

From: [Carol Levanen](#)
To: [Eileen Quiring O'Brien](#); [Gary Medvigy](#); [John Blom](#); [Julie Olson](#); [Temple Lentz](#); [Kathleen Otto](#); [Jose Alvarez](#)
Subject: Fw: Action items going forward - the VBLM Report - FOR THE PUBLIC RECORD
Date: Thursday, September 24, 2020 5:46:42 PM
Attachments: [Staff Feedback on Planning Assumption Choices.docx](#)

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Dear Councilors,

This is the official position of Clark County Citizens United, Inc.

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail cccuinc@yahoo.com

FOR THE PUBLIC RECORD

Dear Councilors,

Clark County Citizens United, Inc. received this exchange between staff and Councilor Madore, after a prior public record request. This information and attached documents regarding the VBLM is very important for the current councilors to know and understand. There was constant communication between Councilor Madore, Mr. Orijakio and staff during the writing of Alternative 4.

Alternative 4 was not just some idea that was pulled out of the sky. It was a well thought out and vetted exercise of accurate data that determined why and how Alternative 4 should and could move forward. This Alternative was the people's compromise choice, that was championed by a councilor who was representing those people throughout the county. Alternative 4 was a good compromise, which allowed some rural growth and recognized "**the realities of existing development**" that Judge Poyfair ruled the County gave little regard. He states doing so was "**in direct contradiction of the terms of the GMA**"

Clark County was the only county in the state that didn't recognize existing development with some reasonable form of compensation for any change to the comprehensive plan. CCCU has examined every Washington state county extensively, and found that to be true. Much of what is in Alternative 4, was based on that research.

Originally, CCCU was told by the Councilors that our organization was to work with staff to create and consider a rural alternative, that was missing in the 2016 update of the Clark County Comprehensive Plan. We met three times with staff, but in the end, were told that if we wanted another alternative, CCCU had to write one. An expert in the field, Don McLissac offered to help CCCU do that. Information was given to him and after documents were composed, was transferred to the council for review.

Councilor Mielke supported the proposal, but Councilor Madore was the councilor who took note of the information and moved it forward. They believed the rural people deserved to be recognized in the update 20 year of the Plan, and began the process of consideration of two more alternatives 4 and 5. Alternative 5 was not selected, (See the CCCU original request) which left Alternative 4. That alternative was moved forward through a full public process and adoption, with staff dragging their feet every step of the way. Little did anyone know that the Plan had already been written and was waiting in the shadows for the timing to be just right to adopt it. Alternative 4 became a huge distraction to what staff had already written and intended to make into law. As a result, Alternative 4 was repealed by the incoming councilors, who had very little knowledge of the extensive process it went through.

Under RCW 36.70.710 Final Authority - it states, "Reports and recommendations by the planning agency on all matters shall be *advisory only*, and final determination shall rest with the administrative body, official or the board whichever has authority to decide under applicable law."

What CCCU has seen, since 1994, is clearly the opposite of this GMA state law. In the case of Alternative 4, the majority of the sitting commissioners/councilors directed staff to make these changes, but instead, they stopped them. All along they have been dictating a 1994 environmental based agenda from former commissioners, who are long gone. To support their position, they brought in "counsel" to back them up. Commissioners/councilors were reluctant to go against counsel, and staff got their way, year after year. They are writing the policies, and the commissioners/councilors are merely audience who simply sign on. This is not according to law, and such a process has got to end.

The current VBLM Report to the state of Washington is to use **RCW 36.70A.215** as a hard

guideline that must be followed county wide. CCCU has seen none of this work coming from county staff or the consultant firm hired to do the work. The recommendation from this company is to make no changes, which is not even a logical conclusion, let alone backed up by the mandated information and supported by data that was to be collected under the statute.

Originally, on September 9, 2014 CCCU submitted into the record a document asking Commissioners/ councilors to consider and adopt the following information as part of the Comprehensive Plan update.

RESOURCE LAND

1. Separate Resource element and Rural Element in the EIS and Comprehensive Plan. Use statutory mandated definitional criteria for all resource lands.
2. correct all resource soils maps to reflect Class I and Class II Prime and Unique soils only, using the USDA soils manual.
3. Recognize existing parcelization in all rural and resource zones. Zone parcels according to predominant lot size within each section.
4. Agriculture soils to be zoned 2.5, 5 and 10 acres. This includes: Class I-II Cloquato, Newberg Hillsboro and Class II Sauvie, Hesson, Olympic, McBee, Simiahmoo, and Tisch. (Based on soil data from the NRCS Soils Manual and the previous Clark County Comprehensive Plan)
 - a. Cluster one acre lots based on 2.5 acre density or use simple five acre segregation.
5. Forest soils to be zoned 5, 10 and 20 acres. This includes: Cinebar and its subsets
 - a. Cluster one acre lots based on 5 acre density, or use simple five acre segregation
6. Rural zones of 2.5, 5 acres for all remaining land not in a resource soil zone.
 - a. Cluster one acre lots based on 2.5 acre density.
7. Separate rural and Resource land from the OFM population projections.
8. Provide an adequate SEIS for all rural and resource lands.
9. Recognize 2-4 units per acre noted in the Framework Plan for Rural Centers.

Alternative 4 was a compromise that CCCU and the Councilors felt could be achieved. We urge the councilors to reconsider Alternative 4 in the VBLM process and future update of the Comprehensive Plan because it reflects what the citizens of this county want, what they need and what is possible.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

From: Madore, David
Sent: Wednesday, November 11, 2015 8:30 PM
To: Orjiako, Oliver; Horne, Chris
Subject: RE: Action items going forward

Oliver,

I've added my dialog to the marked up document that you emailed. It is attached.

This dialog is helpful to consider the arguments for and against column B. In the end, I trust that Planning will support the Board's policy and that staff reports will reflect that policy. Internal drafts are useful to help us all

understand these proposals better.

