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To: [Sonja Wiser](#)
Cc: [Jenna Kay](#); [Jose Alvarez](#)
Subject: FW: A Threshold Standard is required as Policy before reallocating and displacing rural populations
Date: Monday, May 20, 2024 8:13:29 AM

FYI and for the record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Saturday, May 18, 2024 3:24 PM
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Subject: Fw: A Threshold Standard is required as Policy before reallocating and displacing rural populations

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Clark County Council
May 18, 2024
P.O.Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re: A Threshold Standard is required as Policy before re-allocating and displacing rural populations

Dear Councilors,

Clark County Citizens United, Inc. sees that agency staff are determining how much and what information the Council should know before they re-allocate future rural populations to another jurisdiction and cause displacement. The Council is making decisions over Clark County's future housing for rural populations of citizens, but lacks that level of data precision, sophistication that's needed to enable the Council to be fully informed on potential impacts to those citizens.

It shouldn't be left to the discretion of agency staff to determine *how much and what information* the Council should know regarding current and anticipated housing needs for the rural people. This level of precision in agency reports is a question that should be answered while updating the Comprehensive Plan. If the question fails to be answered, the Council appears to be abdicating important policy decisions to staff, who do not have that jurisdiction. Why are we seeing the rural allocation being re-allocated to Vancouver? Where is the public hearing and Council approval that

supports the action to re-allocate the rural people out of one jurisdiction into another?

What should the Council's policy be concerning "a threshold standard" before the Council makes a determination to reallocate and displace rural populations of people to another jurisdiction? Allowing rural growth to go to zero is not in the GMA , RCW and WAC mandates for this Council. It is not supported by the GMA and it is not supported by the Poyfair Remand in CCCU's Court of Appeals action. However, that is where the County's unauthorized policy is quickly heading. Certain questions must be answered:

- 1. Where is the Council's policy discussion over the *re-allocation* of the rural population to another jurisdiction and the recognition of the forced *displacement*?**
- 2. What is the Council's policy about threshold standards, before re-allocation and displacement of rural populations of people will be considered in this Comprehensive Plan update?**
- 3. Where is the data-based management process that ensures Council's policies are based on fully-informed decisions?**
- 4. Where is the discussion over the long-term, buildable rural parcels necessary to support a critical housing need for all rural citizens?**
- 5. Where is the discussion for rebuilding of the depleted stocks of rural buildable parcels?**
- 6. Where are the discussions for preventive measures to avoid social and cultural displacement?**
- 7. Where is the discussion about rural housing options?**
- 8. Where is the discussion about the cumulative negative effects of large lot rural zoning that has been allowed to linger for thirty years?**
- 9. What will be the intervention of this Council, that will correct the depleted rural housing stock and prevent it from remaining depleted and unaffordable?**
- 10. Why has required environmental conditions become the predominant factor in permitting rural housing, thereby adding to unaffordable conditions?**

A SEPA review that includes impacts to rural buildable parcels, unaffordable rural housing and short and long-term impacts needs to be performed. There is a recognized need for an expanded SEPA determination review under **WAC 197-11-232 (d)**:

May include evaluation of issues and concerns that are not required in SEPA Documents, such as economic or other factors identified in GMA, SEPA and WAC 197-11-448.

Such critical housing needs in the rural area cannot be left up to the whims of county

staff. There must be evidence that the Clark County Council recognizes the housing shortages and housing needs of that rural culture and population. It is their responsibility to adopt meaningful policies that address this dire need, regardless of what staff says.

Sincerely,

Susan Rasmussen, President

Clark County Citizens United Inc.
P.O.Box 2188
Battle Ground, Washington 98604

BIA Report - Clark County Council approved 1.4% annual growth rate with a 20-year projected population of 718,154.

"The population projection adopted by Council in 2016 assumed an annual average growth rate of 1.26% over the 20-year planning horizon (Issue Paper 7). The growth rate since 2015 has been 10% over the five-year period (Figure 2) or an annual average rate of 2%."

With an annual average growth rate of 1.4% from now until 2045, Clark County's population forecast is projected to reach 717,198 residents. Doing the math, 717,198 minus 698,416 (OFM preferred middle number) represents a difference of 18,782 additional residents for the 20-year planning period or an additional 939 residents per year.

