

4.7. Land Use and Displacement

4.7.1. Introduction

The following information includes a summary of land use and displacement elements as presented in the January 2006 EA (Jones & Stokes 2006), as well as clarification of impacts and mitigation measures for the proposed Urban Connector Alignment. Additional clarification of impacts and mitigation measures is presented below to address public comments received on the proposed action as presented in the January 2006 EA.

The County received 30 public comments regarding Land Use and Displacement, (Appendix 3, Table 3-1, Land Use and Displacement 45.0, Home Displacement 45.1, and Rural Residential 45.2). A number of comments were also received regarding future land use associated with the proposed roadway.

4.7.2. What land use is present in the project area?

Land Use Patterns

Bigelow Gulch and Forker roads travel through rural and semi-rural unincorporated areas of Spokane County situated between two urban areas, the Hillyard business district of the City of Spokane to the west, and the Trentwood Industrial/Valley Mall areas and Interstate (I)-90 in the City of Spokane Valley to the east. The Bigelow Gulch Road/Havana Street intersection (the western end of the proposed action) is on the northeastern border of the City of Spokane. The eastern end of the proposed action terminates within the City of Spokane Valley.

Existing land uses along Bigelow Gulch are consistent with the comprehensive and zoning designations described in Section 4.7.3. At the western limit of the proposed action are light industrial uses including a large auto wrecking yard. East of Havana Street, large farms in grain crop production dominate the landscape, although occasional clusters of 5-acre residential tracts are present. Most of the existing houses and farmsteads are set back 100 to 200 feet from the existing roadway. The farms found in the vicinity of the Urban Connector Alignment are smaller than the Spokane County average farm size of 289 acres. Agricultural lands in the area are actively used for production of wheat, alfalfa, and produce.

Farther east along the corridor, the existing land uses along Forker and Progress roads are also consistent with the comprehensive plan and zoning designations. On the valley floor, single-family residential development (3.5 units per acre) is prevalent. As the proposed route crosses the toe of the hillside and passes by several houses, it crosses between the campuses of East Valley Middle School and East

Valley High School. The proposed Urban Connector Alignment then connects to Sullivan Road, providing access between the two major industrial areas in the county that are sources of freight traffic: Spokane Valley, including Kaiser Trentwood, the Spokane Industrial Park, and the Spokane Valley Mall at the I-90 interchange.

Some of the farmland adjacent to and in the vicinity of the project area is defined as “prime farmland” based on the Spokane County soil survey (Natural Resources Conservation Service [NRSC] 1968) and consultation with the NRCS (formerly Soil Conservation Service). Prime farmland refers to land that has the best combination of physical and chemical characteristics for producing agricultural commodities with minimum inputs of fuel, fertilizer, pesticides, and labor; that is without intolerable soil erosion; and that is being used to produce livestock or timber. See Appendix 4 for additional information on farmlands.

4.7.3. What Land Use Plans and Policies are applicable to land in the project area?

Spokane County Comprehensive Plan

The majority of the proposed Urban Connector Alignment is located in Spokane County outside of the UGA in land designated as rural lands or natural resource lands by the County. UGAs are areas within where urban growth is encouraged and outside of which growth can occur only if it is not urban in nature. Less than 0.25 mile of the proposed alignment is located within the City of Spokane UGA at both ends of the proposed alignment. At the western limit of the proposed action, approximately 200 feet is located within the UGA just west of Havana Street and north of the Spokane city limits. At the eastern end, the proposed action extends approximately 1,400 feet into the City of Spokane Valley UGA where it enters the city limits of Spokane Valley and crosses East Valley School District property.

The balance of the corridor is located in areas designated as rural or natural resource lands by the Spokane County Comprehensive Plan. Designated natural resource lands in Spokane County include agriculture, forests, and mineral lands of long-term commercial significance. Along the Urban Connector Alignment, the natural resource designation is for agricultural use. Rural lands are lands located outside the UGA and outside of designated agricultural, forest, and mineral lands.

The current Spokane County comprehensive plan land use designations adjacent to the proposed alignment include the following:

- **Light Industrial.** The Light Industrial category is intended for industrial areas that have a special emphasis and attention given to aesthetics, landscaping, and internal and community compatibility. Light Industrial areas are composed of predominantly industrial uses but may incorporate office and commercial uses that support and complement the industrial area.