These internal draft documents are not intended to be published to other bodies as they will obviously be considered as advocacy by staff to oppose proposed Board policies.

I trust that as the Board chooses particular proposals, as we have by advancing column B in our work session, that staff will not continue to advocate against those policies, but instead provide support the proposed or adopted policies.

Please let me know if I understand correctly. Thank you,

David

From: Orjiako, Oliver
Sent: Tuesday, November 10, 2015 1:12 PM
To: Madore, David
Cc: McCauley, Mark; Cook, Christine
Subject: RE: Action items going forward

Hello Councilor:

Per your request, attached please find staff (including PA) responses to the later version of your document. I have also provided the materials staff provided to the Planning Commission.

In order to provide you staff verification and analysis in addition to the responses to your document, we need information on your methodology particularly the exclusions and the source of the data on the non-conforming lot chart. Staff need to reconcile the building permit information. As soon as we get these staff will be able to forward our verification and input to you. Please, let me know if you have questions. Thank you.

Best,

Oliver

From: Madore, David
Sent: Tuesday, November 10, 2015 9:25 AM
To: Orjiako, Oliver; Madore, David
Subject: Action items going forward

Oliver,

Thank you for presenting the schedule yesterday that moves our Comp Plan update forward. Now that the Board has given direction to propose column B to the community, we need to equip you with the concise documents to present to our community at the two open houses scheduled next week.

It is very important that we focus only on the maps, tables, and assumptions of column B and not confuse citizens with other versions or previous plans.

I will provide you will the content this week to present that aligns with our Board's direction set in the joint

work session.

Please let me know if I can be of service in any way, answer any questions you have, or clarify any points.

GIS has had the proposed maps that they and I have worked on for weeks. Please protect and preserve those maps so they cannot be changed and so we can potentially adopt them as is. That includes the rural VBLM software, database, and the numbers that GIS provided for the documents I presented yesterday.

As we related yesterday and as stated in our documentation supporting column B, we do not wish for staff to change anything or go back and find every possible cluster remainder lot. As written in the proposal, we are good with the maps, assumptions, and numbers as proposed.

I do look forward to your verification and analysis of the information. If you recommend any revisions or corrections, please share those with me asap.

As we also discussed at the work session, some of the population numbers in the DSEIS do not align with some of our numbers that we thought we adopted. I look forward to your help as we ought to nail these down this week so we can present them at the open houses.

Please send a Word version of the document that your staff marked up from a previous draft of my proposed assumptions document.

Please also send a Word version staff report that your department provided to the Planning Commission.

Thank you for presenting the schedule for the Comp Plan process yesterday. We are counting on that schedule so we don't lose any forward momentum. If for any reason, you feel that the schedule needs to be changed, please notify us right away.

Many have expressed concern about staying on schedule. Let's do all that we can to accomplish that goal.

If you create any more related documents, please also copy a Word version to me. Please continue to copy any staff emails to me related to the Comp Plan so we can ensure no communication gaps.

Thank you,

David

This e-mail and related attachments and any response may be subject to public disclosure under state law.

Clark County

2016 Comprehensive Growth Management Plan Update



CHECKING IN ON OUR FUTURE

Proposed Changes to Planning Assumptions

An Evidence Based Proposal by Councilor David Madore

11/4/2015

This document focuses primarily on the rural components of the Comp Plan, particularly Alternative 1 and Alternative 4. The proposal contrasts existing choice A with the proposed choice B and provides the factual basis for each. Table 1 provides the assumptions that define the methods for calculating the capacity for rural parcels to accommodate population growth. Table 2 provides the general planning assumptions for population growth, accommodate that growth, GMA considerations, and logical conclusions. The Reference Section provides relevant evidence, the historical basis, and supporting calculations for the two tables. The purpose of this document is to present decision makers with the compelling need to revise the original draft assumptions with more accurate, appropriate, realistic, and evidence based foundations and to apply the insight gained from staff, cities, citizens, the GIS database, and actual historical records.

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

Ref	A (existing)	B (proposed)
1	<p>Remainder lots of already developed cluster developments with permanent covenants prohibiting further development shall be counted as rural parcels that will develop.</p>	<p>Parcels that cannot reasonably be expected to develop should not be counted as likely to develop. Those include remainder lots of already developed cluster developments that are prohibited from further development.</p> <p><u>No concrete data is available to support findings regarding the number of remainder lots. Cluster remainder lots have not been excluded from the rural capacity estimates because there is no systemic way of identifying them and excluding them. We are working on identifying those subdivisions that are in the Tidemark system since 1999 and providing parcel level data to GIS to digitize. Those cluster developments prior to 1994 will require identification through the data we have on microfilm.</u></p> <p>These parcels have not been legally identified. Plat notes have not been reviewed to determine whether further division is actually precluded on these parcels. Staff has not been advised which land is excluded as cluster remainders, and has no basis to conclude how much land is excluded, or whether the exclusion of this land is appropriate.</p> <p>As stated in the November 9 presentation, the VBLM planning assumptions are not used to authorize or prohibit development of individual parcels. Rather, the planning assumptions are used as a tallying tool to count parcels likely to develop and not count parcels not likely to develop. These assumptions do not change the parcel zoning.</p>
2	<p>Parcels located in areas far from any infrastructure with continuous long term commercial forestry operations are counted as rural parcels that will develop.</p> <p><u>Parcels meeting this criterion were excluded from the number of developable lots in the DSEIS. Nothing in CCC would prohibit development, and their owners may be relying upon the developability of those</u></p>	<p>Parcels located in areas far from any infrastructure with continuous long term commercial forestry operations likely to continue should not be counted as likely to develop.</p> <p><u>This conclusion is contrary to law.</u></p> <p>This planning assumption has nothing to do with the law that authorizes or prohibits development of individual parcels. As stated in the November 9 presentation, the VBLM planning assumptions are</p>

