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From Tim Trohimovich <Tim@futurewise.org>
Sent Thursday, September 10, 2015 10:51 AM
To Cnty 2016 Comp Plan
Subject Comments on the DSEIS on the Comp Plan Update
Attachments Futurewise Comments on Comp Plan DSEIS Sept 10 2015 Final.pdf

Dear Sirs and Madams

Enclosed please find Futurewise's comments on the *Draft Supplemental Environmental Impact Statement (Draft SEIS) for the Clark County 2016 Comprehensive Growth Management Plan Update*. We are also including our recommendation for a preferred alternative. We recommend that Alternative 1 be the preferred alternative for the reasons explained in the enclosed letter.

We are also mailing a paper original of the letter with the referenced enclosures. Please contact me if you require anything else.

Thank you for the opportunity to comment.

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September 10, 2015

Clark County Community Planning
Attn 2016 Comp Plan Record
PO Box 9810
Vancouver, Washington 98666-9810

Dear Sirs and Madams

Subject Comments on the Draft Supplemental Environmental Impact Statement
for the Clark County 2016 Comprehensive Growth Management Plan
Update (August 2015)

Sent via U S Mail with enclosures and via email to comp.plan@clark.wa.gov

Thank you for the opportunity to comment on the *Draft Supplemental Environmental Impact Statement (Draft SEIS) for the Clark County 2016 Comprehensive Growth Management Plan Update*. We agree with Clark County that the preparation of an environmental impact statement was necessary to comply with the Washington State Environmental Policy Act (SEPA) given the level of the changes being considered to the comprehensive plan.¹ We also recommend that Alternative 1 be identified as the preferred alternative because it meets community needs with the lowest cost and the lowest environmental impact. While we believe the *Draft SEIS* overall is well done, we do identify some impacts that were not adequately addressed in the *Draft SEIS* and should be addressed in the *Final SEIS*. The last two points are all discussed in greater detail below.

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including Clark County.

¹ See for example *Spokane County v Eastern Washington Growth Management Hearings Bd*, 176 Wn App 555, 580 – 81, 309 P 3d 673, 685 (2013) review denied *Spokane County v Eastern Washington Growth Management Hearings Bd*, 179 Wn 2d 1015, 318 P 3d 279 (2014)

While the *Draft SEIS* overall is well done, several important environmental impacts were not adequately addressed in the draft and need to be addressed in the Final SEIS

Alternative 4's smaller lots rural sizes will contribute to the failure of onsite waste disposal systems polluting ground water and causing disease The SEIS must disclose this serious adverse impact, but does not do so violating SEPA

The *Draft SEIS*, in Figure 2-3 Soil Limitations to Septic Sewer Systems on page 2-6, documents that most of Clark County is "very limited" for the use of onsite sewer systems Alternative 4 would eliminate the R-10 and R-20 zones and R-1 and R-2 5 zones would be added and the R-5 zone retained ² Marylynn Yates, in a peer reviewed scientific journal, analyzed ground water pollution from septic tanks She concluded that septic tanks are major contributors of waste water, septic tanks are the most frequently reported cause of ground water contamination, and the most important factor influencing ground water contamination from septic tanks is the density of the systems ³ Lot sizes associated with ground water contamination cases ranged from less than a quarter acre to three acres ⁴ More recent studies support these conclusions For example, an "observational study identified septic system density as a risk factor for sporadic cases of viral and bacterial diarrhea in central Wisconsin children" ⁵ The greater the density of septic tanks the greater the likelihood of diarrheal disease ⁶ And the highest septic tank densities studied were one septic tank per 11 acres ⁷

Given the large areas of the county that are "very limited" for the use of onsite septic systems and that most of the rest of the county is "somewhat limited," onsite waste disposal systems serving the new R-1 and R-2 5 zones allowed by Alternative 4 are

² Clark County Community Planning with assistance from Environmental Science Associates (ESA), *Clark County 2016 Comprehensive Growth Management Plan Update Draft Supplemental Environmental Impact Statement (SEIS)* p 1-14 (Aug 2015)

³ Marylynn V Yates, *Septic Tank Density and Ground-Water Contamination* 23 *GROUND WATER* 586, p 590 (1985) accessed most recently on Sept 9, 2015 at <http://info.ngwa.org/gwoll/pdf/852537546.PDF> and enclosed with the paper original of this letter *Ground Water* is a peer reviewed scientific journal See the *Ground Water* Peer Review enclosed with the paper original of this letter

⁴ Marylynn V Yates, *Septic Tank Density and Ground-Water Contamination* 23 *GROUND WATER* 586, p 590 (1985)

⁵ Mark A Borchardt, Po-Huang Chyou, Edna O DeVries, and Edward A Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 *ENVIRONMENTAL HEALTH PERSPECTIVES* 742, p 745 (2003) accessed most recently on Sept 9, 2015 at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241485/pdf/ehp0111-000742.pdf> and enclosed with the paper original of this letter *Environmental Health Perspectives* is a peer reviewed scientific journal See the *Environmental Health Perspectives* Journal Information accessed on Sept 9, 2015 at <http://ehp.nrc.nih.gov/journal-information/> and enclosed with the paper original of this letter

