available resources did not allow creation of a site or area specific inventory of crop types; thus existing available data was consulted. The De-Designation Analysis in Addendum Appendix B presents USDA CropScape information as a government source of data at a scale that is not parcel-specific, nor presented as such. Section 4.0 of this Responses to Comments document provides clarifications to the De-Designation Analysis with information provided by the commenter regarding berries. It does not change conclusions of the study: Whether the land north of Site 1 is used for cane berries or another agricultural product, the basic information is that the area has farming occurring.<br>Though available databases were used in the study, Clark County WSU Extension staff were contacted through the process for other local information. The 2012 Rural Lands Study cited in the De-Designation Analysis also included focus groups with County farmers, and a consultant team that included retired Clark County WSU Extension staff.<br>The commenter indicates that the team is from Seattle. The consultant team includes experts in planning, law, environment, transportation, and other topics, with staff in Seattle (BERK), as well as in Vancouver, WA (MacKay Sposito) and Portland, OR (Kittelson and Anchor QEA).<br>The process used by the County was to present early drafts of information and analysis to the local community through a series of open houses and online links to materials; see the project website: http://www.clark.wa.gov/planning/landbank/. The commenter participated in the open houses, and the comments are being considered by County decision makers. |
| 8-5 | The Exhibit 17 Matrix for Site 1 does compare the 2007 Analysis of the Site 1[2] area to the 2015 Analysis of Site 1.<br>The 2015 Analysis looks both at Site 1 specifically but also a 3,100 acre study area representing land that is formally designated by Clark County under GMA as agricultural lands of long-term commercial significance including and abutting Site 1. The 2015 analysis does not call out specific named farms.<br>The areawide analysis of Site 1 notes that a conversion of Site 1 would reduce agricultural land in the vicinity and the number of medium and large sized farms: |

[2] The 2007 Analysis is documented in a May 21, 2007 memo and attachments prepared by Clark County Community Planning, entitled "Bringing Resource Lands into UGAs," and directed to the Board of County Commissioners and Clark County Planning Commission. Available: http://www.clark.wa.gov/planning/RuralLands/taskforce.html. Accessed: October 2014.

| Num | Letter / Response |
|---|---|
| | *... If Site 1 were removed from the AG-20 designation, about 80% of the areawide study area would remain in AG-20 zoning. The area west of SR 503 would be more isolated from the AG-20 areas east of SR 503. . .*<br><br>*Within the study area, the uses are typically agriculture but there are pockets of residential lots, educational and recreational uses.*<br><br>*The removal of the Site 1 properties from the areawide acreage would continue the decline in large and mid-size operations, and would remove some of the larger parcels in the County's AG-20 inventory. This trend would likely continue with or without the Site 1 properties, and the trend towards small farms would likely continue.* |
| 8-6 | The comments are noted and forwarded to County decision makers. |
| 8-7 | The Agricultural De-Designation Analysis in Addendum Appendix B is based on a review of the minimum guidelines to classify agricultural lands in WAC 365-190-050, including a number of criteria that address development pressures such as:<br>• Land use settlement patterns and their compatibility with agricultural practices<br>• Intensity of nearby land uses<br>• History of land development permits issued nearby<br>• Land values under alternative uses<br><br>A review of trends in small and large farms is addressed in Response to Comment 2-8 as well as the 2012 Rural Lands Study. |
| 8-8 | The areawide analysis considers all the land designated by the County as lands of long-term commercial significance in its Comprehensive Plan. There may be other areas of agricultural activity on rural zoned property – this was evaluated in the 2012 Rural Lands Study.<br>See Section 2.0 of the De-Designation Analysis, Addendum Appendix B The Site 1 areawide analysis considers over 3,100 acres of agricultural land. The areawide study area includes Agriculture (Ag) designated land between the UGAs of Battleground and Vancouver, including areas abutting Site 1 and generally continuing north, east, south, and west until another non-Ag designation abuts, or until the contiguous Ag pattern changes (such as to the east where the Ag designated area is split by Rural designations or the property takes access from other roads). Site 1 consists of about 602 acres This is about 19% of the areawide acreage of 3,196<br>The interdependence of the Lagler and Ackerland properties was noted in the De-Designation Analysis The consultants also contacted current Clark County WSU Extension staff who were not aware of interdependencies in the area The commenter's personal observations of cooperation between Silver Star and Lagler are noted and part of the record of the RILB environmental documentation through the consideration of comments and responses (Section 4.0 of this document)<br>See also Response to Comment 8-5 regarding the De-Designation Analysis' acknowledgement that the removal of the Site 1 properties from the areawide acreage would continue the decline in large and mid-size operations, and would remove some of the larger parcels in the County's AG-20 inventory. |
| 8-9 | The GMA RILB process does not require an economic analysis<br>The RILB analysis does consider the CREDC Land for Jobs report in the Addendum Part I Inventory as well as the CREDC's Clark County Economic Development Plan. Also, the 2012 Rural Lands Study commissioned by the County does include a market study of agriculture in the County and is referenced in Addendum Appendix B |