	lands. Those parcels should have been included in the calculations.	not used to authorize or preclude development of individual parcels. Rather, the planning assumptions are used as a tallying tool to count parcels likely to develop and not count parcels not likely to develop. These assumptions do not change the parcel zoning. Our accounting methods have nothing to do with owners authorization to develop or not to develop.
3	Rural parcels including 100% of environmentally constrained areas that lack the necessary 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 necessary for septic systems and well clearances should not be counted as likely to develop. . The Habitat Ordinance, CCC 40.440.020.B.(3), and the Wetlands Ordinance, CCC 40.450.010.(B).(4).(c), ordinances each have a reasonable use provision which states: “This chapter shall not be used to deny or reduce the number of lots of a proposed rural land division allowed under applicable zoning density.” New advanced septic technologies allow for systems where lots not previously considered feasible for development are now developable. To determine whether any particular parcel can be developed it must be reviewed on an individual basis. Rural parcels may share wells with neighbors, and septic drain fields may be placed on neighboring properties. As stated in the November 9 presentation, these planning assumptions are not used to determine if development is possible. Rather, they are used to predict if parcels are more likely than not to develop. Although it is possible to place septic systems on neighboring parcels, it is rare. Therefore, it is not likely.
4	The adopted “Never to Convert” deductions used by the VBLM inside the Urban Growth Boundaries shall be omitted outside the Urban Growth Boundaries. All built and all vacant rural parcels shall be counted as rural parcels that will develop.	The adopted VBLM used for urban areas assumes that a percentage of properties that have an existing residence will likely not divide further. That same 30% “Never to Convert” assumption should apply to already built rural parcels as well. The adopted VBLM used for urban areas assumes that a percentage of vacant properties will likely not divide further. That same 10% “Never to Convert” assumption should apply to vacant rural parcels as well. This would be a BOCC policy decision.
5	Lots that are up to 10% smaller than the minimum lot size should be considered as	Same

	conforming lots and counted as likely to develop as provided by current county code.	
6	All nonconforming parcels with <u>at least</u> 1 acre shall be counted as rural parcels that will develop.	10% of <u>(legal?)</u> nonconforming parcels with at least 1 acre of unconstrained area will likely develop at the same rate indicated by historical records. <u>No concrete data is available to support these findings. This would be a BOCC policy decision.</u> No concrete evidence is available to support assumption A. Yet there is ample experience and virtually unanimous counsel from the Technical Advisory Committee on Septic Systems that inform us that assumption A is unrealistic and assumption B is the norm that we should use.
7	The 15% Market Factor used for urban parcels to provide some margin for the law of supply and demand to satisfy the GMA affordable housing goal inside the UGB shall not apply outside the UGB. <u>The market factor is an addition to the land needed in an urban growth area to accommodate 20-year growth projections, because of assumed fluctuating demand for that area. WAC 365-196-310(4)(b)(ii)(F). Market factor is a tool used to size the UGA and does not directly impact the number of lots under study. The market factor is not used to satisfy the affordable housing goals.</u>	A deduction of up to 7.5% is appropriate to provide some margin for the law of supply and demand of rural parcels to help satisfy the GMA affordable housing goal. <u>The market factor is not used to satisfy the affordable housing goals. It is used to size an area, not to determine the number of lots in the area.</u> Market factor, the use of which is authorized by the WAC, is an addition to the amount of land available for development, not a subtraction. It is extremely unlikely that all of the lots designated as available for development over a 20-year period will develop over 8 years, after which time a new GMA update will be due, and can make any revisions that are then needed. Subtracting an arbitrary number of lots from the 20-year supply is not supportable in law or reason. As As stated in the November 9 presentation, the Market Factor is named not for how it is implemented, but for the reason that it is implemented - to provide a means to add a margin necessary to fulfill the GMA goal of affordable housing. Affordable housing is unachievable if the supply just equals demand. There must be a means to always have some margin of supply. Ample experience has recognized that a 15% margin is appropriate for Clark County properties. The law of supply and demand is universal. The Market factor provides an subtracting a margin from the target supply or by adding a margin to the target population. The urban areas can add that margin by allowing

		<p>higher density or by increasing the size of the UGA. Since the rural areas cannot increase the size of the rural areas, the GMA requirement to accommodate the forecasted growth must allow the existing rural area to reasonable zoning accommodation.</p> <p>The GMA requires us to provide a 20 year supply, not a 8 year supply. Else we would be out of compliance with that requirement.</p>
8	<p>A 27.7% infrastructure deduction is use for urban parcels. But because rural parcels are larger, the rural infrastructure deduction is assumed to be small. No deduction shall be used for rural parcels for any infrastructure such as roads, storm water, parks, schools, fire stations, conservation areas, lakes, streams, protected buffers, Etc.</p>	<p>Same</p> <p><u>An infrastructure deduction in the rural area would be unsupportable because infrastructure needs do not reduce the number of available lots there, given code allowances for inclusion of land associated with roads and private stormwater facilities.</u></p> <p>This is a moot point since no infrastructure deduction is being proposed.</p>

Table 2: Planning Assumptions

Planning Assumption	A (existing)	B (proposed)
1	<p>The 20 year urban population is forecasted to increase by 116,609.</p>	<p>Same</p> <p><u>577,431-448,845 *.9= 115,727 (urban) 12,858 (rural)</u></p>
2	<p>The actual historical urban/rural split has consistently been 86/14. But a 90/10 split shall be used instead to lower the rural population growth forecast to only 12,957 persons.</p> <p><u>The urban/rural split means the allocation of the population growth, not the allocation of the population itself, between the urban and rural areas. The population itself may have been split 86%/14% over the period from 1994 to 2014, but that is not the same as the population growth split, which was 89%/11% during that period.</u></p>	<p>The actual historical urban/rural split that has consistently been 86/14 should be used as the factual basis to forecast a realistic rural population growth of 16,325 persons.</p> <p><u>Urban/Rural split is a planning assumption used to determine the percentage of growth that is anticipated in the urban and rural areas respectively. The 1994 plan used an 80/20 split. The 2004 and 2007 plan updates both used a 90/10 split. The attached table indicates the total annual population of the county and rural areas from 1994 to 2014. The percentage of county population residing in the rural area has declined from 15.47% to 13.87% in the 20 year period. This decline is captured in the 11.18% percent of total growth going to the rural area in the same time interval. From 2007 to 2014 the percent of rural growth has been 10.42% of total county growth. See 6th column on page 5.</u></p> <p><u>The urban/rural split is based on the future growth, not the population, for a particular year. This is a policy call. The 1994 80/20 split was</u></p>

