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David L. Wechner, Comments on the Tesoro Savage  
Vancouver Energy Distribution Terminal Draft  
Environmental Impact Statement (Jan. 14, 2016)





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### **Scope of Review**

This document and exhibits comprise an analysis of impacts from the proposed Vancouver Energy oil terminal at Port Vancouver to existing land uses in the City, and of consistency and/or compliance with local land use policies and regulations detailed in the Vancouver Comprehensive Plan and Shoreline Master Program, sub-area plans and applicable development ordinances. The review is submitted in response to a Draft Environmental Impact Statement issued for the project November 24, 2015 by the Energy Facility Site Evaluation Council (EFSEC). EFSEC assumes lead agency designation under WAC 197-11-050, administrative rules of the State Environmental Policy Act (SEPA).

The purpose of land use review and the reference documents cited is to compare the project to the various plans, zoning designations and development regulations within the applicable jurisdiction to determine if the project is consistent with adopted efforts to shape the future of the community. EFSEC has previously determined the site to be compatible with the industrial *zoning* designation, but limited their review to zoning only, in a rather narrow interpretation of 'land use consistency'. Other components of land use plans and existing uses should be considered during review of the Draft Environmental Impact Statement, and in determining consistency with local land use regulation and policy.

Washington state cities and counties have prepared comprehensive plans since passage of the Planning Enabling Act in 1963. The state furthered land use planning with passage of the Growth Management Act, Chapter 36.70A RCW (GMA) by the state legislature in 1990. The GMA was enacted in response to rapid population growth and concern with suburban sprawl, available infrastructure, environmental protection, quality of life, and related issues of land

use compatibility. The GMA establishes the primacy of the comprehensive plan as the starting point for any planning process and the cornerstone of local decision-making regarding land use and development. Development regulations (zoning, subdivision, and design standards) must be consistent with comprehensive plans. State agencies are required to comply with comprehensive plans and the development regulations of jurisdictions planning under the GMA. The Comprehensive Plan and topical plans such as recreation/trail and sub-area plans serve as a guide for public investments and the development of specific regulations in the municipal code, representing how land use should evolve within the city limits and urban growth boundary. A review of the relevant Comprehensive Plan policies and its various components (i.e. sub-area and capital facilities plans) is a necessary part of determining consistency of the oil terminal project, its associated rail / vessel traffic and impacts with local land use decisions.

Statutory authority granted to local jurisdictions also permits moratoria on development proposals, such as Vancouver's recent moratorium on oil terminals (Ord. M-4090, adopted Sept. 11, 2014). While not directly applicable to this project, as the application was filed prior to the adoption of the moratorium, such action by the municipality underscores the project's contradiction with Vancouver's existing plans and policies, which did not envision this type of development.

## **The Project**

Tesoro-Savage proposes to develop an oil terminal on approximately 45 acres of land leased from the Port of Vancouver, generally known as the Vancouver Energy Distribution Terminal Facility. The proposed oil terminal would receive up to 360,000bbl of crude oil by rail per day; store it on-site in six tanks; and transfer it to ocean-going freighters. On average, the oil terminal would accept four unit trains per day (100 -120 rails cars each, up to six unit trains per day) on Burlington Northern Santa Fe (BNSF) rail lines running East and West along the Columbia River Gorge through small towns and portions of Klickitat, Skamania and Clark Counties, the Steigerwald National Wildlife Refuge, then the City of Vancouver to reach the Port of Vancouver. The unit trains would then leave the facility each day, traveling *back to downtown* Vancouver to an intersecting track, where most will then reverse direction to head north on BNSF rail lines, through Fruit Valley and crossing Burnt Bridge Creek. North-bound trains enter unincorporated Clark

County again along the eastern shores of Vancouver Lake and Lake River, continuing on to cross the Ridgefield National Wildlife Refuge and the Lewis River. The return trip for empty oil-unit trains takes them north to the Tacoma-Seattle area, before heading on one of two possible east-west routes through the state to Spokane, before traversing Idaho, Montana and North Dakota. Each unit train is estimated to be up 7,800 feet (1.48 miles) in length. The EIS documents note that some empty-car trains may reverse the direction of their in-bound trip and leave the County via the Columbia Gorge. Rail traffic to the proposed oil terminal represents a nearly three-fold increase from the highest rail-car count recorded at the Port of Vancouver: 160,600 cars compared to 57,000 in 2007. (Fig. 3-14.6 Port of Vancouver Rail Car Count 1994-2013, DEIS)

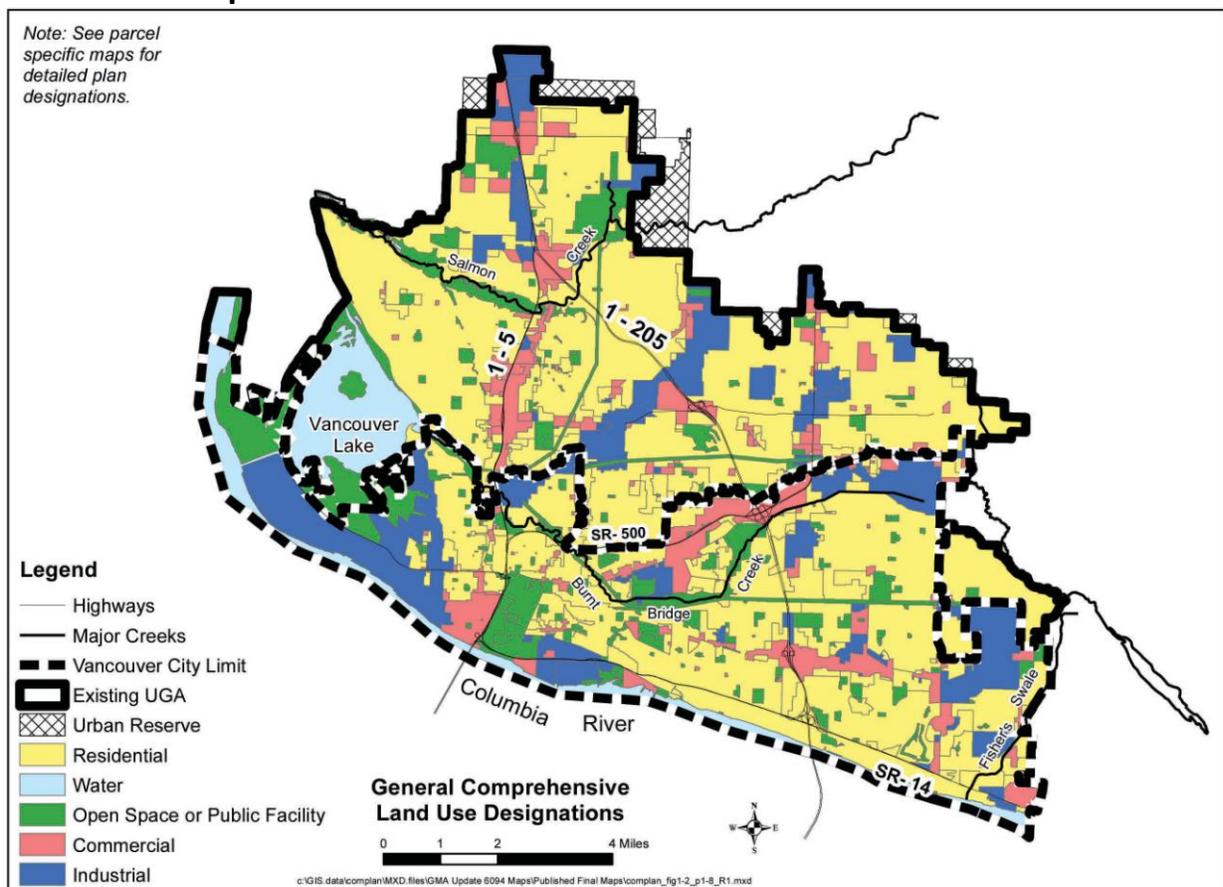
Oil tankers would leave the Port daily (as river conditions permit), move downriver on the Columbia, passing two National Wildlife Refuges, a state refuge, and several cities within Washington counties of Clark, Cowlitz, Wahkiakum and Pacific before crossing the Columbia Bar near Cape Disappointment to the open sea. Most of the land uses in non-urbanized areas of this portion of the Columbia River are agricultural, forestry, and public lands (open space).

In its Determination of Significance, EFSEC stated that “this proposal is likely to have a significant adverse impact on the environment.” EFSEC determined that in environmental impact statement should address: “direct impacts at the site”; “would include a review and evaluation of direct cumulative impacts likely to occur within the state”; and discuss probable impacts outside of the state. EFSEC further stated the “direct, indirect and cumulative impacts will be evaluated” and the analysis should include “detailed analysis of rail transportation impacts near the project site, specifically including Vancouver.” The purpose of the EIS is stated to be: “... inform the public and decision makers about the impacts of the proposed project. It will identify the potential environmental impacts and discuss possible mitigation measures where appropriate.” (Ref. Scope of Draft Environmental Impact Statement; EFSEC, April 2, 2014) Within the City of Vancouver, the BNSF rail lines run through areas that consist of existing and plan designations of residential, commercial and industrial development, in an alignment roughly parallel to SR-14. The rail lines also pass near the County Jail Work Center and recreation trailheads, cross several roads, and recognized Neighborhoods: East Old Evergreen Highway; Old Evergreen Highway; Riverview; Columbia Way; Esther Short and Fruit Valley.

The northern return rail route identified in the DEIS passes through commercial and industrial lands closer to the proposed terminal, open space and residential lands to the north of Fruit Valley.

The Vancouver Comprehensive Plan 2011-2030 contains policies that guide land use in the City over the 20-year period based on population forecasting, growth trends, and the natural and built environment of the City. The review below highlights Plan policies pertinent to review of the potential impacts to land use of the Vancouver Energy Project.

### Vancouver Comprehensive Plan



Comprehensive Plan Map Source: Vancouver Comprehensive Plan

### Community Development Policies

**CD-3** Infill and redevelopment: *Where compatible with surrounding uses, efficiently use urban land by facilitating infill of undeveloped properties, and redevelopment of underutilized and developed properties.*

Comment: The site is designated industrial on the comprehensive plan. The area of the proposed terminal has historically been used for heavy industrial uses. However, the proposed oil terminal will generate additional rail traffic, increases in noise, vibration and air pollutants in the Columbia Waterfront Development, a redevelopment project located along the Columbia River, upstream of the proposed terminal. The project is incompatible with the planned infill and redevelopment of this former industrial property, and therefore, inconsistent with this policy.

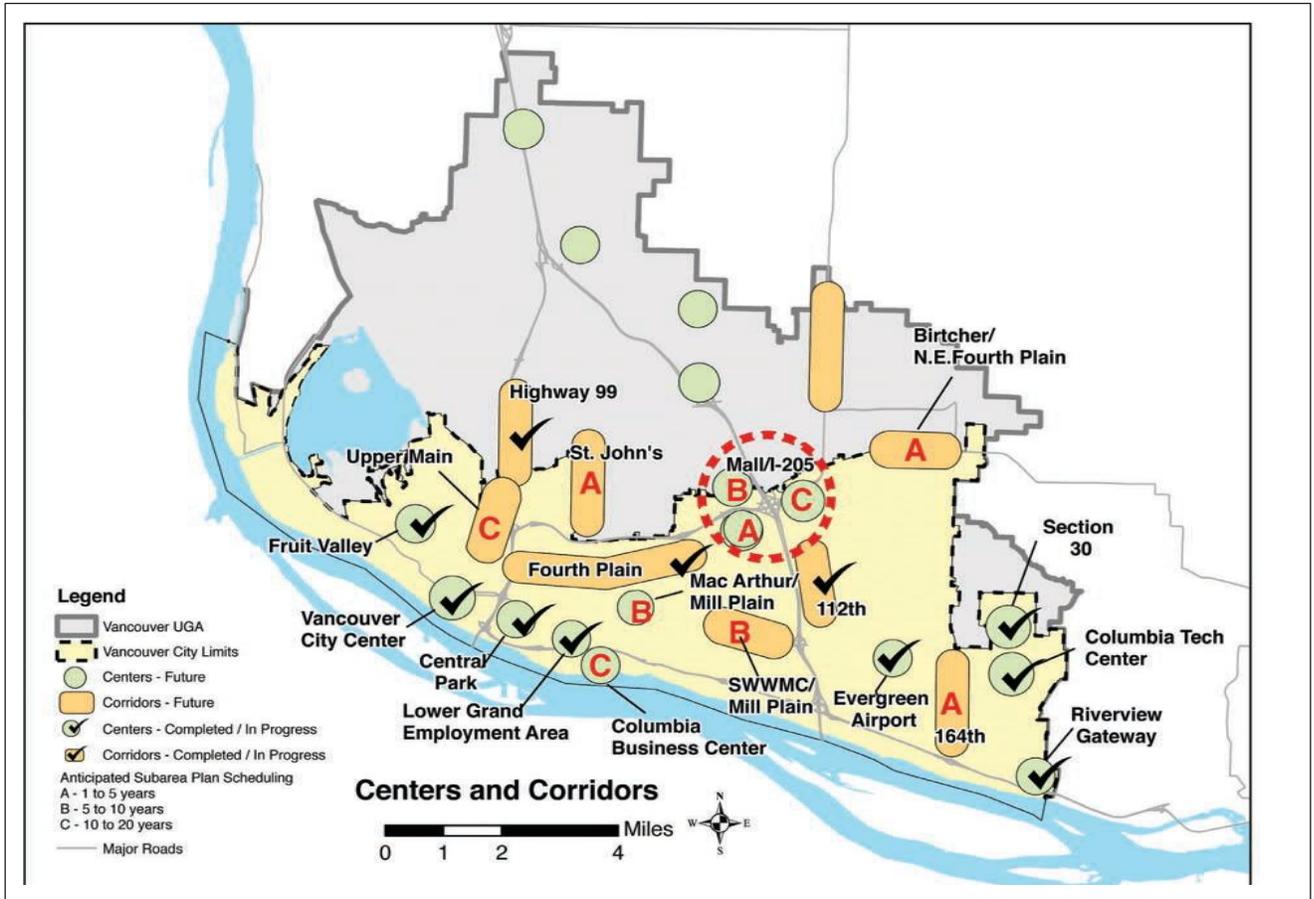
**CD-4** Urban centers and corridors: *Achieve the full potential of existing and emerging urban activity centers and the corridors that connect them, by:*

- a) Promoting or reinforcing a unique identity or function for individual centers and corridors*
- b) Planning for a compact urban form with an appropriate mix of uses*
- c) Working with stakeholders to develop flexible standards to implement the vision for that center or corridor*
- d) Encouraging innovative, attractive private development that efficiently uses available land and resources*
- e) Establishing connectivity within each center and to other areas to provide accessibility*
- f) Providing a range of transportation options*
- g) Investing in public facilities and amenities to enhance livability*

Comment: The Centers and Corridors map shows Urban centers that are near and would likely be affected by the passage of oil unit trains and/or use of the proposed terminal: Fruit Valley, Vancouver City Center, Columbia Business Center and Riverview Gateway.