⁶ Mark A Borchardt, Po-Huang Chyou, Edna O DeVries, and Edward A Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 *ENVIRONMENTAL HEALTH PERSPECTIVES* 742, pp 745 - 47 (2003)

⁷ *Id* at 747

very likely to fail, pollute ground water, and cause disease in humans, especially in children. The SEIS on page 2-2 very briefly mentioned the fact that most of the county is limited for the use of onsite septic systems, but does not identify the scientific fact that Alternative 4 will increase septic failures, ground water contamination, and disease in children. The SEIS must disclose these impacts to comply with the Washington State Environmental Policy Act (SEPA) ⁸

Alternative 4's smaller lots sizes for agriculture and forest lands will not protect farm and forest land and will likely result in smaller lots and therefore increase the per acre price of farmland, hastening the conversion of farmland to vacant land or other uses

Alternative 2 will "change parcels zoned FR-40 to FR-20, thus reducing the minimum lot area in that zone. An estimated 460 new parcels could be created under full build-out conditions with this proposed zoning change" ⁹ Alternative 2 also proposes to "change areas zoned AG- 20 to AG-10, reducing the minimum lot area in that zone. An estimated 1,937 new parcels could be created under full build-out conditions" ¹⁰

The *Draft SEIS* on page 2-5 in discussing the Alternative 2 states

However, the reduced minimum lot areas under the revised zoning requirements create more divisible areas. Regardless, the GMA would still require local jurisdictions to identify and protect agricultural and timber lands of long-term commercial significance. Therefore, provided the reduced lot sizes do not result in conversions to other uses, there would be no additional impacts related to soils under this Alternative.

Alternative 4 "would add FR-10 and FR-20 to the existing FR-40 and FR-80 zones. It would reduce the minimum lot area in some forest zones even further than Alternative 2. Approximately 563 new parcels could be created at full build-out with this zoning change" ¹¹ Alternative 4 would also "eliminate the AG-20 zone and replace it with AG-5 and AG-10 zones. Approximately 1,958 new parcels could be created at full build-out with this zoning change" ¹²

The *Draft SEIS* on page 2-7 in discussing the Alternative 4 states

Both agricultural and forest lot areas would have reductions in minimum lot size areas even further than that of Alternative 2. More divisible areas could potentially result in increased activities on these

⁸ WAC 197-11-440 & WAC 197-11-442

⁹ *Draft SEIS* p. 1-6

¹⁰ *Id*

¹¹ *Id* at p. 1-17

¹² *Id*

lots but provided that reduced lot sizes do not result in conversions to other uses there should be no substantive changes or impacts related to soils under this Alternative

However, the reduced minimum lot sizes and densities in Alternatives 2 and 4 will not conserve agricultural and forest land as the Growth Management Act requires. In the *Soccer Fields* decision, the Washington State Supreme Court has held that [t]he County was required to *assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products*.¹³ A ten acre or five acre minimum lot size and density will not meet this standard. Professor Arthur C. Nelson analyzed agricultural land preservation techniques and concluded that “[m]inimum lot sizing at up to forty-acre densities merely causes rural sprawl—a more insidious form of urban sprawl.”¹⁴ In 2012, the American Farmland Trust identified the land use regulations necessary to protect farmland and concluded that to “make substantial progress protecting farmland in the Puget Sound region, minimum parcel size would be at least 40 acres and preferably larger.”¹⁵ This recommendation is consistent with Professor Nelson’s recommendation and would apply to Clark County. Clark County’s average farm size has increased from 37 acres in 2007 to 39 acres in 2012, an increase of 5.4 percent.¹⁶ During the same time period, Washington’s average farm size increase by 4 percent.¹⁷ The increase in average farm size does not support a reduction in the minimum lot size or an increase in density.

Rather than reducing the minimum lot size, which will not protect agricultural land from incompatible development as Professor Nelson’s analysis shows, the county

¹³ *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn 2d 543, 556, 14 P 3d 133, 140 (2000) emphasis in original.

¹⁴ Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 471 (1992) copy enclosed with the paper original of this letter. The Journal of the American Planning Association is a peer-reviewed journal. See the Journal of the American Planning Association Aims and Scope webpage accessed on Sept 9, 2015 at [http://www.tandfonline.com/action/journalInformation?show=aimsScope&journalCode=rpa20#V\(Cuwk\)FN9A](http://www.tandfonline.com/action/journalInformation?show=aimsScope&journalCode=rpa20#V(Cuwk)FN9A) and enclosed with the paper original of this letter.

¹⁵ Dennis Canty, Alex Martinsons, and Anshika Kumar, *Losing Ground: Farmland Protection in the Puget Sound Region* p. 9 (American Farmland Trust, Seattle Washington Jan. 2012) accessed on Sept 9, 2015 at <https://4aa2dc132bb150caf1aa-7bb73714349b47aa42dc777a72d5764ssl.cf5.rackcdn.com/Losing-Ground-Farmland-Protection-in-the-Puget-Sound-Region.pdf> and enclosed with the paper original of this letter.

