

**From:** [Jeffrey Delapena](#)  
**To:** [Tim Trohimovich](#); [Cnty 2025 Comp Plan](#)  
**Cc:** [Oliver Orjiako](#); [Jose Alvarez](#); [Bart Catching](#)  
**Subject:** RE: Comments on the land use alternatives for DEIS Clark Cnty Comprehensive Plan Update 2025-2045  
**Date:** Thursday, December 5, 2024 7:48:00 AM  
**Attachments:** [image003.png](#)  
[2024-12-04 FW Comments on EIS Alts Comp Plan Update Clark Cnty Council.pdf](#)

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Good day, Tim,

Thank you for submitting Futurewise's comments regarding the Land Use Alternatives to be studied as part of the DEIS for the 2025 Comprehensive Plan.

I am forwarding these to Staff and will add them to the Index of Record.

Regards,  
Jeff Delapena

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**From:** Tim Trohimovich <Tim@futurewise.org>  
**Sent:** Wednesday, December 4, 2024 4:50 PM  
**To:** Cnty 2025 Comp Plan <comp.plan@clark.wa.gov>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>  
**Subject:** Comments on the land use alternatives for DEIS Clark Cnty Comprehensive Plan Update 2025-2045

**EXTERNAL:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members and Staff:

Enclosed please find Futurewise's comments on the land use alternatives to be studied as part of the Draft Environmental Impact Statement (DEIS) for the Clark County Comprehensive Plan Update 2025-2045. Thank you for considering our comments.

If you require anything else, please contact me.

[Tim Trohimovich](#), AICP (he/him)  
Director of Planning & Law



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December 4, 2024

The Honorable Gary Medvigy, Council Chair  
Clark County Council  
PO Box 5000  
Vancouver, Washington 98666-5000

Dear Council Chair Medvigy and Councilors Yung, Belkot, Bowerman, and Marshall:

**Subject: Comments on the land use alternatives to be studied as part of the Draft Environmental Impact Statement (DEIS) for the Clark County Comprehensive Plan Update 2025-2045**

Sent via email: [comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov); [rebecca.messinger@clark.wa.gov](mailto:rebecca.messinger@clark.wa.gov); [karen.bowerman@clark.wa.gov](mailto:karen.bowerman@clark.wa.gov); [glen.yung@clark.wa.gov](mailto:glen.yung@clark.wa.gov); [michelle.belkot@clark.wa.gov](mailto:michelle.belkot@clark.wa.gov); [gary.medvigy@clark.wa.gov](mailto:gary.medvigy@clark.wa.gov); [sue.marshall@clark.wa.gov](mailto:sue.marshall@clark.wa.gov);

Thank you for the opportunity to comment on the land use alternatives to be studied as part of the Draft Environmental Impact Statement (DEIS). Futurewise has the following recommendations:

- First, Futurewise recommends that at least one alternative should accommodate the selected population and employment projections within the existing urban growth areas and not convert natural resource lands to other uses. This alternative meets the requirements for a reasonable alternative in WAC 197-11-440(5)(b).
- Second, the site-specific comprehensive plan and zoning amendments outside the urban growth areas cannot be included in the EIS because they are not a reasonable alternative. That is because the site-specific comprehensive plan and zoning amendments cannot feasibly attain or approximate the proposal's objectives at a lower cost to the environment as WAC 197-11-440(5)(b) requires.
- Third, some have argued that Clark County must consider all of the site-specific comprehensive plan and zoning amendments because the County is not doing an annual update this year. But Clark County Code (CCC) 40.560.030 provides that requests for map or text amendments do not need to be processed unless the County Council decides to include the map or text amendment in the work

program for the following year or a future work program.<sup>1</sup> The County is not required to process those requests as comprehensive plan and development regulation amendments.<sup>2</sup>

These recommendations are explained in more detail below.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests and water resources. We have members across Washington State including Clark County.

