

Clear allegations of wrongdoing by the Prosecuting Attorneys and Planning Director

It appears that the accused parties have substituted a “straw man argument” in place of the actual specific alleged misconduct that must be investigated. That evidence for that diversion is the March 1 entry of the following table as well as the absence of these specifics from the Rebecca Dean contract.

To be clear, these very specific allegations are listed in the following table:

Specific Allegations Table A

Date	RCW 9A.76.175 alleged violation
January 13, 2016	The Planning Director and Attorney Cook insisted that the RVBLM (Rural Vacant Buildable Lands Model) including the RVBLM assumptions as published on October 20, 2015, were revealed to and approved by the county commissioners in previous years and by the county councils of 2015 and 2016. (See Table 1 below) The truth is that the RVBLM and the associated assumptions were not revealed to the Board nor were they approved. Councilor Madore knew this to be false and challenged the Planning Director and Attorney Cook. Their response was to insist that they were correct and misled the councilors by asserting that table 2 (general planning assumptions) were the RVBLM assumptions.
February 16	The Planning Director and Attorney Cook insisted that the RVBLM the same RVBLM planning assumptions that they insisted on January 13 were approved by the BOCC, were in fact not the RVBLM assumptions at all. The assumptions as published in Table 1 were not the RVBLM assumptions. They insisted that they were instead, the urban VBLM assumptions. When challenged by Councilor Madore, they insisted that there the RVBLM assumptions were not those specified in Table 1. When pressed to specifically identify which ones in the table 8 assumptions were not the actual RVBLM assumptions, they could not specify any and said they would get back with the Board with the specifics (which never happened).
February 23	The Planning Director and Attorney Horne (substitution for Attorney Cook), insisted that there the RVBLM did not exist and it was not used. Councilor Boldt independently insisted the same thing. Attorney Horne’s statement was that they did not “technically” use the RVBLM. He then explained that Judge Poyfair in a 1997 court order prohibited the county from basing the rural capacity numbers on an RVBLM because it produced erroneous results. That was true in 1994 and remains true now. The truth is that the RVBLM was not only used at the direction of the Planning Director, but all of the rural lots capacity numbers were the product of the RVBLM. The repeal of Alternative 4 was based upon these false and misleading statements. Rather than allowing any doubt or any other answers, in each of these answers, the Attorneys and Planning Director adamantly insisted that there were no other possible answers.
March 1, 2016	Chris Horne misconstrued the allegations against Prosecuting Attorneys Cook and Horne and the Planning Director to be instead, against GIS staff.

RCW 9A.76.175 A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

Table 1: GIS Rural Vacant Buildable Lands Model (VBLM) Assumptions

Ref	A (existing)	B (proposed)
1	Every possible rural parcel shall be counted as a parcel that will develop regardless of conditions that would likely make such development unlikely.	These rural VBLM assumptions should be used not to reflect what is possible, but to reasonably plan for what is likely. Parcels that cannot reasonably be expected to develop should not be counted as parcels likely to develop. Cluster development remainder parcels that are known to be prohibited from further development should not be counted as parcels likely to develop.
2	Rural parcels located in areas far from basic infrastructure with continuous long term commercial forestry operations should be counted as parcels that will develop.	Parcels located in areas far from infrastructure with long term commercial forestry operations likely to continue should not be counted as likely to develop. These assumptions are not used to authorize or to prohibit the development of individual parcels. Rather, these assumptions should only be used for tallying parcel totals for general planning information.
3	Rural parcels including 100% of environmentally constrained areas that lack sufficient area for septic systems and well clearances shall be counted as rural parcels that will develop.	Rural parcels that have less than 1 acre of environmentally unconstrained land sufficient area for septic systems and well clearances should not be counted as likely to develop.
4	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. But every rural parcel shall be counted as a parcel that will divide to the maximum degree possible.	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. These same deductions should be applied to rural planning totals as well.
5	As long as county code allows, lots that are up to 10% smaller than the minimum lot size should be considered as conforming lots and counted as parcels likely to develop.	Same
6	Although county code prohibits most nonconforming parcels from developing, all nonconforming parcels with 1 acre shall be counted as rural parcels that will develop.	Due to some exceptions from the norm, 10% of nonconforming parcels with at least 1 acre of unconstrained area will likely develop.
7	A 15% urban Market Factor provides some margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. But a 0% Market Factor shall be used for rural areas.	A 7.5% rural Market Factor should be used to provide a reasonable margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. Implementation of this rural Market Factor is accomplished by deducting this percentage of parcels from the total available rural parcels. Note that this rural Market Factor is half of the urban Market Factor of 15% in order to also satisfy the GMA goal of reducing low density sprawl.
8	A 27.7% infrastructure deduction for infrastructure including roads, storm water, parks, schools, fire stations, conservation areas, lakes, streams, protected buffers, Etc.. A 0% deduction shall be used for rural areas.	Same