¹⁶ United States Department of Agriculture, National Agricultural Statistics Service, *2012 Census of Agriculture Washington State and County Data Volume 1 • Geographic Area Series • Part 47 AC-12-A-47 Chapter 2 County Level Data, Table 8 Farms, Land in Farms, Value of Land and Buildings, and Land Use 2012 and 2007* p. 271 (May 2014) accessed on Sept 9, 2015 at http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_2_County_Level/Washington/wav1.pdf and a copy of *2012 Census of Agriculture Washington State and County Data Volume 1* is enclosed with the paper original of this letter.

¹⁷ *Id.*

should maintain or increase the minimum lot size and adopt exclusive farm use zoning¹⁸ This is the path that Skagit County is taking to protect its farmland¹⁹

Like agricultural lands, Clark County must also assure the conservation of forest lands and assure that the use of adjacent lands does not interfere with their continued use for the production forest products²⁰ A ten or twenty acre forest zone will not meet these requirements

Parcels smaller than 40 acres have much lower timber harvest rates and are more likely to be converted to residential land uses²¹ Parcels smaller than 50 acres have higher than average costs for preparing timber sales, harvesting trees, and reforesting the site²² So reducing the minimum lot size and density below 40 or 50 acres will not protect forest land as the Growth Management Act requires Rather the minimum lot size should be retained Further, we recommend that Clark County follow Whatcom County's example and prohibit residential uses in its zone that applies to forest land of long-term commercial significance except for living quarters for those who are engaged in forest management activities on the property, such as fire crews and logging crews, and watchpersons These uses are reviewed as conditional uses²³

In addition, research shows that the smaller the parcel of land, the higher the per acre cost of the land²⁴ So by reducing the agricultural and forest minimum lot sizes and allowing the subdivision of agricultural and forest land into smaller lots, Alternatives 2 and 4 will increase the per acre cost of forest and farm land This changes may well

¹⁸ Arthur Nelson, *Preserving Prime Farmland in the Face of Urbanization Lessons from Oregon* 58 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 467, 471 - 72 (1992)

¹⁹ Skagit County Department of Planning and Development Services, *Administrative Official Interpretation pertaining to implementation procedures for Skagit County Code (SCC) 14 16 400(6) Siting Criteria in the Agricultural-NRL zoning district* pp 2 - 4 (May 14, 2010) accessed on Sept 10, 2015 at <http://www.skagitcounty.net/PlanningAndDevelopment/Document/Siting%20of%20Non-Ag%20Buildings%20in%20Ag-NRL%20zone.pdf> and enclosed with the paper original of this letter

²⁰ RCW 36 70A 060(1)(a)

²¹ Eric J Gustafson Et Craig Loehle, *Effects of Parcelization and Land Divestiture on Forest Sustainability in Simulated Forest Landscapes* 236 FOREST ECOLOGY AND MANAGEMENT 305, 313 (2006) Accessed on Sept 10 2015 at http://www.fs.fed.us/pubs/jrnl/2006/06_2006_gustafson_001.pdf and enclosed with the paper original of this letter Forest Ecology and Management is a refereed scientific journal, see the Forest Ecology and Management webpage enclosed with the paper original of this letter and available at <http://www.journals.csiro.au/forest-ecology-and-management/>

²² R Neil Sampson *Implication for Forest Production in Responses to America's Family Forest Owners* 102 JOURNAL OF FORESTRY 4, 12 (October/November 2004) Enclosed with the paper original of this letter The Journal of Forestry is a peer-reviewed scientific journal See the Journal of Forestry Guide for Authors webpage available at <https://www.srfnet.org/publications/jof/guideforauthors.cfm> and enclosed with the paper original of this letter

²³ Whatcom County Code (WCC) § 20 43 158, 159 Accessed on Sept 10, 2015 at <http://www.codepublishing.com/wa/whatcomcounty/> and enclosed with the paper original of this letter

²⁴ Cynthia J Nickerson and Lon Lynch, *The Effect of Farmland Preservation Programs on Farmland Prices* 83 AMER J AGR ECON 341 p 347 (May 2001) accessed on Sept 8, 2015 at <http://pubag.nal.usda.gov/pubag/downloadPDF?xhttplid=4351&content=PDF> and enclosed with the paper original of this letter This article was peer-reviewed *Id* at 341

increase the costs above what farmers and foresters can pay for resource lands, resulting in the conversion of farm and forest land to other uses. Unfortunately, “[o]ne of the key obstacles [to agriculture] in Clark County is the limited access to high quality agricultural land at an affordable cost”²⁵. This is one of the reasons why the Washington State Department of Agriculture’s *Washington Agriculture Strategic Plan 2020 and Beyond* documents the need to conserve existing agricultural lands to maintain the agricultural industry and the jobs and incomes the industry provides²⁶. As the strategic plan concludes “[t]he future of farming in Washington is heavily dependent on agriculture’s ability to maintain the land resource that is currently available to it”²⁷.