The oil terminal proposed is not within any one of the urban centers; however, its presence (and that of the train traffic it produces) will affect each of them by intensifying rail traffic within or adjacent to each center. The development plans for these centers feature multi-modal transportation, pedestrian-oriented connections, public open spaces and design characteristics that depend on a mix of uses to complement each other and create more livable, interactive urban spaces. The increased presence of heavy rail traffic (five to six additional *mile-lengths* of train cars each day) in these centers detracts from their character, and will decrease their long-term viability when impacts due to noise, air quality,

aesthetics, traffic and the heightened risk of accident discourage investors, tenants or visitors to public open spaces.



Urban Centers and Corridors Source: Vancouver Comprehensive Plan

**CD-6** Neighborhood livability: *Maintain and facilitate development of stable, multi-use neighborhoods that contain a compatible mix of housing, jobs, stores, and open and public spaces in a well-planned, safe pedestrian environment.*

**CD-7** Human scale, accessible development, and interaction: *Facilitate development that is human scale and encourages pedestrian use and human interaction.*

**CD-8** Design: *Facilitate development and create standards to achieve the following:*

- (a) *Increased streetfront use, visual interest, and integration with adjacent buildings*
- (b) *Improved pedestrian connections and proximity of uses within developments*
- (c) *Enhanced sense of identity in neighborhoods and subareas*
- (d) *Publicly and/or privately owned gathering spaces facilitating interaction*

and,

**CD-9** Compatible uses: *Facilitate development that minimizes adverse impacts to adjacent areas, particularly neighborhoods.*

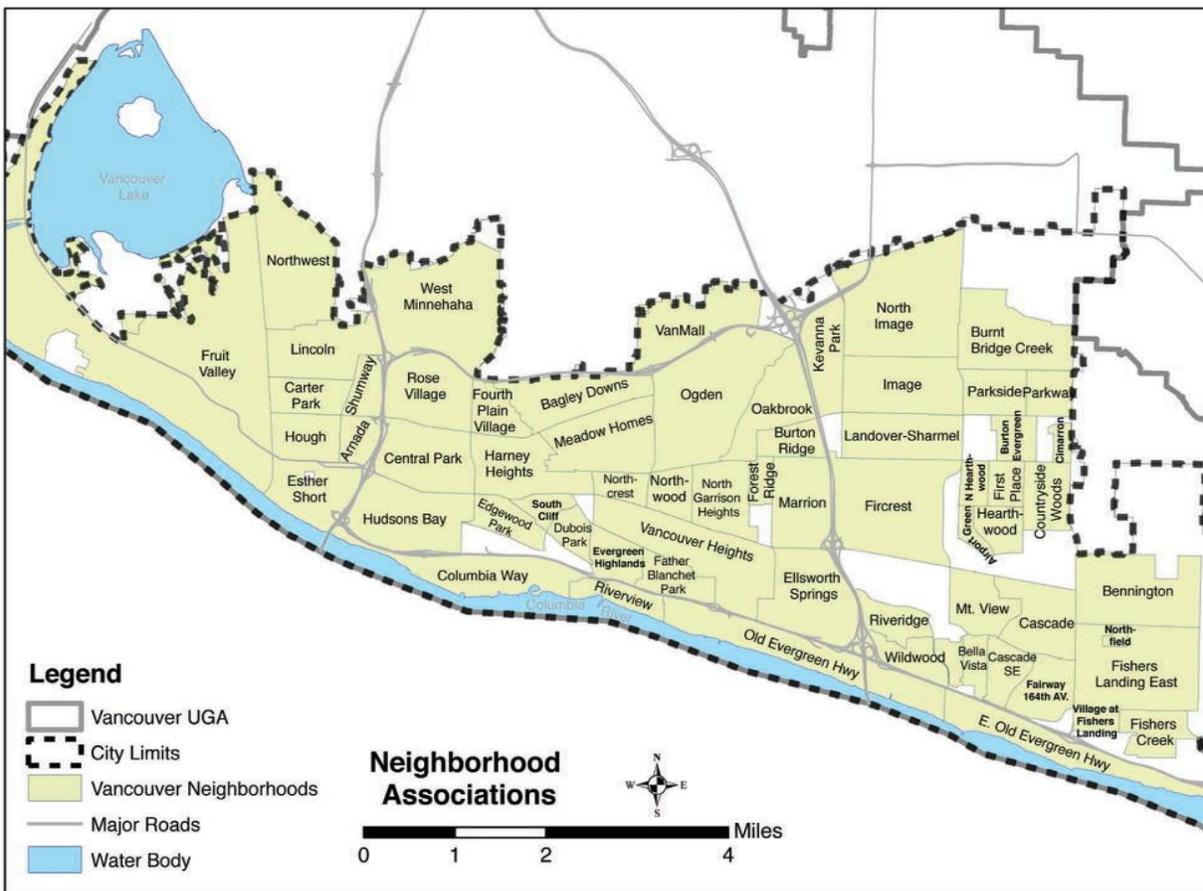
Comment: Community Development policies CD-6, 7, 8 and 9 are closely-related, focused on creating livable spaces that encourage interaction in the community.

The location of this proposed oil terminal is designated Industrial on the Comprehensive Plan, the site owned and operated by the Port of Vancouver, which contains several industrial uses. However, the proposed oil terminal will generate an average of eight unit oil trains per day (four inbound and four outbound), posing a substantial increase in rail traffic and impact to properties and land uses near the rail line. There is a potential for spills, accidents and day-to-day direct impacts (due to noise, air quality, traffic congestion) along the rail lines near the Columbia River, including the downtown core, the proposed Columbia Waterfront Development (a redevelopment project) and several established neighborhoods: Fruit Valley, Esther Short, Columbia Way, Riverview, Old Evergreen Highway and East Old Evergreen Highway Neighborhoods.

The applicant states the terminal as proposed may receive up to 360,000 bbl per day, an average of four unit-trains with an average 110 cars on each, about 7,800 feet in length. The rail lines transporting the crude oil to the terminal run through the city center and raise concerns regarding safety and livability of existing neighborhoods and other uses in proximity to both rail lines and the proposed storage and shipping facilities.

The terminal project site is closest to the Fruit Valley Neighborhood: the storage tanks would be approximately 3,300 feet from the closest Fruit Valley homes; the rail lines receiving traffic are approximately 1,100 feet from residences here, outbound trains to the north would also pass through Fruit Valley, nearer homes.

The closest residences in Esther Short Neighborhood are approximately 260 feet from the rail lines; approximately 120 feet from the closest residence in the Columbia Way Neighborhood. In Riverview and Old Evergreen Highway Neighborhoods, the closest residences are within 60 feet of the tracks in denser clusters, and multiple at-grade crossings exist along the rail line. East Old Evergreen Highway Neighborhood contains several at-grade crossings that provide access to approximately 200 homes.

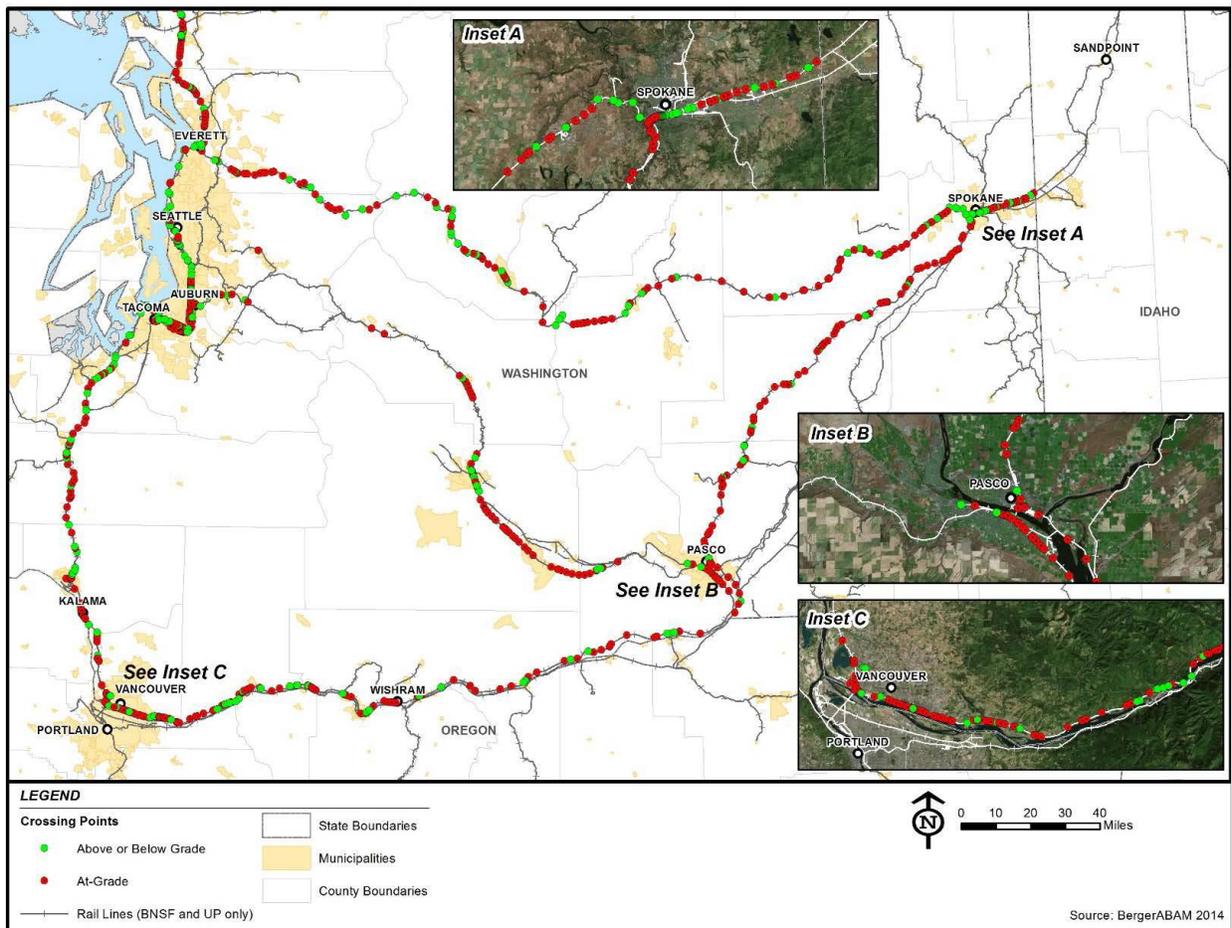


Map of Neighborhood Associations Source: Vancouver Comprehensive Plan

The noise generated by rail traffic is exempted by state administrative code WAC 173-60-050, but EFSEC stipulated in the DEIS scoping notice that environmental impacts due to noise must be addressed. The applicant’s engineers represent noise levels from rail traffic as the Day-night Average Sound Level (Ldn), the level of noise expressed (in decibels) as a 24-hour average. Calculating by this method masks the disruptive character of short-duration, intensive noise events. Considering the length of oil unit trains, increases in noise levels within

neighborhoods abutting the tracks for the duration of each train’s passage will be significant, but as an *average* sound level over a 24-hour period, it might appear insignificant.

These neighborhoods do encounter train traffic at present, but the Vancouver Energy proposal proposes a significant increase in rail traffic. The applicant reports that 2007 the Port of Vancouver saw 57,000 rail cars – the oil terminal alone would produce 160,600 rail cars, with much longer trains that impede access across the tracks for longer periods of time (see Fig. 3-14.6 Port of Vancouver Rail Car Count 1994-2013, DEIS).

