

Schroader, Kathy



From: Heidi Owens <heidi owens@comcast net>
Sent: Tuesday, December 01, 2015 6 03 PM
To: Orjiako, Oliver, Euler, Gordon, Schroader, Kathy
Subject: Comments for SEPA Record
Attachments: SEPA comments docx, Alt LPA potential homesites xlsx

Dear Kathy, Oliver, and Gordon,

I request that the attached letter of comments and my Exhibit 1 in the SEPA record for study. I contend that if the county does not send the current alternatives back through the DEIS process, then comments for the FEIS on the impact of the recent revised assumptions must be included for the consultant

Therefore, Kathy please file this email and both attachments in the Comprehensive plan update record index and the SEPA record/index

Thank you! I appreciate all of your efforts on the Comprehensive Plan, SEPA process, and record maintenance.

With sincere regards,

Heidi Owens

December 1, 2015

Heidi Owens
1101 W 16th St
Vancouver, WA 98660

Mr. Oliver Orjiako,
Community Planning Director, Clark County
1300 Franklin Street
Vancouver, Washington 98660

For the public record

Dear Mr. Orjiako,

As you know, the SEPA/GMA integration process requires addressing the environmental impacts associated with planning decisions made at each stage of the GMA planning process (WAC 197-11-210). In August and September 2015, the public and other agencies were given the opportunity to provide comment on the DSEIS prior to the Planning Commission's Hearing to evaluate the 4 alternatives. That comment period was closed September 17th; however, on October 20th, a new set of planning assumptions was brought before the council and consideration and a modified 5th alternative were based on those assumptions.

I believe the SEPA process should still be open for comment to address this 5th alternative for any FEIS created using the previous DEIS, unless the process is returned to the DEIS phase. Because the DEIS documents the environmental impact of a proposal and provides the opportunity for agencies and the public to comment on the adequacy of the environmental analysis, its analysis and associated comments serve at least two purposes: 1) opportunity to improve completeness, accuracy and objectivity of an alternative and 2) provides the means for agency and public comment to be analyzed in the FEIS.¹

Per WAC 197-11-460, the county should have issued the FEIS within 60 days of the end of the comment period of the DEIS. Since it was not issued and since extensive modifications were done to create a new set of planning assumptions and a 5th alternative, I believe a new DEIS should be completed and a new comment period be allowed before proceeding with the FEIS. This step will provide the best analysis for evaluating the full environmental impact of the LPA. WAC 197.11.600 requires a new EIS document when: 1) substantial changes to a proposal is likely to have significant (or a lack of significant) adverse environmental impacts, and 2) new information indicates a proposal's probable significant impacts, including misrepresentation. Without a new DEIS, the full environmental impact of the 5th alternative cannot be evaluated. And, the public comments cannot be assessed in light of the changed planning assumptions. The scoping has changed and per WAC 197-11-408, I believe a new DEIS is warranted. At the very least the SEPA process should be open for comment due to the scoping change and the development of the 5th alternative.

I submit the following comments for the SEPA record, and I request they be included in the SEPA record for the FEIS. To not accept or include my comments for the FEIS, I believe violates the spirit of WAC 197-11-502.

Impact of Proposed Rural VBLM Assumptions

The eight assumptions from Table 1 of Mr. Madore's Proposed Changes to Planning Assumptions underestimate the potential development that could occur under the revised 5th Alternative (that modified Alternative 4 with the new assumptions). These assumptions are not evidence or fact based; rather they are based on Mr. Madore's perceived value and goal of upzoning the rural areas. If the county goes forward with the GMA planning process using an alternative based on faulty assumptions that underestimate the potential development, those flaws will propagate through the process and result in a Capital Facilities Plan that is inadequate to meet the likely growth in the rural areas.