So the SEIS should state that the reduced minimum lot sizes and increased densities in Alternatives 2 and 4 will lead to the conversion of agricultural and forest land. The SEIS should also note that this violates the Growth Management Act requirement that Clark County must conserve these lands.

The SEIS must identify as the adverse impacts of development on landslide hazards the loss of property and human life

Also on page 2-7, the *Draft SEIS* states

High landslide areas are found in all UGAs but mostly within the La Center and Ridgefield UGAs. Implementation of grading and building code requirements are typically sufficient to provide foundation design that can minimize any damage that may occur as a result of the presence of these hazards.

However, the adverse impacts of most landslide hazards cannot be mitigated through foundation design, or really any form of mitigation other than avoidance²⁸. In fact, the Aldercrest-Banyon landslide of February 1998, in nearby Kelso, Washington, was the “[s]econd costliest landslide disaster in U.S. history[.]”²⁹. After that landslide, the

²⁵ Globalwise, Inc., *Analysis of the Agricultural Economic Trends and Conditions in Clark County, Washington* Preliminary Report p. 48 (Prepared for Clark County, Washington, April 16, 2007) accessed on Sept. 10, 2015 at http://www.clark.wa.gov/planning/comp_plan/documents/final_ag_analysis_prelim_report.pdf and cited pages enclosed with the paper original of this letter.

²⁶ Washington State Department of Agriculture, *Washington Agriculture Strategic Plan 2020 and Beyond* pp. 50 – 52 (2009) accessed on Sept. 10, 2015 at <http://agr.wa.gov/foi/> and cited excerpts enclosed with the paper original of this letter.

²⁷ *Id.* at p. 50.

²⁸ Lynn M. Highland and Peter Bobrowsky, *The Landslide Handbook—A Guide to Understanding Landslides* pp. 14 – 24 (U.S. Geological Survey Circular 1325, Reston, Virginia, 2008) accessed Oct. 8, 2015 at <http://pubs.usgs.gov/circ/1325/> and enclosed with the paper original of this letter.

²⁹ Washington State Department of Natural Resources, *Significant Deep-Seated Landslides in Washington State* p. 2 of 5 (Feb. 10, 2015) accessed on April 3, 2015 at

President approved a federal disaster declaration for the 138 homes damaged by the landslide. The damage "exceeded \$70 million, but the buyout for the houses was 30 cents on the dollar and totaled around \$30-\$40 million."³⁰ Insurance typically does not cover landside damage.³¹ Now with the Oso tragedy the state had the deadliest landslide in United States history.³² So property owners will lose much of their investment in their homes even in the unlikely event of a federal buyout. And in the worst case they will lose their lives and the lives of their family members.³³ So the *Final SEIS* must identify the potential loss of life and property as one of the potential adverse impacts of the proposed alternatives that allow construction on landslide hazards.

The Draft SEIS in Section 3.3.2 on pages 3-3 to 3-15 does not adequately address the impacts of the proposed alternatives on surface and ground water resources and the identified mitigation is inadequate

The *Clark County Coordinated Water System Plan Update Regional Supplement*, which was adopted after the 2007 comprehensive plan, will serve rural development outside of "rural centers" with private wells.³⁴ The *Clark County Coordinated Water System Plan Update* states that the rural areas "are not expected to accommodate large amounts of population growth."³⁵ The *Clark County Coordinated Water System Plan Update* should be identified on as one of the changes since page 2007 on page 3-3 of the *Draft SEIS*.

http://www.dnr.wa.gov/Publications/gei_list_large_Landslides.pdf and enclosed with the paper original of this letter

³⁰ Isabelle Sarikhan, *Sliding Thought Blog, Washington's Landslide Blog* Landslide of the Week – Aldercrest Banyon Landslide July 29, 2009 accessed on April 3, 2015 at <https://slidingthought.wordpress.com/2009/07/29/landslide-of-the-week-aldercrest-banyon-landslide/> and enclosed with the paper original of this letter

³¹ Robert L. Schuster & Lynn M. Highland, *The Third Hans Cloos Lecture Urban landslides socioeconomic impacts and overview of mitigative strategies* 66 BULLETIN OF ENGINEERING GEOLOGY AND THE ENVIRONMENT 1, p. 22 (2007) accessed on Sept. 15, 2015 at http://193.134.202.10/pub/IRAMM/Workshop_LWS/Literature/Schuster_and_Highland_2007_Bulletin_of_Engineering_Geology_and_the_Environment.pdf and enclosed with the paper original of this letter. The Bulletin of Engineering Geology and the Environment is peer-reviewed, see the webpage <https://www.editorialmanager.com/boeg/default.aspx> enclosed with the paper original of this letter.

³² Jeffrey R. Keaton, Joseph Wartman, Scott Anderson, Jean Benoit, John deLaChapelle, Robert Gilbert, David R. Montgomery, *The 22 March 2014 Oso Landslide, Snohomish County Washington* p. 144 (Geotechnical Extreme Events Reconnaissance (GEER) July 22, 2014) accessed on April 27, 2015 at http://www.geerassociation.org/GFER_Post%20FQ%20Reports/Oso_WA_2014/index.html and enclosed with the paper original of this letter.

