

**From:** [Cnty 2025 Comp Plan](#)  
**To:** [Ann Foster](#)  
**Cc:** [Cnty 2025 Comp Plan](#); [Jenna Kay](#); [Oliver Orjiako](#); [Jose Alvarez](#)  
**Subject:** RE: SEPA comments - 2025  
**Date:** Wednesday, June 5, 2024 4:42:47 PM

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Good day, Ann,

Thank you for your comments regarding the 2025 EIS Update. I have forwarded to staff, and will add these to the Index of Record.

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**From:** Ann Foster <annfoster5093@gmail.com>  
**Sent:** Wednesday, June 5, 2024 4:39 PM  
**To:** Cnty 2025 Comp Plan <comp.plan@clark.wa.gov>  
**Subject:** SEPA comments - 2025

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June 5, 2024

Clark County Community Planning  
Comprehensive Plan EIS Scoping  
P.O. Box 9810  
Vancouver, Washington 98666-9810

Dear Staff:

Subject: Comments on the Comments on Scope of the Environmental Impact Statement (EIS) for the Clark County Comprehensive Plan Update 2025-2045

Sent via email: [comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov)

Thank you for the opportunity to comment on the Determination of Significance and Request for Comments on the Scope of the Environmental Impact Statement (EIS) for the Clark County Comprehensive Plan Update 2025-2045. Friends of Clark County is a 501(c)(3) Washington State non-profit corporation that works collaboratively with community partners and policy makers to keep Clark County a beautiful and healthy place to live, work, and play. Friends of Clark County works collaboratively with community partners to improve the

quality of life and economic viability of our community, for all citizens of Clark County. Friends of Clark County supports smart growth that allows for economic development in balance with protecting the area's precious resources and community assets. Many members and supporters of Friends of Clark County are landowners and residents of Clark County. Several of whom have provided written and oral testimony at various levels of this Comprehensive Plan update. Friends of Clark County staff, supporters and members regularly participate in the many public processes, including but not limited to the hearings on the current Comprehensive Plan update.

FOCC agrees the comprehensive plan, and the development it could authorize, is likely to have many different and significant probable adverse impacts on the environment and, thus, agree with the County's determination that an EIS is required. FOCC agrees with FutureWise that building for growth cannot take precedence over the need for maintaining, protecting, and encouraging open space, especially in light of the climate crisis and the County's new legislative obligations to address this crisis under the new state laws.

FOCC also submits that the Clark County's 2025 Comprehensive Plan Update EIS scope must include assessing the following:

1) Probable significant **adverse environmental impacts of expanding the current urban growth areas** including loss of functioning AG lands, Forest Lands, Wetlands and their attendant buffer lands (for example AG Lands require parcels zoned for lower densities such as R-10 as buffer lands) and any allowance of increased R-5 zoning in the rural areas. Upzoning in the rural area, especially from AG/Forest/R-20/R-10 to R-5 will add additional residential lots and increase the amount of residences that are allowed under the County's cluster subdivisions rules (40.210.020(D)). Since the original comprehensive plan, thousands of acres of Ag Lands have been converted to other non-Agriculture Uses and the county should set a goal of no loss of Ag Lands for this update to stop the conversion of ALLTCS. *See Clark County v. West. Wash. Growth Mgmt. Hearings Board*, 161 Wn. App. 204 (2011), [vacated in part](#), 177 Wn.2d 136 (2013) and *Kittas County v. E. Wash. Growth Mgmt. Hearings Board*, 172 Wn.2d 144 (2011)

There are many **"site specific" requests** in the comment section of the County that request conversion of Ag Lands (an estimated 3800 acres by FOCC's count), Forest Lands and R-20 and R-10 parcels to R-5 (or inclusion of those lands into various UGAs) which means that an incredible amount of resource and rural land could become subjected to much higher density development including what would be an increase of rural lands available for cluster subdivisions in the rural zones. The County EIS should identify each of those site specific requests and conduct an environmental analysis of each of those specific site request changes as well as an analysis of the cumulative probable significant adverse environmental impacts that would be the result of allowing all of the requested conversions.