- **Rural Conservation (1 dwelling unit per 20 acres).** The Rural Conservation category applies to environmentally sensitive areas, including critical areas and wildlife corridors. This category encourages low-impact uses and uses clustering and/or other open space techniques to protect sensitive areas and preserve open space.
- **Rural Traditional (1 dwelling unit per 10 acres).** Rural lands in this category allow large-lot residential uses and resource-based industries, including ranching, farming, mining, and forestry operations. Industrial uses are limited to industries directly related to and dependent on natural resources. New non-resource-related industry may be allowed, provided it meets the requirement for a major industrial development outside the UGA. Rural-oriented recreation uses are also allowed in this category.
- **Rural Residential-5 (1 dwelling unit per 5 acres).** The Rural Residential-5 category would allow a 1 dwelling unit per 5-acre density in areas that have an existing 5-acre or smaller subdivision lot pattern.
- **Small Tract Agriculture (1 dwelling unit per 10 acres).** Small tract agricultural areas are primarily devoted to producing grains, fruit, berries, vegetables, Christmas trees, and forage crops. Dairies also operate in this land use designation. Non-resource-related uses other than rural residences are generally prohibited. This type of agriculture is suitable to small-scale operations and may be conducted on relatively small parcels. Residences on large lots may or may not be associated with farming operations. Seasonal festivals and other activities associated with the marketing of agricultural products will be common occurrences in these areas.
- **Urban Reserve.** The Urban Reserve area category includes lands outside the UGA that are considered for growth within a 40-year planning horizon. These areas are given special consideration, such as low-density, large-lot development, so that land uses established in the near future do not preclude their eventual conversion to urban densities.

Approximately 2.7 miles of the proposed alignment between Lehman Road and Forker Road is designated by the County as Natural Resource Land (Small Tract Agricultural).

Just north of the city limits of Spokane Valley, the proposed alignment passes through land designated as Urban Reserve. The Comprehensive Plan states that Urban Reserve Areas are lands outside the Urban Growth Area that are considered for growth beyond the initial 20-year planning period but within a 40-year planning horizon. These areas are given special consideration so that land uses established in the near future do not preclude their eventual conversion to urban densities (Jensen pers. comm.).

City of Spokane Valley

The City of Spokane Valley was incorporated March 31, 2003. In 2006, the City adopted a comprehensive plan and is in the process of accepting annual amendments to that plan. The City is also working with the county to expand its UGA boundary to accommodate projected growth. These amendments may include expanding into the designated Urban Reserve area along with other requests made by the city or private parties. Approximately 1,400 feet of the proposed action is located within the City of Spokane Valley.