³³ *Id*

³⁴ Clark County Water Utility Coordinating Committee, *Clark County Coordinated Water System Plan Update Regional Supplement* p. 25 & p. 36 (Nov. 2011) accessed on Sept. 4, 2015 at http://www.clark.wa.gov/planning/comp_plan/documents/Final_2011CWSP-optimized.pdf and enclosed with the paper original of this letter.

³⁵ *Id* at p. 15.

Another change is that the Washington State Department of Ecology has determined that “[t]here is limited water available for new uses in WRIA 27” and “much of the water in the Lewis River Watershed has already been spoken for”³⁶ The situation is the same in the Salmon-Washougal Watershed “There is limited water available for new uses” and “much of the water in this watershed has already been spoken for”³⁷ But the *Draft SEIS* does not disclose that there is very limited water in the two watersheds and does not analyze whether the new lots on rural and resource lands allowed by the four alternatives can be supported by this very limited water supply

When the Washington State Department of Ecology adopted the instream flow rules for the two watersheds, Ecology established reserves for future domestic uses³⁸ But the *Draft SEIS* does not mention the reserves, does not disclose how much of the reserves remain, and does not disclose whether the remaining reserves can serve the lots that can be created under the four alternatives This information and analysis must be included in the Final SEIS to comply with SEPA³⁹

There is already evidence that the overdevelopment of rural and resource lands has caused wells to run dry⁴⁰ This impact is a serious environmental impact of the overdevelopment of rural and resource lands and is not mentioned in the *Draft SEIS* This problem will be made worse by all of the new lots the four alternatives allow and the very limited water supplies in the two watersheds in Clark County Again, this impact should have been analyzed and disclosed in the SEIS⁴¹

Allowing the continued subdivision of rural and resource lands without adequate water supplies will adversely impact property owners in two ways First, it will adversely impact senior water rights holders whose wells go dry

Second, people will buy lots on rural and resource lands that do not have a legal and actual water supply This will prevent them from being able to build on those lots or potentially subject them to curtailment during low water periods Preventing these adverse environmental impacts is nothing but basic consumer protection

³⁶ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number 11-11-031 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ecy/publications/summarypages/1111031.html> and enclosed with the paper original of this letter

³⁷ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p 1 (Publication Number 11-11-032 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ecy/publications/summarypages/1111032.html> and enclosed with the paper original of this letter

³⁸ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number 11-11-031 August 2012), Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p 2 (Publication Number 11-11-032 August 2012)

³⁹ WAC 197-11-440 & WAC 197-11-442

⁴⁰ Personal Communication from Coyote Ridge Ranch to Tim Trohimovich (April 02, 2015) enclosed with the paper original of this letter

⁴¹ WAC 197-11-440 & WAC 197-11-442

The *Draft SEIS*, on page 3-15, identifies clustering as a mitigation measure that reduces the number of wells. But clustering will not reduce the demand for ground water, the same number of lots will require a similar amount of water at rural cluster densities. We suggest more effective mitigation. The growth planned for the rural and resource lands of Clark County should be consistent with the available water resources. New subdivisions and building permits should not be approved unless the applicant shows that they have adequate water supplies that meet drinking water standards and the legal right to use that water. These measures will mitigate impacts on surface and ground water.

We believe that these failures to disclose and analyze the environmental impacts on surface and ground water violates the Washington State Environmental Policy Act. It is also the most serious deficiency of the SEIS.

The analysis in Section 4.1 Fish and Wildlife Habitats is well done and scientifically defensible, but some of the proposed mitigation measures are not

The analysis in Section 4.1 accurately and fairly summarizes the impacts on fish and wildlife of the alternatives. The *Draft SEIS*, on page 4-14, recommends as a mitigation measure for alternatives 2 or 4 to include requirements to cluster residential lots when considering applications for subdivisions. However, cluster subdivisions can actually encourage the urbanization of resource lands and rural areas because they create open space amenities that encourage the development of neighboring properties.⁴² So typically cluster subdivisions are not effective mitigation.

Instead of ordinary clustering, we recommend the mitigation measures identified in the Washington State Department of Fish and Wildlife's *Landscape Planning for Washington's Wildlife: Managing For Biodiversity In Developing Areas*⁴³ and *Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery*⁴⁴. Both of those reports include methodologies that can be incorporated into comprehensive planning and development review to protect fish and wildlife. Both of those reports are also enclosed with the paper original of this letter. Unfortunately, those measures are largely incompatible with Alternatives 2, 3, and, especially, 4.

