



September 18, 2023

RE: Vacant Buildable Lands Model (VBLM)

Chair Bowerman and Councilors Yung, Belkot, Medvigy and Marshall -

We appreciated the County Council's search for clarity at the August 30 VBLM workshop, the first review since the current model was adopted over a year ago under the prior Council. The most recent published schedule calls for a September 20 workshop and an October 17 hearing. We believe this is premature because very little information has been shared on the following: How the model is used under GMA and what its legal requirements are; what last month's model results show, and whether they are accurate; and what the resulting implications are for UGA expansions and allocation of housing, and how new state laws have changed things.

This letter is submitted in an effort to provide information based on the current VBLM model and its latest results. Our main points are as follows:

- **We need to show our work, not just process and inputs, but also results and outcomes.** The model as currently calibrated grossly undercounts residential capacity in the City of Vancouver and potentially elsewhere, and **is not close to being reasonably accurate** based on a comparison with recent development and pending applications.
- **Adopting the model without significant changes will have negative impacts for our communities,** including: triggering the need for historically large UGA expansion countywide; shifting the burden of accommodating housing and below market housing to unincorporated areas and under planning for capital facilities and services.
- Based on our adopted countywide population forecast, GMA requires our communities to accommodate more than 100,000 housing units than exist today countywide, with many of these at affordable levels. Other new GMA requirements applying to all or multiple jurisdictions in our County further ensure adequate housing of various types. **Knowingly and significantly undercounting residential growth capacity in our modelling in order to generate still more land for housing beyond this is not legal, transparent, or good planning for our communities.**

Whatever one's views on growth, complete information is needed for an informed process and reasonable outcomes. We understand the VBLM will be rerun in October, and would respectfully urge the Council not to make decisions on the model or its assumptions until there has been adequate time to examine the latest model results as well as major assumptions, including a review for general accuracy what the implications of the model results are for regional growth.

We respectfully request that VBLM results be available at least three weeks before any decisions are made, and recommend the Council not hold adoption hearings on a complex model that it did not have the chance to review the results of at a workshop. Previous local Comprehensive Plan updates had process checks and

vetting opportunities that are not being used this time, such as Planning Commission review prior to Council decisions, and Council workshops staffed by City and stakeholder as well as County personnel.

Examining only the individual VBLM assumptions without also checking the model results is in our view like building a car, but only testing parts separately before assembly, and never test driving the car after it is built to determine if everything is working together as it should.

Please consider the following:

How is the VBLM model used under GMA?

- **The VBLM is intended to inform policy on growth and density, not set it.** The Council has already chosen countywide growth targets, and in coming months will decide how these are allocated. Local governments will then decide how to accommodate their share of the growth. The GMA Hearings Boards have found that the choice of a growth forecast is in part a policy decision, but this has not been found for land capacity modeling. 'Capacity analyses should be data- driven and used to inform and support growth policy choices.
- **The VBLM is made up of many assumptions, but none of them have regulatory impact individually.** The model is only applied as a whole.
- **The VBLM is intended under law to be used for a range of purposes.** In addition to functions discussed at the workshop, the VBLM is also used to determine how much land is needed to size new UGAs, and to determine jurisdictions' long term capital facilities needs, plans, and funding. Under GMA internal consistency requirements, a Comprehensive Plan cannot use one capacity estimate for its land use plans and another for its capital facilities plans. The VBLM is also used in public outreach to develop Comprehensive Plans, to inform the public about growth options they are being asked to comment on, and the associated impacts and costs.
- **The VBLM has separate population and employment models.** Adjusting one does not require adjusting the other. The City of Vancouver's primary concern has been with the residential model.

How was the current VBLM developed?

- **Through a well-intentioned, but ultimately incomplete local process:** The City of Vancouver appreciated serving on the Buildable Lands Policy Advisory Committee (BLPAC) advisory committee, but it was disbanded before it could finish its work, and the Council ultimately adopted four key assumptions that were never voted on by the committee.
- Some of the adopted assumptions are contrary to state guidance, or based on data from single family housing only, which does not accurately represent all development
- Neither the advisory committee nor the Council ever tested the results of the model as a whole to determine its accuracy.

Are the VBLM results accurate?