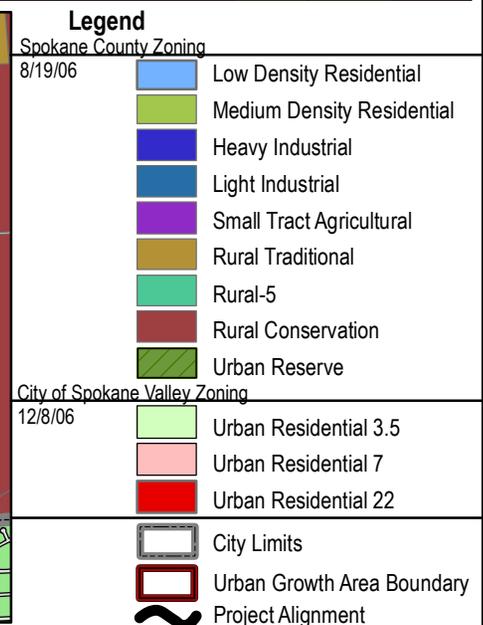
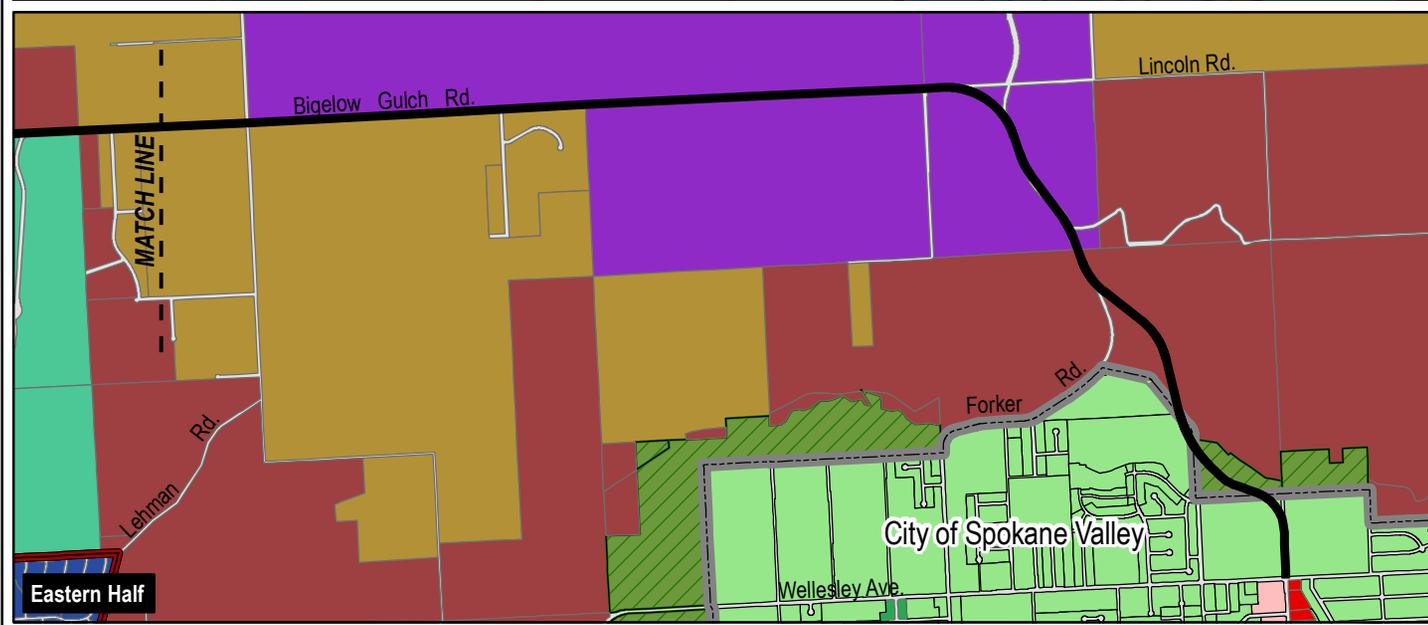
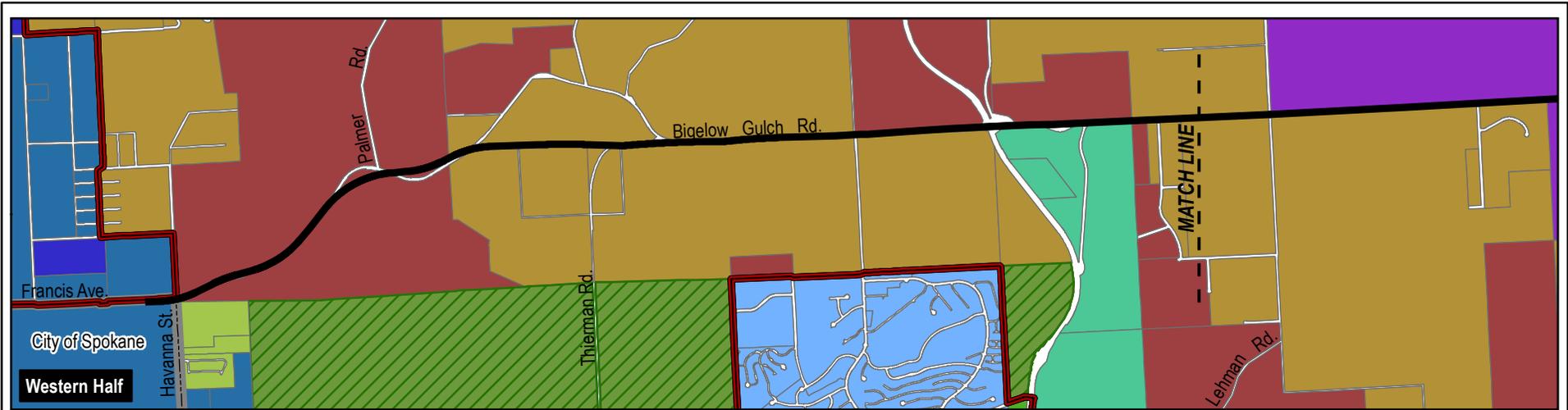
In 2003, pursuant to Revised Code of Washington (RCW) 35.11.20 and 35A.14.140, the City adopted Spokane County's zoning standards (Chapters 14.100 through 14.800 with appendices, entitled Spokane County Zoning Code, dated January 1, 1986, and the Phase I development regulations adopted under Spokane County Resolution 2-0470). Similarly, the City has adopted the County's standards for road construction and environmental regulations.