Please clarify the statement on bottom of page 5-3 and the top of page 5-4

On pages 5-3 and 5-4, the *Draft SEIS* states

⁴² Elena G. Irwina and Nancy E. Bockstael, *Land use externalities, open space preservation, and urban sprawl* 34 REGIONAL SCIENCE AND URBAN ECONOMICS 705 pp. 723-24 (2004) enclosed with the paper original of this letter. Regional Science and Urban Economics in a peer-reviewed journal. See the Regional Science and Urban Economics Author Information Pack p. 6 enclosed with the paper original of this letter and accessed on Sept. 9, 2015 at <http://www.cis.wisc.edu/journals/regional-science-and-urban-economics/0166-0462?genre=article>

⁴³ Accessed on Sept. 9, 2015 at <http://wdfw.wa.gov/publications/00023/>

⁴⁴ Accessed on Sept. 9, 2015 at <http://wdfw.wa.gov/publications/00033/wdfw00033.pdf>

Alternatives 2 and 4 would likely have greater effects on transportation fuel consumption because of the potential for an increased number of new parcels in the resource zones. However, with those new parcels, there is optimism that resource production will be actualized.

We agree with the first sentence quoted above, but do not understand the second sentence. If the second sentence means that adopting higher density zoning for forest and agricultural land will make it more likely that it will be used for forestry and agriculture, that is wrong as is documented starting on page 3 of this letter. Instead, it will increase the conversion of those lands to other uses, most likely low density, poorly planned sprawl.

On a related note, Alternatives 2 and 4 would likely have greater effects on transportation fuel consumption because of the potential for an increased number of new parcels in the rural zones too. Alternative 3, by expanding the La Center urban growth area for a school, will also increase transportation fuel consumption. *Travel and Environmental Implications of School Siting* reported one of the first studies of the "relationship between school location, the built environment around schools, mode choices for trips to school, and air emissions impacts of those choices."⁴⁵ The study found that

- 1 School proximity to students matters. Students with shorter walk and bike times to or from school are more likely to walk and bike.
- 2 The built environment influences travel choices. Students traveling through higher-quality environments are more likely to bicycle and walk.
- 3 Because of travel behavior differences, school location has an impact on air emissions. Centrally located schools that can be reached by walking and bicycling reduce air pollution.

The results suggest that actions to improve students' walking environments, and to support communities that wish to locate schools in neighborhoods, will result in increases in student walking and biking to school. Increased walking and biking can reduce emissions related to auto travel and improve environmental quality.⁴⁶

⁴⁵ U.S. Environmental Protection Agency, *Travel and Environmental Implications of School Siting* p. 1 (EPA231-R-03-004, October 2003) accessed on Sept. 9, 2015 at <http://www.epa.gov/smart-growth/travel-and-environmental-implications-school-siting>. A copy is enclosed with the paper original of this letter.

⁴⁶ U.S. Environmental Protection Agency, *Travel and Environmental Implications of School Siting* p. 1 (EPA231-R-03-004, October 2003).

Please correct statements on natural resource production impacts

The *Draft SEIS* on page 5-5 claims that “Alternative 4 would not likely have significant impacts on energy use and natural resource production ” But as was documented beginning on page 3, Alternative 4 will have a significant effect on agricultural production long-term and perhaps even forest products production Localized impacts will be significant

Further, on page 5-6 the *Draft SEIS* claims that mitigation would minimize the impacts of the alternatives But no mitigation is proposed for paving over farmland or forest land as Alternatives 2, 3, and 4 specifically allow The transportation impacts of Alternatives 2 and 4 are not going to be addressed effectively by transit, for example, given their low densities and remote locations The statement that mitigation would minimize the impacts of the alternatives should be retracted in the *Final SEIS*

Alternative 2's and 4's single "Rural Lands designation" violates the Growth Management Act

The Growth Management Act requires and the Washington State Supreme Court has held that the rural element of the comprehensive plan must include a variety of rural densities⁴⁷ In *Kittitas County v Eastern Washington Growth Management Hearings Board*, the Kittitas County Comprehensive Plan had a single rural comprehensive plan designation similar to what as Alternatives 2 and 4 propose The Limited Areas of More Intense Rural Development also had separate comprehensive plan designations The county argued that the reference in the comprehensive plan to “zoning regulations that have included six possible designations (with three possible densities) and innovative zoning techniques” complied with the Growth Management Act requirement for a variety of rural densities⁴⁸ Based on the plain language of the Growth Management Act, the Washington State Supreme Court held that the comprehensive plan itself must include a variety of rural densities and the Kittitas County Comprehensive Plan violated this requirement⁴⁹

The Washington State Supreme Court identified a practical reason for this requirement

¶ 40 We also note a practical concern raised by RIDGE and CTED They argue that reading the GMA to not require that the Plan itself provide for a variety of rural densities will result in the evasion of

⁴⁷ RCW 36 70A 070(5), *Thurston County v Western Washington Growth Management Hearings Board*, 164 Wn 2d 329 357, 190 P 3d 38 (2008)

⁴⁸ *Kittitas Cnty v E Washington Growth Mgmt Hearngs Bd* , 172 Wn 2d 144 167, 256 P 3d 1193 1204 (2011)

⁴⁹ *Kittitas Cnty* , 172 Wn 2d at 169, 256 P 3d at 1205 “A plain reading of the statute indicates that the Plan itself must include something to assure the provision of a variety of rural densities ”