**At least one alternative should accommodate the selected population and employment projections within the existing urban growth areas and not convert natural resource lands to other uses.**

The Washington State Supreme Court has written that:

The State Environmental Policy Act of 1971 (SEPA) directs that “alternatives to the proposed action” be included in an EIS. RCW 43.21C.030(c)(iii). Under the Washington Administrative Code, consideration by the County Council of reasonable alternatives is mandatory. WAC 197-11-440(5)(b). SEPA rules define “reasonable alternatives” as less environmentally costly action that “could feasibly attain or approximate a proposal’s objectives.” WAC 197-11-786.<sup>3</sup>

Futurewise recommends including least one alternative that accommodates the selected population and employment projections within existing urban growth areas (UGAs). The Determination of Significance and Request for Comments on Scope of Environmental Impact Statement identifies its objectives as the alternative’s “ability to accomplish the objectives of GMA and the objectives of the Comprehensive Plan and County-wide Planning Policies.”<sup>4</sup> This alternative will feasibly attain or approximate the proposal’s objectives of complying with the

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<sup>1</sup> CCC 40.560.030C.6., D.

<sup>2</sup> CCC 40.560.030C.6., D.

<sup>3</sup> *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 183, 979 P.2d 374, 385 (1999), as amended on denial of reconsideration (Sept. 22, 1999).

<sup>4</sup> State Environmental Policy Act Determination of Significance and Request for Comments on Scope of Environmental Impact Statement Clark County Comprehensive Plan Update 2025-2045 p. 3 of 4 (May 15, 2024).

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Growth Management Act (GMA), the comprehensive plan objectives, and the county-wide planning policies at lower environmental costs.

There is no need to expand the urban growth areas (UGAs). The Washington State Supreme Court has held that an “UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by the [State of Washington Office of Financial Management] OFM, plus a reasonable land market supply factor.”<sup>5</sup> A comparison of the total 2023-2045 housing unit needs in the *2025 Population, Housing and Employment Allocation – Issue Paper 5* with the “2023 VBLM Capacity” shows that existing capacity can accommodate or is within a few housing units of accommodating the planned housing growth.<sup>6</sup>

Clark County Community Planning documented that “over half of the new units needed over the next 20 years will need to be affordable at 80% or less of the area median income.”<sup>7</sup> The State of Washington Department of Commerce has documented that low-rise multifamily and mid-rise multifamily dwellings are needed to provide housing affordable to families and individuals with incomes between zero to fifty percent of the adjusted median income when subsidies are available in moderate cost communities.<sup>8</sup> These housing types also provide housing affordable to families and individuals earning between 50 to 80 percent of the adjusted median income without subsidies in moderate cost communities.<sup>9</sup> Accessory dwelling units can also provide housing for families and individuals

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<sup>5</sup> *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).

<sup>6</sup> Clark County Comprehensive Plan 2025 Update Planning for growth 2025 – 2045 *2025 Population, Housing and Employment Allocation – Issue Paper 5* prepared by Community Planning p. 5 last accessed on Dec. 4, 2024, at: [https://clark.wa.gov/sites/default/files/media/document/2024-04/issue\\_paper\\_5\\_pop-emp\\_alloc\\_4\\_17\\_24.pdf](https://clark.wa.gov/sites/default/files/media/document/2024-04/issue_paper_5_pop-emp_alloc_4_17_24.pdf) and enclosed at the link on the last page of this letter with the filename: “issue\_paper\_5\_pop-emp\_alloc\_4\_17\_24.pdf;” Clark County 2025 Allocation based on VBLM and HAPT Method A p. \*1 last accessed on Dec. 4, 2024, at: [https://clark.wa.gov/sites/default/files/media/document/2024-02/Allocation%20Housing\\_Method%20A.pdf](https://clark.wa.gov/sites/default/files/media/document/2024-02/Allocation%20Housing_Method%20A.pdf) and at the link on the last page of this letter with the filename: “Allocation\_Housing\_Method A.pdf.”