City of Spokane Valley Comprehensive Plan

The proposed Urban Connector Alignment enters into the collocated UGA boundary and city limits of Spokane Valley for a very short distance in the vicinity of Progress Road. This area is designated in the Spokane Valley Comprehensive Plan as Low Density Residential, before curving back outside of the city limits and UGA. The Low Density Residential designation allows for a range of single-family residential densities from one dwelling unit per acre up to and including six dwelling units per acre. The proposed alignment re-enters the city limits/UGA again as crosses East Valley School District property, which is designated in the comprehensive plan as Public/Quasi Public land. The Public/Quasi Public designation is intended to protect and preserve areas of the City devoted to civic, cultural, educational, and similar facilities. Farther to the south and east of the Urban Connector Alignment terminus is industrially designated land that is a source of freight traffic. No goals or policies in the City's comprehensive plan were identified that directly relate to the proposed action.

4.7.4. What is the zoning designation of land along the project corridor?

Current zoning designations in the project area are consistent with the County Comprehensive Plan designations and include Light Industrial, Rural Conservation, Rural Traditional, Rural-5, small Tract Agricultural. South of Forker Road, the proposed Urban Connector Alignment enters and/or abuts the city limits of Spokane Valley where the interim city zoning is Urban Residential 3.5 (3.5 dwelling units per acre) or Urban Reserve (unincorporated land likely to be included in the UGA in the future). Figure 4.7-1 presents the current zoning designations for the project area.



Sources: Spokane County Zoning 8/19/06,
2006 Interim Zoning; City of Spokane Valley 12/8/06

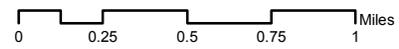


Figure 4.7-1
Zoning

4.7.5. What goals and policies apply to the proposed action?

The existing Spokane County Comprehensive Plan has several goals and policies that focus on improving transportation infrastructure while maintaining rural character and avoiding or minimizing impacts. The proposed Urban Connector Alignment has been developed to fulfill and balance the interests and needs expressed in the County's goals and policies. The City of Spokane Valley's Comprehensive Plan was reviewed and no policies specific to the proposed action were identified.

Specific county comprehensive plan goals and policies regarding the design of rural roads and impacts on the environment are described below.

Rural Roads Goal T.5c

Provide major rural arterials that connect urban areas (urban connectors) while maintaining rural character and protecting the environment.

Policies

- T.5.1. Develop and maintain safe and efficient transportation connections between urban population centers.
- T.5.2. Prohibit new commercial use along rural collectors and state highways, which are located outside the Urban Growth Area boundary, except in designated rural activity centers and limited development areas.
- T.5.3. ensure the preservation of rural character and discourage urban sprawl by managing access to major rural collectors, which are located in rural areas.
- T.5.4. Ensure that proposed rural collectors avoid significant natural areas or historic resources where possible and mitigate impacts where avoidance is not possible.
- T.5.5. Ensure that the transportation system in the rural areas and resource lands are consistent with their rural/resource character. Improvements should emphasize operations, safety, and maintenance.

Environmental Goal T.12a

Develop transportation systems that avoid environmental impacts where possible and mitigate impacts where avoidance is not possible. Spokane County is currently in the process of updating its comprehensive plan.

Policies

- T.12.1. Design transportation improvements to minimize air, water, and noise pollution.
- T.12.2. Ensure that new transportation systems avoid or mitigate significant impacts on natural areas or historic resources.
- T.12.3. Transportation facilities shall not be developed in areas where they will have a significant negative effect on the environment.
- T.12.4. Protect and preserve environmentally sensitive areas to the greatest extent practical when developing new transportation facilities.
- T.12.5. Develop transportation facility design standards, which are sensitive to community, cultural, aesthetic, historical, and environmental needs.
- T.12.6. The transportation system in Spokane County shall conform to the federal and state Clean Air Acts.
- T.12.7. The transport of contaminants shall be minimized through residential areas and centers by restrictive routing and scheduling where practical.
- T.12.8. Enforce federal and State regulations for transportation of contaminants.