		considered reasonable and approved as appropriate. It would be irrational to claim that the previously accepted 80/20 is acceptable while an 86/14 split is not. In 1994, the actual urban/rural split was 85/15 while a high density rural population growth plan was adopted. The proposed 86/14 split is not higher density than the historical records. This history demonstrates that the proposed 86/14 split is well within the reasonable range known to be acceptable.
3	<p>The annual county-wide population growth rate is forecasted to be 1.25%. Increasing from 447,865 in 2015 to 577,431 in 2035 is a total increase of 129,566 persons which is 1.279% per year.</p> <p>448,845 is the estimated population for the 2015 base year. GIS and Planning use natural log versus Average Annual Compound Growth rate to calculate growth rate. What is the derivation of the 1.279%?</p>	<p>The county-wide population with the 86/14 split is forecasted to increasing from 447,865 in 2015 to 580,799 in 2035 for a total increase of 132,934 persons which is 1.308% per year. (0.029% higher than A). 580,799 is 0.58% higher than 577,431.</p> <p>We should use the same method for calculating the annual growth rate in percent as the OFM. The correction for the mismatch between the DSEIS and the last numbers adopted by the BOCC must be corrected. The BOCC can resolve the dilemma by selecting the numbers and growth rate within a reasonable range of numbers and growth rates. Of course, the policy should select parameters that are not excessively different than DSEIS numbers.</p>
4	<p>The above assumptions assert that Alternative 1 can accommodate 18,814 new persons which is 45% too high in the rural areas. (18,814 / 12,957)</p>	<p>The above updated assumptions show that Alternative 1 can only accommodate 8,182 new persons which is 50% too low. Thus Alternative 1 is not viable since it cannot comply with the GMA requirement to provide for the forecasted growth. (8,182 / 16,325)</p> <p>The urban/rural split is based on the future growth-, not the population, for a particular year. If assumption 2B is selected by Board policy, then this outcome is simply as mathematical fact.</p>
5	<p>The above assumptions assert that Alternative 4 can accommodate 32,987 new persons which is 155% too high and therefore stated by the SDEIS to have too much impact. (32,987 / 12,957)</p>	<p>The above assumptions assert that Alternative 4 can accommodate 16,332 new persons to fit the forecasted rural population growth nearly exactly.</p>
6	<p>The Alternative 4 map without mitigation revisions does not preserve large parcels near the UGBs for future employment, removes 20 acre AG zoning, and is said by the SDEIS to change the rural character.</p>	<p>The Alternative 4 updated map includes mitigation that increases the variety of parcels, preserves large parcels near the UGBs for future employment, and better preserves the rural character by including 20 acre AG minimum lot sizes.</p>

7	<p>Cluster options may be but are not necessarily included in any Alternative and therefore may not be available to preserve open space or large areas of habitat.</p> <p><u>Clustering is currently allowed by code in the Rural zones. Code changes that would govern clustering should be adopted, consistent with GMA, after a preferred alternative is selected.</u></p>	<p>Rural cluster options are to be integrated into Alternative 4 per previous direction given by the Board for all rural zones to preserve open space and to better provide for large areas of habitat.</p> <p><u>Residential cluster development in the agricultural areas would need to comply with RCW 36.70A.177, as well as other GMA provisions concerning protection of resource industries.</u></p> <p>Clustering is recommended as means to preserve open space and large contiguous areas of habitat. Is there any specific law that prohibits cluster options in AG or FR zones? Have cluster options been approved for other counties? Is so, then we know that it is a viable option. If not, please reveal that documentation.</p>
8	<p>Alternative-1 defines 60% of existing R parcels as nonconforming, 70% of existing AG parcels as nonconforming, and 80% of existing FR parcels as nonconforming.</p> <p><u>The DSEIS does not recommend the selection of any alternative. The numbers cited are not a legal problem, but rather describe the rural landscape.</u></p>	<p>The updated Alternative-4 definition and map should be adopted to correct the mismatch between Alternative 1 and the actual ground truth, to respect predominant lots sizes, to resolve some spot zoning problems, and to best accommodate the forecasted population.</p> <p><u>Some of the issues include the following: Legal lots, spot zoning, low-density rural sprawl, protection of resource lands, rural character, capital facilities needed to accommodate growth, and water supply.</u></p> <p>The capital facilities needed to accommodate the proposed rural growth is mathematically less than the currently adopted plan. The numbers in choice B are less, not more than that. Thus an argument against an increase in capital facilities cost is by comparison fallacious.</p>

Reference Section – the factual basis for assumptions

The following table documents the actual urban / rural split for the last 20 years:

Year	County-wide Population	Rural Population	Percent Rural Population	Urban / Rural Split	<u>Percent of Population Growth in Rural Area</u> The proposed policy uses the population

					as in the original table.
1995	279,522	43,254	15.5	84/16	na
1996	293,182	44,882	15.3	85/15	11.9
1997	305,287	46,409	15.2	85/15	12.6
1998	319,233	48,104	15.1	85/15	12.2
1999	330,800	49,429	14.9	85/15	11.5
2000	346,435	51,182	14.8	85/15	11.2
2001	354,870	52,002	14.7	85/15	9.7
2002	369,360	53,548	14.5	85/15	10.7
2003	375,394	54,146	14.4	86/14	9.9
2004	384,713	54,869	14.3	86/14	7.8
2005	395,780	56,009	14.2	86/14	10.3
2006	406,124	57,551	14.2	86/14	14.9
2007	414,743	58,608	14.1	86/14	12.3
2008	419,483	59,042	14.1	86/14	9.2
2009	424,406	59,623	14.0	86/14	11.8
2010	427,327	59,858	14.0	86/14	8.0
2011	432,109	60,544	14.0	86/14	14.3
2012	435,048	60,845	14.0	86/14	10.2
2013	443,277	61,489	13.9	86/14	7.8
2014	446,785	61,948	13.9	86/14	13.1