<sup>7</sup> Clark County Comprehensive Plan 2025 Update Planning for growth 2025 – 2045 *2025 Population, Housing and Employment Allocation – Issue Paper 5* prepared by Community Planning p. 5.

<sup>8</sup> Washington States Department of Commerce, Local Government Division Growth Management Services, *Guidance for Updating Your Housing Element: Updating your housing element to address new requirements* p. 33 (Aug. 2023) last accessed on Dec. 4, 2024, at: <https://deptofcommerce.app.box.com/s/1d9d517g509r389fomjpowh8isjpirlh> and at link on the last page of this letter with the filename: “HB 1220\_Book2\_Housing Element Update\_230823 Final\_updated 231031.pdf.”

<sup>9</sup> *Id.*

earning 50 to 80 percent of the adjusted medium income in moderate cost communities.<sup>10</sup> The cities and unincorporated urban growth areas will likely need to increase their capacity for low-rise multifamily and mid-rise multifamily dwellings to meet the affordable housing requirements. These zoning changes will increase the housing capacity in the cities and unincorporated urban growth areas. So, there is no apparent need and no apparent legal authority to expand the county's urban growth areas.<sup>11</sup>

This alternative will also produce more compact urban growth areas (UGAs) saving taxpayers and ratepayers money. In a study published in a peer reviewed journal, John Carruthers and Gudmaundur Ulfarsson analyzed urban areas throughout the United States including Clark County.<sup>12</sup> They found that the per capita costs of most public services declined with density and increased where urban areas were large.<sup>13</sup> Compact urban growth areas save taxpayers and ratepayers money. This will also help achieve the Growth Management Act (GMA) requirements to plan for public facilities and transportation facilities.<sup>14</sup>

Compact urban growth areas also help conserve water long-term, reducing adverse environmental impacts. Large lots and low densities increase water demand, increase leakage from water systems, and increase costs to water system customers.<sup>15</sup> So accommodating the same population and jobs in the existing UGA can reduce future water demands and costs.<sup>16</sup> This will also help achieve the GMA requirements to conserve agricultural lands by protecting irrigation and stock

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<sup>10</sup> *Id.*

<sup>11</sup> *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).

<sup>12</sup> John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 511 (2003) last accessed on Dec. 4, 2024, at: [https://www.ezview.wa.gov/Portals/\\_1995/Documents/Documents/Exhibit%20%23J1%20-%20Futurewise UrbanSprawl.pdf](https://www.ezview.wa.gov/Portals/_1995/Documents/Documents/Exhibit%20%23J1%20-%20Futurewise%20UrbanSprawl.pdf) and enclosed at the link on the last page of this letter with the filename: “Urban sprawl and the cost of public services.pdf.” Environment and Planning B is peer-reviewed. Environment and Planning B Submission guidelines p. \*5 last accessed on Sept. 30, 2024, at: <https://journals.sagepub.com/author-instructions/EPB> and enclosed at the link on the last page of this letter with the filename: “Submission Guidelines\_ EPB.pdf.”

<sup>13</sup> John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 518 (2003).

<sup>14</sup> RCW 36.70A.020(3), (12); RCW 36.70A.060(2); RCW 36.70A.070(3), (6).

<sup>15</sup> United States Environmental Protection Agency, *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies* pp. 3 – 5 (EPA 230-R-06-001: January 2006) last accessed on Dec. 4, 2024, at: <https://www.epa.gov/smartgrowth/growing-toward-more-efficient-water-use> and enclosed at the link on the last page of this letter with the filename: “growing\_water\_use\_efficiency.pdf.”