4.7.6. Are there additional regulations that apply to land uses within the project area?

Displacement

Persons displaced from their homes are eligible to receive advisory services and certain monetary payments for moving and replacement housing costs. Displaced businesses, farms, and nonprofit organizations are eligible for advisory services and monetary payments for moving and re-establishment costs. Relocation assistance is provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. The Act establishes a uniform policy for the fair and equitable treatment of individuals and businesses displaced as a direct result of programs or projects undertaken by a federal agency or with federal financial assistance. The primary purpose of this act is to ensure that such persons shall not suffer disproportionate adverse impact as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

Farmlands

The National Environmental Policy Act and the Farmland Protection Policy Act (FPPA, 7 U.S. Code 4201-4209 and its regulations, 7 Code of Federal Regulations [CFR] Part 658) require federal agencies, such as the Federal Highway Administration, to coordinate with NRCS if their activities may irreversibly convert farmland (directly or indirectly) to nonagricultural use. For purposes of the FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. (See Appendix 4 for additional information on the FPPA.)

4.7.7. How were potential effects evaluated?

The analysis of impacts involved the compilation and review of the County and City of Spokane Valley Comprehensive Plan policies for consistency with the proposed Urban Connector Alignment and conformance with the existing long-range plans of each jurisdiction, review of aerial photographs, and discussions with Spokane County planning staff.

Of importance in the impact analysis is the potential for significant changes to existing permitted land uses in the area; change in use of designated resource lands of long-term significance within the area; potential for urban growth within the rural area; or displacement of a substantial number of people or existing housing units, necessitating the construction of replacement housing elsewhere.

4.7.8. What impacts would the Urban Connector Alignment have on land use?

Proposed Action

How would construction affect land use?

Displacements

The most direct changes in land use would be from the property acquisitions necessary to widen, improve, and relocate the roadway in some locations for the new Urban Connector Alignment. Approximately 101 acres of property would be acquired to accommodate new roadway surfaces, shoulder areas, cut-and-fill slopes, and roadway construction.

The proposed Urban Connector Alignment would convert some residential, agricultural, and undeveloped land uses to a public roadway. Spokane County has already purchased a number of properties along the right-of-way (ROW) and will assist with either relocation within the existing parcels or relocation (depending on the preference of the displaced residents) within the general area. The proposed action would require the displacement of nine residences, five outbuildings, and

purchase of six remnant parcels along the alignment. Properties would be purchased by Spokane County in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR Part 24), and the Washington State law covering property acquisition (Chapter 8.26 RCW, Title 478-100 WAC). The Uniform Relocation Assistance and Real Property Acquisition Policies Act establishes a uniform policy for the fair and equitable treatment of individuals and businesses displaced as a direct result of programs or projects undertaken by a federal agency or with federal financial assistance. The primary purpose of this act is to ensure that such persons shall not suffer disproportionate adverse impacts as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

As mentioned in the January 2006 EA and as required by federal regulations, comparable replacement dwellings would be provided for displaced homes. Under state and federal laws, no person is required to move from a residence unless comparable replacement housing is available for sale or rent within the potential displaced person's financial capabilities.

In addition to the permanent acquisitions for the roadway ROW, approximately 65 acres of temporary easements would be required for construction of the Urban Connector Alignment.

Land Use

The proposed Urban Connector Alignment would not include any changes to the comprehensive plan land use designations or zoning. Changes to the underlying comprehensive plan land use designation and zoning would require amendments to the Comprehensive Plan and the County Zoning Code, which is not part of this proposal. Any future amendments to the Comprehensive Plan must be consistent with County or city policies and the requirements of RCW 36.70 and RCW 36.70A. An application to amend the Comprehensive Plan's land use map designation includes a full analysis of how the proposal complies with the following criteria:

1. The proponent demonstrates that the proposed amendment is consistent with the GMA (RCW 36.70A) and requirements, the Countywide Planning Policies, the Spokane County Comprehensive Plan, applicable subarea plans, applicable city Comprehensive Plans, along with applicable Capital Facility Plan(s) and official population growth forecasts.
2. The proponent demonstrates that the designation is in conformance with the appropriate locational criteria identified in the Comprehensive Plan.
3. The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity.
4. The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better

implements applicable Comprehensive Plan policies than the current map designation; or (c) corrects a minor mapping error, or correction.

5. Where applicable, the proponent must demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, parks, police and fire protection and schools. Adequacy of services applies only to the specific requested amendment.

