

Doug McIntyre

From: Gina Clark <gclark@mbaks.com>
Sent: Thursday, July 23, 2020 1:22 PM
To: Karen Moran; Cheryl Paston; David Pyle; City Council; Lita Hachey
Cc: Dave Rudat
Subject: SEPA EIS Scoping Comments
Attachments: MBAKS Comments on Concurrency EIS Scope July 2020 Final.pdf

[CAUTION - EXTERNAL EMAIL]

Good afternoon.

Attached, please find SEPA EIS scoping comments concurrency. Please don't hesitate to contact me if you have any questions.

Sincerely,
Gina



Gina Clark | Government Affairs Manager, King County

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in the Puget Sound region.

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July 24, 2020

Honorable Karen Moran
Sammamish City Council
801 228th St. SE
Sammamish, WA 98075

RE: Scoping Comments Re: SEPA EIS for Comprehensive Plan and Municipal Code Amendments for Transportation Level of Service and Capital Facilities Needs

Dear Mayor Moran and City Councilmembers:

With nearly 2,600 member companies, the Master Builders Association of King and Snohomish Counties (MBAKS) is the largest local homebuilders' association in the United States, helping members provide a range of housing choice and affordability. We aspire to be the most trusted and respected housing experts in the region. MBAKS thanks the City for the opportunity to comment on scoping for the State Environmental Policy Act (SEPA) Environmental Impact Statement (EIS) for transportation level of service (LOS) and capital facility needs.

Revised Code of Washington (RCW) 43.12C, state SEPA rules, the Washington Administrative Code (WAC) 197-11-030, and Sammamish Municipal Code (SMC) 20.15, establish the authority, content, rules, and regulations for preparation of an EIS. Scoping establishes the focus and guardrails for completing the SEPA EIS accurately, thoroughly, concisely, and clearly within specific timeframes and including ongoing public participation in the process.

The City is preparing the SEPA EIS to address the Growth Management Hearings Board (GMHB) April 20, 2020 Findings, Decision, and Order (FDO) in *Gerend v. City of Sammamish*, GMHB Case No. 19-3-0015 and to comprehensively review the current SEPA Environmental checklist (WAC 197-11-960).

The proposal from the City consists of related amendments to the Comprehensive Plan (Com Plan) and the SMC necessary to amend and implement the City's transportation LOS standards and concurrency management program. Although proposed changes to the transportation LOS standards and concurrency management program are a legislative non-project action, they will have potential indirect and direct impacts on future project-level actions and implementation. As such, the City is proposing the following amendments that include but are not limited to:

- Comp Plan: Amendments to the Transportation and Capital Facilities Elements, Volume I, to reflect changes to transportation LOS standards.
- Comp Plan: Amendments to Transportation and Capital Facilities Elements, Volume II to update discussion of LOS standards and concurrency, the 6-year Transportation Improvement Program (TIP), the traffic forecasting model, recommended long-term transportation project list, and financing information.
- Comp Plan: Proposed amendments to the Land Use, Housing and Environment and Conservation elements to ensure internal plan consistency with the updated LOS standards.
- SMC: Amendments to titles 14, 14A, 21A, 21B and 27A for implementation of the transportation LOS and concurrency management program.

As an Urban Growth Center within King County, Sammamish is required under the Growth Management Act, RCW 36.70A.040, to "fully plan" for future growth in its Comp Plan, including essential public facilities such as transportation facilities, and



must be coordinate with adjacent jurisdictions growth needs and requirements. It is often the Land Use portion of the Comp Plan that is key to planning for and accommodating future growth, and as such, in addition to the Transportation and Environmental elements of the Comp Plan, MBACKS urges the City to fully consider the Land Use and Housing elements as well to more accurately and thoroughly determine the impacts from changes to the transportation LOS and concurrency management program.

It is unrealistic to say that proposed transportation LOS and concurrency management program changes that are by far the most stringent in the State, and which trigger citywide LOS project requirements with significantly lower vehicular trips on roadway segments and intersections at two peak a.m. and p.m. hours, would not directly impact the ability of a homeowner or developer/builder to produce housing. It is completely plausible that stringent LOS and concurrency requirements would result in the issuance of fewer traffic concurrency certificates, and therefore, fewer homes being built. The high concurrency test fee, along with other fees and costs associated with homebuilding, also adds to the cost of production, potentially reducing supply and increasing costs of housing.

This diminishes key goals in the GMA, RCW 36.070A.020, including but not limited to, providing affordable housing, reducing sprawl, and concentrating urban growth in designated urban growth centers. It also flies in the face of the City's stated goals of its own Housing Strategy Plan, adopted in January 2019, to provide housing supply and variety, housing affordability, and housing for people with special needs. Onerous transportation LOS and traffic management requirements and the connection to reduced housing construction, also puts pressure on adjacent and overlapping jurisdictions which are simultaneously trying to plan for growth, housing supply, and housing affordability. This again weakens the goals of the GMA and the City's own housing strategy to coordinate with regional jurisdictions to fully plan for growth.

Additionally, and while not mandated by the State, the City should provide an equity analysis of the impacts of the proposed transportation LOS and traffic management program and the potential reduction of housing choice and affordability it may cause to all residents. Our region is in a housing shortage and affordability crisis. According to Zillow.com in June 2020, the median single-family sales price in Sammamish is \$1.09 million and the median monthly rental rate was \$2,870.

