

Rebecca Messinger

From: Kathleen Otto
Sent: Wednesday, September 30, 2020 7:30 AM
To: Rebecca Messinger; Tina Redline
Subject: FW: Public Testimony for Sept 30 Council Meeting: Expanding Firing Ranges at Camp Bonneville



Kathleen Otto
County Manager

564-397-2458



From: Ann Shaw <ampshaw@gmail.com>
Sent: Wednesday, September 30, 2020 1:38 AM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Ahmad Qayoumi <Ahmad.Qayoumi@clark.wa.gov>; Galina Burley <Galina.Burley@clark.wa.gov>; Magan Reed <Magan.Reed@clark.wa.gov>
Cc: proebstel neighborhood association <proebstel.na2@gmail.com>
Subject: Public Testimony for Sept 30 Council Meeting: Expanding Firing Ranges at Camp Bonneville

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Why are plans moving forward to expand the use of shooting ranges at Camp Bonneville?

NOTHING WAS SAID ABOUT THIS IN LAST WEEK'S COUNCIL TIME MEETING, YET THIS ISSUE HAS BEEN WORKED ON SINCE LEAST MARCH.....7 MONTHS!

How is this not a betrayal of the public trust.

The Army has designated Camp Bonneville as a conservation conveyance, and it has been noted that firing ranges are inconsistent with a conservation conveyance. T

The Army closed the firing ranges at Camp Bonneville. The County allowed the use of Camp Bonneville for an FBI firing range, but public records show that

The FBI continually abused that agreement for many years.

The Army also requires that neighborhoods surrounding BRAC sites have on-going input into reuse, safety and security issues. Camp Bonneville has permanent deed restrictions due to the unexploded ordnance and contamination that can never be cleaned up. The Army's deed restrictions on this property mandate County codes and ordinance specific to

this property because of these permanent dangers. The County has not had any neighborhood involvement since 2016 and the Council refused to establish a Public Advisory Board for Camp Bonneville. The Parks Advisory Board has been used as the forum for public input regarding Camp Bonneville, but firing range issues have never been presented to PAB. COVID19 restrictions make it nearly impossible to allow meaning public testimony on issues. This is compounded by Council Time Agendas being posted with usually less than 24 hours notice. This issue is being raised without ANY public or neighborhood notice.

There are serious public safety issues regarding wildfires in Camp Bonneville. Residents and the Proebstel neighborhood that surround Camp Bonneville have raised wildfire issues for several issues, requested wildfire fighting plans that reflect the permanent dangers to fire crews, requested a firebreak between the Camp and surround residential areas, requested specific information on evacuation routes and related wildfire issues. Our pleas for responsible action have been ignored.

This plan is being considered without ANY public notice or public input. There is no process in place to even consider reuses of Camp Bonneville

This plan ignores Army mandates and deed restrictions regarding this property, including its conveyance as a conservation area.

This plan ignores the required reuse planning for this property and does not allow for any public input.

This plan calls for nighttime use of the firing range on a property that does not have permanently unsafe areas that are unmarked.

This plan is entangled in wildfire issues and endangers the surrounding residential neighborhoods.

This plan ignores Dept of Ecology and BRAC Office requirements that it receive notification and issue approval for ANY reuse of the property.

This plan to renew the FBI contract to use Camp Bonneville has been worked on for at least 7 months with no public notice, and includes expanding the firing ranges and extending the times to 7am-9pm.

There is an extremely long list of complex issues related to Camp Bonneville that must be systematically addressed before any reuse can be even considered.

This includes extending the use of this property for firing ranges.

Residents surrounding Camp Bonneville and the Probestel Neighbor have continually sought ways to work with the County on issues related to our neighborhood. This is just another in a long list of actions where the neighborhood is being completely ignored. Without an appropriate formal process and public input, this action is inappropriate and may well be illegal.

Rebecca Messinger

From: Kathleen Otto
Sent: Wednesday, September 30, 2020 8:27 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: Public Testimony for Sept 30 Council Meeting: Expanding Firing Ranges at Camp Bonneville



Kathleen Otto
County Manager

564-397-2458



From: Lindsey Staley <lindseynstaley@gmail.com>
Sent: Wednesday, September 30, 2020 8:21 AM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Ahmad Qayoumi <Ahmad.Qayoumi@clark.wa.gov>; Galina Burley <Galina.Burley@clark.wa.gov>; Magan Reed <Magan.Reed@clark.wa.gov>; proebstel neighborhood association <proebstel.na2@gmail.com>
Subject: Public Testimony for Sept 30 Council Meeting: Expanding Firing Ranges at Camp Bonneville

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NOTHING WAS SAID ABOUT THIS IN LAST WEEK'S COUNCIL TIME MEETING, YET THIS ISSUE HAS BEEN WORKED ON SINCE LEAST MARCH.....7 MONTHS!
How is this not a betrayal of the public trust, not to mention dangerous and reckless? This needs to include the people who will be impacted, THE COMMUNITY and neighbors.

The Army has designated Camp Bonneville as a conservation conveyance, and it has been noted that firing ranges are inconsistent with a conservation conveyance.
The Army closed the firing ranges at Camp Bonneville. The County allowed the use of Camp Bonneville for an FBI firing range, but public records show that The FBI continually abused that agreement for many years.