- **Basic data suggests the VBLM is grossly undercounting residential capacity by a wide margin.** The VBLM reported last month that there was capacity for just 5,197 more housing units in the City of Vancouver, at a time when developers have land use applications under review in the City for well over 12,000 single and multi-family units.ⁱⁱ A reasonably accurate model should show the complete reverse of this, as 20-year capacity estimates should be several times larger than the capacity being used in applications currently being processed.
- For the VBLM results to be accurate, the City of Vancouver would need to grow *five times more slowly* per year during the upcoming planning period than it has since 2020, a period that included a pandemic, and no major annexations.ⁱⁱⁱ On its face, it's clear that the model under-estimates the residential growth that Vancouver can accommodate.
- Outside of Vancouver, the latest VBLM results show that there are currently 1,380 existing housing units in various non-residential zones in the VUGA and another 3,200 similar units in the small cities, yet the model assumes no housing units at all will be built in these zones in the next 20 years. Housing development on non-residential land would be likely to increase in the future, not come to a screeching halt.^{iv}

What are some of the impacts of using the current VBLM?

- If used in the upcoming EIS, it will misinform the public by significantly underestimating the likely amount of growth and associated impacts that would occur in land use scenarios they are being asked to comment on
- If used in Capital Facilities Plans, it would likely result in significant under-planning of roads and other facilities and services
- Unless there are significant zoning changes, **countywide UGA expansions totaling somewhere around 25 square miles for housing**, not counting additional employment land expansions, will be needed^v
- **It will shift most of the HB 1220 housing and affordable housing burden to Clark County.** HB 1220 requires planning for and accommodating 100,000 total housing units countywide more than currently exist, and requires approximately half of these to be affordable at 80% AMI or below, and about a third to be affordable at 50% AMI or less. The VBLM indicates the cities together only have capacity for 17,000 new units, leaving the remaining 83,000 or more total units, including tens of thousand of below market units, to be planned for and accommodated in unincorporated areas under County jurisdiction.

What is the legal status of the current VBLM?

- The current model was developed for the 2022 Buildable Lands Report which was not appealed, but BLR reports are required by GMA to simply determine whether there is or is not sufficient land to meet remaining growth targets of previously adopted plans. Despite its inaccuracies, the 2022 BLR made the right conclusion that there was sufficient remaining land to meet growth targets in place at that time, leaving no realistic grounds for appeal.
- Land Capacity Analyses in Comprehensive Plans are used to size actual UGAs to accommodate new growth targets, however, and unlike the Buildable Lands Reports, these have been the subject of Hearings Board and Court scrutiny.
- The current VBLM is likely to be particularly vulnerable, since there is data and analysis in the record indicating it significantly undercounts residential capacity, but to our knowledge no data or analysis in the

record indicating that the model results as a whole are reasonably accurate. There have also been significant and impactful state and local legislative changes since the VBLM was adopted.

How do new housing laws and initiatives change things?

- **The legislature recently passed several new laws requiring and facilitating more and denser housing going forward. Together these render some of the current VBLM assumptions on densities and redevelopment outdated and inaccurate:**
 - HB 1220 effectively requires the all local jurisdictions to collectively plan for and accommodate over 100,000 more housing units than currently exist, half of these at lower income levels
 - HB 1110 effectively requires Camas, Vancouver and Washougal to allow 4 to 6 unit developments on all single family zoned lots
 - HB 1337 requires all local jurisdictions to allow two ADUs of up to 1,000 feet on all single family lots, with no owner-occupancy requirements, and reduced parking requirements
 - SB 5491 requires cities to allow single stairway buildings of up to six stories instead of the current limit of three stories
 - SB 5258 includes new provisions for condominium liability, and requires impact fees for all housing units be recalibrated based on size and impact to in order to produce lower fees for smaller units
- **Local jurisdictions have also adopted and continue to work on several major recent housing code changes and implementation measures which also render some of the current VBLM assumptions outdated and inaccurate:**
 - The 2022 Vancouver Housing Code Updates project adopted new and updated standards to facilitate middle and higher density housing. Vancouver has also significantly expanded its MFTE program, and is currently implementing a Housing Action Plan to increase housing production through a range of measures.
 - The 2022 County Housing Options Study and Action Plan (HOSAP) and implementing code changes scheduled for adoption this fall also provides new zoning standards to facilitate more and smaller housing
 - The Cities of Battle Ground and Camas adopted Housing Action Plans in 2021. Ridgefield adopted an Affordable Housing Plan in 2022.

What can be done to make the VBLM results at least reasonably accurate? There is ample opportunity to get this right, but it will require us to take the time needed, and to update some of the existing assumptions:

- **Process.** When considering any individual assumption, consider how well it is supported by recent development data, and how that may change under new state and local housing laws.
- **Substance.** We will provide more information prior after the next the model run and prior to the hearing. In order to correct the residential undercounting and have the model provide reasonably accurate results, the following VBLM residential assumptions should be updated:
 - Densities. Use assumed densities by zone, as required by HB 1220
 - Development on vacant or underutilized non-residential land. Update to reflect current market realities revealed by recent VBLM results that approximately 10% of existing housing units in

Vancouver, the VUGA, and the small cities are located on various non-residential zones that the VBLM assumes will have no housing over the next 20 years.