The Priced-Out Report released in January 2020 by the National Association of Homebuilders (NAHB), shows that for every \$1000 increase to the price of a home, 2,100 Washingtonians are priced out of the market. And with a current statewide housing shortage of 225,000 according to Up for Growth's Housing Underproduction in Washington, that priced-out number is significant and will only grow as our region grows unless we provide more supply and choice.

Any equity analysis should consider current City policies and zoning and how they impact local and regional affordability needs. This includes a review of R1 zoning and current housing stock, of which 60% is single family residential compared to 3% multifamily, and less than 1% mixed use. It is beyond time cities consider the racial, social, and economic ramifications of zoning practices, particularly those additionally impacted by overly restrictive programs like the proposed transportation LOS and traffic management program that further restrain housing and limits housing affordability and choice for all residents.

EIS Scoping Comments

1. *The City should define the proposal consistent with SEPA to clearly scope the EIS.*

The proposal as described in the scoping document is vague and appears to lack the information required under SEPA that is necessary for effective environmental review. SEPA defines the concept of a non-project action in terms of a stated objective versus the process or actions to be taken. For example, what are the comprehensive plan amendments trying to achieve?



Proposals should be described in ways that encourage considering and comparing alternatives. **Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions.** A proposal could be described, for example, as ‘reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of floodprone areas; or relocation assistance.’

WAC 197-11-060(3)(iii).

A proposal is based on a goal set by the given agency: “A proposal exists at that stage in the development of an action when an agency is presented with an application, or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the environmental effects can be meaningfully evaluated.” WAC 197-11-784. Another way to think of a proposal is to determine the objective or the purpose of the non-project action.

Defining the proposal sheds light on any underlying assumptions or presuppositions. Presumably, the City’s premise in considering amendments is that the intersection-based concurrency system does not address a particular impact or consideration. Yet, the GMHB validated that concurrency system; nothing is readily faulty or missed by the intersection standards.

Here, the Proposal description merely expresses an intention to “address transportation level of service standards and capital facilities needs.” This intention does not provide a reader with any information as to a goal or objective for why the City feels it necessary to address LOS standards and capital facilities. The Proposal description then addresses anticipated actions and steps, i.e. amendments to the Comprehensive Plan and Municipal Code. If a member of the public review this proposal description, it would be impossible to tell what the City’s intended goal or purpose is with this amendment process. Instead, as noted in WAC 197-11-060(3)(iii), the City has yet to express the goal that requires the City to address LOS and capital facility needs.

In sum, the City must first determine and clearly communicate what issue needs to be addressed. Then the City must describe that objective as a SEPA-compliant proposal. Only then can the City evaluate what appropriate alternatives should be considered and how to further scope the EIS. Without a clearly defined proposal, it will be next to impossible to provide complete and unbiased environmental review.

2. The Determination of Significance and Request for Comments does not provide a description of probable significant adverse environmental impacts.

In providing the scope of an EIS upon issuance of a Determination of Significance (DS), the City shall “[i]dentify reasonable alternatives and probable significant adverse environmental impacts.” WAC 197-11-408(2)(b).

The DS does not list a summary of probable significant adverse environmental impacts as required for a DS and request for comments on scope. In part, we anticipate this is due to the need for a clearer statement of the proposal. In turn, that can provide for some evaluation of probable significant adverse environmental impacts as part of the EIS scoping.

This summary of probable significant adverse environmental impacts, and the EIS analysis, should recognize the evolution of work commutes and trips based on the massive increase of remote work options. The assessment of impacts must recognize that the trajectory of 2017-2019 traffic impacts is not a reliable projection into future traffic generation assumptions.

3. The DS statement of alternatives should be more particularly described.

Likewise, the description of alternatives requires some more particularity for the public to have an



effective opportunity to comment. The description of two alternatives “that vary in approaches to adjusting LOS standards and concurrency management” could mean a very broad range of scenarios.

We request that the alternatives include an evaluation of different V/C standards and the potential for raising those ratios to compare drive time impacts to the impact of roadway construction. Further, those alternatives should evaluate whether there are cost efficient solutions to the goal the City is trying to accomplish (again, which remains to be defined).

The analysis of this alternative should describe delays that will occur if the system provides for “no failure”, or a green light, through 2035 buildout.

Finally, we note that the “no action” alternative is the current, GMA-compliant system. We concur with this “no action” alternative and wish to ensure that alternative is thoroughly evaluated by the City as part of the EIS.

4. *Additional comments.*

We ask the City to ensure that the EIS adequately addresses impacts of any policy and regulatory changes on adjacent jurisdictions.

We also ask the City ensure that all discussion of transportation concurrency and modeling be held in a public forum and that the City provide an outline of the public participation process to be provided as part of this EIS process and potential policy and regulatory amendments.

We thank you for the opportunity to comment on scoping. We look forward to working with the City throughout the SEPA EIS process. Please contact [Gina Clark](#), King County Manager, if you have any questions or need additional information. Thank you for your consideration.

Sincerely,



Kat Sims
Executive Director

cc: David Rudat, City Manager
Cheryl Paston, Acting Director, Public Works
David Pyle, Director, Community Development Department