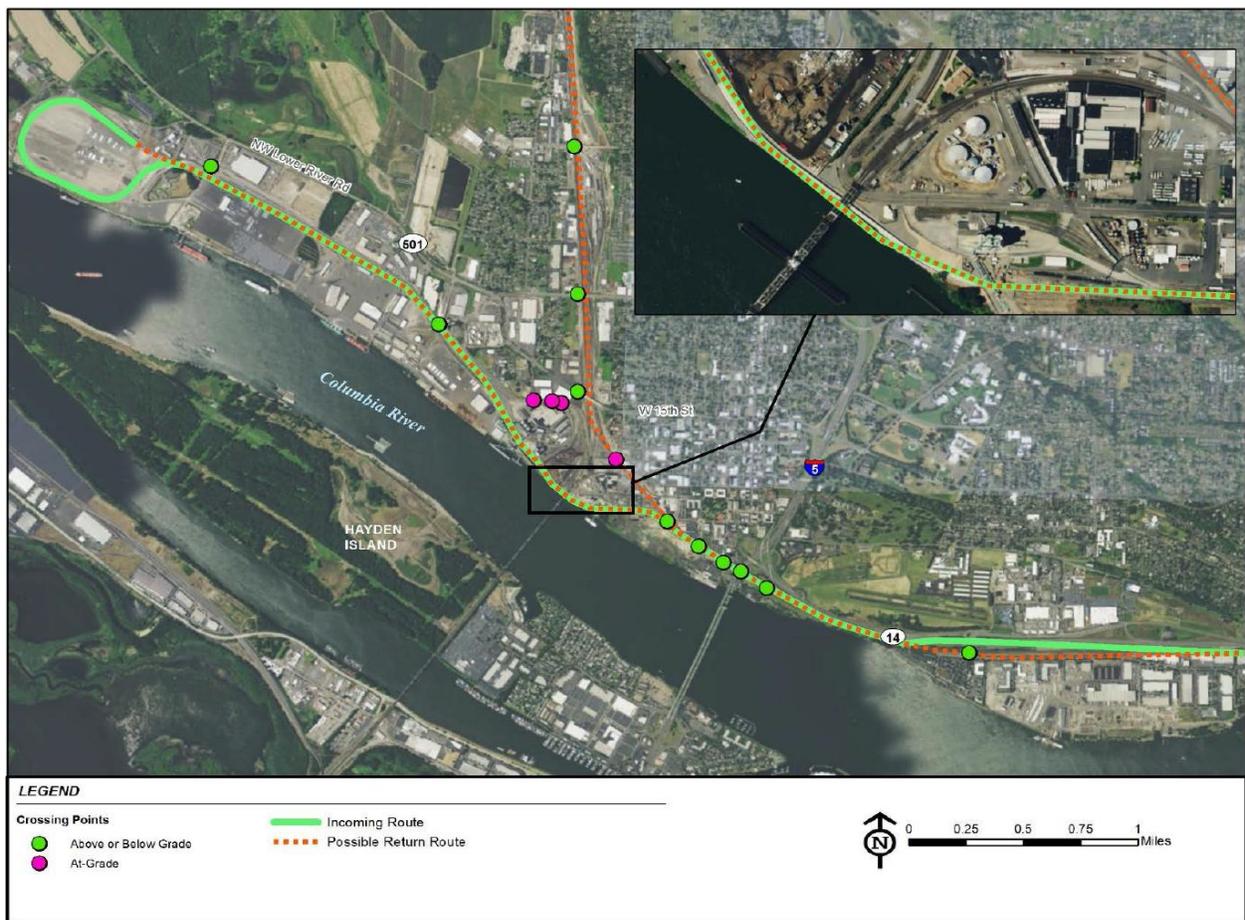


At-Grade Rail Crossings along the Columbia River, Northern Return, and Central Return Alignments in Washington  
Source: Figure 3.14-4 of DEIS

The DEIS shows at-grade crossings along the train routes (red dots in Figure 3.14-4); there are many within Vancouver residential neighborhoods.

The potential impact of an oil spill and impacts due to increased rail traffic will not facilitate development of stable, multi-use neighborhoods, as intensified industrial use within these neighborhoods is likely to discourage further investment or rehabilitation of properties. Industrial use by its very nature is not considered 'human scale', and for that reason, heavy industries are typically located at the fringe of urban areas, or separated entirely by space or buffers, such as light industrial uses. In the present case, a heavy industrial use is brought to the doorstep of residential neighborhoods via the intensified rail traffic the use produces.

The direction of trains proposed to use the existing and planned rail line configuration intensifies use of the tracks nearest one of Vancouver's largest planned urban revitalization projects: The Waterfront. The applicant states that in-bound trains will use the Columbia River alignment, and most out-bound trains will head north to use either the Stampede Pass or Stevens Pass route through the Cascades to return to Spokane and points east to the source of the crude oil.



Source: Figure 3.14-5 of DEIS

Trains could potentially use the Columbia River alignment to make the return trip as well. In the first scenario, the train will exit the Port of Vancouver, heading east until it passes a switch near the Columbia Street rail overpass. The train would then stop, reverse direction, and head north – making *three* passes of the downtown core and Waterfront development on the BNSF line. If the unit trains return to the Columbia route, they would also pass downtown and the Waterfront development. In any case, each 7,800-foot unit train will pass downtown Vancouver a minimum of *twice* each day. (see Fig. 3.14-5 of DEIS)

Residential homes exist along the rail line at this time, and BNSF is made aware of residential construction as it receives requests from homeowners, issuing crossing permits for access after evaluating potential conflicts with train traffic. The DEIS does not address whether additional rail traffic may result in denial of crossing permits.

Longer gate down times will increase response-time for emergency service providers in portions of neighborhoods with at-grade rail crossings. The City of Camas cited similar concerns of the impact from coal unit-trains to emergency services. (Resolution 1235, City of Camas, 2012)

**CD-10** Complementary uses: *Locate complementary land uses near one another to maximize opportunities for people to work or shop nearer to where they live.*

Comment: Proposed additional rail traffic will pose an indirect impact to opportunities for people to work or shop near where they live. More congestion will result as additional train traffic will reduce access to businesses near at-grade crossing, causing delays in crossing the railroad right of way. In this way, the proposal is inconsistent with this policy.

The proposed terminal at Port of Vancouver would locate an additional industrial use and job-site within an industrial area that is the site of other similar employment, near the Fruit Valley, Hough and Esther Short Neighborhoods.

**CD-12** Integrated area planning: *Promote cohesive, integrated planning of areas and sites through use of subarea planning, master planning, and planned developments, or other methods.*

Comment: The city adopted the Vancouver City Center Vision Plan (VCCV) in 2007 and as amended in 2009. This document is adopted as part of the Vancouver

Comprehensive Plan 2011 – 2030 in Appendix E. This document included policies related to development in the downtown area, reviewed in the Sub-Area Plan discussion of this report.

The proposal would increase rail traffic and the possibility of spills, accidents, and other potential impacts. The additional rail traffic, transporting crude oil, does not support revitalization of the downtown area. The location of the rail lines does precede the downtown redevelopment efforts envisioned in the Vision Plan, and significant investment in downtown development efforts by the City; however, the increased frequency and type of rail traffic that would result from this proposal was not foreseen in the redevelopment plans. The impact of a heavy industrial use intensifying in downtown Vancouver is contrary to the vision established in previous planning efforts, and the investments in infrastructure Vancouver has made to make that vision a reality.

**CD-14** Connected and integrated communities: *Facilitate the development of complete neighborhoods and subareas containing stores, restaurants, parks and public facilities, and other amenities used by local residents.*

Comment: The shipment of crude oil through the downtown area is inconsistent with the development of the downtown area as envisioned in the Vancouver City Center Plan 2007, as amended in 2009. See additional analysis in discussion of the City Center Vision Sub-Area Plan, below.

**CD-15** Public Health and the built environment: *Promote improved public health through measures including but not limited to the following:*

a) *Develop integrated land use and street patterns, sidewalk and recreational facilities that encourage walking or biking.*

...

d) *Coordinate with Clark County Public Health to better integrate health impacts and land use and public facilities and service planning.*

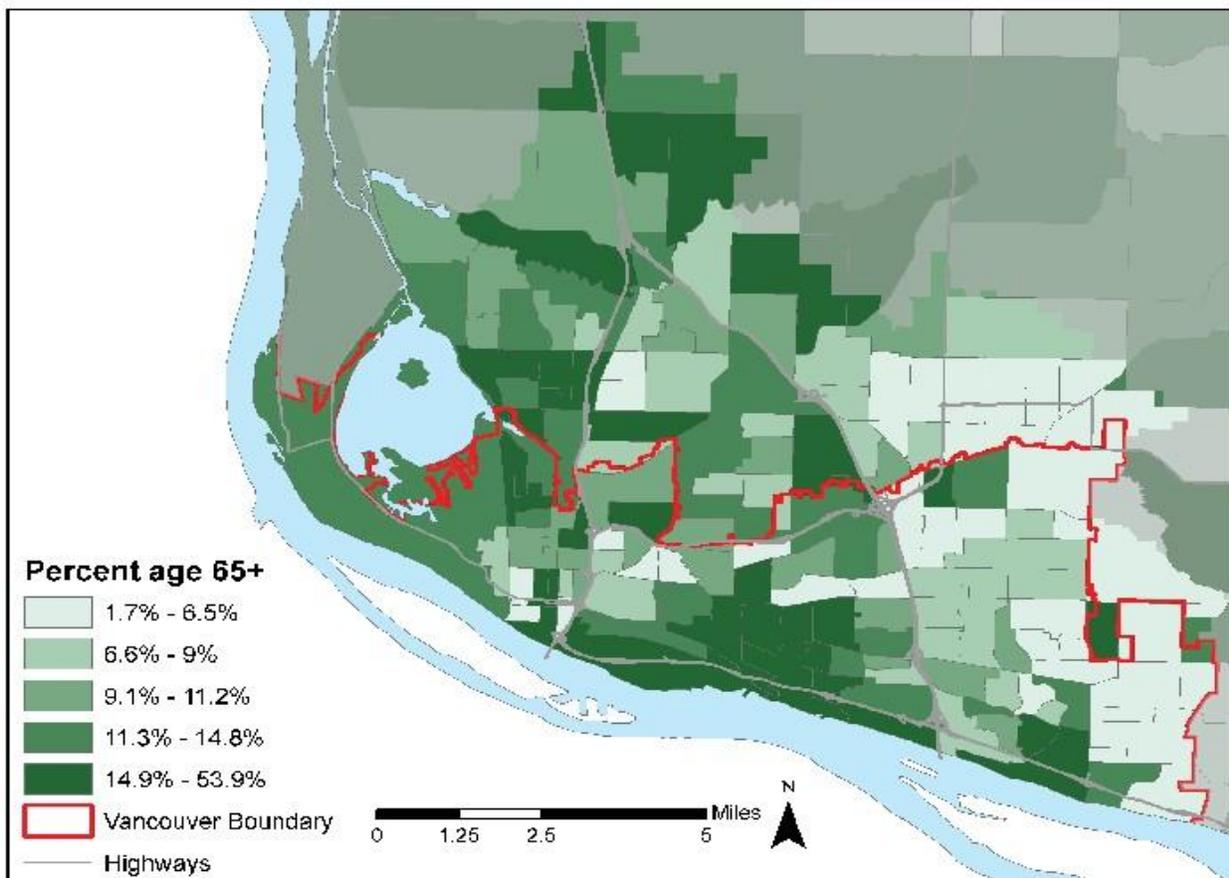
Comment: Although the physical threat of derailment or health impacts due to trains is not specifically contained in this policy, the proposal presents a potentially significant health risk, as identified in comments submitted to EFSEC by the Washington State Department of Health, December 17, 2013. Over the past 2 years, there have been many oil spills and/or accidents reported involving

the rail shipment of oil, a representative list is given below. Those incidents noted with an asterisk \* resulted in spill or impacts to human health (exposure, injury or death):

- \*Waterton, WI November 2015
- \*Alma, WI November 2015
- \*Culbertson, MT July 2015
- \*Heimdal, ND May 2015
- \*Galena, IL March 2015
- \*Gogama, ON March 2015
- \*Mount Carbon, WV February 2015
- Frank, AB February 2015
- Buhl, AL June 2014
- Winnipeg, MB June 2014
- McKeesport, PA June 2014
- \*LaSalle, CO May 2014
- Estevan, SK May 2014
- Albany, NY May 2014
- \*Lynchburg, VA April 2014
- Albany, NY April 2014
- \*Red Wing and Winona, MN February 2014
- Philadelphia, PA January 2014
- \*Plaster Rock, NB January 2014
- \*New Augusta, MS January 2014
- \*Casselton, ND December 2013
- Cheektowaga, NY December 2013
- West Nyack, NY December 2013
- \*Aliceville, AL November 2013
- \*Gainford, AB October 2013
- \*Lac Magantic, QC July 2013
- \*Calgary, AB June 2013
- \*Jansen, SK May 2013
- \*White River, ON April 2013
- \*Parkers Prairie, MN March 2013
- \*Tilley, AB January 2013
- \*Paynton, SK January 2013

Source: Map/database of major oil-train accidents, Earth Justice web-site:  
<http://earthjustice.org/features/map-crude-by-rail>

The current zoning of the site as IH (Heavy Industrial) was determined appropriate in development of the comprehensive plan. However, the conveyance of the oil to the terminal by rail, through the downtown area and several residential neighborhoods does pose potential adverse impacts to those who live or work in proximity to the rail line, in zones not planned for heavy industrial uses. The Fruit Valley neighborhood and Clark County Jail Work facility (which includes on-site housing) is in close proximity to the storage and shipping areas. Several other neighborhoods, and several hundred residences, are in close proximity to the rail lines that would supply crude oil to the proposed facility. Adverse public health impacts have been demonstrated by recent oil-by-rail accidents as exposure to toxic chemicals, smoke from fires, and water pollution resulting from spills, all constitute impacts to human health.



Vancouver Senior Population Map Source: Clark County Health Department

Higher-risk populations must be considered in assessing impacts to public health which would result from the proposal. The Comprehensive Plan shows the area containing the Vancouver Energy project site as one of higher senior-age (over 65) population at 11.3-14.8%, and most areas through which loaded oil tank cars will run are the highest in percentage of senior population (14.9-53.9%). Senior-age populations are generally considered as a higher at-risk population for impacts to public health.

**CD-16 Sustainability:** *Facilitate sustainable land use development through measures including but not limited to the following:*

- *Develop integrated land use patterns and transportation networks that foster reduced vehicle miles traveled and associated greenhouse gas emissions*
- *Develop individual buildings that minimize energy and resource consumption. Encourage home based efficiencies such as insulation retrofits, efficient water and air heating systems, and use of solar panels or other forms of energy capture.*
- *Implement recommendations of the Vancouver-Clark County Sustainable Affordable Residential Development Report*

Comment: Vancouver's Comprehensive Plan recognizes the city and the region will continue to grow over the 20-year planning period. Changes due to growth will occur throughout Vancouver, but most new development will be focused in identified urban centers and corridors rather than spread uniformly throughout the city. This direction for new growth in the Plan and adopted Sub-Area plans is consistent with the tenets of sustainability: utilizing efficient growth strategies to enhance the environment, minimize cost, and improve the social condition of residents and visitors. The *location* of investments in sustainability will be primarily in downtown, Fruit Valley, and Riverview Gateway (and future sub-area planning for Columbia Business Center) – areas most likely to experience adverse impacts as a result of the oil terminal project and heavy rail traffic it produces.