- Redevelopment of lands considered built. Update to reflect current trends and anticipated increases under new laws, particularly HB 1337, which requires all jurisdictions to allow two ADUs on single family residential lots, with no owner-occupancy requirement and reduced parking requirements; and HB 1110, which requires Vancouver, Camas and Washougal to effectively allow 4 or 6 units on all single family lots.
- On-site infrastructure. The current VBLM assumption that 31.5% of lands won't develop because of infrastructure is based on single family data. Create a separate and lower assumption for development on multi-family or non-residential land, or a lower total assumption if only one residential number is used.
- Off-site infrastructure. Current estimates developed outside of the advisory committee process were based on plans, not development data. County GIS calculated a 4.5% figure which should be used.
- Critical Lands. Recent written testimony recommended lowering the current and longstanding VBLM assumption that 50% of designated critical lands will develop to 20%, based apparently on a forthcoming study of nine projects. The County Buildable Lands Project team recommendation of 40% that the advisory committee never had a chance to vote on looked at *all recent plats* in urban areas countywide, however. The Project Team analysis was itself incomplete, however, because it did not consider any multi-family development, which typically requires fewer critical lands deductions, and represents most new housing in Vancouver and an increasing share elsewhere. We suggest using a higher separate estimate for development on multi-family or non-residential zoned lands, or keeping the current total critical lands deduction estimate of 50%.

Thank you again for considering this important information. The City of Vancouver fully recognizes the ongoing housing affordability crisis and has taken and will continue to take steps to boost production of housing, particularly more attainable housing. Our key points again are as follows:

- We need to show our work, including results and outcomes. The current model results are no not close to being reasonably accurate based on a comparison with basic growth and development data.
- Adopting the model without significant changes will have negative impacts for our communities, including historically large UGA expansions, shifting the most GMA housing burdens to unincorporate areas, and underplanning capital facilities and services.
- GMA already requires accommodating more than 100,000 new housing units countywide, and contains several other new requirements to ensure adequate housing of various types. Significantly undercounting residential growth capacity in modelling to generate still more land for housing is not legal, transparent, or good planning for our communities.

We look forward to continued dialogue on this issue and follow up responses to the specific questions posed in this letter, and request the Council not adopt a capacity model to inform the growth of our communities without demonstrating that its results are reasonably accurate.

Sincerely

A handwritten signature in dark ink, appearing to read "Erik W. Paulsen", with a stylized flourish at the end.

Erik Paulsen, Vancouver City Councilmember

ⁱ *Karpinski et al v. Clark County*, Case No. 07-2-0027 (Amended FDO (June 3, 2008) at 11-13.

ⁱⁱ The City of Vancouver maintains a [dashboard](#) of current multi-family residential projects showing on page 7 current applications under review accounting for 12,539 units. Single family units under review are in addition.

ⁱⁱⁱ 2023 City of Vancouver population of 199,600 (OFM) plus additional VBLM estimated growth capacity of 13,825.8 persons (August 2023 VBLM, p2 of Vancouver section) equates to 0.3% annual growth, compared to 1.5% annual Vancouver growth 2020-23 per OFM

^{iv} 6/13/23 VBLM draft circulated 8/10/23, pages 2 of each City section

^v RCW 36.70.A.070.2.a requires Comprehensive Plan housing elements to identify “..the number of housing units necessary to manage projected growth, as provided by the department of commerce”. Emphasis added. Based on Clark County’s chosen countywide population forecast of 718,146, the DOC HAPT tool identifies 115,705 total housing units to be accommodated countywide from 2020 to 2045. Subtracting the 12,008 units constructed countywide from 2020 to 2023 per OFM leaves 103,697 units to be accommodated from 2023 to 2045. The 6/13/23 VBLM Draft identifies a total long term urban areas capacity of 39,797 units, which added to last available estimated rural capacity of 4862 units from Buildable Lands Report yields a total 2023 countywide capacity of 44,659 units, resulting in a 2023 deficit of 59,038 units (103,697-44,659). Additional units will be added from 2023 to 2025, but these should be offset by corresponding reductions in capacity, leaving a similar unit deficit count in 2025.

The 59,038 unit deficit divided by 9 units per acre (countywide average observed units per acre in BLR Figure 10) results in 6559 net acres needed. Per 8/30/23 County GIS presentation slide 25, VBLM gross to net ratios after applying assumptions are 100/61.6 for vacant land, 100/47.9 for underutilized, 100/30.8 for vacant constrained, and 100/23.9 for underutilized constrained, for an average of 100/41.1. The gross acreage of expansion needed is 15,958 (6559 x 100/41.1), or 24.9 square miles.

This does not include commercial or industrial lands expansions to serve the added housing and population.