| Num | Letter / Response |
|---|---|
| | The greater interest in small farms in Clark County may be due to the local food movement. The pressures of costs and regulations on larger farms is addressed in the 2012 Rural Lands Study and in the Appendix B De-Designation Analysis.<br>The docket applicants have indicated they do not wish to continue farming in Clark County.<br>The County will weigh and balance GMA goals, RILB analysis, and public comments. |
| 8-10 | Consistent with the RILB statute, the County is considering alternative sites in Part II of the Addendum: "An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas." (RCW 36.70A.367(2)(b)(2)) |
| 8-11 | The suggestions reference education, road improvements, purchasing of the property by community members or a trust, industrial process on paved areas, and other items. The alternative suggestions are noted and forwarded to County decision makers. See also Response to Comment 8-10. |
| 8-12 | The comments are noted and forwarded to County decision makers. |
| 8-13 | The reference to food security in the De-Designation Analysis is based on the minimum guidelines to classify agricultural lands in WAC 365-190-050. The criteria focuses on local food supplies:<br>*(4) When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.* |
| 8-14 | The minimum guidelines to classify agricultural lands in WAC 365-190-050 reference proximity to markets, a physical feature.<br>That the Site 1 Lagler dairy provides its products to the Tillamook Cooperative is noted in the De-Designation Analysis. Site 4 Anderson Dairy processes its products in Brush Prairie. Both dairies have their products sold in the Pacific Northwest.<br>Site 1 and Site 4 are noted as abutting urban communities.<br>Customer preferences of products is not part of the WAC criteria. |
| 8-15 | The criteria cited by the commenter relates to whether the land is in agricultural use or could be used that way. The De-Designation Analysis indicates that Site 1 is in use for agriculture.<br>There is no analysis that indicates that the land is not in such use. The De-Designation Analysis also notes the presence of prime soils.<br>The De-Designation Analysis shows Site 1 meets some of the WAC 365-190-050 criteria and does not meet others. The County will weigh GMA goals and the RILB analysis, as well as public comment, in its decision. |
| 8-16 | The comments are noted and forwarded to County decision makers. |

# 3.0 RESPONSES TO APPEAL

## 3.1 Appeal Comment

From: huntersgreens@spiritone.com [mailto:huntersgreens@spiritone.com]

Sent: Tuesday, November 03, 2015 5:53 AM
To: Cnty Board of County Councilors General Delivery; Mielke, Tom; Madore, David; Stewart, Jeanne
Subject: Write your Councilor

First Name: James
Last Name: Hunter

Phone: 360 256-3788
Email: huntersgreens@spiritone.com
Address: 11116 N.E. 156th St
City: Brush Prairie
State: WA
Subject: SEPA Appeal of RILB Addendum to GMP FEIS
Message: I Wish to appeal the adequacy of the Clark County Rural Industrial Land Bank Programmatic Environmental Review pursuant to RCW 36.70A.367 (2)(b), and Addendum to the Clark Comprehensive Growth Management Plan Final Environmental Impact Statement May 4, 2007.

The boundaries of the Review and Addendum's study area are inadequate. They fail to include consideration of impacts of the proposal on Agricultural Resource lands and other actively farmed parcels to the north of the docket site. It also fails to address the impacts of the proposal on commercial berry growing operations in the study area and in the omitted area to the north of the docket site. These concerns are discussed in my comments on the addendum submitted to the Community Planning Department.

Thank you for your consideration.

## 3.2 Appeal Response

Please see Responses to Letter 8 in Section 3.1.

The County has analyzed over 3,100 acres of land designated as long-term commercial significance including Site 1 and parcels abutting the site. See in particular Response to Comment 8-8. The analysis acknowledges that if the Site 1 were designated as RILB, the County would lose some designated agricultural land in larger parcel sizes.

The potential sharing of equipment by the Lagler dairy and other farms is added to the De-Designation Analysis in Section 4.0 of this Responses to Comments document.

It should be noted that the WAC criteria references supporting agricultural businesses countywide, such as processors, farm suppliers, and equipment maintenance and repair facilities.

> *(5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.*

The County will continue to allow agriculture in all zones including the proposed RILB-IL overlay and supporting processing plants, equipment maintenance and other facilities may locate in the RILB-IL overlay where it is applied.

