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October 17, 2019

Mr. Karl Johnson, Chair  
Clark County Planning Commission  
c/o Sonja Wiser, Program Assistant  
Clark County Community Planning  
PO Box 9810  
Vancouver, WA 98666-9810

Dear Chair Johnson and Planning Commissioners:

**Subject: Comments on the public hearings for CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, and CPZ2019-00032, GMA Compliance Rural Industrial Land Bank (RILB).**

Sent via email to: [sonja.wiser@clark.wa.gov](mailto:sonja.wiser@clark.wa.gov); [sharon.lumbantobing@clark.wa.gov](mailto:sharon.lumbantobing@clark.wa.gov); [gary.albrecht@clark.wa.gov](mailto:gary.albrecht@clark.wa.gov); [oliver.orjiako@clark.wa.gov](mailto:oliver.orjiako@clark.wa.gov)

Thank you for the opportunity to comment on the CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, and CPZ2019-00032, GMA Compliance Rural Industrial Land Bank (RILB). We oppose CPZ2019-00008 because it is inconsistent with Clark County Comprehensive Plan and support CPZ2019-00032 because it is required by state law.

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. Futurewise has members throughout Washington State including Clark County.

**Please recommend denial of CPZ2019-00008, Whipple Creek R-10-R-5 comprehensive plan amendment and rezone, because it is inconsistent with the Clark County Comprehensive Plan 2015-2035 and state law.**

The *Clark County Comprehensive Plan 2015-2035*, on page 36, provides that:

A Rural 10 designation is applied within the rural area to prevent premature subdivision of future urban areas where the lands are adjacent to designated Urban Reserves, where the predominant size is equal or greater than 10 acres, to act as a buffer to Natural Resource lands or to protect environmentally critical areas consistent with applicable county ordinance and related regulations. This allows for efficient urban development when land is added to the urban growth areas. A Rural 20 designation applies to rural areas where the lands act as a buffer to Natural Resource designated lands, are used for small scale forest or farm production or contain significant environmentally constrained areas as defined by applicable county code and related regulations.

The *Clark County Comprehensive Plan 2015-2035* does not allow a Rural 5 designation to act as a buffer adjacent to Natural Resource lands.<sup>1</sup> “Natural Resource Lands” are “lands which may be used for commercial forest, agriculture, or mineral extraction industries.”<sup>2</sup> As Staff Report for this proposal documents, the “subject parcel abuts two Agriculture (AG-20) parcels to the east and west.”<sup>3</sup> These are Natural Resource lands and according to *Clark County Comprehensive Plan 2015-2035* adjacent to the Agriculture lands are to be designated and zoned Rural 10 or Rural 20. So, designating and zoning this lot Rural 5 is inconsistent with the comprehensive plan.

The *Clark County Comprehensive Plan 2015-2035* also provides on page 37 as follows.

**Previously Developed Agriculture and Forest Zoned Property**

Land divisions of remainder or parent parcels created under previous Agriculture or Forest Zoning District “Cluster” provisions, which are now within a resource zone or rural residential zone, cannot further divide until brought into the urban growth area.

The parcel proposed for the comprehensive plan amendment and rezone is a remainder lot of Whipple Creek Heights, an agricultural cluster subdivision created in 1990.<sup>4</sup> It is now within a rural residential zone.<sup>5</sup> So, according to the *Clark County Comprehensive Plan 2015-2035* it cannot be further subdivided until it is brought into the urban growth area. Since the purpose of the comprehensive plan amendment and rezone is to allow further subdivision of the remainder lot, the comprehensive plan amendment and rezone is also inconsistent with this provision of the comprehensive plan.<sup>6</sup>

State law requires that comprehensive plans shall be internally consistent.<sup>7</sup> State law also requires that “[a]ny amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.”<sup>8</sup> As we have seen, the comprehensive plan amendment and rezone is inconsistent with the comprehensive plan. Therefore, this proposal violates three provisions of state law.