Mr. Madore's assumptions serve to exclude potential home sites from the VBLM for the rural area. Exhibit 1, attached, shows the number of potential home sites excluded by some of the assumptions. This exhibit, prepared by me for this document, has been fact checked by county staff in addition to the references made in this document. As shown in Exhibit 1, there are five inaccurate or invalid assumptions that when properly counted, yield an additional 6253 potential home sites:

1. Proposed Assumption #3, Column B, uses broad strokes to exclude all parcels that have less than one acre of environmentally constrained land. This assumption is false. According to Bob Pool, CC director of GIS, the data in the GIS constrained land overlay "way overstates" the environmental constraints and does not provide "good detail." The overlay serves as a tool to identify potential critical lands such as flood plain, steep slopes, shorelines, habitat areas, and others. Key point – the data does not confirm the sensitivity, rather it serves to trigger an environmental analysis.

It is unreasonable to assume that 100% of parcels with any environmentally constrained overlay will not develop when the county has a process that allows on-site assessment to be conducted for documenting the constraints and allowing development to occur that mitigates those constraints. Furthermore, county Habitat and Wetlands ordinances state: "This chapter shall not be used to deny or reduce the number of lots of a proposed rural land division allowed under applicable zoning density."

Mr. Madore specifically addresses the restrictions on Septic Systems technology in his Nov. 9 report, yet Mark Collier, the referenced Septic Consultant, writes that systems can exist in sensitive areas. Furthermore, Mr. Collier indicated at the Nov. 19th, 2015 Planning Commission meeting that, with advanced technologies, engineers can accommodate septic systems in a number of sensitive areas by using soil separation and designing around constraints, such as steep slopes.

Assumption #3B subtracts 3,594 potential home sites from the 5th Alternative (Alt-LPA).

2. Proposed Assumption #4, Column B states that about 30% of dividable parcels with homes do not develop further. There is no scientific evidence of this use of 30%, other than a potentially unscientific questionnaire to Ag and Forest zoned property owners and that the same is used in the urban model. Because GMA seeks to encourage growth in the urban areas, there is value in underestimating large parcels that might not divide. However, the GMA requires that the rural element: 1) have a written record explaining how the rural element harmonized the planning

goals in RCW 36.70A.020, and 2) include measures that govern rural development and protect the character by controlling rural development, reducing sprawl and protecting critical areas, including surface and groundwater resources. The requirements make it essential that the comprehensive plan have accurate counts of potential development in the rural areas. Without an actual census type analysis, it is arbitrary to choose 30% or any number that decreases the estimate of potential home sites, in this case 1,157 potential home sites from the 5th alternative.

3. Proposed Assumption #4, Column B also states that 10% of vacant parcels will never develop. Again there is not research based evidence to support this figure. Parcels could be vacant for a number of reasons. Simply because they are vacant does not mean vacancy will continue, and eliminating these parcels does not give an accurate picture of volume of potential home sites. This assumption is equally arbitrary; it removes 407 potential homes sites from the 5th Alternative.
4. Proposed Assumption #6, Column B states suggests that 90% of nonconforming parcels with at least one acre of unconstrained land will not develop. There is no evidence these legal lots develop any differently than other rural properties. This assumption is arbitrary and based on opinion. Furthermore, it is equally incompatible with the GMA mandatory requirement for the rural element, as outlined in #2 above. This assumption removes 590 parcels as potential home sites.
5. Proposed Assumption #7, Column B states that a market factor “of 7.5% is appropriate to provide some margin for the law of supply and demand of rural parcels.” Market factors (or land market supply factors) are used for urban planning to account for land that might not reach its maximum use. This factor serves as a means to increase supply when looking at any UGA expansion. In the urban model market factors are added to totals.

By subtracting a 7.5% market factor, Mr. Madore is indicating a constriction in supply that has no real basis as the county cannot shrink the rural area. In an economic sense, the result of supply constriction would decrease available parcels and increase prices; hence the use of community’s rental price increases to suggest the need for a negative market factor makes no sense. Mr Madore states “choice B proposes the latter for simplicity purposes.” But he gives no details of those purposes. It appears that Mr. Madore’s use of the market factor is to bring the potential population growth of the rural areas to within the forecasted rural population growth of his Table 2: Planning Assumptions #5 (Column B), which is 16,656. This capricious use of market factor has no justifiable bases and excludes 498 parcels as potential home sites.