County would have missed the mark by 18,782 residents by 2045 or sooner. The 20-year population forecast is not a limitation Clark County will put on how many people will migrate to Southwest Washington. It is a projection.

WAC 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

(1) "Preliminary environmental analyses.

(d) May include evaluation of issues and concerns that are not required in SEPA documents, such as economic or other factors identified in GMA, SEPA, and WAC [197-11-448](#).

(2) "Expanded scoping."

(a) Timing and use. Expanded scoping may be used prior to a

threshold determination to meet one or more of the purposes stated in WAC [197-11-030](#), [197-11-225](#), [197-11-230](#), [197-11-235](#) and [197-11-410](#)(2). Expanded scoping may initiate or be combined with any early GMA planning activities such as "visioning," development of alternative concepts or elements, or scoping of possible GMA actions. Scoping under WAC [197-11-408](#) may also be used for these purposes if a determination of significance has been issued.

(4) "Plan/EIS documents." Because these documents need to contain sufficient environmental analysis for GMA actions, the same documents that meet GMA planning needs should constitute the SEPA documents for GMA actions and should provide a basis for future decisions on projects. An integrated document will constitute the necessary formal SEPA document, if accompanied by the following (as further specified by subsections (5) through (7) of this section):

- (a) Environmental summary and fact sheet;
 - (b) Concise analysis of alternatives;
 - (c) Comments and responses; and
 - (d) Appropriate technical and other materials.
- (5) "Environmental summary and fact sheet."

(a) The environmental summary includes the contents required in WAC [197-11-440](#)(4). It should emphasize the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made and the effectiveness of mitigation measures. The summary is not to be a summary of the GMA action.

WAC 197-11-330 Threshold determination process.

An EIS is required for proposals for legislation and other major actions significantly affecting the quality of the environment. The lead agency decides whether an EIS is required in the threshold determination process, as described below.

(3) In determining an impact's significance (WAC [197-11-794](#)), the responsible official shall take into account the following, that:

(iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and

WAC 197-11-402 General requirements.

(9) The range of alternative courses of action discussed in EISs shall encompass those to be considered by the decision maker.

WAC 197-11-405 EIS types.

(4) A supplemental EIS (SEIS) shall be prepared as an addition to either a draft or final statement if:

(a) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts; or

(b) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts.

WAC 197-11-408 Scoping.

(1) The lead agency shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two or three significant impacts or alternatives, the EIS shall be focused on those.

(2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

(a) Invite agency, affected tribes, and public comment on the DS (WAC [197-11-360](#))

WAC 197-11-440 EIS contents.

(6) **Affected environment, significant impacts, and mitigation measures.**

(d) This section shall incorporate, when appropriate:

(i) A summary of existing plans (for example: Land use and shoreline plans) and zoning regulations applicable to the proposal,

and how the proposal is consistent and inconsistent with them.

(iv) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(e) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (WAC [197-11-444](#)). This involves impacts upon and the quality of the physical surroundings, whether they are in wild, **rural, or urban areas**. Discussion of significant impacts shall include the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW [43.21C.110](#) (1)(d) and (f), as listed in WAC [197-11-444](#).

(8) **(Optional)** The lead agency may include, in an EIS or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process.

WAC 197-11-442 Contents of EIS on nonproject proposals.

(3) If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern. The EIS should identify subsequent actions that would be undertaken by other agencies as a result of the nonproject proposal, such as transportation and utility systems.

(4) The EIS's discussion of alternatives for a comprehensive plan, community plan, or other areawide zoning or for shoreline or land use plans shall be limited to a general discussion of the impacts of alternate proposals for policies contained in such plans, for land use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics. The EIS content may be limited

to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed action.

WAC 197-11-444 Elements of the environment.