Why does this matter? Agriculture and residential uses are inherently incompatible.<sup>9</sup> Maintaining the buffers required by the comprehensive plan will help conserve the adjacent and nearby working

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<sup>1</sup> *Clark County Comprehensive Plan 2015-2035* p. 36 (Amended by Ordinance 2019-02-02) last accessed on October 16, 2019 at: <https://www.clark.wa.gov/community-planning/documents>.

<sup>2</sup> *Clark County Comprehensive Plan 2015-2035* p. 279 (Amended by Ordinance 2019-02-02).

<sup>3</sup> Staff Report to the Clark County Planning Commission Subject: CPZ2019-00008, Whipple Creek for Comprehensive Growth Management Plan and Map Amendment p. 1 of 9 (Oct. 17, 2019) accessed on Oct. 16, 2019 at:

[https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/01%20CPZ2019\\_00008%20Whipple%20Creek%20Staff%20Report%20and%20Exhibit%201.pdf](https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/01%20CPZ2019_00008%20Whipple%20Creek%20Staff%20Report%20and%20Exhibit%201.pdf).

<sup>4</sup> Staff Report to the Clark County Planning Commission Subject: CPZ2019-00008, Whipple Creek for Comprehensive Growth Management Plan and Map Amendment p. 1 of 9 (Oct. 17, 2019)

<sup>5</sup> *Id.* at p. 3 of 9.

<sup>6</sup> *Id.* at p. 2 of 9.

<sup>7</sup> RCW 36.70A.070 emphasis added.

<sup>8</sup> RCW 36.70A.130(1)(d).

<sup>9</sup> Arthur C. Nelson, *Preserving Prime Farmland in the Face of Urbanization: Lessons from Oregon* 58 JOURNAL of the AMERICAN PLANNING ASSOCIATION 467, p. 468 (1992) and Tom Daniels, *What to Do About Rural Sprawl?* p. \*1 (Paper Presented at The American Planning Association Conference, Seattle, WA: April 28, 1999) copies of both enclosed in a separate

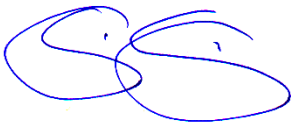
farms to the north, west, and east and the farmland on this property.<sup>10</sup> We respectfully urge the Planning Commission to recommend denial of the proposed comprehensive plan and zoning amendments.

**Please recommend approval of CPZ2019-00032 to remove the authorization for and all references to the Rural Industrial Land Banks from the comprehensive plan and development regulations and to designate the Industrial Land Banks Agriculture and zone them Agriculture 20 as these amendments are necessary to comply with state law.**

As the staff report does a very good job of explaining, approval of CPZ2019-00032 is necessary to comply with state law. The industrial land banks were not needed to meet the county's 20 employment needs and still qualify as agricultural lands of long-term commercial significance.<sup>11</sup> We strongly support the amendments.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 and email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Tim Trohimovich, AICP  
**Director of Planning & Law**

Enclosures

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email. The Journal of the American Planning Association is peer-reviewed. Journal of the American Planning Association *Instructions for authors* webpage p. 3 of 8 also enclosed in a separate email.

<sup>10</sup> See the aerial image from the "Maps" showing the existing land uses and zoning last accessed last accessed on Oct. 16, 2019 at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>.

<sup>11</sup> *Clark County Buildable Lands Report* pp. 10 – 10 (June 2015) last accessed on Oct. 16, 2019 at:

[https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/4%20-%202015BUILDABLE\\_LANDS\\_REPORT.pdf](https://www.clark.wa.gov/sites/default/files/dept/files/community-planning/4%20-%202015BUILDABLE_LANDS_REPORT.pdf); *Clark County Rural Industrial Land Bank Programmatic Environmental Review pursuant to RCW 36.70A.367(2)(b), and Addendum to the Clark County Comprehensive Growth Management Plan Final Environmental Impact Statement* (Oct. 2015) Appendix B: Agricultural Lands Analysis pp. 11 – 36 last accessed on Oct. 16, 2019 at: [https://www.clark.wa.gov/sites/default/files/dept/files/council-meetings/2016/040516\\_7\\_AppendixB.pdf](https://www.clark.wa.gov/sites/default/files/dept/files/council-meetings/2016/040516_7_AppendixB.pdf).