

August 14, 2018

Dr. Oliver Orjiako
Director
Clark County Department of Community Planning
Public Services Building
Vancouver, Washington 98660

RE: Determination of Non-Significance Amend Comprehensive Plan to
remove Urban Holding Overlay near the I5/179th Street interchange
Phase I

Sent via e-mail pdf to Oliver.Orjiako@clark.wa.gov

Dear Dr. Orjiako:

I am submitting these comments as an individual and not on behalf of any particular group, political party or organization. These comments assert that a checklist and DNS is an inadequate environmental review in this case for the reasons stated below. "Non-project" proposals are subject to SEPA, the lead agency cannot conduct an environmental review of a non-project proposal under the assumption that there will be no direct and/or indirect environmental impacts, including potential cumulative impacts from the "non-project" action. When a action such as this one is proposed, it should still be subject to a comprehensive review of potential environmental impacts from reasonably foreseeable developments, especially where the action to be taken will increase the intensity of developments in areas that specifically restricted developments until certain prerequisites for removal of the overlay have been met.

First, the area in Urban Holding subject to this review is in Urban Holding due to lack of infrastructure available for development of the underlying zoning, in this case Mixed Use zoning. I believe, and can supplement the record, that this holding was put in place as part of the original comprehensive plan from 1994. The current overlay covers a large swath of area surrounding the 179th Street/I5 interchange.

It appears that this "non-project" action is the County's initial attempt to remove the current overlay in a piecemeal fashion with no comprehensive plan for the entire area subjected to the Urban Holding Overlay. It even designates this "non-project" action as "Phase I" and therefore, it is clear that the County anticipates specific growth, and specific cumulative actions, but anticipates them occurring in a piecemeal basis. It is

assumed that the County seeks to allow certain developers, pursuant to development agreements that may or may not be subject to public review, the ability to consume any existing capacities that may exist for smaller "cut-out" projects without considering the overlay as a whole, which would selectively allow some development while excluding other developments leading to disparate treatment of landowners in the area and could cause greater expense to landowners who are forced into plans previously approved by the Council pursuant to the piecemeal development agreements.

Second, this "non-project" action involves a modification of an existing environment designated under the Growth Management Act planning process by a proposal to amend the comprehensive plans and to, at least partially, remove the overlay on this area but does not discuss the development of new transportation plans along with potential new ordinances, rules, and regulations and environmental impacts that will be concomitant to the piecemeal implementation of these development agreements.

Third, according to the checklist, this SEPA (which claims no impacts to the environment) fails to consider the impacts of the the proposed development but states that the action is based upon "the execution of a development agreement" that, at this stage, does not exist or has not been put into the public record. Thus, it is clear that there will be impacts (at least a minimum of 402 trips per day) and it is impossible for the public to comment on the proposal's impact on the environment if there is no discussion of the development under the propose

Moreover, a recent work session with the Council exhibited that there were many other possible projects and development agreements being proposed in the impacted area around the 179th street interchange. Based upon a review of the materials presented to the county, the following have/are being proposed:

Killian 60,000 Sq. Ft. Retail (DA Approved Phase 1)

- Killian Three Creeks North Phase 1– (DA in progress)
- Killian remainder Phase 2 - NE 179th Street Commercial Center (DA Approved Phase 2)
- Holt Mill Plain PUD (606 homes/99 townhomes)
- Hinton Property (129 homes)
- Wollam Property (220 homes)

See The Grid Materials from 7/11/18 WS and audio of that work session all of which are incorporated into these comments by reference¹.

¹ It is unclear to me at this point if this current SEPA is for one of those proposed developments.

However, there has been no comprehensive analysis of traffic impacts or the impacts of the contemplated infrastructure and developments on the existing environment as required by SEPA and, if one has been completed, it has not been adopted by the County and is not incorporated into this SEPA document.

Therefore, this SEPA review for this non-project actions fails in many ways including failing to consider conduct a comprehensive analysis of the reasonably foreseeable impacts, failing to address the cumulative impacts of all of these developments that are being proposed, failing to consider any possible alternatives and failing to outline any potentially successful mitigation measures.