The proposal is to ship and transfer of an estimated 360,000 barrels of heavy crude oil per day, through environmentally sensitive areas, neighborhoods and areas which are proposed for redevelopment using sustainable principles. By contrast, reliance on heavy crude oil as an energy source is unsustainable. Oil is non-renewable and its use accelerates global climate change, a burden on future

generations. Trains and ships are inherent parts of the proposal; they are sources of greenhouse gases themselves.

The operations of this project produce environmental impacts, even if oil spills or accidents do not occur: local air quality will be reduced in residential neighborhoods, especially in the southern portion of downtown and the proposed Waterfront project, where a minimum of eight train trips will pass through daily – more if the trains take the northern return route, stated as likely in the DEIS.

### **Environmental Policies**

**EN-3** Energy Conservation: *Promote and facilitate energy conservation and alternative energy sources and generation.*

**EN-4** Restoration and enhancement: *Promote and facilitate ecosystem restoration and enhancement.*

**EN-6** Habitat: *Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.*

**EN-7** Endangered species: *Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed.*

**EN-8** Water quality and quantity: *Enhance and protect surface water, storm-water, and groundwater quality from septic discharge, impervious surface runoff, improper waste disposal, and other potential contaminant sources. Ensure safe and adequate water supplies and promote wise use and conservation of water resources.*

**EN-10** Air quality: *Protect and enhance air quality, in coordination with local and regional agencies and organizations.*

Comment: The Comp Plan policies addressing environmental protection are important components of the overall Plan, as the values represented here are

interwoven in other aspects of the Plan. Policies 8 and 10 are reflected in more detail in the Public Facilities section of the Plan. Ecosystem, habitat and endangered species protection policies 4, 6 and 7 are integrated with the Shoreline Master Program, as state land use law directs communities to do just that, so GMA/SEPA and Shorelines policies are consistent.

The proposed oil terminal does not promote or facilitate energy conservation and alternative energy sources, as fossil fuels drawn from mid-continent are essentially non-renewable, and require a fair amount of energy use to export. While the applicant proposes measures to reduce potential impacts to near-shore fish habitat, there are no aspects of the oil terminal that promote or enhance habitat for salmonids and other listed species and/or facilitate their recovery. Local air quality will be impacted by the proposal, especially in those areas where trains would idle (at the terminal site itself) or complete slow movements to negotiate the track configuration near downtown Vancouver.

### **Economic Development Policies**

**EC-6** Efficient use of employment land: *Maximize utilization of land designated for employment through more intensive new building construction and redevelopment and intensification of existing sites.*

Comment: The oil terminal is proposed to be located at the Port of Vancouver, an area designated for industrial development, and currently the site of industrial uses. However, the proposal poses a potential *disincentive* to other proposed development or redevelopment, particularly in the downtown and Fruit Valley areas, and The Waterfront mixed-use project. Investors shy away from committing resources to projects which present obvious conflicts with surrounding land uses. They are not likely to invest in high quality mixed-use or commercial development, or perhaps even light industrial development (for uses sensitive to noise or vibration), given the impending presence of a significant increase in heavy rail use.

### **Vancouver Sub-Area Plans (Fruit Valley, Vancouver City Center Vision, Riverview Gateway)**

The 2004 Vancouver Comprehensive Plan calls for the creation of focused

subarea plans as the comprehensive plan is implemented. In turn, the development code (Title 20) contains regulations to manage the community's growth in a manner that ensures efficient use of land, preserves natural resources, and encourages good design. Specifically, the development code is designed to implement adopted policies, including 20.110.010.B.5: *Provide the city's residents with quality urban services while at the same time preserving the character of existing neighborhoods and enhancing the livability of the area;* and 20.110.010.C.4: *Implement the city's goals for mixed-use and infill development in a manner that protects the character of existing neighborhoods.* (emphasis added)

Vancouver's city-wide integration of neighborhood-scale planning into the formation and administration of the Comprehensive Plan and development code is somewhat unique in the state of Washington. It has 66 officially recognized associations, and over 90 percent of Vancouver's population belongs to a neighborhood association. While neighborhoods are encouraged to develop neighborhood action plans, in certain cases those efforts broaden into a Sub-area Plan, containing more specific policies concerning growth, open space, development and other factors. Sub-area plans may cross neighborhood boundaries, or encompass more than one; they are adopted City as part of the Comprehensive Plan. There are three sub-area plans that may be affected by the proposed Vancouver Energy Terminal and its use.

### **Fruit Valley Sub-area Plan (2010)**

The Vancouver Planning Commission identified the Fruit Valley area as a planning priority, due to the unique elements and needs of the existing neighborhood.

The sub-area plan builds upon a previous Neighborhood Action Plan to enhance the livability, wellness and economy of the Fruit Valley area. Plan policies, recommendations, and implementation measures embody the neighborhood planning effort and public input provided by Fruit Valley during development of this plan. The Vancouver Energy project is adjacent to the Fruit Valley Neighborhood and the sub-area plan boundary.



Source: Vancouver Comprehensive Plan

The Fruit Valley planning area is 614 acres in size, from Mill Plain Boulevard on the south to Vancouver Lake on the north, and on both sides of Fruit Valley Road. North of the plan area is the Regional Burnt Bridge Creek Trailhead and single family housing near the eastern shore of Vancouver Lake. The eastern boundary of the plan area is defined by the Burlington Northern Santa Fe north/south railroad tracks and the prominent ridge above the tracks. The Vancouver Lake Lowlands, made up of sensitive wetlands and wildlife habitat with some agriculture and recreation uses, surround the plan area to the west and north- west. The Port of Vancouver and other industrial use land owners make up the south/southwest boundary area. There are two primary land uses in the Fruit Valley Plan area – industrial (including both heavy and light industrial) and residential (including both single family and multifamily) and they have always been closely related, accepting, and cooperative, as explained in the history section above. Sixty one percent of the sub-area plan acres are zoned for industrial uses.

Port of Vancouver expansion of 364 acres of land located west of the plan area was noted in the sub-area plan formation, recognizing that although this development would take place outside of the planning area, it will impact Fruit Valley. While recognizing Port development would add jobs to the local area, truck use of surrounding roadways and peak-hour traffic, the significant increase in rail traffic and impacts to the neighborhood associated with the Vancouver Energy Project was not reviewed during the plan development; the present proposal was not contemplated at that time.

The majority of businesses in Fruit Valley are smaller and local, the industrial parcels and buildings are smaller than contemporary industrial development demands. There were approximately 55 businesses within the plan area at the time it was written; there are more now. Most of these businesses fit within a broad definition of 'industrial'. Four major industry clusters are present:

- Warehousing, shipping and distribution.
- Packaging Non-food items.
- Manufacturing. Generally small, light-industrial types of manufacturing finished products.
- Food processing and packaging. Includes one of the largest employers in Vancouver: Frito-Lay.

Apart from these clusters are a range of small and local business types. Agriculture is still a part of the Fruit Valley neighborhood and adjacent lands, as are large tracts of open space and greenway. There are two public parks in the neighborhood: Liberty Park and (larger) Fruit Valley Park. People gather at primary locations in the Fruit Valley neighborhood: the Fruit Valley Elementary School and the Community Center, located within Fruit Valley Park. Fruit Valley's neighborhood center is clearly defined by these key features in addition to community gardens, a church, two gas station/mini-marts, (one with a sit-down restaurant) and a proposed Boys and Girls Club with a small retail space. Close to this center is the subarea's major concentration of both single and multi-family homes. The cohesive design and availability of the community center, park, and community gardens are assets. With the development of these parks, the community center and nearby open space and trail systems, more residents of other areas of Vancouver visit Fruit Valley for recreation and events than in years past.

Throughout the sub-area planning effort, both businesses and residents were positive about the relationship between them. It was stated clearly that they saw “no reason we can’t have thriving businesses and a healthy neighborhood.” Both the neighborhood association and businesses showed enthusiasm about working together in the future. Nonetheless, freight traffic near the school is seen as a potentially dangerous aspect of the interface. (Fruit Valley Sub-area Plan, 2010)

As the westernmost neighborhood, Fruit Valley acts as the City’s gateway to the regionally significant Vancouver Lake and Lowlands natural area. This area provides an abundance of open space with regionally significant wildlife habitat, recreation, opportunities for historical interpretation of both natural and Native American histories, and access to the proposed future extension of the Lake-to-Lake Regional trail. Protecting and enhancing this natural area is a high priority for the Fruit Valley neighborhood.

Another characteristic that distinguishes this from other neighborhoods in Vancouver: Fruit Valley’s race and ethnic make-up includes a higher percentage of Hispanic, Asian, and Native American than overall Vancouver. The census tract has the second highest poverty rate in the City of Vancouver with 35% of the people living in poverty, triple Vancouver’s overall poverty rate of 12%. (2000 U.S. Census)

Policies were established in the Fruit Valley sub-area in several categories to guide development and future uses of land. Those most pertinent to the proposed oil terminal and associated rail traffic are highlighted below:

### **Business and Services**

**FV-1** *Encourage new industry and business to locate in Fruit Valley.*

**FV-2** *Support existing industry and business prosperity by maintaining and improving road access to Interstate 5; making safety improvements to the bridge on Fruit Valley Road and NW Whitney Road; maintaining the area’s industrial zoning; and streamlining the permitting process for expansions and new construction.*

**FV-4** *Build on the historic as well as current strength of the area in food production. Encourage diversity in scale and type of agriculture businesses including but not limited to:*

- *large scale commercial agriculture and food manufacturing;*
- *community supported agriculture;*
- *small market gardens, farmer’s markets, community gardens, food stands, home gardens; and*
- *community commercial kitchens for incubator food businesses, to all prosper in Fruit Valley.*

**FV-5** *Continue leasing the Vancouver Lake Greenway District properties for both large and small scale food production.*

### **Neighborhood Character**

**FV-14** *Preserve the livability and aesthetic character of Fruit Valley residential neighborhoods.*

**FV-18** *Preserve and enhance the significant historic street and neighborhood patterns of the historic WWII Fruit Valley Homes Subdivision (FVHS) and encourage upgrading and remodeling existing residential structures rather than demolition and new construction.*

Comment: The proposal poses a potential *disincentive* to redevelopment or enhancement of Fruit Valley residential and agricultural uses. Similar to the circumstances posed in downtown and the Waterfront development, investors and landowners generally do not commit resources to redevelopment projects which present obvious conflicts with surrounding land uses; therefore, they are not likely to invest in high quality ventures, given the impending presence of increases in heavy rail use.

### **Access and Circulation**

**FV-20** *Make the pedestrian environment safe, convenient, attractive and accessible for all users through planning and developing a network of continuous sidewalks, pathways, and crossing improvements.*

### **Pedestrian Connections**

**FV-22** *Improve pedestrian circulation both within and to and from the plan area, especially connecting to nearby destinations.*

**FV-23** *Sustain the existing respectful relationship between residents and industry by providing a safe and efficient circulation network for pedestrians, automobiles and trucks.*

**FV-26** *Complete missing sidewalk links to ensure pedestrian safety and encourage pedestrian mobility.*

**FV-27** *Evaluate and improve the pedestrian environment and crossing safety at the Fourth Plain Blvd and Fruit Valley Road intersection. Specifically, evaluate a crossing on the intersection's east leg.*

**FV-28** *Create bike and pedestrian connections to the open space areas surrounding Vancouver Lake and to Vancouver Lake Park and Frenchman's Bar Park.*

**FV-29** *Establish a foot and bike pathway that connects residential and industrial areas with the Vancouver Lake natural area.*

### **Transportation and Access**

#### *Street Character of Fruit Valley Road*

**FV-30** *In the future, if the proposed 26th street is extended north to meet Fruit Valley Road, the city should reconsider Fruit Valley Road's purpose within the larger Fruit Valley circulation network, and consider making Fruit Valley Road in the vicinity of the park and school more of a neighborhood roadway.*

#### *La Frambois Street*

**FV-31** *Develop and maintain a small scale pedestrian character for La Frambois Street extending from Fruit Valley Road to the western edge of the residential neighborhood. Any new street trees planted on the pedestrian portion of La Frambois should be large canopy to support a comfortable enclosed pedestrian environment.*

**FV-32** *Create a gateway feature at the intersection of La Frambois and Fruit Valley Road as a pedestrian/bike entrance to the Vancouver Lake Lowlands natural area. Gateway features should include but not be limited to, special signage, way-finding, landscaping, street trees, paving and/or structures.*

**FV-34** *Create a gateway feature at the west end of the Fruit Valley neighborhood on La Frambois that may include a traffic "choker" to cut down the use of La*

*Frambois for through traffic. The proposed 26th Avenue will become the main public entrance to the Vancouver Lake recreation area.*

Comment: Several plan policies in the Fruit Valley Sub-Area Plan demonstrate that pedestrian access and safety are the priority of public investments in Fruit Valley. While the neighborhood's proximity to industrial development presents an inherent potential for land use conflict, Fruit Valley has received investment of public support in parks, a community center, transportation and safety measures that support residential development and livable neighborhoods. The community expresses a desire in the sub-area plan to retain its agricultural heritage. The proposed project pushes more heavy industrial use adjacent to and within the neighborhood (that of increases in heavy rail traffic), contrary to the overall direction of these sub-area policies and public investments.

### **Parks, Open Space and Regional Trails**

**FV-37** *Locate and develop a Trailhead facility along the proposed Lake to Lake Regional Trail alignment that supports Fruit Valley residents' trail use and connections.*

**FV-38** *Trail connection opportunities, such as the "Old Dike" between recreational and open space sites should preserve public access.*

**FV-39** *Continue to protect the Vancouver Lake Lowland's wildlife and natural areas by establishing native plantings and removing invasive species.*

**FV-40** *Develop a master development and management plan for the Vancouver Lake Lowlands that will guide future improvements for public access as well as habitat restoration and land management activities.*

Comment: The Regional Trail and Bikeway System Plan is designed to link residents and visitors to the neighborhoods, historical sites and natural features throughout the greater Vancouver area. Large public/private investments in the trail system and wildlife areas, is consistent with these policies regarding the Vancouver Lake lowlands area. Siting a large oil terminal, and near-constant activity required to off-load 6 miles of unit train with tank cars each day, is not consistent with the designation of protection and passive recreation use inherent in previous planning efforts and those public/private investments on nearby lands.