(1) Natural environment:

(a) Earth:

(i) Geology;

(ii) Soils;

(iii) Topography;

(iv) Unique physical features;

(v) Erosion/enlargement of land area (accretion);

(b) Air:

(i) Air quality;

(ii) Odor;

(iii) Climate;

(c) Water:

(i) Surface water movement/quantity/quality;

(ii) Runoff/absorption;

(iii) Floods;

(iv) Groundwater movement/quantity/quality;

(v) Public water supplies;

(d) Plants and animals:

(i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife;

(ii) Unique species;

(iii) Fish or wildlife migration routes;

(e) Energy and natural resources:

(i) Amount required/rate of use/efficiency;

(ii) Source/availability;

(iii) Nonrenewable resources;

(iv) Conservation and renewable resources;

(v) Scenic resources;

(2) Built environment:

(a) Environmental health:

(i) Noise;

(ii) Risk of explosion;

(iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials;

(b) Land and shoreline use:

(i) Relationship to existing land use plans and to estimated population;

(ii) Housing;

(iii) Light and glare;

(iv) Aesthetics;

- (v) Recreation;**
- (vi) Historic and cultural preservation;**
- (vii) Agricultural crops;**
- (c) Transportation:**
 - (i) Transportation systems;**
 - (ii) Vehicular traffic;**
 - (iii) Waterborne, rail, and air traffic;**
 - (iv) Movement/circulation of people or goods;**
 - (v) Traffic hazards;**
- (d) Public services and utilities:**
 - (i) Fire;**
 - (ii) Police;**
 - (iii) Schools;**
 - (iv) Parks or other recreational facilities;**
 - (v) Maintenance;**
 - (vi) Communications;**
 - (vii) Water/stormwater;**
 - (viii) Sewer/solid waste;**
 - (ix) Other governmental services or utilities;**

(1) SEPA contemplates that the general welfare, social, economic, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing alternatives and in making final decisions.

(2) The term "socioeconomic" is not used in the statute or in these rules because the term does not have a uniform meaning and has caused a great deal of uncertainty. Areas of urban environmental concern which must be considered are specified in RCW [43.21C.110](#) (1)(f), the environmental checklist (WAC [197-11-960](#)) and WAC [197-11-440](#) and [197-11-444](#).

(4) Agencies have the option to combine EISs with other documents or to include additional analyses in EISs, that will assist in making decisions (WAC [197-11-440](#)(8) and [197-11-640](#)). Agencies may use the scoping process to help identify issues of concern to citizens

WAC 197-11-550 Specificity of comments.

(1) Comments on an EIS, DNS, scoping notice or proposal shall be as specific as possible and may address either the adequacy of the environmental document or the merits of the alternatives discussed or both.

(2) Commenters shall briefly describe the nature of any documents referenced in their comments, indicating the material's relevance, and should indicate where the material can be reviewed or obtained.

(7) **Citizen comments.** Recognizing their generally more limited resources, members of the public shall make their comments as specific as possible and are encouraged to comment on methodology needed, additional information, and mitigation measures in the manner indicated in this section.

(8) An agency shall consider and may respond to comments as the agency deems appropriate; the requirements for responding in a FEIS shall be met (WAC [197-11-560](#)).

WAC 197-11-560 FEIS response to comments.

(1) The lead agency shall prepare a final environmental impact statement whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed. The lead agency shall consider comments on the proposal and shall respond by one or more of the means listed below, including its response in the final statement. Possible responses are to:

(a) Modify alternatives including the proposed action.

(b) Develop and evaluate alternatives not previously given detailed consideration by the agency.

(c) Supplement, improve, or modify the analysis.

(d) Make factual corrections.

(e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons that support the agency's response and, if appropriate, indicate those circumstances that would trigger agency reappraisal or further response.

(2) All substantive comments received on the draft statement shall be appended to the final statement or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included (except for petitions).

(3) In carrying out subsection (1), the lead agency may respond to each comment individually, respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments.

(4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an updated fact sheet (WAC [197-11-440\(2\)](#)), which shall be circulated under WAC [197-11-460](#). The FEIS shall consist of the DEIS and updated fact sheet.

(5) If changes in response to comments are minor and are largely confined to the responses described in subsections (1)(d) and (e) of this section, agencies may prepare and attach an addendum, which shall consist of the comments, the responses, the

changes, and an updated fact sheet. The FEIS, consisting of the DEIS and the addendum, shall be issued under WAC [197-11-460](#), except that only the addendum need be sent to anyone who received the DEIS.

(6) An FEIS shall be issued and circulated under WAC [197-11-460](#).

WAC 197-11-680 Appeals.