<sup>16</sup> *Id.* at p. 8.

water, to protect fish and wildlife habitat, and to plan for public facilities.<sup>17</sup> Conserving water is even more important because Clark County will likely experience increasing droughts in the future. As the *Clark Regional Natural Hazard Mitigation Plan Volume 1—Planning Area-Wide Elements* documents:

Although there is still some uncertainty regarding climate change impacts on the water cycle, most current models project increases in precipitation in winter, spring and fall and decreases in precipitation in summer. This decrease in precipitation, coupled with higher average summer temperatures, may contribute to an increase in the frequency, severity and duration of droughts in the region (Dalton et al., 2013). More frequent extreme events such as droughts could end up being more cause for concern than the long-term change in temperature and precipitation averages. According to the Washington State Department of Ecology, Washington has experienced unusually dry periods almost every year since 2000 (Washington Department of Ecology, 2007).<sup>18</sup>

Compact urban growth areas that conserve water will help counteract these increased droughts.

Urban growth areas encourage housing growth in cities and protect rural and resource lands and reduce adverse environmental impacts. To examine the effect of King County, Washington’s urban growth areas on the timing of land development, Cunningham looked at real property data, property sales data, and geographic information systems (GIS) data. These records include 500,000 home sales and 163,000 parcels that had the potential to be developed from 1984 through 2001.<sup>19</sup> Cunningham concluded that “[t]his paper presents compelling evidence that the enactment of a growth boundary reduced development in designated rural areas and increased construction in urban areas, which suggests that the Growth Management Act is achieving its intended effect of concentrating housing growth.”<sup>20</sup> He also concluded that by removing uncertainty as to the

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<sup>17</sup> RCW 36.70A.020(8), (10), (12); RCW 36.70A.060(1); RCW 36.70A.070(3).

<sup>18</sup> Clark Regional Emergency Services Agency, *Clark Regional Natural Hazard Mitigation Plan Volume 1—Planning Area-Wide Elements* p. 8-8 (Approved: March 31, 2023) last accessed on Dec. 4, 2024, at: <https://clark.wa.gov/communications/clark-regional-natural-hazard-mitigation-plan> and enclosed at the link on the last page of this letter with the filename: “CRNHMP Vol 1 2023\_202304041255191062.pdf.”

<sup>19</sup> Christopher R. Cunningham, *Growth Controls, Real Options, and Land Development* 89 THE REVIEW OF ECONOMICS AND STATISTICS 343, 343 (2007) at the link on last page of this letter with the filename: “Cunningham Growth Controls, Real Options, and Land Development.pdf.”

<sup>20</sup> *Id.* at 356.



highest and best use of the land that it accelerated housing development in King County.<sup>21</sup> This study was published in a peer reviewed journal.

Reducing development in rural areas and natural resource lands can have significant environmental benefits, such as protecting water quality, working farms and forests, and fish and wildlife habitat.

Urban growth areas help keep our existing cities and towns vibrant and economically desirable and reduce environmental impacts. In a peer reviewed study, Dawkins and Nelson found that the city of Yakima's share of the metropolitan housing market increased after adoption of the GMA.<sup>22</sup> This and other measures showed that center cities in states with growth management laws attract greater shares of the metropolitan area's housing market than center cities in states without growth management aiding center city revitalization.<sup>23</sup> This reduces the tendency to move out of existing center cities. This will also help achieve the GMA goals and requirements to focus growth in existing cities and towns, conserve agricultural lands, protect rural character, protect the environment, provide for housing, and to plan for public facilities.<sup>24</sup>

Urban growth areas promote healthy lifestyles. Aytur, Rodriguez, Evenson, and Catellier conducted a statistical analysis of leisure and transportation-related physical activity in 63 large metropolitan statistical areas, including Seattle, Tacoma, and Spokane from 1990 to 2002.<sup>25</sup> Their peer reviewed study found a positive association between residents' leisure time physical activity and walking and bicycling to work and "strong" urban containment policies such as those in Washington State.<sup>26</sup> Focusing growth in existing UGAs will help achieve the GMA

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<sup>21</sup> *Id.* at 356 – 57.

<sup>22</sup> Casey J. Dawkins & Arthur C. Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 381, 386 (2003) at the link on the last page of this letter with the filename: "State Growth Management Programs and Central-City Revitalization.pdf."

<sup>23</sup> *Id.* at 392 – 93.