## **Sustainable Site and Development Design**

**FV-41** *Promote sustainable practices minimizing the use of energy, water, and other natural resources and providing a healthy productive environment.*

**FV-42** *Invite and consider new innovative sustainable design practices in all Fruit Valley development.*

**FV-43** *Incorporate sustainable building practices or techniques into development design such as LEED, and to the extent possible, reduces its energy consumption or that generates its own energy with renewable resources, that captures and treats all of its water on site, and uses resources efficiently and for maximum beauty.*

Comment: See comments above in regard to the Community Development policies of the Comprehensive Plan, which address sustainability.

## **Vancouver City Center Vision (2007)**

Vancouver sought to reverse a declining trend in its downtown core experienced in the late 1980-90s through the Vancouver City Center Vision (VCCV) Sub-Area planning effort, adopted in 2007 as an element of the Comprehensive Plan. With the formation of land use policies, re-zoning, and investment of public monies in infrastructure, Vancouver demonstrated commitment to this vision for the downtown and waterfront area, spanning the railroad tracks with mixed-use zoning and designing for the development of The Waterfront project.

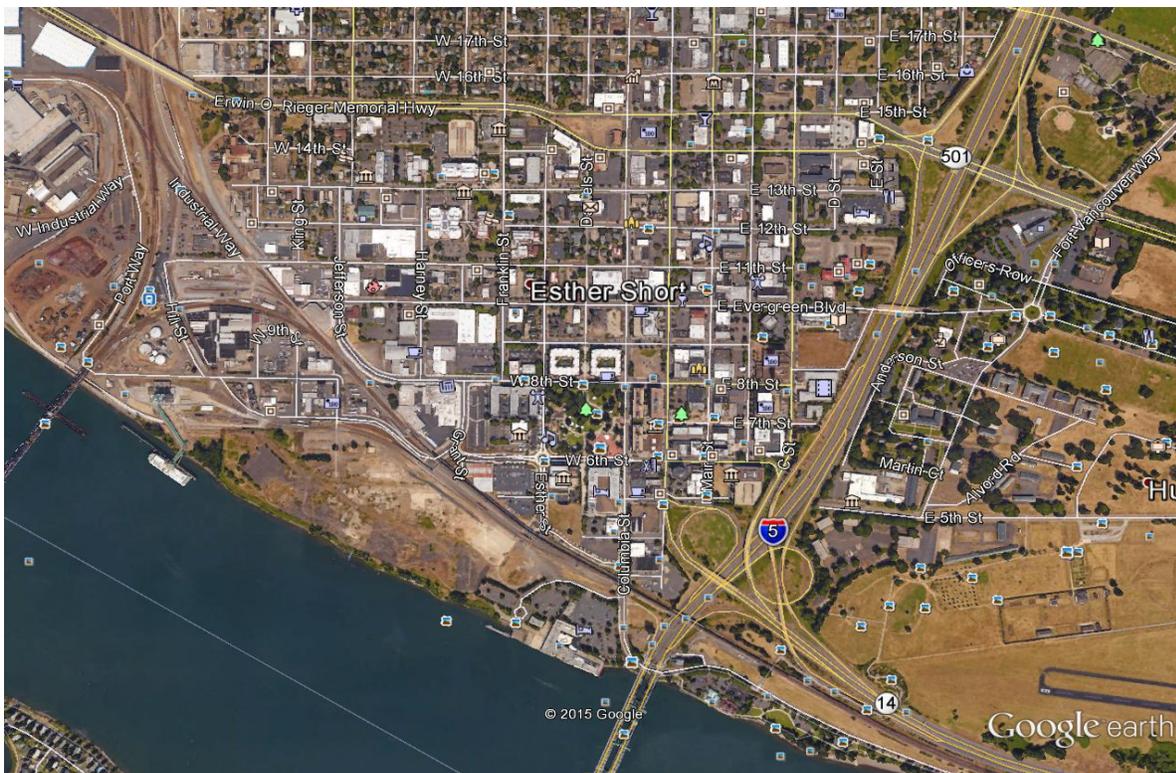
Land Use Policies of the City Center Vision Plan include:

- Encourage residential development including affordable housing as the key to city center vitality.
- Focus waterfront redevelopment on residential uses supported by significant public access, recreation, cultural, hospitality, entertainment and limited commercial uses.
- Protect key historic buildings and established residential neighborhoods.
- Encourage key support services, such as a full- service grocery store and lifestyle retail center.
- Encourage development within the west subarea of the VCCV primarily for government services complemented by residential, entertainment and cultural uses.
- Recognize and encourage arts, cultural and institutional uses as critical to economic development in the city center.

Policies focused on connectivity of the central city area include:

- Strengthen the primary street connections, (Columbia and Esther) to the waterfront.
- Support a secondary connection to the waterfront (e.g., Daniels).
- Ensure that expansion of I-5 and Columbia River crossing improvements improve access to the city center and minimize potentially negative effects.
- Overcome the barrier-like feeling of the BNSF railroad berm between downtown and the waterfront.
- Provide improved access into the southern and western areas of the city center.

The City Center Vision Plan also included recommendations of several zoning and development regulation tools designed to integrate the existing downtown with commercial and residential uses. The predominance of mixed-use zoning focused this effort on revitalizing downtown by bringing more interaction and activity from the community at large to the downtown core. The Waterfront development project is referenced in the plan, one of the largest urban revitalization efforts in the City to date.



Source: Google Earth, April 2015

## Zoning

Recommendations of the Sub-Area Plan include new zoning designations:

- Amend the CC zone to allow for residential uses at ground floor on Main Street and Broadway.
- Amend the CX zone to allow for limited light industrial uses to accommodate clean industries that are significant employers and would add vitality to the city center.
- Rezone pockets of R-22 and mixed use zoning located west of I-5 near Mill Plain Boulevard to CX to allow for residential and mixed use development, more flexible development standards, and other uses appropriate to the city center.

The Vancouver zoning map (page D-4) notes the changes of zoning that have been implemented in the downtown area to affect these policies.

The Plan also advises changes to the Shoreline Master Program and Critical Areas Ordinance to:

- Amend the height limitations in the Columbia West Renaissance District to accommodate more dense urban development.
- Extend the Columbia River Shoreline enhancement Plan District west to the railroad bridge and north to the BNSF berm. This would allow a master plan process to govern mixed-use development and significant public access to and along the shoreline area of the Columbia West Renaissance District waterfront.

In addition, the Sub-Area Plan makes several recommendations to enhance the day-to-day living experience of downtown Vancouver, these include:

- Assist in land assembly for significant uses such as housing, employment, public open space and a full-service grocery store. Land assembly could involve use of community renewal and condemnation powers as appropriate.
- Concentrate efforts on small businesses in the city center, including the resurrection of the building facades improvement program.
- Support the development of destination cultural institutions (library, performing and visual arts venues, museums) in the VCCV area.
- Enable and promote waterfront development.

Comment: Specific land uses cited as priorities in the Vancouver City Center Vision Plan are: condominium housing, an upscale hotel, other overnight

accommodations, offices and retail spaces, light industry. Specific to the Columbia Renaissance, which includes the Waterfront redevelopment area south of the BNSF berm, the table below shows targeted land uses for this portion of the City Center Vision Plan.

The Plan calls for public access to and along the river’s shoreline area within the Columbia West Renaissance District as a plan goal. The shoreline area of the waterfront is planned to develop with one or more of the shoreline priority uses: water-dependent, water-related, water-enjoyment and/or environmental protection. Plans and some of the infrastructure needed for the physical development of the shoreline and connections to the city center have already begun.

<b>Columbia West Renaissance (Waterfront) District</b>		
<i>Land Use</i>	<i>Description</i>	<i>Quantities</i>
Housing	Mid-rise condos	3,014 units
Hotel	Upscale hotel Hotel other space	200 rooms 10,000 SF
Office	Mid-rise office including waterfront and northwestern office/light-industrial area	450,000 SF
Retail	Convenience and service retail	125,000 SF
Light Industrial	northwestern office/light industrial area	100,000 SF
Shoreline Priority Uses	200’ landward of the floodway	

Source: City Center Vision Plan, 2007

With these policies and specific actions (including re-zoning) as a background to the investment made in this segment of the community, it is evident the City is moving away from a development pattern that centralizes heavy industry in the downtown core. Good urban planning dictates that incompatible uses be buffered from each other, the significant increase in train traffic associated with the proposed oil terminal increases the impacts of heavy industrial use in the downtown core, contrary to the direction of the Vancouver City Center Vision Plan. In an area of compact urban form and long-planned for increased human-scale activity, the opportunity does not exist to increase buffers from industrial uses that produce significant increases in heavy rail.

## Riverview Gateway Sub-area (2009)

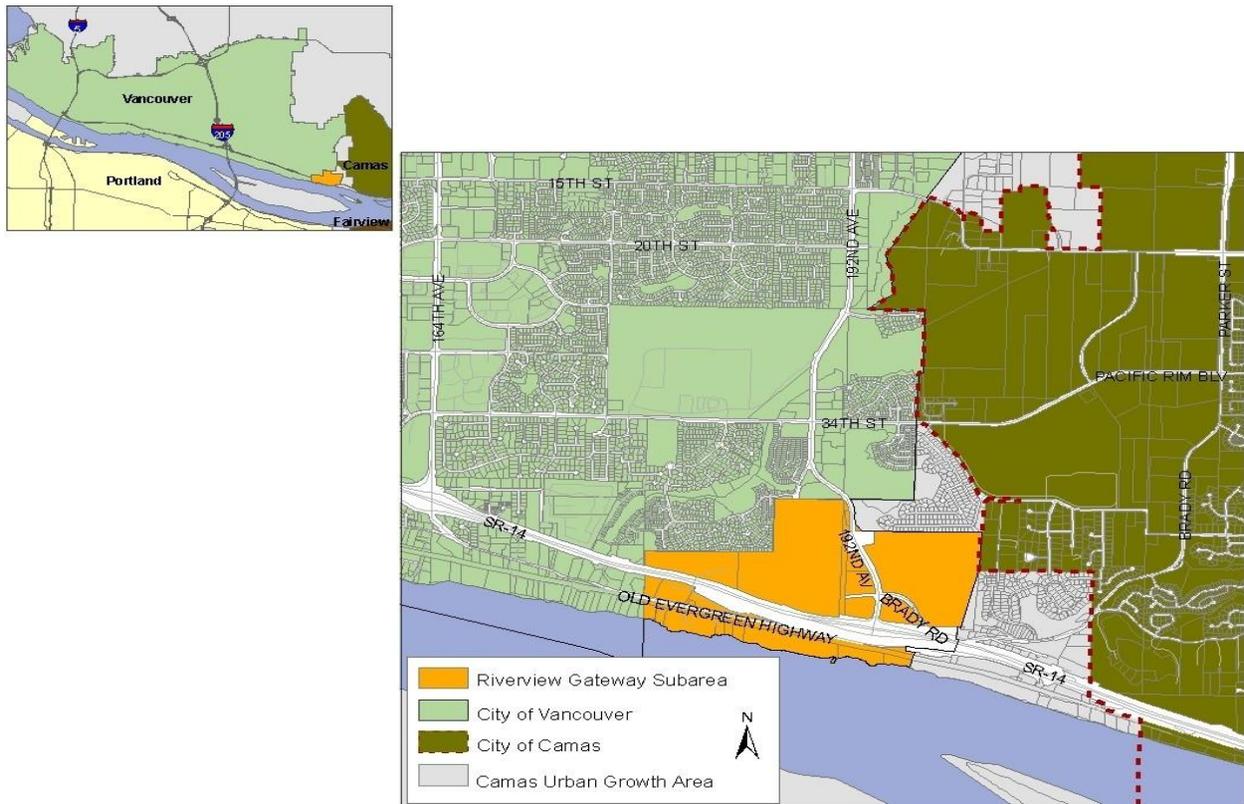
The SE 192nd Avenue/State Route 14 interchange serves as an eastern gateway to the City of Vancouver and surrounding areas. The area's location and physical characteristics provide unique opportunities, as it is readily accessible to fast growing areas of eastern Vancouver, Camas, and Clark County. North of the interchange are the Fisher and WSDOT quarries, a 186-acre mining site with sweeping views of the Columbia River and opportunities for urban development as they transition out of service as rock quarry sources. South of the interchange is a wooded area along the Columbia River including large lot riverfront properties, the Columbia Vista Mill, Old Evergreen Highway, and the BNSF railroad track. The Vancouver Energy oil terminal proposal will produce an average of four unit trains per day (and possibly as many empty trains on the out-bound-trip) traversing this sub-area.

The Riverview Gateway Plan for eventual development of the existing quarries highlights an urban mix of residential, commercial, office and employment uses, linked by a network of parks, trails, and open spaces with connections to surrounding neighborhoods. Riverfront lands south of SR-14 are intended to remain generally as they are, with opportunities for habitat conservation and trail access where feasible. The area was originally designated as one of 15 Urban Centers and Corridors intended for focused planning in the Vancouver Comprehensive Plan in May 2004.

The plan's vision emphasizes the following major concepts:

- **A mix of urban uses.** Provide a mix of uses within the quarry area with employment, housing, shopping and recreational opportunities in an urban-scale environment. This subarea and its intended mix of uses was deemed critical to the City's long-term economic health and development.
- **Build on river views and quarry topography as a unique site amenity.** The quarry area contains large "bowl" areas that enhance views of the river.
- **Connected network of attractive parks, open spaces, and trails.** Development of the quarry provides an opportunity to create a network of parks, trails, and open spaces running through the site and connections to surrounding areas.
- **Efficient multi-modal circulation system.** Several circulation improvements are included to facilitate vehicle, pedestrian, transit and bicycle movement.

- **Encourage Low Impact Development Techniques (LID)** to manage storm water, enhance the ecology and create a livable urban environment.
- **Protect the Columbia River Shoreline.** No significant changes in land uses are envisioned south of SR-14 and there is no public access between the Riverview Gateway area and the riverfront planned for the immediate future, although water access is desirable in the long term. The Columbia River and trees along its shoreline are important visual resources for the gateway development as highlighted in the plan.