(1) **Introduction.** Appeals provisions in SEPA are found in RCW [43.21C.060](#), [43.21C.075](#) and [43.21C.080](#). These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body.** RCW [43.21C.060](#) allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW [36.70B.050](#) and [36.70B.060](#) that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.

WAC 197-11-704 Action.

(b) **Nonproject actions.** Nonproject actions involve decisions on policies, plans, or programs.

(i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;

WAC 197-11-706 Addendum.

"Addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document. The term does not include supplemental EISs. An addendum may be used at any time during the SEPA process.

WAC 197-11-712 Affecting.

"Affecting" means having, or may be having, an effect on (see WAC [197-11-752](#) on impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW [43.21C.031](#) and [43.21C.110](#) (1)(c)).

WAC 197-11-714 Agency.

(1) "Agency" means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in WAC [197-11-704](#), except the judiciary and state legislature. An agency is any state agency (WAC [197-11-796](#)) or local agency (WAC [197-11-762](#)).

WAC 197-11-718 Built environment.

"Built environment" means the elements of the environment as specified by RCW [43.21C.110](#) (1)(f) and WAC [197-11-444](#)(2), which are generally built or made by people as contrasted with natural processes.

WAC 197-11-730 Decision maker.

"Decision maker" means the agency official or officials who make the agency's decision on a proposal. The decision maker and responsible official are not necessarily synonymous, depending on the agency and its SEPA procedures (WAC [197-11-906](#) and [197-11-910](#)).

WAC 197-11-740 Environment.

"Environment" means, and is limited to, those elements listed in WAC [197-11-444](#), as required by RCW [43.21C.110](#) (1)(f). Environment and environmental quality refer to the state of the environment and are synonymous as used in these rules and refer basically to physical environmental quality.

WAC 197-11-750 Expanded scoping.

"Expanded scoping" is an optional process that may be used by agencies to go beyond minimum scoping requirements.

WAC 197-11-75 Impacts.

"Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in WAC [197-11-444](#).

WAC 197-11-756 Lands covered by water.

(1) "Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water

courses, lakes, ponds, artificially impounded waters, and wetlands. As specified in Part Nine certain categorical exemptions do not apply when a portion or all of a project or proposal is undertaken on lands covered by water.

(2) Wetlands - Wetlands are defined as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

(3) "Lands covered by water" does not include adjacent lands and designated buffers above the ordinary high water mark.

WAC 197-11-768 Mitigation.

"Mitigation" means:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(3) Rectifying the impact by repairing, rehabilitating, or

restoring the affected environment;

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

WAC 197-11-774 Nonproject.

"Nonproject" means actions which are different or broader than a single site specific project, such as plans, policies, and programs (WAC [197-11-704](#)).

WAC 197-11-786 Reasonable alternative.

"Reasonable alternative" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. (See WAC [197-11-440](#)(5) and [197-11-660](#).) Also see the definition of "scope" for the three types of alternatives to be analyzed in EISs (WAC [197-11-792](#)).

WAC 197-11-792 Scope.

(1) "Scope" means the range of proposed actions, alternatives, and impacts to be analyzed in an environmental document (WAC [197-11-060](#)(2)).

(2) To determine the scope of environmental impact statements, agencies consider three types of actions, three types of impacts, and three types of alternatives.

(a) *Actions* may be:

(i) Single (a specific action which is not related to other proposals or parts of proposals);

(ii) Connected (proposals or parts of proposals which are closely related under WAC [197-11-060\(3\)](#) or [197-11-305\(1\)](#)); or

(iii) Similar (proposals that have common aspects and may be analyzed together under WAC [197-11-060\(3\)](#)).

(b) *Alternatives* may be:

(i) No action;

(ii) Other reasonable courses of action; or

(iii) Mitigation measures (not in the proposed action).

(c) *Impacts* may be:

(i) Direct;

(ii) Indirect; or

(iii) Cumulative.

WAC 197-11-794 Significant.

(1) "Significant" as used in SEPA means a reasonable

likelihood of more than a moderate adverse impact on environmental quality.

(2) Significance involves context and intensity (WAC [197-11-330](#)) and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact.

The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

(3) WAC [197-11-330](#) specifies a process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

WAC 197-11-799 Underlying governmental action.

"Underlying government action" means the governmental action, such as zoning or permit approvals, that is the subject of SEPA compliance.