FOCC asserts that there is **no need for further expansion of UGA's** based upon the County's VBLM nor need to allow for any upzoning in the rural area that changes Ag Lands or Forest Lands to residential zoning and/or upzones rural parcels by either changing their zoning from R-20 and/or R-10 to R-5 or allows those resource and/or rural lands to be included in any UGA. Therefore the County should consider as an alternative in the EIS, the denial of all the site specific requests and no conversion of Agricultural or Forest lands to Residential (R5, R10 and/or R20).

2) The probable significant adverse impacts of allowing **surface mining overlays** on multiple parcels in the Chelatchie Bluff area including but not limited to parcel #s 274578-000 and 274579-000 totaling approximately 300 acres (#35679544). The evaluation must include scoping consistent with the scoping required by the County regarding parcel #s 283420000, 283422000, 274346000, 283421000 ([https://clark.wa.gov/sites/default/files/media/document/2023-06/06-21-2023\\_Chelatchie%20Bluff\\_%20EIS%20Post-Scoping%20Letter%2C%20signed.pdf](https://clark.wa.gov/sites/default/files/media/document/2023-06/06-21-2023_Chelatchie%20Bluff_%20EIS%20Post-Scoping%20Letter%2C%20signed.pdf)). The analysis must include a cumulative impact analysis of the probable significant adverse environmental impacts of mining occurring on almost 1000 acres of land in the Chelatchie Bluff area of Clark County including but not limited to the Presto Homes property, Warnke Property, Granite Construction/BRP Minerals/Holten-Andersen property and the expansion of the railroad “landing” at the headwaters of Chelatchie Creek (Boody Creek flows through #2754579 on its way to its confluence with Cedar Creek) and on property that is owned by Clark County and has been expanded by PVJR. Any County EIS on the 2025 CP update should consider and incorporate all the comments submitted for the scoping for the EIS the County is requiring for the Chelatchie Bluff mining site (CPZ 2021-00006) and should consider as an alternative a prohibition on SMO in the Chelatchie Bluff area;

3) The probable significant adverse environmental impacts of allowing Heavy Industrial uses, Railroad Industrial uses and Light industrial uses along the entire rail line. Mr. Temple has stated to at least one council member that he believes all the land along the rail line should be designated IH. This scope should also include the analysis if these uses would be designated by the Railroad Advisory Board for all land under a Freight Rail Dependent Use overlay. In addition, as part of this analysis the County should consider the impacts of those uses (including proposed mining operations in Chelatchie Prairie) such as the potential increase in train car traffic (and the dangerous and/or toxic nature of the materials being “freighted”) on the rail lines through environmentally sensitive and/or highly populated areas (especially along the East Fork of the Lewis River or in City of Battle Ground), as well as the adverse impacts of the “worst case analysis” to the City of Battle Ground, the the Town of Yacolt and all the residential neighborhoods through which the rail line intersects or abuts. These impacts should include the potential number of cars on the rail line per year should mining be allowed in the Chelatchie Bluff area as proposed by Granite Construction, and which Synergy (Rotschy) is also proposing for mining, including but not limited to the number of cars per year required to carry 1 million tons of rock from Chelatchie to Vancouver (and possibly processed at the Barberton site) per year for a minimum of 20 years based upon Granite’s analysis.

In addition, due to the statements of the Railroad Advisory Board, and their recommendations, the County EIS should consider these impacts as if an FRDU overlay existed for one mile on either side of the rail line along the entire rail line. For example, Mr. Temple/PVJR has sent emails to the County stating it is PVJR’s intention to seek a Heavy Industrial Use Zone along both sides of the rail line along the entire rail line as well as emails recommending that the it would be most appropriate to put an asphalt batch plant within the current FRDU overlay near Laurin Middle School. Also, the initial RRAB recommendation was for future FRDU zoning to use a combination of the definition of “adjacent” and the edicts of 5517 such that the FRDU overlay zone should be one mile on either side of the tracks from the Vancouver Urban Growth Boundary to, at least, the City of Battle Ground city limits.

An alternative should be considered that prohibits any changes to current zoning that would allow additional zone change to Light Industrial, Heavy Industrial or Railroad Industrial in pre-existing along the rail line including if under an expansion of the existing FRDU overlay.

