

From: [Jeffrey Delapena](#)
To: [Ann Foster](#)
Cc: [Oliver Orjiako](#); [Jose Alvarez](#); [Bart Catching](#)
Subject: RE: Alternatives_DEIS_Planning Commission
Date: Thursday, November 7, 2024 8:01:00 AM
Attachments: [Comp Plan Update-DEIS-PC 110724.pdf](#)

Good day, Ann,

Thank you very much for submitting testimony for consideration in the Land Use Alternatives to be studied in the DEIS.

I have forwarded to additional Staff, and these comments will be entered into the Comprehensive Plan Index of Record. Your comments will also be sent to the Planning Commission ahead of tonight's Hearing.

Regards,
Jeff Delapena

From: Ann Foster <annfoster5093@gmail.com>
Sent: Wednesday, November 6, 2024 6:07 PM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Cc: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Alternatives_DEIS_Planning Commission

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Hello Jeffrey,
Please distribute the attached letter to the Planning Commission for its consideration as part of the DEIS Alternatives discussion Thursday, Nov. 7, 2024.

Thank you,

Best,
Ann Foster
Friends of Clark County



Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

November 6, 2024

TO:: Clark County Planning Commissioners, County Manager Otto, Community
Planning Director Oliver Orjiako, Sr. Planner Jose Alvarez

RE: Alternatives in consideration for DEIS

Hello Clark County Planning Commissioners:

Friends of Clark County asserts that the only alternative to be considered as the preferred alternative is the No Action Alternative as the records support the fact that all projected growth can be accommodated in the existing UGAs. The other presented alternatives by the cities of Clark County do not represent most of Clark County's citizens and communities' beliefs and visions for Clark County's future. Although FOCC supports the concept of lands for jobs, we are concerned that the County has in the past, and most recently within the area at 179th and 10th Avenue, designated lands for jobs and then, at the whim of the landowner, changed the land designations for residential.

Thus, any designation of lands for jobs should minimize the conversion of rural lands and should never be used to convert agricultural lands or rural lands that are buffers for those agricultural lands and FOCC does not support any conversion of agricultural lands (proposed is approximately 700 acres) or rural lands (R5, R10 or R2) for residential use.

The Planning Commission should also reject any consideration of the proposal by the Building and Development community (NW Partners letter dated September 13, 2024). The letter provides little or no basis in law or fact for why their requests should be considered or how they should be considered. In addition, to include their requests would mire the current EIS process down given the effect of including their requests would greatly expand the entire scoping of the EIS to include, the potential significant adverse impacts of changing all of the designations, especially the site specific parcel's designation, would have individually and cumulatively especially as to how it would impact the County complying with the Goals of the GMA.

These alternatives substantially interfere with the the following goals of the of the Growth Management Act including the following goals: pertaining to urban growth (Goal 1), reducing sprawl (Goal 2), encouraging efficient and multimodal transportation systems (Goal 3), protecting agricultural lands and fisheries (Goal 8), protecting open space and recreation (Goal 9), protecting the environment (Goal 10), and mitigating as well as adapting to the climate crisis (Goal 14). It is clear that the current alternatives represent only limited views presented by the city governments and the building industries simply want to take the Cities' plans as a starting block and "build" them on additional lands. If the Planning Commission accepts any of these alternatives as is, they will be actively and knowingly presenting the Council with a preferred alternative that is in violation of the GMA. We urge the Planning Commission to seriously consider the county's obligations under the GMA and reject these alternatives as written to the extent that the alternatives include expansions of the current GMA for residential growth and any expansion that would convert rural lands or agricultural lands to urban development

Friends of Clark County remains firm in its position that any update to the county-wide Comprehensive Plan Update for 2025 to 2045 should not include the de-designation of any forest lands or agricultural lands. The devastating economic, environmental, and public health impacts to our communities, notably the loss of soil, tree canopy, fish-bearing streams, headwaters, and wildlife cannot be justified, regardless of the statements made by private industry interests whose goals do not align with the public good.

To support this position, we include just some of the many references to state law (WAC 365-190-040)"

(10) The designation amendment process:

(a) Land use planning is a dynamic process. Natural resource lands review procedures should provide a rational and predictable basis for accommodating change.

(b)(i) ...De-designations threaten the viability of natural resource lands and associated industries through conversion to incompatible land uses, through operational interference on adjacent lands...

(b) (ii) Counties and cities should maintain and enhance natural resource-base industries and discourage incompatible uses...frequent, piecemeal de-designations of resource lands should not be allowed. **Site specific proposals to de-designate natural resource lands must be deferred until a comprehensive countywide analysis is conducted.**

(12) Development in and adjacent to agricultural, forest and mineral resource lands shall assure the continued management of these lands for natural resource production.

Counties and cities should consider the adoption of right-to-farm provisions and may also adopt measures to conserve and enhance marine agriculture.