<sup>24</sup> RCW 36.70A.020(1), (8), (10), (12); RCW 36.70A.060(1); RCW 36.70A.070(2), (3), (5); RCW 36.70A.110.

<sup>25</sup> Semra A. Aytur, Daniel A. Rodriguez, Kelly R. Evenson, & Diane J. Catellier, *Urban Containment Policies and Physical Activity: A Time-Series Analysis of Metropolitan Areas, 1990-2002* 34 AMERICAN JOURNAL OF PREVENTIVE MEDICINE 320, 325 (2008) last accessed on Dec. 4, 2024, at: [https://scholars.unh.edu/cgi/viewcontent.cgi?article=1001&context=hmp\\_facpub](https://scholars.unh.edu/cgi/viewcontent.cgi?article=1001&context=hmp_facpub) and enclosed at the link on the last page of this letter with the filename: "Urban Containment Policies and Physical Activity A Time\_Series An.pdf."

<sup>26</sup> *Id.* at 330.



requirements to promote physical activity, reduce per capita vehicle miles traveled, and to provide for active transportation choices.<sup>27</sup>

Compact urban growth areas, because they allow shorter automobile trips and encourage walking, bicycling, and transit use, reduce greenhouse gas emissions, such as CO<sub>2</sub>. In Washington State, transportation activities are the largest contributor to greenhouse gas emissions, generating 39 percent of our state’s global warming causing gases.<sup>28</sup> The Washington Climate Advisory Team (CAT) wrote that we must reduce the amount of driving we do if we are going to meet the state’s greenhouse gas emissions requirements.<sup>29</sup> A peer-reviewed scientific paper has documented that to meet the necessary reductions in greenhouse gas pollution higher residential densities are needed.<sup>30</sup> Nationally, densities must increase on average by 19 percent.<sup>31</sup> The paper concluded this can be achieved by a “mix of small apartment buildings and modest single-family homes ....”<sup>32</sup> This will also help achieve the GMA requirements to protect the environment, reduce per capita vehicle miles traveled, and reduce greenhouse gas pollution.<sup>33</sup>

Not converting natural resource lands to other uses complies with the GMA’s legislative mandate for the conservation of natural resource lands. The Washington State Supreme Court has held that “[w]hen read together, RCW

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<sup>27</sup> RCW 36.70A.070(1), (6).

<sup>28</sup> State of Washington Department of Ecology, Washington’s *greenhouse gas inventory* webpage last accessed on Dec. 4, 2024, at: <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/2017-greenhouse-gas-data>; *Leading the Way: A Comprehensive Approach to Reducing Greenhouse Gases in Washington State Recommendations of the Washington Climate Advisory Team* p. 57 (Feb. 1, 2008) last accessed on Dec. 4, 2024, at: <https://fortress.wa.gov/ecy/publications/SummaryPages/0801008b.html> and enclosed at the link on the last page of this letter with the filename: “0801008b.pdf.”

<sup>29</sup> *Leading the Way: A Comprehensive Approach to Reducing Greenhouse Gases in Washington State Recommendations of the Washington Climate Advisory Team* p. 57 (Feb. 1, 2008).

<sup>30</sup> Benjamin Goldstein, Dimitrios Gounaridis, and Joshua P. Newell, *The carbon footprint of household energy use in the United States* 117 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (PNAS) 19122, 19122 (Aug. 11, 2020) last accessed on Dec. 4, 2024, at: <https://www.pnas.org/content/117/32/19122> and enclosed at the link on the last page of this letter with the filename: “goldstein-et-al-2020-the-carbon-footprint-of-household-energy-use-in-the-united-states.pdf.” PNAS is a peer-reviewed journal. PNAS Author Center last accessed on Sept. 30, 2024, at: <https://www.pnas.org/author-center> and enclosed at the link on the last page of this letter with the filename: “Instructions for Authors - PNAS.pdf.”

<sup>31</sup> Benjamin Goldstein, Dimitrios Gounaridis, and Joshua P. Newell, *The carbon footprint of household energy use in the United States* 117 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (PNAS) 19122, 19128 (Aug. 11, 2020).