4) The probable significant adverse environmental impacts by any **development actions that will be taken by PVJR**, either on their own land and/or land leased to them by the County under the current lease and/or along the use of eminent domain to construct spur lines and other development that PVJR claims to be “related to railroad activity” due to the fact that a) PVJR has refused to acknowledge that they are required to comply with any state and/or local environmental regulation, b) PVJR also claims exemption from most, if not all, federal regulations and c) they have already engaged in conduct that destroyed wetlands, violated the ESA, violated many county code provisions, violated DOE/DFW/DNR regulations and continues to claim that the lease does not require them to comply with those various statutes and regulations because those statutes and regulations are not “applicable” to them.

This is a broad request because Mr. Temple has stated he intends to purchase property and/or take it by eminent domain.

The alternative that should be considered is the impacts on the environment should the County terminate the lease with PVJR and hire an operator.

5) The probable significant adverse environmental impacts of the County’s allowing development under any Conditional Use Permit while continuing to **chronically underfund the Clark County Code Enforcement Division** such that the conditions of a CUP are almost a nullity given lack of enforcement. The alternative could be if the plan calls for a large increase in the County’s enforcement staff.

6) FOCC also emphasizes, in chorus with Futurewise as well as the residents and communities in Clark County that the EIS include the following:

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- **Tighter restrictions**
- on changing designations of land currently zoned for agriculture and forest and consider all the probable significant adverse environmental impacts of allowing for the conversion of any Agricultural and Forest lands for the following reasons:
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- 
- Agricultural and forested land are the County’s
- most valuable resources for sustaining its livability.
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- 
- Ag is zoned ag due to soil quality, and soil

- is a powerful carbon sink. Additionally, trees and plants within agricultural and forest zoning also sequester carbon; therefore, development on ag and forest land reduces and disrupts the natural environment's ability to sequester carbon, releasing greenhouse
- gas emissions as a result of disturbance and destruction. **For**
- **these reasons, the County must retain current ag and forest zonings to meet its GHG reduction requirements under the GMA.**
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- Add substantial requirements for additional
- tree canopy and native planting to the areas that are developed.
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- An EIS must include the impacts of flooding,
- as this event is increasing with climate severity and many residents are currently unprotected from the ravages of flooding. Development must be planned to exist away from areas subject to flooding.
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7) The impact of development on agriculture and **food cultivation** can not be underestimated. The conflict that has been created between farmers vs. developers has led to a near destruction of available farmland soils, removal of healthy tree canopies, interruption of surface and ground waters, wildlife patterns. Soils and agricultural crops are elements of the environment that must be considered in preparing an EIS. Ag mitigation efforts should include locally-driven efforts to protect food-producing farms and to incentivize and reward the following practices on the part of farmers (on both ag and rural land):

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- Low/no tillage practices.
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- Usage of diverse cover crops and encourage
- the planting of trees
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- Discourage use of external nutrients; use "in-farm
- nutrients only"
- 
-

Prohibit synthetic pesticides or fertilizers

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- 
- • Encourage crop rotation, multiple times
- 
- 
- • Encourage and reward Organic Certification
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- • Support and reward farms who switch to renewable
- • energy producing systems
- 

8) Include protective measures for **critical infrastructure** from disruption due to extreme climate events, such as:

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- • Tighten regulations or remove the opportunity
- • for building on landslide vulnerable parcels (according to the State of Washington Department of Natural Resources, Washington is one of the most landslide prone states in the nation)
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- • Provide critical technical assistance in advance
- • of heat waves to food-producing farmers (including livestock)
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- • Protect critical arterials in advance of climate
- • events that have the probable impact of complete shutdown or disruption. Should Clark County lose its food-producing capabilities, residents would be totally dependent upon only 3-days of food supplies in any grocery store - and imports.
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Friends of Clark County appreciates your consideration of our comments. We can firmly say that we share these comments with large numbers of Clark County residents who are beginning to voice their support of better environmental analyses, equitable decisions, stronger efforts to curb development - and transparency. We look forward to the ongoing efforts to work with Clark County on our shared vision.

Best regards,

Ann Foster

Friends of Clark County