Source: Clark County Assessor GIS records [based on the population](#). [From 1995 through 2014, the total population of the county grew from 279,522 to 446,785, which is total growth of 167,263. During the same time, the county's rural population grew from 43,254 to 61,948, or 18,694 additional residents in the rural area. The overall percent of the county's total population growth from 1995 through 2014 that occurred in the rural area was 11.2, and the urban/rural split, as that term is generally used for comprehensive planning, was 89/11. Again, this is a policy call that falls well within the 80/20 split adopted in the 1994 plan.](#)

The following table documents the actual capacity of the rural area to accommodate the potential population increase for Alternative-1 and Alternative-4 using proposed choice B assumptions compared to the existing choice A assumptions considered in the DSEIS.

	Alt-1 Capacity per DSEIS Choice A (existing)	Alt-1 Actual Capacity Choice B (proposed)	Alt-4 Capacity per DSEIS Choice A (existing)	New Alt-4 Actual Capacity Choice B (proposed)
Rural Zone	5,684	2,570	9,880	4,710
Agriculture Zone	970	286	1,958	733
Forest Zone	419	162	563	1,097
Nonconforming likely		183		74
Other Rural Zones		124		124
Gross potential growth home sites	7,073	3,325	12,401	6,638
7,5% Market Factor deduction The market factor is an addition to the land needed in an urban growth area to accommodate 20-year growth projections, because of assumed fluctuating demand for that area. WAC 365-196-310(4)(b)(ii)(F). The market factor can be implemented in multiple ways to comply with the affordable housing goal of the GMA. This is a simple way to ensure that a small margin is accommodated.	0	-249	0	-498
Net potential growth of home sites	7,073	3,076	12,401	6,140
Potential population growth	18,814	8,182	32,987	16,332

Source: Clark County GIS: Columns 1 and 3 are from the DSEIS. GIS did supply numbers that appear in Columns 2 and 4, based upon Councilor Madore’s requests and assumptions. New Alt 4 was not studied in the DSEIS. These are no longer “Madore’s requests and assumptions. They reflect the Board’s requests

and proposed assumptions. Please discontinue the old label and refer to these as choice B as proposed by the Board. As consistently communicated by the Board is numerous public meetings, the Board not only has the freedom, but the Board has communicated the necessity to incorporate the requests improvements and mitigations provided by the process. Alternative 4 is not Alternative 5 or a new alternative. It is the same alternative with the mitigations and refinements requested. Those revisions fall well within the numbers considered in the SDEIS.

The following table provides the forecasted population for choices A and B.

ref	Year	County-wide Population A	County-wide Growth A	Urban Growth A & B	Rural Growth B	County-wide Growth B	County-wide Population B
0	2015	447865 Should be 448,845 This Depends on how the Board resolves the SDEIS error.	0	0	0	0	447865 Should be 448,845 This Depends on how the Board resolves the SDEIS error.
1	2016	453591	5726	5153	721	5874	453739
2	2017	459391	11526	10373	1452	11825	459690
3	2018	465265	17400	15660	2192	17852	465717
4	2019	471213	23348	21013	2942	23955	471820
5	2020	477238	29373	26436	3701	30137	478002
6	2021	483340	35475	31928	4470	36398	484263
7	2022	489520	41655	37490	5249	42739	490604
8	2023	495779	47914	43123	6037	49160	497025
9	2024	502118	54253	48828	6836	55664	503529

10	2025	508538	60673	54606	7645	62251	510116
11	2026	515040	67175	60458	8464	68922	516787
12	2027	521626	73761	66385	9294	75679	523544
13	2028	528295	80430	72387	10134	82521	530386
14	2029	535050	87185	78467	10985	89452	537317
15	2030	541891	94026	84623	11847	96470	544335
16	2031	548819	100954	90859	12720	103579	551444
17	2032	555837	107972	97175	13605	110780	558645
18	2033	562943	115078	103570	14500	118070	565935
19	2034	570141	122276	110048	15407	125455	573320
20	2035	577431	129566	116609	16325	132934	580799

Thus the 2035 rural population growth forecasted using assumptions choice B is 16,325 that leaves the forecasted urban growth rate the same but updates the urban/rural split to 86/14.

Correcting the population growth planning assumptions:

The planning assumptions published on Table S-1 on page of the SDEIS show the following:

Total population projection for 2035 = 577,431

Projected new residents = 129,566

The 2015 population = 577,431 – 129,566 = 447,865

Annual population growth rate = 1.25%

Urban/rural population growth split = 90% urban, 10% rural

Thus the 2035 urban population growth = 129,566 This number is incorrect; the correct number is 128,616, and is shown on Table 1-1 Summary of Planning Assumptions on page 1-2 of the DSEIS. $*0.9 = 116,609$

The numbers are based on the SDEIS numbers that we published In the table at the beginning of that document. There is a disagreement with the SDEIS and previously adopted BOCC numbers. The Board can reconcile these by policy within a reasonable range.

Thus the 2035 rural population growth = $129,566 * 0.1 = 12,957$

The more precise annual population growth rate using the original choice A assumptions is calculated as follows:

$577,431 / 447,865 = 1.2893$

The 20th root of 1.2893 = 1.279 which translates to a 1.279% annual growth rate.

Councilor Madore’s calculation of the growth rate results in the average annual geometric growth rate compounded annually. Planning and GIS, however calculate an average annual exponential growth rate with continuous compounding. Again, please refer to this data as choice B data proposed by the Board, not as “Madore’s calculations”. We should use the same method and definition as used by the OFM.