Amendments to the Comprehensive Plan map from a natural resource land designation to a smaller lot size natural resource designation or to a rural designation must demonstrate that the following criteria have been met:

1. The site does not meet the criteria for the existing resource land designation.
2. The amendment meets the locational criteria for the requested designation.

The County is currently in the process of updating its comprehensive plan, which included planning commission and steering committee deliberations and recommendations and adoption of population allocations by the Board of County Commissioners in 2006. As part of the Comprehensive Plan update, the County is now working with local cities to consider adjustments to UGA boundaries and preparing environmental documentation; the County expects to complete review of the Comprehensive Plan amendments by late summer or early fall of 2007.

Temporary direct impacts from construction would include noise, dust, traffic congestion, and reduced accessibility to properties. Noise and dust impacts would primarily affect adjacent land uses. Residences and businesses in the project area may experience temporary localized travel delays due to temporary land closures. Construction would occur in stages, which means that construction activity in any one location would take substantially less time than the time estimated to complete the entire proposed action. Temporary impacts that occur during construction of the proposed roadway project area assumed to end after the project construction is completed.

Impacts on critical areas are addressed in Sections 4.4, *Wetlands*; 4.5, *Streams*; and 4.6, *Vegetation and Wildlife*.

Agricultural Use

Approximately 50 acres of farmed land would be required for the roadway and associated facilities. (See Appendix 4 for a more detailed discussion of the impacts on farmlands.) Temporary impacts on existing farmland during construction could include increased noise, dust, traffic delays, and traffic congestion. Other impacts as a result of construction would include disruption of access to parcels being farmed and traffic delays. Farmers access their farms and move farm equipment to and from

their sites by way of Bigelow Gulch Road. It is anticipated that travel lanes may be restricted in work zones, which could impact farming operations. Construction in the immediate vicinity of farmlands would produce increased noise, dust, and/or air pollution but is anticipated to have negligible effect on agricultural activities.

How would operation of the proposed action affect land use?

The proposed Urban Connector Alignment would not change the underlying comprehensive plan land use designation or zoning along the alignment. The improved transportation access and roadway safety that would result from the Urban Connector Alignment may increase pressure for more development; however, these development pressures would be balanced by existing comprehensive plan policies and development regulations that guide local decision-makers to maintain the rural character of this area.

The Urban Connector Alignment would improve and provide a safer and efficient existing transportation connection between industrial uses in the cities of Spokane Valley and Spokane consistent with Transportation Goal T.5c. Existing County policies (T.5.2, T.5.3, and T.5.5) provide additional guidance to county decision-makers to ensure that future development adjacent to the proposed action outside of the UGA would remain rural in nature and not promote urban sprawl. Other policies in the County's Transportation Element (T.5.4, T.12.1, T.12.2, T. 12.3, T.12.4, T.12.5, T.12.6) provide guidance to ensure that the project is designed to avoid impacts on the environment whenever possible, and where avoidance is not possible to mitigate these impacts.

The proposed Urban Connector Alignment would result in changes in access to and from Bigelow Gulch and Forker roads for some residential properties. The locations of driveway accesses and changes to road intersections are shown as pavement extensions in the legend in Figure 2-1. Approximately 62 access points would exist in conjunction with the Urban Connector Alignment.

Access from driveways would be to the 8-foot-wide shoulders and right travel lane for right turns, or to the center turn lane for left turns. A two-way left turn lane would be provided at key intersections, which would facilitate smooth flowing traffic along the route by allowing turning vehicles to queue in the center lane from the through traffic lanes. The two-way left turn lane, at key intersections, could also be used by those accessing Bigelow Gulch Road using it as a refuge lane when making left turns onto Bigelow Gulch Road.

Agricultural Use

Based on site visits and examining aerial photos overlaid with the project footprint, the proposed Urban Connector Alignment would convert approximately 50 acres of farmland within the right-of-way from Weile Avenue to Forker Road. The farmland to be converted is in narrow strips on both sides of the existing Bigelow Gulch Road.

Based on NRCS, approximately 34 acres is classified as prime farmland. Approximately 15 acres of the converted farmland occurs on land designated by the county as Small Tract Agriculture between Lehman and Forker roads.

This conversion of farmland would represent a reduction of 0.17 % of the farmland in the middle Spokane watershed (Golder Associates 2003a) and approximately 0.0093% of farmland in Spokane County.