Source: Riverview Gateway Sub-area Plan

**Specific Land Use goals and policies of the Sub-area Plan include:**

**LU-1** *Promote the orderly transition from mining to a mix of uses on the quarry sites.*

**LU-2** *Promote water-dependent or water-related uses along the riverfront and other uses south of SR-14 that protect the area’s sensitive natural resources and can be accommodated by the area’s limited infrastructure.*

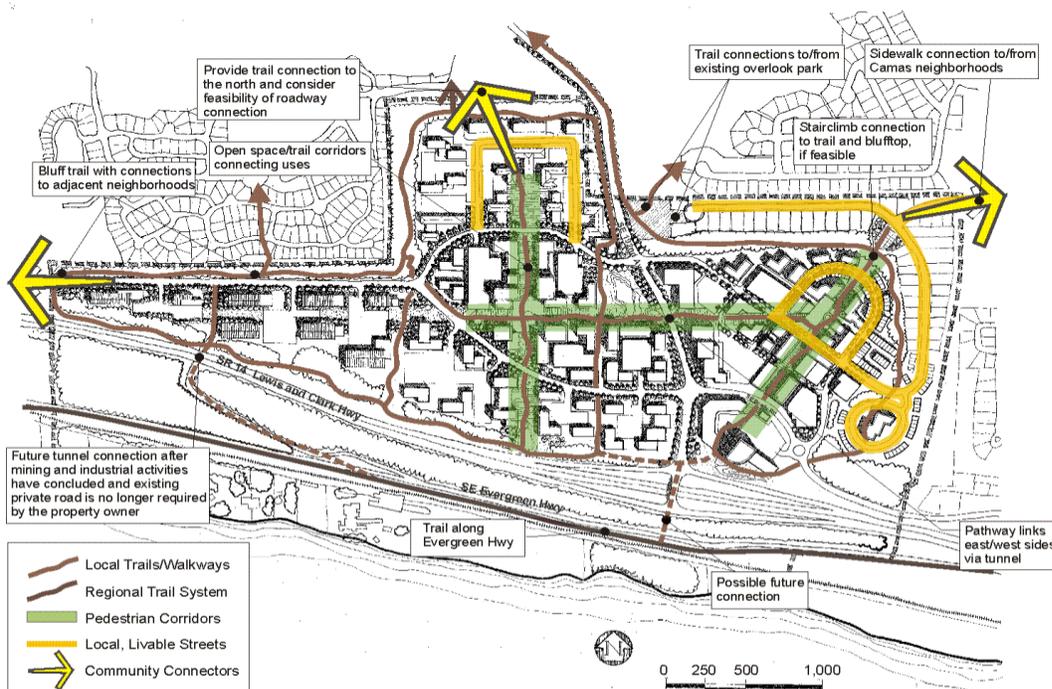
- Encourage water related or dependent uses along the riverfront, consistent with Vancouver's Shoreline Management Master Plan.
- Protect existing industrial uses along the riverfront until and unless property owners choose to change.
- Maintain existing low intensity residential uses along the riverfront.
- Protect sensitive environmental conditions south of SR-14, particularly steep slopes, springs, creeks and riparian areas.

**LU-3** Create a unique "sense of place" reflected in site design, building and landscape forms, and the public realm within the quarry sites and establish the area as an attractive eastern gateway to the city.

**LU-4** Promote quality development that serves as a model for sustainable development for the city and the region.

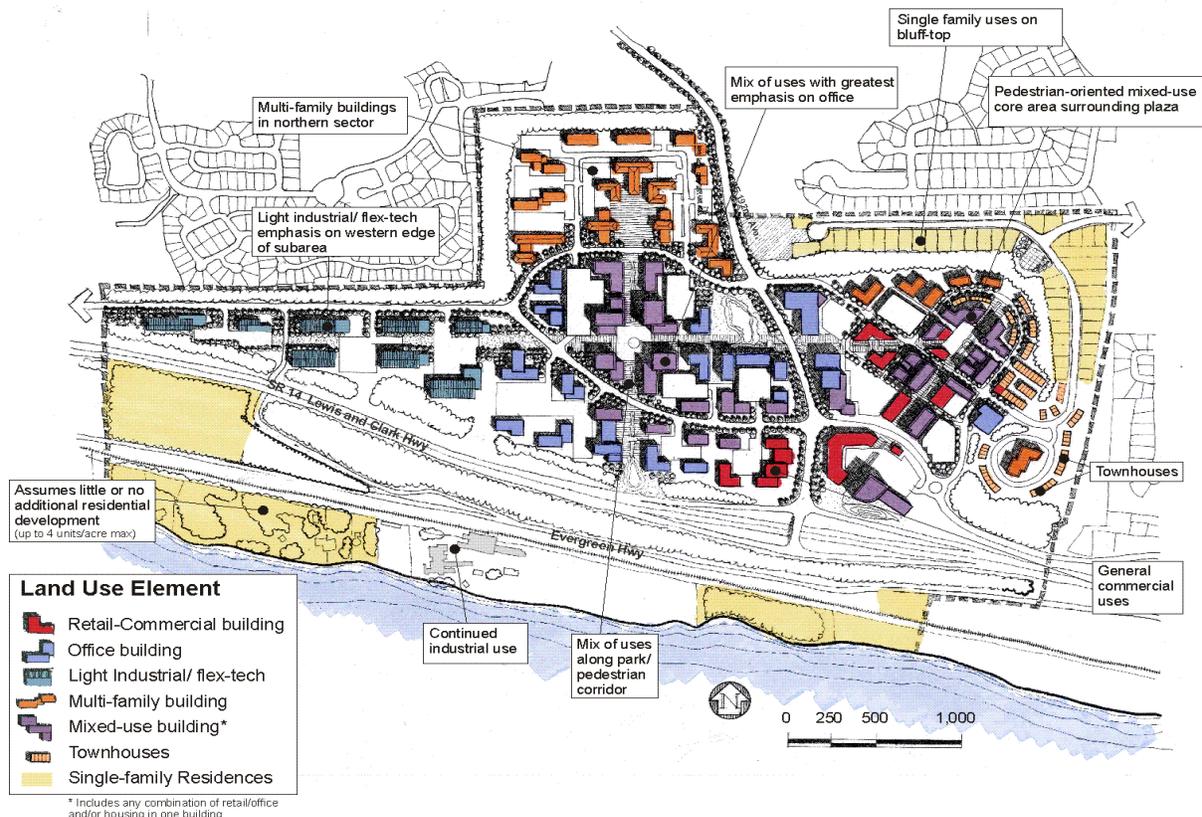
**LU-5** Develop a regulatory program that balances predictability with flexibility, is fair to all, and promotes desired development.

- Design standards and guidelines should be established to direct new development in a way that is consistent with the Riverview Gateway Plan vision.



**Comment:** The Riverview Gateway Sub-area Plan echoes themes similar to the two Sub-area Plans previously discussed: transforming blighted areas, enhancing recreation and access to the shoreline of the Columbia River, and increasing the value of residential, commercial and industrial properties through thoughtful planning and design. While the Sub-area is miles from the proposed oil terminal, the impacts of the proposal would be felt there, as the rail route bisects Riverview Gateway near the Columbia River, on a single-track section of the railway.

Expected land use impacts in this part of Vancouver are due to train noise, vibration and exhaust from trains, in addition to the potential hazards of spill or accident. Users of the Columbia River Mill adjacent to the rail line must cross the single track to connect with old Evergreen Highway, the only vehicular access. For the mill and residential uses, the presence of several long unit trains each day poses an obstacle for emergency services to these single-access point properties. (See figure showing At-Grade Rail Crossings, page 9) The Lewis and Clark Regional Trail is noted on master plans for future development of Riverview Gateway.



The EIS states that “(an) additional four unit trains per day associated with the proposed Facility would increase gate downtime by between 15 and 26 percent along the Columbia River Alignment. While emergency service providers currently have the potential to be delayed by existing train traffic, an increase in delays could constitute a major impact to public services.” (DEIS, Section 3.15.6)

### **Vancouver Regional Trail & Bikeway Systems Plan (2006)**

The Regional Trail & Bikeway Systems Plan envisions a network of nearly 240 miles of regional trails and bikeways in Clark County, providing residents and visitors’ transportation alternatives to daily vehicle trips, connections between neighborhoods, and safe, accessible opportunities for a healthier lifestyle.

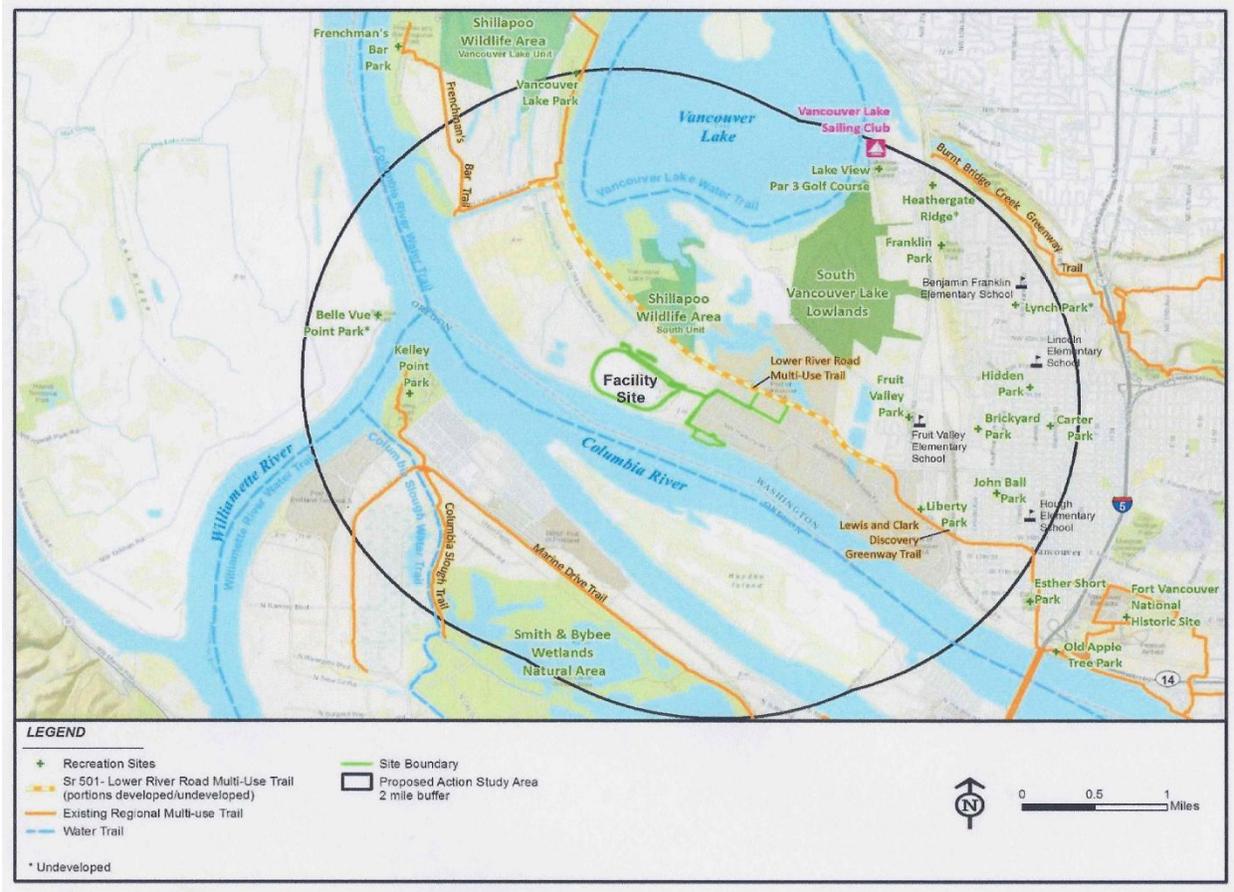
The proposed oil terminal will be constructed near the Lower River Road multi-use trail adjacent to SR 501, and the connection of two Regional Trails: Lewis and Clark, and Lake-to-Lake.

Lewis and Clark is planned for a 46-mile length; over 9 miles have been constructed to date. The trail corridor extends from Washougal to Vancouver and on to Ridgefield following the Columbia River downstream re- tracing the 1805 route of the Lewis and Clark Expedition. Along the route are several historical markers and parks and stops dedicated to the ‘Corps of Discovery’. This trail corridor is a multi-modal facility for walkers and bicyclists; some reaches of the greenway allow horse riders. The trail will eventually reach the Ridgefield National Wildlife Refuge in northwest Clark County.

The Lake-to-Lake trail corridor highlights the remaining preserved open spaces within the urban area in the Burnt Bridge Creek and the Lacamas Creek watersheds . It starts at the Port of Vancouver and traverses lowlands along the eastern edge of Vancouver Lake up to the mouth of Burnt Bridge Creek at Vancouver Lake, following the creek up to Leverich Park, then traversing the base of the north slope of Vancouver's "Heights" area. This trail displays habitat reclamation projects, those designed to return wildlife to its historic state back before the agricultural uses of the 20th century. The trail goes further east to Meadow Creek Marsh (another public wetland enhancement project), extending to the joint headwaters of Burnt Bridge Creek and Lacamas Creek watersheds,

then down in elevation to the Lacamas Heritage Trail, along Lacamas Lake, connecting to the 600+ acre Lacamas Lake park system.

Figure 3.21 of the DEIS indicates the Lower River Road and Lewis and Clark trails, the Lake-to-Lake trail is not included. This trail will connect to Lewis and Clark near the proposed oil tanks (across Lower River Road).



Recreational Sites within Proposed Action Study Area Source: Figure 3.21, DEIS

One of the most popular trails in Vancouver is the Columbia Renaissance Trail (shown in part on the Regional trails map above, and in detail below). This trail connects downtown Vancouver with parks along the waterfront, and in a survey conducted in 2010, use was estimated to be 986,645 – an increase from the preceding two years. For the past three years, the Columbia River Renaissance Trail has reported the highest usage of all the trails that were counted. (Clark County Bicycle & Pedestrian Trail Use Snapshot: Fall 2010). This trail parallels the BNSF rail line for much of its length along the waterfront. Safety, cleanliness and

the conditions of natural features and the area were ranked as highly-favored elements of this trail.