Fourth, the DNS/Checklist lists no other actions that have been taken by the County regarding the Urban Holding in general and this parcel specifically. Presumably, there have been other determinations, and reviews of those determinations by the Growth Management Hearings Board(s). If other decisions, papers, determinations, environmental reviews etc. have been completed by the County regarding this parcel specifically, and the overlay in general, then those documents should be made a part of and/or referenced in the environmental review for this proposed Comprehensive Plan amendment. If those do exist, the DNS/Checklist does not, but should, list the other relevant environmental documents/studies/models that have been done regarding the Urban Holding area since it was placed under the Urban Holding overlay. For example, a county's EIS for its comprehensive plan may have information relevant to the Urban Holding Overlay. In addition, there should be other county, Growth Board and/or appellate court references to the Urban Holding Overlay and the reason(s) that it has not been removed over the years.

Fifth, there is no description of any alternatives much less a range of alternative or preferred alternative or any description of if a particular alternative was fully implemented (including full build-out development, redevelopment, changes in land use, density of uses, management practices, etc.), any description of where and how it would direct or encourage demand on or changes within elements of the human or built environment, as well as the likely affects on the natural environment. In addition, the document fails to identify where the change or affect or increased demand might or could constitute a likely adverse impact, or any description of any further or additional adverse impacts that are likely to occur as a result of those changes and affects.

Sixth, this checklist cannot serve as an environmental analysis for later project reviews because it has been created in a way that does not anticipate any such projects where, in contrast, the county definitely is contemplating such projects. The more detailed and complete the environmental analysis is during the "non-project" stage, the less review will needed during project review and, therefore, any project review can focus on those environmental issues not adequately addressed during the "non-project" stage. The current checklist and DNS fails to provide any analysis that could be utilized later at a proposed project phase and fails to give notice to the citizen of the real potential

environmental impacts that will occur once the Urban Holding Overlay is lifted and projects can proceed.

Currently, given the potential development agreements listed above, along with others that may not be in the public realm, there is ample ability for the lead agency to anticipate and analyze the likely environmental impacts of taking this action and the failure to do so creates an inadequate SEPA document (for example a minimum of 2500 peak hour trips if the developers' numbers are to be believed in the documents that they submitted in the July work session). Failure to conduct a full environmental review at this juncture allows for the removal of the overlay while precluding the public to speak to the removal of the overlay at all. Plus, once this overlay is removed, the question arises as to whether the removal of all the other portions of the overlay must be removed either piecemeal or as a whole through this "non-project" action that has no real environmental review or input from the public.

Although an environmental checklist can act as a first step in an environmental process, including Part D, Supplemental Sheet for "non-project" activities it should not stand in the way of a more comprehensive environmental impact statement, especially in this case given the large areas under the urban holding overlay that are obviously intended to be subject to removal only upon meeting specific prerequisites. Further, there has been no analysis of the traffic impacts on 179th street, 15th Avenue and/or the 179th street intersection by the current proposal(s) by the lead agency. A full environmental review, that includes all known proposed projects, along with the impact of full build-out should the entire overlay be removed, should be conducted prior to the removal of any portion of the overlay.

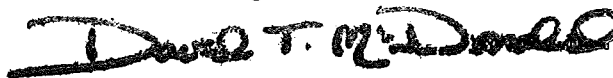
These comments assert that this "non-project" SEPA proposal review should also 1) consider all existing regulations, 2) set forth the underlying rationale behind the fact that there is an Urban Holding Overlay in existence, 3) the reason for the overlay being placed on the area, 4) remove it from the overlay and 5) the requirements that are required to remove the overlay as well as and 6) any other development under consideration. Plus the environmental review should include an analysis of the potential impacts of the entire area once the overlay is lifted in the larger area surrounding the 179th Street interchange, there will be a plethora of impacts, including but not limited to traffic impacts.

Therefore, this "nonproject" action involves a comprehensive plan amendment, or similar proposal governing future project development, and the probable environmental impacts that would be allowed for the future development need to be considered. The environmental analysis should analyze the likely impacts of the of build-out of all the underlying zones covered by the overlay when determining the efficacy of allowing this one "non-project" to have the overlay removed. In addition, the proposal should be described in terms of alternative means of accomplishing an objective.

Dr. Oliver Orjiako
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Thank you for your consideration of these comments. Please submit them
for the record.

Best Regards,

A handwritten signature in black ink that reads "David T. McDonald". The signature is written in a cursive, somewhat stylized font with a prominent horizontal line under the first name.

David McDonald