GMA requirements through site-specific rezones This is not the first time this court has recognized this potential problem See *Woods v Kittitas County*, 162 Wn 2d 597, 629–32, 174 P 3d 25 (2007) (Becker, J, concurring) Because interested parties cannot raise GMA compliance issues in Land Use Petition Act (chapter 36 70C RCW) petitions, *id* at 616, 174 P 3d 25 (majority opinion), site-specific rezones are only evaluated for compliance with the GMA through evaluation of their consistency with the existing Plan A comprehensive plan that is silent on the provision of a variety of rural densities (and other protective measures for rural areas) effectively allows rezones that circumvent the GMA This argument may prove too much, as rezones must also comply with development regulations, which can be challenged for compliance with the GMA *Id* at 615–16, 174 P 3d 25 However, in *Woods*, the petitioner’s land was designated at one dwelling unit per 20 acres, and the County later approved a 3-acre rezone after it was too late for her to challenge the development regulations for compliance with the GMA *Id* at 629–30, 174 P 3d 25 (Becker, J, concurring) (“The rezone was the first and only time that the actual change of density on the subject site could have been challenged as violating the GMA”), RCW 36 70A 290(2) (stating that petitions challenging a comprehensive plan or development regulation as noncompliant with the GMA “must be filed within sixty days after publication”) While we decide this question on the basis of the plain statutory language, we recognize that reading out the requirement that counties include certain protections in the Plan itself, including to provide for a variety of rural densities, could result in the evasion of GMA requirements through site-specific rezoning⁵⁰

Alternatives 2 and 4 propose a single rural comprehensive plan designation, just like Kittitas County Like Kittitas County, that violates the Growth Management Act This violation should be disclosed in an appropriate part of Section 6 Land and Shoreline Use in the SEIS

The Draft SEIS does not disclose that including in the urban growth area land that meets the requirements for agricultural lands of long-term commercial significance violates the Growth Management Act The SEIS should include this important decision for decision makers

The *Draft SEIS*, on page 6-19, describes a proposal to include 111 acres of agricultural land of long-term commercial significance on the north side of the City of Ridgefield in the Ridgefield urban growth area The *Draft SEIS* does not document that this land no longer meets the definition of agricultural lands of long-term commercial significance nor does it disclose that including land that continues to meeting the criteria for agricultural land of long-term commercial significance in an urban growth

⁵⁰ *Kittitas Cnty*, 172 Wn 2d at 169, 256 P 3d at 1205

are violates the Growth Management Act⁵¹ These disclosures should be included in the SEIS

Farm and forest land saves taxpayers money

The *Draft SEIS* identifies the difficulty of providing the transportation and public facilities and services to pay for several of the alternatives One way of saving taxpayers and ratepayers money is to conserve farm and forest land Farm and forest land pays more in taxes than it requires in public services In contrast, when farm or forest land is paved over for housing, the housing pays less in taxes than it requires in public services⁵² For every dollar farm or forest land pays in taxes it only requires 35 cents in public services For every dollar residential development pays in taxes, it requires \$1 16 in public services⁵³

We recommend that Alternative 1 No Action be identified as the preferred alternative because it meets community needs

The *Population and Jobs Projections – Issue Paper 2* shows that Alternative 1 meets the community’s needs for land for housing and jobs⁵⁴ Because it will result in the most compact urban growth areas, it will also help bring Clark County, its cities, its taxpayers, and its residents the benefits of compact urban growth areas while protecting working farms and forests These benefits include the following

Alternative 1 will save taxpayers and ratepayers money

The Growth Management Act (GMA) requires urban growth areas and limits their size for many reasons One of the most important is that compact urban growth areas (UGAs) save 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 County⁵⁵ They found that the per capita costs of most public services declined with density and increased where urban areas were

⁵¹ *Clark Cnty Washington v W Washington Growth Mgmt Hearings Review Bd* , 161 Wn App 204 238 254 P 3d 862, 877-78 (2011) vacated in part *Clark Cnty v W Washington Growth Mgmt Hearings Review Bd* , 177 Wn 2d 136, 298 P 3d 704 (2013) The cited part of the court s decision was not vacated by the Washington State Supreme Court

⁵² American Farmland Trust Farmland Information Center, *Cost of Community Services Studies* p 6 (August 2010) accessed on Sept 9, 2015 at http://www.farmlandinfo.org/sites/default/files/COCSS_08-2010_1.pdf and enclosed with this letter

⁵³ *Id* These numbers are median values and include Cost of Community Services Studies in Skagit and Okanogan Counties *Id* at p 5

⁵⁴ Clark County Comprehensive Plan 2016 Update Planning for Growth 2015 – 2035 *Population and Jobs Projections – Issue Paper 2* p 5 (1/16/2014) accessed on Sept 9, 2015 at http://www.clark.wa.gov/planning/documents/02-Issue_Paper_2_Pop-Job_Projections_PC01-16-2014.pdf and enclosed with the paper original of this letter