Comment: The Regional Trail and Bikeway System Plan is designed to link residents and visitors to the diverse neighborhoods, historical sites and natural features of the Greater Vancouver area. A large public/private investment in the trail systems has resulted in a paradigm-shift away from regarding the automobile as the only way to explore the area; and, capitalizing on the waterfront as a feature for providing recreational use and linkages between Vancouver parks. Looking at the parks and trail system as a whole, it is evident the Vancouver Lake lowlands area has a significant role in tying different components together. Figure 2-6 in Section II of the Regional Trail Plan shows several trail junctions in the vicinity of the proposed oil terminal, and the rail lines that would see significant increases in freight traffic due to the proposal.

While the oil terminal and increases in rail traffic may not hinder actual construction of the trail network, it may very well discourage investment in the trail system as now planned (or worse, discourage use of the existing system);

negating years of effort and public support to establish the connections the system needs to be attractive and viable. As these trail systems are primarily designed to provide historical interpretation and access to natural features such as the Shilapoo Wildlife area, the presence of intensive industrial traffic will likely discourage use by Vancouver residents and visitors seeking a passive-recreational experience.

## **Vancouver Municipal Code Title 20 - Development Code**

Title 20 of the Vancouver Municipal Code (VMC) contains regulations to manage development in a manner that ensures efficient use of land, preserves natural resources, and encourages good design. Zoning Districts, Overlay Districts and development regulations that focus on particular types of development are interwoven in Vancouver's 'unified' development code.

### **VMC 20.160.020 Use Classifications**

Comment: The proposal fits the industrial use category on the Port Terminal 5 site.

### **20.440.030 Industrial Districts**

Comment: The proposed site of the oil terminal is zoned IH (Heavy Industrial). The IH zone is intended for intensive uses associated with shipping and storage, and the use of a marine terminal, rail access and large volumes of storage fit within the description of warehouse/freight movement. There is no language in the Development Code specific to crude oil storage or transfer of crude oil to ships. To address this type of use, the City of Vancouver recently passed a moratorium ordinance on new crude oil terminals, in order to assess whether the use should be allowed in the City's industrial districts. (Ord. M-4090)

### **20.440.040 Development Standards (of the IH zone)**

Comment: All developments must comply with applicable development standards contained in the underlying zoning district. There are virtually no limiting standards in the IH zoning district. The City has determined only the proposed storage tanks are located in an area requiring setbacks, along the frontage of Lower River Road. The plans include a 5-foot setback to the

'containment berm' and a 60 foot setback to the proposed storage tanks from the right-of-way.

### **VMC 20.450 Open Space Districts - Vancouver Lake Greenway**

Comment: The Vancouver Lake Greenway District is intended to encourage the preservation of agricultural use on land suited for agricultural production, and to protect highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. The lands overlain by this Greenway District are shown in Figure 20.450-2 of the VMC. Efforts of conservation in the area are not just ideas in plans: the Vancouver Lake Greenway area was the subject of a recent 500-acre set-aside of lowland habitat, to be managed by the Columbia Land Trust for the benefit of Sandhill cranes. The boundary of the Greenway District is a near-match to the 100-year flood plain, as represented on the Flood Insurance Rate Maps produced by Federal Emergency Management Agency (FEMA).

The original intention of the Vancouver Lake Greenway is not merely for human-based recreation, but to add zoning protections to existing wetlands and habitat areas of the Shillapoo Wildlife area (1,500 acres in two management units) and Ridgefield National Wildlife Refuge lands to the north. Recent acquisition of 500 acres for Sandhill Crane protection by the Columbia Land Trust underscores the efforts taken in this area to attract wildlife – especially avian wildlife, as the entire area is within the Pacific Flyway, the principal migration route for birds on the West Coast.

### **20.760 Shoreline Management Uses**

The City adopted a Shoreline Master Program as the regulatory tool for management of shorelines and shorelines of statewide significance, consistent with RCW 90.58, the Shoreline Management Act and Washington Administrative Code 173-27. WAC 173-27-045 states that certain developments are not required to meet requirements of the Shoreline Management Act. Specific to this proposal, deemed an Energy Facility by EFSEC, sub-section (4) states: The holder of a certification from the governor pursuant to chapter 80.58 RCW shall not be required to obtain a *permit* under chapter 90.58 RCW. (emphasis added)

In conducting the scoping phase of SEPA review for this project, EFSEC determined the impact to land and *shorelines* should be examined for potentially adverse impacts, despite the exemption from a shoreline substantial development permit.

Comment: According to Table 6-1 Shoreline Use, Modification and Development Standards of the Vancouver Shoreline Management Program (VSMP), water-dependent uses are permitted by Shoreline Substantial Development Permit in the Aquatic and High-Intensity shoreline designations. The marine shipping component of the proposal requires direct access to the shoreline; therefore the project *as proposed* contains water-dependent elements.

### **Vancouver Shoreline Master Program (2012)**

The Shoreline Master Program is a comprehensive use plan for the City of Vancouver; the policies, regulations, maps and text were developed in accordance with the policies enunciated in RCW 90.58.020.

The purpose of Vancouver's Shoreline Master Program, required by RCW 90.58, states:

1. To guide the future development of shoreline in the City in a positive, effective, and equitable manner consistent with the Act;
2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, land, its vegetation and

wildlife, the waters of the State and aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to City of Vancouver Shoreline Master Program or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State. Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

Additionally, the Master program contains Guiding Principles; those pertinent to the proposed project are list below:

4. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
6. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:
  - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;
  - b. By including policies and regulations that require mitigation of

adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.

- c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
- d. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.

Comment: Currently, there is no oil and gas production in Washington; none has been produced in the state for decades. Nonetheless, Washington is a principal refining center serving Pacific Northwest markets, as oil is either transported directly by rail to refineries, or shipped from Alaska. (Washington Department of Natural Resources web-site, 2015) As no oil and gas production facilities or refineries are present in Southwest Washington driving the need for an oil terminal, the impacts of such a facility were not foreseen in specific policies of the Vancouver Master Program. What shoreline resources and uses *are* present in the area, such as salmonid fisheries, wildlife habitat, recreation and shipping, serve the region's needs as well as a broader function in the Northwest economy. The Master Program contains policies that focus on transportation and utilities, emphasizing: "...facilities should be installed and facilities designed and located in a coordinated manner that protects shorelands and water from contamination and degradation." Introducing crude oil transfer to a shoreline interface when there is no existing fossil fuel resource nearby, and no refineries at the location to create the end product, it is hard to argue the use is particularly dependent on a location on the Vancouver shoreline, serving a state-wide purpose.

The Program states that uses are preferred which control pollution and prevent damage to the natural environment, or are unique to City of Vancouver Shoreline Master Program or dependent upon use of the State's shoreline. The proposed

use presents a pollution-threat to the shoreline environment, and is not dependent on resources unique to Vancouver's shoreline, as stated above.

The scope of the Shoreline policies in Vancouver does acknowledge the mitigation sequencing inherent in WAC 173--26-201(2)(e)(i), whereupon activities that present potential adverse impacts in shoreline areas must first be considered for location elsewhere, then reduced in magnitude to mitigate the impacts of large-scale uses that threaten sensitive shoreline environments. While the high-intensity shoreline environment of the Port of Vancouver might be considered devoid of ecological function, the master program approved by Ecology and adopted by the City also recognizes the importance of the Columbia River for other values which are dependent on a high-quality Aquatic environment, where activities associated with an oil terminal would take place.

### **Shorelines of Statewide Significance**

Within the City of Vancouver, the Columbia River and Vancouver Lake are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, they will be managed as follows (text copied directly from the Master Program):

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
  - a. Recognize and protect the statewide interest over local interest;
  - b. Preserve the natural character of the shoreline;
  - c. Result in long term over short term benefit;
  - d. Protect the resources and ecological function of the shoreline;
  - e. Increase public access to publicly-owned areas of the shorelines;
  - f. Increase recreational opportunities for the public in the shoreline; and
  - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
  
2. Uses that are not consistent with these policies should not be permitted on SSWS.

3. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.

4. Implementation of restoration projects on shorelines of statewide significance should take precedence over implementation of restoration projects on other shorelines of the state.

5. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources; and, 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

Comment: As stated in the Draft EIS, the project as proposed will have a positive impact on employment in the Vancouver area, in short-term construction jobs to develop the project as proposed at the Port, and longer-term jobs at the facility for a projected 20-year operation during oil transfers from rail to ship. But the positive effect of the facility on statewide employment is marginal, as trains will simply roll through the state, unload at Vancouver, then pass through again. Receiving refineries are stated to be 'West Coast locations', including Hawaii and Alaska. The five refineries in the state of Washington are all north of Tacoma, and accessible via existing rail lines, so the proposal of crude oil transported to Vancouver's shipping terminal results in a raw material simply passing through the state to elsewhere, where it is to be refined into a value-added product.

There is little potential for oil transferred at the Vancouver facility to be refined, value-added, and produced into final products within the state of Washington, as all existing refineries are accessible by rail at present. It simply would not justify the cost to build a terminal to off-load oil onto ships, then send an empty train past refineries located on rail lines to the north (e.g. Tacoma, Anacortes, Ferndale, Blaine). This proposal is likely to result in little of an economic multiplier; therefore, the statewide interest in protection of shorelines affected by this proposal may certainly outweigh its statewide benefit as an economic driver. Positive economic benefits of the proposal would be felt primarily in Vancouver, while the potential costs of the project such as the initial cost of spill clean-up,

impacts to transportation infrastructure, emergency-services training and equipment, adverse impacts to other land uses and natural resources (e.g. fisheries) would be borne across a broader portion of the state. Clean-ups are typically accomplished through enforcement of the Model Toxics Control Act (MCTA) Chapter 70.105D RCW, which treats petroleum as a regulated hazardous substance.

The state Shoreline Act does not articulate a threshold between 'short and long-term' benefits, but the projected life of this proposal as stated in the DEIS is 20 years. The other stated preferences for use of statewide shorelines are not advanced by the proposal, as preserving natural character and protecting ecological functions of the shoreline, increasing recreational opportunities or public access to publicly-owned areas of the shorelines are simply incongruent with heavy industrial operations at a port facility.

The proposal's potential impact off-site from the terminal facility is clearly contrary to the third preference of shorelines of statewide significance, that of protecting those limited shorelines containing unique, scarce and/or sensitive resources. The abundance of shoreline areas and their sensitive resources are detailed in the 2004 study: *Sensitivity of Estuarine and Riverine Environments and Wildlife to Spilled Oil Columbia River Atlas*, produced by National Oceanic and Atmospheric Agency (NOAA). Most of the transportation corridor in the state to be used by loaded oil-unit trains, and tanker ships downstream of the terminal, are designated shorelines of statewide significance.

The proposal does utilize already developed shoreline area at the Port of Vancouver, thereby reducing adverse impacts on the shoreline area located above the flood plain, consistent with the fifth-listed preference of state-significant shorelines. However, this preference also demands *the evaluation of short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline*. (emphasis added) Clearly the Shoreline Management Act demands that shorelines of statewide significance require a long-term view when considering their value for development and use. The Draft EIS identifies potential adverse impacts to the shoreline environment for the life of the projected use, 20 years. Considering the scope and difficulty of containment of catastrophic oil spills in a riverine environment such as the Columbia, the potential impacts in a freshwater

environment (and as the *MobilOil* accident near Ridgefield in 1984 demonstrated, marine environments many miles away from the spill site) could supersede the life of the projected use. (Ref. Oil Spill Case Histories 1967-1991, U.S. Dept of Commerce, November 1992)

### **Shoreline Designations**

The City classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26) and the City of Vancouver Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation.

The oil terminal project is proposed in two Shoreline designations: Aquatic and High Intensity. The purpose of the *Aquatic* shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM). The purpose of the *High Intensity* shoreline designation is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing shoreline ecological functions and restoring ecological functions in areas that have been previously degraded.

Comment: Inherent in a project proposal of this type is a conflict of shoreline priorities in the two designations: the protection of shoreline resources in an aquatic designation on the same site as the allowance of high-intensity industrial use in the high-intensity designation, where natural values are virtually non-existent.

### **General Shoreline Use and Development Regulations**

The list below is of Shoreline use and Development Regulations pertinent to the project. The numbered designation of each regulation is retained as found in the Master Program.

1. Shoreline uses and developments that are water-dependent shall be given priority.
2. The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net

loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.
- b. Minimizing unavoidable 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. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

3. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through voluntary restoration efforts.

4. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.

6. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.

9. On navigable waters or their beds, all uses and developments should be located and designed to:

- a. Minimize interference with surface navigation;
- b. Consider impacts to public views; and
- c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

10. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.

11. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

12. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

13. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.

15. Developments permitted in the Aquatic Shoreline Designation along the Columbia River shall be sited waterward of -15 feet CRD unless shallow water habitat will be created as mitigation.

Comment: Addressing the pertinent general shoreline use regulations:

1) The use as proposed requires the use of ships to transport crude oil; ocean-going ships are a water dependent use.

2) In the DEIS, the applicant does *not* demonstrate all reasonable efforts have been taken to avoid, minimize or mitigate impacts of the use. The DEIS dismisses all alternatives except the proposed action (and the no-action alternative required by SEPA). In doing so, the proposal essentially skips over the possibility of siting the project elsewhere (such as existing refineries with rail line access). Other locations are mentioned in the DEIS, but little rationale given for not considering them as alternatives to the proposal.

3) and 4) No voluntary restoration efforts to restore the shoreline were identified by the applicant. Section 2.5 of Chapter 2 in the DEIS states “The initial site restoration plan *would* be prepared in sufficient detail to identify, evaluate, and resolve identified environmental, public health, and safety issues.” Identifying that a restoration and/or remediation plan might be forthcoming does not allow

complete review of what that might entail. Earlier in the same Chapter, the applicant identifies 'pre-booming' as a way to have preventative measures in place to mitigate impacts due to spilled oil in the waters around tanker ships, but in the same section, discounts their use for much of the year due to river currents.