The corrected annual population growth rate is calculated as follows:

$580,799 / 447,865 = 1.29682$

The 20th root of 1.29682 = 1.01308 which translates to a 1.308% annual growth rate.

Councilor Madore’s calculation of the growth rate results in the average annual geometric growth rate compounded annually. Planning and GIS, however calculate an average annual exponential growth rate with continuous compounding. [See the note above.](#)

Thus, the forecasted annual population growth rate using choice A assumptions is 0.029% higher than the forecast of choice A assumptions.

(1.308% - 1.279% = 0.029%) [The method used to calculate the growth rate here results in the average annual geometric growth rate compounded annually.](#) Planning and GIS, however calculate an average annual exponential growth rate with continuous compounding. [See the note above.](#)

The proposed planning assumptions for choice B are as follows:

Total population projection for 2035 = 580,799 (0.58% different)

Total county-wide increase = 132,934 persons (2.6% different, 132,934 / 129,566)

Annual county-wide population growth rate = 1.308% (0.029% different)

Urban/rural population growth split = 86% urban, 14% rural (updated from 90/10)

Thus the 2035 urban population growth = 116,609 persons (same)

Additional details will be provided.

[Population Comparisons](#)

	DSEIS	Corrected 2015 base population	Proposed	Proposed with 2015 base population adjustment
2015 Base	448,815	448,845	447,865	448,845
Growth	128,616	128,586	132,934	131,954
2035 forecast	577,431	577,431	580,799	580,799
Average Annual Exponential Growth	1.26	1.26	1.30	1.29

Rate (Continuous
Compounding)
Average Annual
Geometric Growth Rate
(Compounding
Annually)

1.27

1.27

1.31

1.30

Planning and GIS have provided a corrected 2015 base population of 448, 845. Based on that number, the countywide growth over 20 years is estimated to be 128,586. The estimated growth rate would then be 1.29 %.

The Board will select reasonable numbers and growth rates. This is necessary due to the disagreement with the numbers in the SDEIS and the previously adopted numbers.

From: [Carol Levanen](#)
To: [Jose Alvarez](#)
Subject: Fw: Buildable Rural Capacity - FOR THE PUBIC RECORD
Date: Wednesday, September 16, 2020 9:26:28 PM

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Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail
cccuinc@yahoo.com

----- Forwarded Message -----

From: Carol Levanen <cccuinc@yahoo.com>
To: Eileen Quiring <eileen.quiring@clark.wa.gov>; Gary Medvigy <gary.medvigy@clark.wa.gov>; julie.olson@clark.wa.gov <julie.olson2@clark.wa.gov>; John Blom <john.blom@clark.wa.gov>; Temple Lentz <temple.lentz@clark.wa.gov>; kathleen.otto@clark.wa.gov <kathleen.otto@clark.wa.gov>
Sent: Wednesday, September 16, 2020, 09:25:19 PM PDT
Subject: Buildable Rural Capacity - FOR THE PUBIC RECORD

Re: BUILDABLE RURAL CAPACITY AND THE WORK OF THE VBLM COMMITTEE REPORT
FOR THE PUBLIC RECORD

Dear Councilors,

Jerry Olson's comment in the record of the **July 10, 2020** Buildable Lands committee meeting, warrants thorough consideration. The work of the committee is handicapped by inadequate and insufficient data that denies an accurate housing analysis.

"Can't talk about rural capacity without going through assumptions. All types of ownership should come into play. Ordinances and regulations that are limiting the ability of people to divide on the scale it could be happening. Would want to talk about that if trying to establish capacity. Doe this include large lots with slopes, other constraints?"

Jerry raises legitimate concerns over **buildable** rural capacity. While land may appear usable on paper, there are environmental constraints to consider such as wetlands, steep slopes, riparian, habitat and buffers. Because critical areas primarily impact rural lands, their usefulness is compromised. All constraints pile on additional costs that make properties prohibitively expensive to engineer, permit and build on.

Unless you are Warren Buffet, the ability to live a rural lifestyle is out of reach for most families. This restricts who is allowed to live there and is therefore discriminatory. All these elements impact the rural capacity and deserve analysis.

As noted in the **June 11, 2019 Whatcom County Review and Evaluation Program**. It states,

"Requirements for any county buildable land program are established in the RCW

36.70A.215 (1), (2) (3). *The Buildable Land program allows for flexibility in individual county methodologies, provided the base requirements are met and counties show their work and reasons for their choices. Base requirements are established in RCW 36.70A.215 (1), (2), and (3). These include:"*

(1) Adopting Countywide Planning Policies to establish a review and evaluation program. Compare past growth with planned growth, determining if planned densities are being achieved and if there is sufficient capacity for remaining planned growth within UGA'

*(2) The program shall encompass land uses and activities both within **and outside of urban growth areas** and provide for annual collection of **data on urban and rural land uses**, development, zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention requirements; and capital facilities. This is used to determine the quantity and type of land suitable for residential and employment-based development. Develop reasonable measures, if necessary, to reduce differences between growth and development assumptions and actual growth and development patterns. Reasonabl measures, if required, are adopted during the next comprehensive plan update*

(3) At minimum, the evaluation component of the program shall determine whether there is sufficient suitable land to accommodate the countywide population projection, and the subsequent population allocations within the county and between the cities. The zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the twenty-year planning period.

Provide an analysis of county and/or city development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved. It is not appropriate to make a finding that assumed growth contained in the countywide planning policies and the county or city comprehensive plan will occur at the end of the current comprehensive planning twenty-year planning cycle without rational. Methods to resolve disputes among jurisdictions related to required countywide planning policies and inconsistencies in data collection and analysis.