As there has been no “comprehensive countywide analysis” performed by the County that even attempts to meet the requirements of comprehensive and countywide analysis, especially as to all the agricultural land that are included in some of the “alternatives”, alternatives that involve de-designation should be rejected. In addition, the County has given no consideration to right-to-farm provisions, the purchase or transfer of development rights, or other farm and agricultural provisions that conserve and protect agricultural, forest lands, and mineral resource lands.

Friends of Clark County stands firmly in its position that urban growth needs to take place within existing UGA’s and that no expansion of any UGA is supported by the data and the adopted Vacant Buildable Lands Model. Population and employment projections simply do not support the need for any expansion, especially expansions that would bring any natural resource lands into existing urban growth areas. In addition, it does not appear that any of these alternatives have been vetted under WAC 365-196-310 which sets forth mandates, and guidelines, for when lands should be moved inside an urban growth area. WAC 365-196-310(4)(b)(iv). The alternatives also fail to include consideration of infill projects and remedial measures that should be considered before any proposed expansion.

According to a decision by the Washington State Supreme Court (King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd., 1999) “UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by OFM (Office of Financial Management), plus a reasonable land market supply factor.” Clark County should accommodate the selected population and employment projects within the existing urban growth areas and not convert natural resource lands to other uses. The population and jobs numbers were arrived at scientifically and should be treated as such.

Our own Clark County Community Planning offered in *The 2025 Population, Housing and Employment Allocation - Issue Paper 5* a comparison of the total 2023-2045 housing unit needs showing that “existing capacity can accommodate or is within a few housing units of accommodating the planned housing growth.”

WAC 365-196-310, specifically in 310(4), sets forth the criteria as to how to meet the requirements for keeping growth contained in existing growth areas. Under §310(4)(b)(iv) sets forth that, even if capacities exceed the area available within a UGA (which has not been established), there should be no expansion without first going through the process of determining how to accommodate that extra growth using higher densities within the existing UGAs.

Also, although it is clear that the cities and unincorporated urban growth areas will need to increase their capacity for low-rise multifamily and mid-rise multifamily dwellings to meet the affordable housing requirements (Dept of Commerce - to provide housing

affordable to families and individuals with incomes between zero to fifty percent of the adjusted median income with subsidies), there is no indication that the requirements for those units can be accommodated in the current urban growth area boundaries. Furthermore, a more economically conservative alternative of more compact UGA's shows savings for taxpayers and ratepayers, as well as more accessible public facilities and transportation facilities. Increasing the amount of buildable land does not guarantee affordable housing and using existing infrastructure, rather than creating (and paying for new infrastructure) reduces the costs of housing units and thus can lead to more affordable housing.

Climate change impact studies project increases in precipitation in winter, spring and fall and decreases in precipitation in summer. This pattern also projects higher average summer temperatures - leading to potentially severe droughts. Compact urban growth areas, by encouraging housing growth in cities, reduces lot sizes and water demand. Also, compact UGA's favor shorter vehicle trips which mitigates greenhouse gas emissions that are causing the climate crisis. Multimodal travel options such as walking, bicycling and public transit significantly reduces greenhouse gas emissions and pollution, improving public health. Keeping trees in place maintains the tree canopy, providing more shade and cooler temperatures.

Including any, much less all, of the site specific requests for zoning amendments (135 requests as of March 15, 2024) is "unreasonable". In its letter to Clark County on October 1, 2024, Futurewise quotes The Washington State Supreme Court's conclusion that "a reasonable alternative is one that could feasibly attain or approximate a proposals' objectives at a lower cost to the environment". (King County v Puget Sound Growth Mgmt. Hearings Bd., 1999). According to Futurewise, in order to be "included in an EIS, an alternative must "be reasonable"". On a number of levels, accommodating all the site specific requests is not feasible in the opinion of Friends of Clark County. It has been made clear by Community Planning in its Issue Paper 5 on Population, Housing and Employment Allocation, that the site specific requests submitted are not needed to accommodate the population and employment projection (agreed upon by this Clark County Council in 2024). In addition, as stated previously, the sheer quantity of agricultural lands without doing a full countywide de-designation process violates GMA directive to protect agricultural lands. In addition, the Washington Supreme Court case involving Sammamish County emphasized the importance of agricultural lands and the special significance they have in comprehensive planning. If the County decides to include all of these site specific requests, then the EIS would have to consider all the probable adverse significant environmental impacts of permanently converting those lands. FOCC also emphasizes that the site specific reviews for requests for SMOs must be done as a county wide study process as was conducted in 2011-2014 in the previous comprehensive plan update.

Friends of Clark County appreciates the opportunity to reiterate our stand to preserve what remains of Clark County's natural resource agricultural lands and forests as required by GMA. and support the findings that, even with the OFM number selected by the Council, the projected growth can be accommodated within the current UGAs. expansion of existing urban growth boundaries.

With regards,

Ann Foster, President
Friends of Clark County