# 4.0 ADDENDUM CLARIFICATIONS

Based on Responses to Letter 8, the following clarifications are added to Addendum Appendix B: Agricultural De-Designation Analysis:

Exhibit 17, Row F, Last Column should be clarified with the addition of information about cane berries:

**Exhibit 17. Matrix: Site 1 and Areawide Study Area Agricultural Land Classification Criteria Analysis**

| | WAC 365-190-050 Criteria | 2015 Analysis: Areawide Study Area surrounding Site 1 |
|---|---|---|
| F. | (i) Lands that are currently used for agricultural production and lands that are capable of such use must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land. | Based on current use taxation records it appears that much of the land is used for agriculture, though some for residential, school, or golf course uses.<br>The USDA Crop Scape data indicates Alfalfa, hay, cranberries, and barley are being grown in the study area, but a large part of the area is in grass/pasture, and non-Agriculture. See Exhibit 14.<br>A local farmer in Brush Prairie notes the USDA Crop Scape Data referencing cranberries is in error and is more accurately shown as cane berries. (pers com Hunter, October 19, 2015) [3]<br>In any case, much of the study area is used for agriculture. |

Exhibit 17, Row U, Last Column is clarified with information about interdependence of operations north of Site 1 areawide study area.

**Exhibit 17. Matrix: Site 1 and Areawide Study Area Agricultural Land Classification Criteria Analysis**

| | WAC 365-190-050 Criteria | 2015 Analysis: Areawide Study Area surrounding Site 1 |
|---|---|---|
| U. | (5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. | Similar analysis regarding economic viability as for Site 1.<br>The Docket Site 1 consists of about 602 acres. This is about 19% of the areawide acreage of 3,196.<br>If Site 1 were removed from the AG-20 designation most of the study area would remain in AG-20 zoning. The area west of SR 503 would be more isolated from the AG-20 areas east of SR 503. However, there is no known interdependence among the agricultural businesses as there is between the Ackerland and Lagler |

[3] Letter to Clark County Community Planning, October 19, 2015, from Jim Hunter. Hunters' Greens Farm, Brush Prairie.

| | WAC 365-190-050 Criteria | 2015 Analysis: Areawide Study Area surrounding Site 1 |
|---|---|---|
| | | sites (Ackerland site provides feed and pasture for Lagler dairy) based on information from Clark County WSU Extension staff. [4]<br>A local farmer in Brush Prairie has observed that there is informal sharing of equipment between the Lagler operation and other operations in Brush Prairie such as Silver Star. (pers com Hunter, October 19, 2015) [5]<br>Other equipment sharing may occur through informal means.<br>The use of agricultural equipment offered by supporting commercial businesses serving the Clark County may be an alternative. |

Clarify Section 2.4 of the De-Designation Analysis of the Areawide study area as follows:

### Areawide

Site 1 consists of about 602 acres. This is about 19% of the areawide acreage of 3,196. If Site 1 were removed from the AG-20 designation, about 80% of the areawide study area would remain in AG-20 zoning. The area west of SR 503 would be more isolated from the AG-20 areas east of SR 503. There is no known interdependence among the agricultural businesses as there is between the Ackerland and Lagler sites (Ackerland site provides feed and pasture for Lagler dairy) based on information from Clark County WSU Extension staff.[6]

A local farmer in Brush Prairie has observed that there is informal sharing of equipment between the Lagler operation and other operations in Brush Prairie such as Silver Star. (pers com Hunter, October 19, 2015) Other equipment sharing may occur through informal means. The use of agricultural equipment offered by supporting commercial businesses serving the Clark County may be an alternative.

Within the study area, the uses are typically agriculture but there are pockets of residential lots, educational and recreational uses.

The removal of the Site 1 properties from the areawide acreage would continue the decline in large and mid-size operations, and would remove some of the larger parcels in the County's AG-

[4] Personal communication, Doug Stienbarger, County Director, Faculty, Community & Economic Development, WSU Clark County Extension. February 17, 2015. Email to Lisa Grueter, Manager, BERK Consulting.

[5] Letter to Clark County Community Planning, October 19, 2015, from Jim Hunter. Hunters' Greens Farm, Brush Prairie.

[6] Personal communication, Doug Stienbarger, County Director, Faculty, Community & Economic Development, WSU Clark County Extension. February 17, 2015. Email to Lisa Grueter, Manager, BERK Consulting.

20 inventory This trend would likely continue with or without the Site 1 properties, and the trend towards small farms would likely continue.

As with Site 1, the areawide study area lies in proximity of urban uses at urban densities, with urban services including water and sewer, particularly from the Vancouver UGA. There are schools within the study area Emergency services are provided by two fire districts and the Clark County Sheriff and these would continue in any case There has been recent permit activity regarding commercial and residential uses encircling the study area The volume of traffic on SR 503 is that of an urban arterial, other arterial border the study area.

**Attachments:**

A – Marked Comment Letters

B – Clark Regional Wastewater District Letter