6) Ground improvements beneath the pipeline areas (landward of the OHWM) would include a combination of stone columns, deep soil mixing, and jet grouting to address the liquefaction potential of soils under the pipeline adjacent to the shoreline. These modifications of the shoreline to avoid one problem, the effects of earthquake in an area prone to liquefaction, result in creating another, intensive armoring of the shoreline.

The Shoreline regulations of the City of Vancouver require the applicant to demonstrate in a statement of exemption for a proposed shoreline use or development, that environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions. While this development has been deemed subject to RCW 80.50 and not subject to a *permit*, the DEIS does not lead to the conclusion that environmental impacts have been avoided to or minimized to the 'no net loss' standard (i.e. there are no reduced-impact alternatives considered, merely the proposal, and the 'no action' alternative); thus the proposal is not consistent with the Shoreline Master Program policies.

9) The proposal requires ships to navigate the waters of the Columbia, and tanker ships will need to reverse direction (blocking a portion of the channel when doing so, but this action does not appear to pose any undue interference with navigation of other vessels. 9.c) The DEIS does conclude that adverse impacts to aquatic life may result from the operation of the terminal and transport of crude oil.

Appendix A of the DEIS acknowledges the City's current Shoreline Master program of September 2012, and the scoping notice EFSEC issued required the applicant to address shoreline resources such as fish and wildlife migration routes. One could argue salmonid species are the most significant of all in the Lower Columbia, the subject of decades of intensive management to restore and protect their existence and migratory pattern. This policy is a direct response to the importance of salmon to this shoreline of state-wide significance in Vancouver and Clark County. Environmental Policies (EN 4, 6 7 and 8) of the Comprehensive Plan reiterate the values of ecosystem and habitat protection specific to threatened aquatic species of the Lower Columbia.

While the applicant proposes measures to reduce potential impacts to near-shore fish habitat, there are no aspects of the oil terminal that promote or enhance habitat for salmonids and other listed species and/or facilitate their recovery. Shoreline regulations include provisions for the protection of habitat used by fish species and require no net loss of shoreline ecological functions. The project vicinity provides habitat for resident fish, including adult and juvenile forms of several special-status populations of salmon, steelhead, and bull trout, Pacific eulachon, and green sturgeon. Salmon and steelhead are migratory fish, due to the increase in deep-draft vessel traffic, wake stranding, increased entrainment of juvenile fish, noise and potential impacts to essential fish habitat along shorelines, the DEIS concludes moderate to major impacts could result to aquatic species in the lower 33-mile section of the Columbia. This without considering the potential for incidental and catastrophic oil spills. A 2004 study published by NOAA titled 'Sensitivity of Estuarine and Riverine Environments and Wildlife to Spilled Oil – Columbia River' contains maps that identify wildlife habitat and species sensitive to oil spills; this information clearly shows the concern federal agencies have for wildlife species in the Columbia corridor, where crude oil transport is proposed to increase dramatically over current levels. The DEIS does not demonstrate the proposal allows for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration in the Columbia corridor. Therefore, the proposal appears to be inconsistent with this provision of the local master program.

10) Hazardous materials are the product of this proposal. If incidental spills can be captured by the containment systems designed to protect the ecological integrity of the upland shoreline area, the proposal will comply. If the release of crude oil takes place within the aquatic environment in large quantities (as seen in previous riverine, freshwater spills), then the proposal will likely not comply, as the ecological integrity of the shoreline will be impacted by an oil spill, a result of toxicity, lowered oxygen levels, and direct impacts to invertebrate, vertebrate and benthic organisms (stress or death due to contact with oil).

11) The limitations to time periods for in-water work according to state fish management schedules (and the EFSEC work window as cited in the DEIS) may mitigate impacts to biological productivity during peak migration periods, but the on-going operation of the facility poses a threat that cannot be mitigated during transport of crude by deep-draft vessels. The DEIS states that moderate to major

long-term effects could be seen to nearshore fish and vegetative communities in shallow water, tidal flats and wetlands that provide habitat for migrating salmonids, due to a 223% increase in deep-draft vessel traffic. (DEIS, Chapter 3, pg. 3.16-57 and 58)

12. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes has been evaluated in the DEIS. EFSEC should consider the response of federal and state aquatic species managers and other knowledgeable sources to determine the extent of impacts to habitat, migration and floodplain processes.

13. A master plan for the oil terminal was not submitted or evaluated by the City of Vancouver.

15. This development in the Aquatic shoreline designation along the Columbia River does require work landward of -15 feet CRD: the placement of 40 temporary pilings to act as guides for concrete and grouting work taking place above OHWM. The applicant does not propose to create shallow water habitat as mitigation, instead, proposes to perform in-water work within a 'window' prescribed by EFSEC, intended to prevent impacts to shallow water habitat for an extended period.

In addition to the policies and regulations of the Vancouver master program, EFSEC should consider those of the Clark County Shoreline Master Program as well, as the two programs are markedly similar.

### **Summary of Unavoidable Impacts to Land Use**

This consultant finds the proposed project is consistent with certain policies and regulations; is inconsistent with other plan policies and regulations, and notes in some areas the DEIS provides insufficient information to conclude whether the proposed project provides adequate avoidance or mitigation for impacts to the environment, specifically those related to existing land uses or planned land use actions.

Vancouver shares a circumstance with many other communities faced with a sudden presence of oil-unit trains. "Local land use plans often do not consider the broader impact of oil transport on the surrounding area and nearby

communities.” (Ref. CaRDI Reports, Issue 15 November 2014 – pub. Cornell University) What Vancouver *has* done in adopted Sub-Area plans, the 2011 Comprehensive Plan, adopted Parks and Recreation Trail Plans, Neighborhood Action Plans and the 2012 Shoreline Master Program, is to undertake a shift in priorities for downtown redevelopment, recognizing the importance of neighborhood viability and principles of sustainability. Policies designed to accomplish those priorities are interwoven in each of these plans. Intensifying heavy industrial use that will discourage redevelopment plans and passive recreation opportunities, slow emergency response-providers, and dominate the downtown core area is not promoted in the plan and policy documents adopted by the City.

The proposed oil terminal will generate additional rail traffic, increases in noise, vibration and air pollutants in the Columbia Waterfront Development, a redevelopment project located along the Columbia River, upstream of the proposed terminal. The Waterfront project has been pursued (and considerable public investment made in infrastructure) to further the purposes of the Vancouver Comprehensive Plan and City Center Vision Plan.

Development plans for Vancouver’s Urban Centers: City Center, Columbia Business, and Riverview Gateway; feature multi-modal transportation, pedestrian-oriented connections, public open spaces and design characteristics that depend on a mix of uses to complement each other and create more livable, interactive urban spaces. A significant increase in heavy rail traffic associated with this project would not enhance these redevelopment areas, and could very well discourage further investment if the impacts associated with this proposal cannot be mitigated on-site.

The terminal project site is proposed within an Industrial district, and closest to the Fruit Valley Neighborhood. While the proposed oil storage tanks and off-loading activity is 3,300 feet from the closest homes of the Neighborhood, out-bound trains to the north would also pass nearer homes. Other Neighborhoods of Vancouver will experience significant increases in heavy rail traffic; some with homes as close as 60 feet to the tracks. Residential and industrial-zoned properties to the east include several at-grade crossings that provide access to homes and businesses; they would experience traffic delays and reductions in emergency-service response times due to the project.

The DEIS section addressing potential impacts to land use offers a narrow criterion to define 'impact': "Because the unit trains transporting crude oil from Williston, North Dakota, to the Port of Vancouver would use existing BNSF rail lines, no direct impact would occur to existing or proposed land uses within the rail corridor study area. Because no additional land would be acquired along the rail corridor for new or expanded rail facilities directly related to the proposed Facility, land use impacts would be negligible." (DEIS, pg. 3.10-15) The description of potential land use impacts goes on to say: "The four trains per day that would serve the proposed Facility could negatively affect existing land uses located along the rail corridor due to increased rail traffic and associated noise. However, the magnitude and duration of these types of impacts would be minor compared to the existing levels of these types of impacts from existing rail traffic. Similarly, impacts to the Waterfront Development Project from normal rail operations are also expected to be minor." (DEIS, pg. 3.10-15)

A statement that concludes impacts to be minor within the rail corridor ignores information presented in the DEIS, or concludes such based on incomplete assumptions. Four additional unit trains of 7,800 feet in length will pass the Waterfront residences, producing a minimum of 6-10 passes per day and upward of 12-15 passes per day (the range considers arrival, back-up, and the two return options) over existing rail traffic. Using the annual rail-car counts at the Port of Vancouver (reported in the DEIS, Fig. 3.14-6) as a measure of background traffic, the *highest* volume of rail cars at 57,000 seen in 2007 would *substantially increase*, according to estimates in the DEIS: 160,600 cars per year with the average traffic expected with the proposal (110 cars / train x 4 daily trains x 365 days per year). This constitutes a significant increase in rail traffic along the existing rail route over existing volume. Concluding there is no impact because additional land acquisition is not needed simply does not recognize that the expansion of heavy industry has indirect impacts that will occur off-site. A review of the zoning districts through which trains will pass tells the story: residential, mixed-use (primary downtown redevelopment area), commercial and park zones, as well as the industrial designation of the 'project site'. Some of the most significant adverse impacts this proposal produces are off-site from the Port location, but cannot be discounted in light of the overall Comprehensive Plan, geographic Sub-area and Recreational Plans and existing development pursued for many years based upon those plans.

The DEIS calls out a 'study area' for the rail corridor that includes land within a 0.5-mile buffer on either side of the rail line from Williston, North Dakota to the Port, stating that "impacts to land use along the rail corridor were analyzed qualitatively using available information on land use for the respective cities and states along the rail corridor." (DEIS, pg. 3.10-1) Chapter 3 of the DEIS offers conclusions of the impact to land use within this study area: "The area could experience long-term changes to the existing or anticipated pattern of land use and development *depending on how compatible the transport of crude oil by train is with current and future land uses in the area.*" (DEIS, pg. 3.10-1) A similar conclusion is drawn regarding West Vancouver. Despite these qualified statements, the DEIS assessment of impacts does not propose alternatives, does not fully recognize the number of train passes through downtown Vancouver, and offers no mitigation to the impacts likely felt by many residents of Vancouver (and the Lower Columbia) along the oil-transport route.

Finally, the rail and vessel transport operating elements of the proposal pose adverse impacts that cannot be mitigated (DEIS, Chapter 3) in the Columbia River, a shoreline of state-wide significance. The proposal is to use an existing Port facility and shipping terminal, consistent with some shoreline policies, intensifying the existing use within the Aquatic environment which creates likely adverse impacts to listed fish species and aquatic resources that are not easily quantified or mitigated. Therefore, the proposal is generally inconsistent with the policies of the Vancouver Shoreline Master program.

### **List of reference documents**

- Vancouver Comprehensive Plan 2011-2030
- Fruit Valley Sub-Area Plan 2010
- Vancouver City Center Vision & Subarea Plan 2007
- Riverview Gateway Sub-Area Plan 2009
- Vancouver Regional Trail & Bikeway Systems Plan 2006
- Columbia Renaissance Trail, Clark County Bicycle & Pedestrian Trail Use Snapshot: Fall 2010

- Vancouver Municipal Code, Title 20
- Vancouver Shoreline Master Program 2012
- Scope of Draft Environmental Impact Statement; EFSEC, April 2, 2014
- Draft Environmental Impact Statement; EFSEC, November 22, 2015
- FIRM panels #53011 C0363D and #53011 C0364D, Federal Emergency Management Agency (FEMA), Effective Date September 5, 2012
- Sensitivity of Estuarine and Riverine Environments and Wildlife to Spilled Oil Columbia River Atlas, National Oceanic and Atmospheric Agency (NOAA) 2004
- Oil Spill Case Histories 1967-1991, U.S. Dept of Commerce, November 1992
- CaRDI Reports, Issue 15 November 2014, Community and Regional Development Institute, Cornell University
- Map/database of major oil-train accidents, Earth Justice web-site:  
<http://earthjustice.org/features/map-crude-by-rail>
- Map/development details of The Waterfront, web-site:  
<http://thewaterfrontvancouverusa.com>
- 2000 U.S. Census
- City of Vancouver Ordinance M-4090, September 11, 2014
- City of Camas Resolution 1235, March 6, 2012
- Washington Department of Natural Resources web-site:  
<http://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/oil-and-gas-resources#oil-and-gas-in-washington>
- U.S. Energy Information Administration, Number and Capacity of Petroleum Refineries, Atmospheric Crude Oil Distillation Operable Capacity as of January 1, 2015 U.S. Energy Information Administration web-site: <http://www.eia.gov>

Note: In this review of land use plans and policy, several maps and graphics included in reference documents have been copied whole to this submittal, to provide a more efficient review for EFSEC. The consultant acknowledges those who created them; the work products used in depicting the project and surrounding uses is assumed to be accurate.

## **Statement of Qualifications**

David L. Wechner, M.S. AICP  
(M.S. Environmental Studies, University of Oregon)

Served eight years in Clark County and Vancouver government agencies as Environmental Planner; Senior Land Use Planner; and Principal Planner, Growth Management. Expertise includes: Land use planning with an emphasis on reviewing and designing projects for minimal environmental impact; reviewing/preparing Environmental Checklists and components of Impact Statements under SEPA; permit review and master program development under the Shoreline Management Act; administration of flood plain code.

Developed zoning ordinances on a variety of issues, including: wireless communication facilities, adult businesses, density transfer incentives, home occupations, historic area town design standards, signage, commercial/industrial design standards, recreational marijuana.

As Planning and Building Director of the City of Sherwood, Planning Director of Josephine County and Community Development Director of Island County, he has overseen nearly all aspects of community development and environmental review, the operations of municipal departments, training staff in SEPA and Shorelines administration, applying municipal policy and code to development proposals. In consulting private development clients, has developed residential land divisions and site development plans for commercial enterprises, compiling permit applications for clients. Authored grant requests to federal and state funding programs for brownfield clean-up and flood control projects, to private foundations for park and housing projects. A member of the American Institute of Certified Planners since 2001.