<sup>32</sup> *Id.*

<sup>33</sup> RCW 36.70A.020(10), (14); RCW 36.70A.070(1), (5), (9).

36.70A.020(8), .060(1), and .170 evidence a legislative mandate for the conservation of agricultural land.”<sup>34</sup> Since these provisions also apply to forest lands of long-term commercial significance, both the former Central Puget Sound Growth Management Hearings Board (CPSGMHB or Central Board) and Western Washington Growth Management Hearings Board (WWGMHB or Western Board) have concluded that there is also a forest resource lands conservation imperative.<sup>35</sup> It can also be anticipated that the Boards will find a mineral resource lands conservation imperative since these provisions apply to mineral land too. So not converting natural resource lands to other uses will comply with the GMA’s legislative mandate for the conservation of natural resource lands.

As we have seen, this alternative can achieve the proposal’s objectives at lower environmental costs. This alternative must be analyzed in the Draft and Final Environmental Impact Statements (EISs).<sup>36</sup>

**The site-specific comprehensive plan and zoning amendment requests cannot legally be included in the EIS because they cannot feasibly attain or approximate the proposal’s objectives at a lower cost to the environment as WAC 197-11-440(5)(b) requires.**

To be included in an EIS, an alternative must “be reasonable.”<sup>37</sup> As the Washington State Supreme Court has concluded “a reasonable alternative is one that could feasibly attain or approximate a proposal’s objectives at a lower cost to the environment.”<sup>38</sup> The Determination of Significance and Request for Comments on Scope of Environmental Impact Statement identifies its objectives as the alternative’s “ability to accomplish the objectives of GMA and the objectives of the Comprehensive Plan and County-wide Planning Policies.”<sup>39</sup> The site-specific

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<sup>34</sup> *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543, 562, 14 P.3d 133, 143 (2000).

<sup>35</sup> *Forster Woods Homeowners’ Association et al. v. King County*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 01-3-0008c, Final Decision and Order (Nov. 6, 2001), at \*12 of 27; *Town of Friday Harbor, Fred R. Klein, John M. Campbell, Lynn Bahrych, et al. v. San Juan County*, WWGMHB Case No. 00-2-0062c, Order on Compliance and Invalidity Re: Resource Lands Redesignation (March 28, 2002), at \*3 of 7, 2002 WL 599680 p. \*3.

<sup>36</sup> *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 183, 979 P.2d 374, 385 (1999).

<sup>37</sup> *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 184, 979 P.2d 374, 385 (1999).

<sup>38</sup> *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 184-85, 979 P.2d 374, 385 (1999).

<sup>39</sup> State Environmental Policy Act Determination of Significance and Request for Comments on Scope of Environmental Impact Statement Clark County Comprehensive Plan Update 2025-2045 p. 3 of 4 (May 15, 2024).

comprehensive plan and zoning amendment requests may only be included in the EIS if they will have “a lower cost to the environment” than the proposal.<sup>40</sup> Site-specific comprehensive plan and zoning amendment requests are not needed to accommodate the population projection.<sup>41</sup>

They will not provide affordable housing. “[O]ver half of the new units needed over the next 20 years will need to be affordable at 80% or less of the area median income.”<sup>42</sup> Clark County is a higher housing cost community.<sup>43</sup> So these affordable housing units will need to be constructed as low-rise multifamily and mid-rise multifamily dwellings to be affordable even with subsidies.<sup>44</sup> These housing types are also in demand for market rate housing. So, an even higher percentage of the housing to be constructed over the next 20 years will need to be these housing types to make progress on affordable housing. These housing types only make sense in existing urban growth areas where the needed public facilities and services can be provided.

Converting agricultural or forest lands to urban or rural development will have greater environmental impacts than the proposal. Similarly, converting rural lands to higher density rural or urban development will also have greater impacts than the proposal. Consequently, the site-specific comprehensive plan and zoning amendment requests cannot legally be included in the EIS.