Annual Collection of Data

Counties and cities are required to annually collect data necessary to determine the remaining quantity and type of land suitable for development when preparing the Buildable Lands Report:

Types of data needed to be collected annually include:

- 1. Urban and rural land uses and development*
- 2. Zoning and development standards*
- 3. Environmental regulations*

4. Capital facilities

5. Data necessary to evaluate measures adopted to increase consistency

*Among the law's requirements, local jurisdictions must review all rules and situations that may impact development. That includes **all regulations** pertaining to critical areas. Impacts from all zoning, development and environmental regulations must be considered if the county intends to better meet all growth and development projections. The law works to address shortages in all housing inventories because the process will allow a more accurate picture of how much buildable land is needed to meet all projected population growth.*

From a policy point of view, I'm sure the councilors want to ensure there is an adequate and suitable supply of **buildable** land for **all economic segments** of the community, just as Whatcom County intends to do. Such work must satisfy the need for all housing and jobs that sustain countywide growth in **both urban and rural areas**. Clark County Citizens United, Inc. expects rural tax dollars supporting this analysis to reflect housing for those burdened with those taxes. It must assure a complete county wide analysis of affordable housing for all Clark County citizens, to prevent **arbitrary and discriminatory** actions.

Sincerely,

Susan Rasmussen, President

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

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From: [Carol Levanen](#)
To: [Eileen Quiring O'Brien](#); [Gary Medvigy](#); [John Blom](#); [Julie Olson](#); [Temple Lentz](#); [Jose Alvarez](#)
Subject: VBLM Report - Clark County Data - FOR THE PUBLIC RECORD
Date: Monday, August 24, 2020 5:01:20 PM

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August 24, 2020

FOR THE PUBLIC RECORD

Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

Dear Councilors,

In response to the Vacant Buildable Lands Report, Clark County Citizens United Inc. has been researching and reviewing Clark County 2016 Comprehensive Plan data, as well as more current data, related to OFM, population and housing. We see that none of the data in the various documents coincide with the other, even though there should be continuity of the data from one report to the other. The reports CCCU has reviewed thus far, are as follows:

REPORTS SUBMITTED TO THE WASHINGTON STATE DEPARTMENT OF COMMERCE

1. Clark County Plan Monitoring Report – 1995-1999 (July 200)
2. Clark County Buildable Lands Report – Final – August 2002
3. Clark County Plan Monitoring Report Update – 2000-2004 (June 2005)
4. Buildable Lands Report – August 2007 (amended)
5. Buildable Lands report – June 2015
6. Clark County Comprehensive Plan 2016 Update Planning for Growth 2015- 2035 Preferred Alternative Urban VBLM and Rural Capacity Estimates Issue Paper 7
7. Clark County Comprehensive Plan 2016 Update – Planning for Growth 2016-2035 – Population and Jobs Projections – Issue Paper 2

In the Population Projection document, (7) it states that the county has chosen the medium projection number of 562,207. The 1995-1999 Report (1) states: "The report does not contain policy recommendations or specific benchmarks." It goes on to say in the COMPREHENSIVE PLAN OBJECTIVES – "Approximately 90 percent of the population growth over the next 20 years is expected to occur in designated urban growth areas, with the remainder to occur in unincorporated rural and natural resource areas"

This shows the county intended to use a 90/10 urban/rural split, in 1995 and for all future planning, even though the 1994 Comprehensive Plan was based on an 80/20 split. The growth data in the 1995-1999 Report (1) shows an 80.7/19.1 split. Using the "Plan Objectives", 10% of 562,207 is 56,221, over twenty years. This totals 2,811 potential rural population, annually.

"The population projection for the area outside of the urban growth areas is based in part on an

allocation received from the Washington State Office of Financial Management. This additional population, approximately 134,000 people over the next 20 years, has been sub-allocated to the urban areas and the rural areas.”

This data indicates the Office of Financial Management added 134,000 people to the urban population allocation, to be distributed to the rural areas. But Clark County distributed it to the urban area, as well, thereby reducing the potential rural population the state allowed.

There are many varied renditions in the calculations and numbers throughout the various reports, which makes it difficult to track what was done. But, if the potential buildable lot count in the rural areas is accurate, CCCU sees that there are 6,800 potential lots in the rural area, at the adoption of the 2016 Plan.

Based on 2.66 persons per lot (household) times 6,800, equals 18,088 population for 20 years, or 904.4 persons annually. This number is far below the “Plan Objectives”, which allowed for 2,811 per year. Residential building permits would reduce the number of buildable lots accordingly. From 2015 to 2020 there were 2,556 residential permits issued in the rural areas, reducing the vacant buildable land in the rural area to 4,244 lots. Multiply that number by 2.66 persons equals 11,289. That would only allow 564.45 new persons annually. New graduates, living in existing rural homes, far exceed these numbers. Where are they going to move, when they want to continue to live a rural lifestyle and raise their families, in rural Clark County? The county cannot sustain housing in the rural area with these numbers, regardless of affordability.

The Growth Management Act states under, RCW 36.70A, 070 Mandatory Elements

(2) A Housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statements of goals, policies, objectives and mandatory provision for the preservation, improvement and development of housing , including single family residences; (c) identifies sufficient land for housing, including , but not limited to , government assisted housing, housing for low income families, manufactured housing, multifamily housing and group homes and foster care facilities, and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(5) – Rural Element – Counties shall include a rural element including land that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

RCW 36.70A.020 Planning goals – The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations.

(4) Housing – Encourage the availability of affordable housing to all economic segments of the

population of this state, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing business and recruitment of new business, recognize regional differences impacting economic development opportunities and encourage growth in areas experiencing insufficient economic growth, all with the capacities of the state's natural resources, public services and public facilities.

(6) Property rights. Private property shall not be taken for public use with out just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The Act goes on to explain what parameters are to be used for the Rural Element.

