# CLARK COUNTY RURAL INDUSTRIAL LAND BANK

## Responses to SEPA Comments
## Planning Commission Proposal

## 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 |



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| Commenter | Date | Agency/Individual |
|---|---|---|
| 9 | October 21, 2015 | Jude Wait |

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." Responses to the appeal comments are provided in Section 3.2. Clarifications and corrections are provided in Section 4.0.

On December 17, 2015, the Planning Commission held a public hearing. The Planning Commission made its recommendations and proposed modifications to the RILB draft code. An overview of the recommendation is included in Section 5.0 and related to the County's Addendum.

## 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 |
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| | 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 |

| Num | Letter / Response |
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| | 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><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><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 development of partnerships between public and private agencies that have supported development of the conservation lands system for over 25 years.*<br><br>The Site 1 land west of SR 503 is identified on the Conservation Plan, along with many other properties in the basin.<br><br>**Response to Comment Exhibit A. Salmon Creek Basin (Lower)**<br>**Clark County Conservation Areas Acquisition Plan**<br><br> <br><br><br>Under this plan long-term open space protection would be based on acquisition, and an acquisition |

| Num | Letter / Response |
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| | agreement has not been executed at the time of this writing with the private property owner west of SR 503 in Site 1.<br><br>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.<br><br>Further proposed regulations for the RILB-IL zone would require consistency with critical areas regulations, stormwater regulations, plus consistency with the overall concept plan. |
| 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 |

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| | 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 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* |

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| | *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 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<br><br>**Response to Comment Exhibit B: Rural Lands Study 2012 Exhibit 8 Percent of Farms by Acres** |

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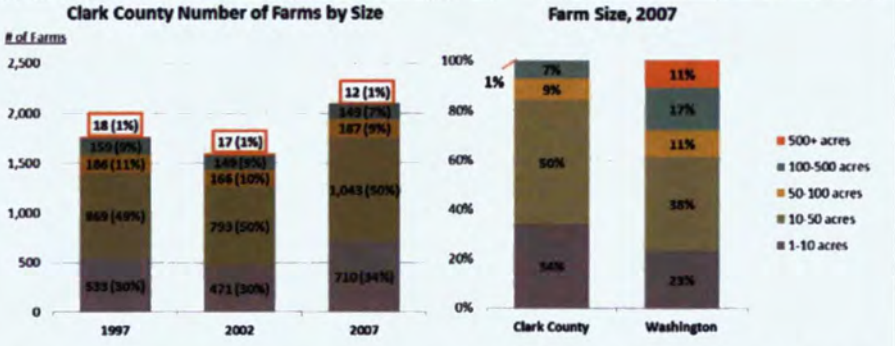


*Land in farms is based on the number of acres reported by farm operators and includes both owned and leased lands. Total farm land for an operation may not be contiguous.

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**

Num Letter / Response

| | | 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

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| | 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 |

[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.

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| | Significance and adopted the 2007 EIS as augmented with the Addendum. |
| 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[2]<br>Rear: 0/100 feet[2]<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>[2] 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 |

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| | Chapter 40.320.<br><br>See proposed 100-foot opaque screen standards in the draft regulations, D.4.b(8), and graphic illustrations in Addendum Appendix A:<br><br>http://www.clark.wa.gov/planning/landbank/documents/RILBDraftDevelopmentRegulations.pdf.<br><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><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><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><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><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. |

[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.

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| | 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<br><br>*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 |

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| | commissioned by the County does include a market study of agriculture in the County and is referenced in Addendum Appendix B.<br>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. |
| 9 | Jude Wait |
| 9-1 | The De-Designation Analysis is based on an evaluation of the Washington State Department of Commerce rules for classification in Chapter 365-190 WAC. The analysis shows that the sites under review meet some of the WAC 365-190-050 criteria and do not meet others. The County will weigh GMA goals and the RILB analysis, as well as public comment, in its decision. |
| 9-2 | Agriculture is allowed in all zones in unincorporated Clark County. Parcel size is a consideration for agricultural designation in WAC 365-190-050 as noted in the analysis. |
| 9-3 | Current use taxation is a consideration in agricultural designation in WAC 365-190-050 as noted in the analysis. |

| Num | Letter / Response |
|---|---|
| 9-4 | The County has analyzed a variety of techniques to support the agricultural industry in Clark County, including:<br>• Agriculture Preservation Strategies Report (2008)<br>• Rural Lands Task Force Recommendations (2010)<br>• Rural Lands Study (2012)<br>Policy options for agricultural lands across the county, including agriculture protection districts and others, are addressed in these documents and have been considered by the Board of County Councilors. These documents are available at: https://www.clark.wa.gov/community-planning/rural-lands-review. The 2008 and 2010 reports were associated with stakeholder committees. The 2012 report was based on both available data as well as focus groups with producers, and contacts with agencies. The more recent 2012 information was referenced in the De-Designation analysis along with other more recent information and contacts (e.g. WSU Clark County Extension).<br>A private landowner has submitted a docket application to request a RILB designation. Thus, the County is applying its docket evaluation process, the statutory RILB criteria, as well as State agricultural classification criteria to the application before it. The County has also solicited feedback from property owners and interested persons and agencies throughout the process. See also Response to Comment 8-4. |
| 9-5 | The docket application is subject to review under the RILB statute which allows such applications to be considered apart from a Comprehensive Plan Update process ("Final approval of an industrial land bank area under this section must be by amendment to the comprehensive plan adopted under RCW 36.70A.070, and the amendment is exempt from the limitation of RCW 36.70A.130 (2) and may be considered at any time." RCW 36.70A.367 (2)(c)) The law also indicates the RILB designation, if made, is to occur prior to December 31, 2016. Regarding use of the 2007 EIS see Responses to Comment 2-2 and 2-10. |
| 9-6 | See Response to Comment 9-4. The County will weigh GMA goals and the RILB analysis, as well as public comment, in its decision. The County will also consider the application in the context of its Comprehensive Plan policies (part of the docket evaluation – see Addendum Part Ii. Alternative Sites Analysis and the staff report). The County will also consider prior studies, such as the agricultural and rural studies the County published and listed in Response to Comment 9-4. |
| 9-7 | The availability of water to alternative sites is addressed in the Addendum Part II. Alternative Sites Analysis. The challenges of water rights to producers is noted in the agricultural and rural studies the County published and listed in Response to Comment 9-4. |
| 9-8 | See Response to Comment 2-7. |
| 9-9 | Thank you for your comments. They are forwarded to County decision makers along with other comments received. Please note the numerous notifications and open houses requesting input of interested persons and agencies highlighted at the project website: https://www.clark.wa.gov/community-planning/rural-industrial-land-bank. In addition to open houses, a notice of intent to designate a RILB was published in several newspapers consistent with the RILB statute and a Planning Commission hearing was held. A hearing with the Board of County Councilors is also planned at the time of this writing. |