⁵⁵ John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B PLANNING AND DESIGN 503, 511 (2003) Enclosed with the paper original of this letter

large⁵⁶ Compact urban growth areas save taxpayers and ratepayers money This study was published in a peer reviewed journal⁵⁷

Alternative 1 will encourage housing growth in cities and towns, protect rural and resource lands, and help make healthy local food available for Clark County residents

Urban growth areas work to encourage development in urban areas and protect farms and forests For example, to examine the effect of 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 2001⁵⁸ 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"⁵⁹ He also concluded that by removing uncertainty as to the highest and best use of the land that it accelerated housing development in King County⁶⁰ This study was published in a peer reviewed journal⁶¹

Reducing development in rural areas and natural resource lands can also have significant environmental benefits, such as protecting water quality and working farms and forests For example, Lin Robinson, Joshua P Newell, and John M Marzluff compared geo-referenced aerial photos and building permit data to determine land use changes on the fringe of the King County urban growth along I-90 east of Seattle This area includes suburban cities, rural areas, and natural resource lands⁶² They concluded that King County's urban growth areas were accommodating growth and the

⁵⁶ *Id* at 518

⁵⁷ ENVIRONMENT AND PLANNING B PLANNING AND DESIGN is a peer reviewed or refereed journal, see the ENVIRONMENT AND PLANNING B "Guidelines for authors EPB" webpage accessed on Nov 12, 2014 at <http://www.enrplan.com/authors.html> and enclosed with the paper original of this letter

⁵⁸ Christopher R Cunningham, *Growth Controls, Real Options, and Land Development*, 89 THE REVIEW OF ECONOMICS AND STATISTICS 343, 343 (2007) Enclosed with the paper original of this letter

⁵⁹ *Id* at 356

⁶⁰ *Id* at 356 - 57

⁶¹ Thomson Reuters, *Top Peer Reviewed Journals - Economics & Business* p *3 enclosed with the paper original of this letter

⁶² Lin Robinson, Joshua P Newell, & John M Marzluff, *Twenty-five years of sprawl in the Seattle Region growth management responses and implications for conservation*, 71 LANDSCAPE AND URBAN PLANNING 51, 54 (2005) enclosed with the paper original of this letter LANDSCAPE AND URBAN PLANNING is a peer reviewed journal See the LANDSCAPE AND URBAN PLANNING Guide for Authors webpage accessed on Dec 30, 2013 at <http://www.ciscvri.com/journals/landscape-and-urban-planning/0169-2046/guide-for-authors> and enclosed with the paper original of this letter

designated agricultural lands and forest lands of long-term commercial significance were being maintained as farm and forest land ⁶³

One of the most controversial issues related to urban growth areas is whether the restricted land supply causes increases in housing costs Carruthers, in another peer reviewed study, examined the evidence for the Portland urban growth area and concluded that it was not increasing housing costs because the city's high density zoning allowed the construction of an abundant housing supply ⁶⁴

Alternative 1 will help keep our existing cities and towns vibrant and economically desirable

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 ⁶⁵ 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 ⁶⁶ This reduces the tendency to move out of existing center cities

Alternative 1 will help 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 ⁶⁷ 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

⁶³ Lin Robinson, Joshua P Newell, & John M Marzluff, *Twenty-five years of sprawl in the Seattle Region growth management responses and implications for conservation*, 71 LANDSCAPE AND URBAN PLANNING 51, 67 - 69 (2005)

⁶⁴ John I Carruthers, *The Impacts of State Growth Management Programmes A Comparative Analysis* 39 URBAN STUDIES 1959, 1976 (2002) Carruthers included Washington's GMA in his analysis, but concluded that it was too early to tell if it was successful since it had only been in place for seven years in the data he analyzed, but he believed the GMA had promise if "consistently enforced" *Id* at 1977 Urban Studies is a peer reviewed journal Manuscript Submission Process p *2 enclosed with the paper original of this letter and accessed on Nov 13, 2014 at <http://www.uk.sagepub.com/repository/binaryes/pdf/usj-msgprocess.pdf>

⁶⁵ Casey J Dawkins & Arthur C Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 381, 386 (2003) enclosed with the paper original of this letter The Journal of American Planning Association is peer reviewed Journal of American Planning Association Instructions for authors p 1 of 3 enclosed with the paper original of this letter

⁶⁶ Casey J Dawkins & Arthur C Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 381, 392 - 93 (2003)

⁶⁷ 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) enclosed with this letter

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in Washington State⁶⁸ This article was published in a peer reviewed scientific journal⁶⁹

Thank you for considering our comments If you require additional information please contact me at telephone 206-343-0681 Ext 118 and email tim@futurewise.org

Very Truly Yours,

A handwritten signature in black ink, consisting of two stylized, overlapping 'S' shapes. The top 'S' is smaller and positioned above the larger bottom 'S'. The signature is fluid and cursive.

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

⁶⁸ *Id* at 330

⁶⁹ American Journal of Preventive Medicine "Reviewer Information" p 1 accessed on Sept 9, 2015 at http://cdn.elsevier.com/promis_misc/AMLPRL_reviewer_info_oct2014.pdf