Clark County is not meeting GMA mandates of the Mandatory Elements, 2 and 5, nor the Planning Goals 4, 5, and 6. Using current planning schemes, Clark County does not and will not have affordable housing in the rural areas, nor will it have economic development. Dramatically reducing the value of rural land with an artificial large lot zone in 1994, and putting rural land on hold in a static position for twenty six years, does not meet Planning goals number 5 or 6. If Clark County continues the existing 2016 Comprehensive Plan as written, it would be impossible for the county to accommodate a rural population, and in a short time, any increase in population in the rural areas, would cease. This is not allowed under the Growth Management Act 36,70A, making Clark County out of compliance to the law.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail
ccuinc@yahoo.com

From: [Carol Levanen](#)
To: [Eileen Quiring](#); [Gary Medvigy](#); [Kathleen Otto](#); [John Blom](#); [Julie Olson](#); [Mitch Nickolds](#); [Dan Young](#); [Jose Alvarez](#)
Cc: [Carol Levanen](#)
Subject: Fw: Island county and ECONorthwest - FOR THE PUBLIC RECORD
Date: Thursday, August 13, 2020 3:00:53 PM

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FOR THE PUBLIC RECORD

Dear Councilors,

The Growth Management Act, under RCW 36.70A.215 gives explicit directions as to what is to be included in the Buildable Lands Report, that is a requirement of the law. That law has recently changed to clarify language, that has been ignored by Clark County for far too long. County staff convinced the Council that they were not capable of performing this task, themselves, and needed to spend \$150,000 of taxpayer money to hire a consulting firm to do the work for them. Even as staff was asking permission to hire that firm, they were signing documents for the firm, ECONorthwest, to do the job.

ECONorthwest was also hired by Island County to perform the same task. But, you will see in that those documents, which has been attached to this email, ECONorthwest has performed their duties much differently that what has happened in the case of Clark County. The Island County data is very precise and comprehensive, with chart after chart showing the numbers of dozens of topics important to the task and the outcome. That has not happened in the case of Clark County. VBLM Committee members have attempted to submit such data, to convince the county staff that such data is important and must be considered. But it all has fallen on deaf ears.

Staff and ECONorthwest simply continues to tell story after story, that has no connection to reality or satisfies the mandates of the GMA. There is no real "meat" in their reports, and often times they can't answer Committee members questions, because the data to do that has not been produced. CCCU has yet to see the kind of information, that ECONorthwest provided for Island County in any of the data for Clark County. Without that kind of examination, there is no way that Clark County can determine the housing and economic needs of the county.

It is assumed that staff is providing the research documents to ECONorthwest for their review. But, that information is woefully inadequate. This process reminds CCCU of what happened when the county hired the Thorpe consultants to perform a study, and then hijacked by staff. Only particular documents were given to Thorpe for review. Even the Councilors and the public were prevented from knowing what was contained in that data. The end result was an incomplete report, based on incomplete hand picked data. Such a report reflected poorly on the integrity of Thorpe. It would be a shame if the current VBLM Report would also reflect poorly on

ECONorthwest. Such consulting firms can only do these reports according to the data that is given to them by county staff. Currently, county staff doesn't seem concerned that there are very real concerns over critical data that has either been brushed over or is missing.

The GMA expects the county to complete a full and comprehensive VBLM Report that explains in detail, how the county came to its conclusions. CCCU believes ECONorthwest has a lot of work to do to make that happen, and they can't do it with their hands tied.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington, 98604

https://www.islandcountywa.gov/Planning/Documents/GMA-13154%20Island%20County%20Housing%20Needs%20Analysis%202017_1129.pdf

From: Carol Levanen
To: Ellen Quiring, Gary Medvay, Kathleen Otto, John Blott, Julie Olson, Temple Lentz, Mitch Nickolds, Dan Young, Jose Alvarez
Subject: This agenda does not match the actual work - FOR THE PUBLIC RECORD
Date: Wednesday, August 5, 2020 8:55:25 PM

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FOR THE PUBLIC RECORD

Dear Councilors,

This agenda and meeting materials are just "smoke and mirrors" data, and do not reflect what actually happens in these meetings. As it regards the rural lands, no one was prepared to answer the hard questions. Where did the 90/10 split come from, when at the time, rural growth was far greater than that. Only until recently has the data changed, because the downzoning and large lot zoning prevents future land divisions. The courts have clearly said the county must allow for rural growth under the GMA and cannot put a cap on that growth, when using the Office of Financial Management population projections numbers. That is exactly what Clark County did, and it was illegal. This process is a waste of taxpayers dollars and demonstrates the total disregard for reality.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

BUILDABLE LANDS PROJECT ADVISORY COMMITTEE

In keeping with the social distancing protocols in place to slow the spread of the COVID-19 virus, Community Planning is suspending in-person meetings until further notice. We encourage you to join the committee's virtual meeting when scheduled. The information for the meeting and instructions on how to participate will be posted in the meeting entry below.

Members

Project updates

To receive updates and notifications, please register for [project updates](#) and click on "Buildable Lands Program."

How to comment

Public comments play an important role in shaping policies and regulations. The county wants to hear your comments:

- Send project staff an email at: jose.alvarez@clark.wa.gov
- Mail your comments to: Community Planning, Buildable Lands program, P.O. Box 9810, Vancouver, WA 98666-9810

Staff contact

Jose Alvarez, Project Manager
Jose.Alvarez@clark.wa.gov
564.397.4898

Date	Agendas	Audio	Notes and Related Documents
07/10/20	Agenda	Audio	<p>PLEASE NOTE</p> <p>In person meetings have been suspended until further notice but you are encouraged to participate in the following ways:</p> <ul style="list-style-type: none">• Listen to audio only by calling: 1 470-869-2200 and entering the meeting ID: 1481504755 (unique to this particular meeting). All meeting materials will be available below to follow the proceedings.• Submit comments by email to Jose.Alvarez@clark.wa.gov <p>Meeting Materials:</p> <ul style="list-style-type: none">• Residential density memo• Employment density memo• Rural capacity estimate memo *****• AHBL memo-information follow up• June 5, 2020 Draft meeting summary• Public Comments June 6- July 10• Meeting 6 Presentation