In compliance with the FPPA of 1981 (7 USC 4201-4209), a farmland conversion analysis was conducted as part of the EA analysis. The purpose of the FPPA is to minimize unnecessary conversion of farmland to nonagricultural uses where federal programs apply. Furthermore, the FPPA ensures that federal programs affecting agricultural lands are compatible with state and local government regulations and private policies and programs. In compliance with FPPA, the farmland conversion impact rating process was completed to assess the degree of impact on farmland conversion and whether alternative mitigation would be necessary (Appendix 4). Results of the farmland conversion analysis are summarized in this section.

To assess the impacts of converting farmlands to other uses, the proposed Urban Connector Alignment was rated using the farmland conversion impact rating form NRCS-CPA-106. The score for the Urban Connector Alignment is 154, which is slightly below the threshold score of 160; therefore, under the provisions of the FPPA (7 CFR 658.4), no additional mitigation for farmland conversion is needed.

The Urban Connector Alignment, as proposed, represents the least impact to farmlands, because the portion of the alignment through farmland follows the existing Bigelow Gulch Road rather than as an alternative route through undisturbed land, either agricultural or rural conservation. Access to farmland use would not be prevented by the Urban Connector Alignment, and in fact would better accommodate farm equipment due to wider shoulders, two travel lanes in each direction, and the center turn lane to provide easier road crossing than what currently occurs.

What are the indirect effects on land use?

Indirect effects are those caused by the proposed action that are later in time or farther removed in distance, but still reasonably foreseeable.

The increased traffic capacity and improved access resulting from the proposed action could increase the pressure to convert adjacent land uses from rural and agricultural uses to urban uses. The proposed Urban Connector Alignment could lead to the request for zoning and land use changes on land adjacent to or in close proximity to the proposed Urban Connector Alignment. For example, private properties adjacent to the alignment in the vicinity of the UGA could request to be included within the UGA, in order to build higher density residential or some other form of development than is currently allow which would access or otherwise use the roadway.

The outcome of such requested changes would be determined through the County process for evaluating and either approving or denying the changes. Spokane County is currently completing amendments to the comprehensive plan that could include proposed changes to the land use designation and/or UGA boundary. Proposed amendments to the comprehensive plan are reviewed on an annual basis. Amendments to the Comprehensive Plan must be consistent with the requirements of the Planning Enabling Act (RCW 36.70) and Growth Management Act (RCW 36.70A).

What measures are proposed to minimize effects on land use?

- Section 4.9, *Transportation*, provides a discussion of temporary traffic control measures to be implemented to minimize traffic congestion and maintain access to existing land uses during construction.
- Sections 4.10 and 4.11, *Air Quality and Noise*, respectively, define best management practices that would be used to help reduce noise and dust from construction activities.
- Spokane County will plan for and acquire property for new ROW in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- Spokane County will enter into agreements with landowners for temporary construction easements.

Agricultural Uses

- Based on the results of the farmland conversion impact rating process, no farmland meets the NRCS requirements for consideration for protection; therefore, no mitigation is required. Acquisition of farmland would follow the same guidelines established for other properties.
- Some farmland within the right-of-way would be available for continued farming on a lease basis so long as the crops and farming activities were compatible with the clear zone requirements of the project.
- Spokane County will consult and coordinate with affected farmers to ensure that disruptions to farming are minimized and adequate advanced notice of potential disruptions is given.
- Any topsoil removed from areas of prime farmland will be removed and stockpiled rather than covered over. The topsoil can then be used for erosion control and in areas of planting.

Analysis of project effects combined with other reasonably foreseeable projects that could affect land use indicates that effects will not rise to a level of significance. Although the county can change the zoning, which could affect land use, there are no current plans to do so. Any land use designations that change will be done in

compliance with state requirements and local policies and plans. Relocations and acquisitions as a result of the proposed action will take place according to federal and state policies.

No Action

How would construction affect land use?

Under No Action, there would be no construction impacts.

How would operation affect land use?

Under No Action, traffic would indirectly affect land use along the corridor over time as congestion increases, potentially decreasing accessibility along the corridor.

As mentioned in Chapter 2, completion of Phase I of the North Spokane Corridor would bring additional vehicles into the corridor, which could have a negative effect on land uses without proper safety improvements.

Additionally, more conflicts between through traffic and farm equipment on the roadway could occur as the corridor becomes more congested and there is inadequate room for farm equipment to move along the roadway.