Two additional assumptions from the Planning Assumption Choices Rev. 1.09 Table 1 address cluster lots and forest lands. I will not address cluster lots because the County Community Planning Staff has made it clear that they have no way to collect concrete data around these lots. Assumption #2 address the timber lands, which were excluded in the rural VBLM used for the original Alternative 4 DSEIS. As these parcels could potentially be divided, community planning now recognizes that these parcels should be counted. Therefore, it is necessary to both add back 1,278 excluded timber parcels to the original alternative 4 and then deduct those that correlate with Table 1 #2 (Column B), which states that commercially used forestry parcels far from infrastructure are not likely to develop. This subtraction falls into the “overrides” category in Exhibit 2 of Staff’s Nov. 19th report⁷ and will be less than 772 as the

overrides includes other factors. For purposes of the attached Exhibit 1, I have not addressed the cluster and forestry parcel assumptions to show any net change of these assumptions in the rural area. I have also not factored in the zoning changes between the original Alternative 4 or the 5th Alternative based on the proposed assumptions.

Why this matters

Assumptions serve to limit scope, in this case the scope of the rural VBLM. They have their place in model creation when a limited scope is needed for further analysis. For comprehensive planning, there are reasons why an accurate picture is important for the rural areas: GMA compliance, SEPA, and Capital Facilities Plan.

The DSEIS comments and testimony addressed a number of concerns related to Alternatives 2 and Alternatives 4 around Water (particularly ground water), wildlife and habitat concerns, transportation and other public service infrastructure needs and the impact around those, surface water runoff into streams effect on fish and water quality, just to name a few. By using assumptions to limit the scope of the model and essentially not count a large number of potential home sites, the potential impact is underestimated and exclusion is not mitigation.

WAC 197-11-080 addresses incomplete or unavailable information and states in part: 1) when there are gaps in relevant information or uncertainty concerning significant impacts, agencies shall make clear the information is lacking or uncertainty exists, and 2) agencies may proceed in absence of vital information if the agency indicates in the appropriate environmental documents the worst case analysis. Therefore, the numbers on Exhibit 1 should at minimum be used, with the inclusion of the potential timber lots

When the Capital Facilities Plan is developed, it is essential the county have an accurate picture of the inventory, and any rural VBLM based on the proposed assumptions will not show an accurate inventory. The Department of Commerce calls this a critical first step. Without that accurate inventory, one cannot get an accurate forecast of future needs. This inaccurate forecast leads to a number of potential problems including, but not limited to, growing pressure of systems not intended for the potential growth, such as transportation and energy needs, growing pressure on ground water, deficiencies in public services, such as sheriff and fire patrols, impact on fish and wildlife, and underestimating the expenses of maintenance and expansion of systems.

Thank you for your attention in this matter I anticipate that if a DEIS step is not engaged to analysis the environmental impact of the new planning assumptions and the 5th alternative, that my enclosed comments will be part of the SEPA comments for the FEIS.

With sincere regards,

Heidi Owens

1. <http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbch03.html#top>

Exhibit 1: Potential home sites from the proposed column B assumptions of Exhibit A - Planning Assumption Choices Rev 1.09 (11/18/2015)			
Data source: Provided by GIS staff and recorded in the Staff Report on Rural Vacant Land Model & Planning Assumptions, November 19, 2015.			
	Alt-1 Capacity Per DSEIS	Alt-4 Capacity Per DSEIS	Alt-LPA
Gross potential home sites	7073	12401	6638
7.5% Market Factor			-498
Potential home sites as identified by Mr. Madore	7073	12401	6140
Potential home sites from inaccurate or invalid assumptions			
Table 1 #3B: Environmentally constrained parcels of less than an acre should not count as developable.			3594
Table 1 #4B: 30% of dividable parcels with homes will not develop			1157
Table 1 #4B: 10% of vacant dividable parcels will not develop			407
Table 1 #6B: 90% of nonconforming parcels with at least an an acre of unconstrained			597
Table 1 #7B: Misapplication of market factor			498
Total potential home sites without ordinances to limit.			6253
TOTAL POTENTIAL HOME SITES	7073	12401	12393
Note: Some parcels are influenced by more than one factor. Furthermore, the number of excluded cluster lots are unidentified, and there is no reliable data on if these lots can, in fact, be developed or not.			