**Comment [LG1]:** Gordy – I suggest the staff report to the BOCC include a reference to the website with the three studies from 2008-2012.

**Comment [LG2]:** Gordy – It would be good to call CPU and see if they have a comparison. I think sometimes Ag can be a high water user compared to other users. I think it depends on the crop type, and the comparative industrial use.

# 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.

Caneberries are important to the County agriculturally, though the market value of fruits/tree nuts/berries declined from 2007 to 2012 from $9.9 million to $6.8 million based on the Census of Agriculture. Given that smaller farms have become more prevalent in the County, the high value of berry crops may continue to be attractive for producers.

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 3, row regarding food security, Site 2 column, is corrected to say caneberries instead of cranberries:

**Exhibit 3. Comparison of Sites in relation to Agricultural (Ag) Designation Criteria**

| WAC 365-190-050 Criteria | Site 2 |
|---|---|
| May consider food security, local food, artisans | See Site 1 analysis. Federal mapping indicates land is in grass/pasture, deciduous forest, and ~~cranberries~~caneberries. State information shows a predominance of hay/silage.<br>The Washington State University (WSU) Farm Locator indicates there is a tree farm in the study area: Finn Family Tree Farm. |

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

**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 | 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~~caneberries, and barley are being grown in the study area, but a large part of the |

| | WAC 365-190-050 Criteria | 2015 Analysis: Areawide Study Area surrounding Site 1 |
|---|---|---|
| | enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land. | area is in grass/pasture, and non-Agriculture. See Exhibit 14.<br>A local farmer in Brush Prairie notes the USDA Crop Scape Data illustrates caneberries are grown in the vicinity of the site. (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 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 |

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

[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.

| | WAC 365-190-050 Criteria | 2015 Analysis: Areawide Study Area surrounding Site 1 |
|---|---|---|
| | | 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-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.

Amend Exhibit 31, Site 2, to correct use of word caneberries instead of cranberries:

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[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.

| | WAC 365-190-050 Criteria | 2015 Analysis: Site 2 |
|---|---|---|
| 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 nearly all the site is used for agriculture.<br>USDA Crop Scape Data for Site 2 indicate a majority of the site is in grass/pasture, deciduous forest, and ~~cranberries~~caneberries. |
| T. | (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. | In Clark County the number of small farms has been increasing over time, and represents more intensive, value-added, urban-oriented farming.[7]<br>USDA Crop Scape indicates land is in grass/pasture, deciduous forest, and ~~cranberries~~caneberries. The Washington State Department of Agriculture (WSDA) database at the section scale shows a predominance of hay/silage.<br>The WSU Farm Locator indicates there is a tree farm in the study area: Finn Family Tree Farm. |

## 5.0 PLANNING COMMISSION RECOMMENDATIONS

**Comment [LG3]:** Gordy, you mentioned you might put a section like this in the staff report. I thought since we were updating the responses to comments with the changes above on responses to comments, we could also address the Planning Commission recommendation. It would be part of the SEPA record.

On December 17, 2015, the Planning Commission held a public hearing on the RILB proposal and accepted written and oral testimony. Comments and minutes are available at: https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes.

The Planning Commission recommended approval of the RILB consistent with the staff recommendation and with the addition of the land use recommendations of the Railroad Advisory Board. The Railroad Advisory Board suggested allowing land uses similar to those of the Railroad Industrial zone (IR). Such uses were examined in the 2007 Comprehensive Plan Update EIS and in subsequent IR zone planning processes. Such uses would be subject to the RILB permit process with a public hearing, and the development regulations requiring consistency with environmental (water, air quality, critical areas) and infrastructure and compatibility (e.g. perimeter landscaped buffer). The Transportation analysis in the Addendum addresses the potential for railroad access as well as roadway access. The April 2015 conceptual plans available at the following weblink look at the potential for rail spur access: https://www.clark.wa.gov/community-planning/rural-industrial-land-bank. The April 2015 plans are similar to slightly revised conceptual plans in summer 2015. The Planning Commission

**Comment [LG4]:** Can you confirm this?

The 2007 FEIS says The Preferred Alternative includes a portion of the railroad as industrial and as industrial urban reserve. The 2007 DEIS mentions something similar for Alternative 2.

[7] BERK. 2012. Clark County Rural Lands Study. Available: http://www.clark.wa.gov/planning/rurallands/index.html.

recommendation is in the range of the County's prior programmatic environmental review including the RILB Addendum.

**Attachments:**

A – Marked Comment Letters

B – Clark Regional Wastewater District Letter