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<sup>40</sup> WAC 197-11-440(5)(b).

<sup>41</sup> Clark County Comprehensive Plan 2025 Update Planning for growth 2025 – 2045 2025 *Population, Housing and Employment Allocation – Issue Paper 5* prepared by Community Planning p. 5; Clark County 2025 Allocation based on VBLM and HAPT Method A p. \*1.

<sup>42</sup> Clark County Comprehensive Plan 2025 Update Planning for growth 2025 – 2045 2025 *Population, Housing and Employment Allocation – Issue Paper 5* prepared by Community Planning p. 5.

<sup>43</sup> Washington Center for Real Estate Research Runstad Department of Real Estate College of Built Environments, *Washington State Housing Market Report 3rd Quarter 2024* p. 12 last accessed on Dec. 4, 2024, at: <https://wcrer.be.uw.edu/housing-market-data-toolkit/housing-market-reports/> and at the link on the last page of this letter with the filename: “Washington-Housing-Market-Report-3rd-Quarter-2024.pdf;” Washington Center for Real Estate Research Runstad Department of Real Estate College of Built Environments, *Washington State Apartment Market Report 3rd Quarter 2024* p. 5 last accessed on Dec. 4, 2024, at: <https://wcrer.be.uw.edu/wp-content/uploads/sites/60/2024/11/Washington-Apartment-Market-Report-Q3-2024.pdf> and at the link on the last page of this report with the filename: “Washington-Apartment-Market-Report-Q3-2024.pdf.”

<sup>44</sup> Washington States Department of Commerce, Local Government Division Growth Management Services, *Guidance for Updating Your Housing Element: Updating your housing element to address new requirements* p. 33 (Aug. 2023).

**Neither the Clark County Code nor the Growth Management Act require that County to process the site-specific comprehensive plan and zoning amendment requests.**

The 2025 update site-specific requests were not formal applications where the applicants' fill out application materials and pay the application fee for comprehensive plan and zoning amendments. Instead, the County allowed applicants to request the site-specific changes without formal applications and without paying the required application fees.<sup>45</sup> As such they fall under the docketing procedures of Clark County Code (CCC) 40.560.030. CCC 40.560.030 provides that requests for map or text amendments do not need to be processed unless the County Council decides to include the map or text amendment in the work program for the following year or a future work program.<sup>46</sup> The County is not required to process those requests as comprehensive plan and development regulation amendments.<sup>47</sup>

The Growth Management Act also does not require the County to process these applications as part of the 2025 periodic update. Instead, RCW 36.70A.130(1)(a) provides that Clark County “shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter [the Growth Management Act] according to the deadlines in subsections (4) and (5) of this section.” We urge the County Council to focus on the actions needed to bring the County comprehensive plan and development regulations into compliance with the Growth Management Act, not to be side tracked by individual requests many of which violate the Growth Management Act.

Arguments that Clark County must consider all of the site-specific comprehensive plan and zoning amendments because the County is not doing an annual update ignore CCC 40.560.030 and RCW 36.70A.130(1)(a). Instead, we urge the County to do the important work of providing for affordable housing, reducing greenhouse pollution, and adapting to the changes occurring because of climate change as the Growth Management Act requires.<sup>48</sup>

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<sup>45</sup> Clark County, Washington Community Planning *2025 Update Site-Specific Requests* webpage last accessed on Dec. 4, 2024, at: <https://clark.wa.gov/community-planning/2025-update-site-specific-requests>.

<sup>46</sup> CCC 40.560.030C.6., D.

<sup>47</sup> CCC 40.560.030C.6., D.

<sup>48</sup> RCW 36.70A.130(1)(a).

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Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 or email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Tim Trohimovich, WSBA No. 22367  
Director of Planning & Law

Enclosures at this link:

<https://futurewiseorg.sharepoint.com/:f/g/Eh-QtFA1dx5AkoolSfqMscYBaKIR95q-P13wQkDSxOR7vQ?e=FSXs5f>