* The Army also requires that neighborhoods surrounding BRAC sites have on-going input into reuse, safety and security issues. Camp Bonneville has permanent deed restrictions due to the unexploded ordnance and contamination that can never be cleaned up. The Army's deed restrictions on this property mandate County codes and ordinance specific to this property because of these permanent dangers. The County has not had any neighborhood involvement since 2016 and the Council refused to establish a Public Advisory Board for Camp Bonneville. The Parks Advisory Board has been used as the forum for public input regarding Camp Bonneville, but firing range issues have never been presented to PAB. COVID19 restrictions make it nearly impossible to allow meaning public testimony on issues. This is compounded by Council Time Agendas being posted with usually less than 24 hours notice. This issue is being raised without ANY public or neighborhood notice.

There are serious public safety issues regarding wildfires in Camp Bonneville. Residents and the Proebstel neighborhood that surround Camp Bonneville have raised wildfire issues for several issues, requested wildfire fighting plans that reflect the permanent dangers to fire crews, requested a firebreak between the Camp and surround residential areas, requested specific information on evacuation routes and related wildfire issues. Our pleas for responsible action have been ignored.

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This includes extending the use of this property for firing ranges.

Residents surrounding Camp Bonneville and the Proebstel Neighbor have continually sought ways to work with the County on issues related to our neighborhood. This is just another in a long list of actions where the neighborhood is being completely ignored. Without an appropriate formal process and public input, this action is inappropriate and may well be illegal.

Lindsey

Tina Redline

From: webmaster@clark.wa.gov on behalf of Clark County <webmaster@clark.wa.gov>
Sent: Tuesday, October 6, 2020 11:59 AM
To: publiccomment
Subject: Council Hearing Public Comment

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Clark County

Submitted on Tue, 10/06/2020 - 11:58 AM

Name

Peter Van Nortwick

Phone Number

5643974634

Email Address

peter.vannortwick@clark.wa.gov

Subject

Skyview Station

Date of Hearing

Tue, 10/06/2020

Comment

I live in the impacted neighborhood by this development. My concern is not with the development itself but the installation of a roundabout at the only egress from our neighborhood. Once it is built and installed it should be manageable but during construction the only way to exit our neighborhood at sometimes would appear to require significant blockage. There are a number of elderly residents in this neighborhood and it is not unusual to see an aid car on our street. It would seem if the intersection were going to add just a stop light our egress would not need to be as impacted as by installing a round about. The original plan for this was just a stop light. I would like to see a realistic plan of how egress will be managed from our neighborhood during the construction of the roundabout. If the County doesn't have a plan to sufficiently manage egress from my neighborhood during the building of a round about I would ask the council to change the plan back to a stop light as originally proposed.

Oct. 6, 2020 CC'd: Ahmad Q.; Galina B.; +
Lauren Smith

Rebecca Messinger

From: Judie Stanton <judiestanton@comcast.net>
Sent: Monday, October 5, 2020 4:50 PM
To: Rebecca Messinger
Cc: Gary Medvigy; Temple Lentz; John Blom; Julie Olson; Eileen Quiring O'Brien
Subject: Public Comment for 10/6
Attachments: CouncilComment_10_6_20_Stanton.docx

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Hi Rebecca and Councilors,

Please see my comments attached.

Thanks,

Judie Stanton

October 5, 2020

Public Comment for October 6, 2020

Council Chair Eileen Quiring O'Brien
Councilor Temple Lentz
Councilor Julie Olson
Councilor John Blom
Councilor Gary Medvigy

Members of the County Council,

I appreciate Councilor Medvigy's comments at your September 30th Council Time meeting regarding the need for re-establishing communication with neighborhood associations. I agree.

My interest in that meeting was the proposal for increasing the shooting ranges currently in use at Camp Bonneville. I've lived in Proebstel for more than 30 years and have seen a lot of growth and new development over that time.

With all the homes built in the hills since the early 90's, the topic of wildfire comes up often out here, especially when conditions are dry. Old-timers talk about the potential for another Yacolt Burn.

We have a legitimate concern about increasing the intensity of uses that will bring more human visits to Camp Bonneville. There must be a fully funded wildfire containment plan for the site before introducing new dangers to those of us who live nearby.

Thank you for your consideration.

Judie Stanton
20408 NE 68th Street
Vancouver, WA 98682

Rebecca Messinger

From: Sherry Kam <slkam8@gmail.com>
Sent: Monday, October 5, 2020 4:51 PM
To: Rebecca Messinger
Cc: Gary Medvigy; Temple Lentz; John Blom; Julie Olson; Eileen.Quiring@clark.wa.go; Chuck Atkins; Cnty Sheriff General Delivery; Kathleen Otto; Ahmad Qayoumi
Subject: Comment for Gun range at Camp Bonneville

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I would like my comments read aloud during Open Public Comment at the October 6, 2020 Council Hearing.

Since 2004, my husband and I have been residents whose property abuts Camp Bonneville.

1. As long as we have lived here, we have worried about the threat of wildfire as well. We would like the county to implement a mitigation plan as soon as possible and at least before the next fire season. The Council SHOULD immediately authorize Camp Bonneville logging funds be used to clear a firebreak around the perimeter of Camp Bonneville in order to protect surrounding residential properties.

2. We have noticed that there is an increasing amount of shooting at the Camp, some legal and some illegal. We oppose increasing the hours of use.

Any use of Camp Bonneville, including the current firing range, are entangled with increased wildfire risks. The majority of wildfires are human caused in this area. During the September wildfire event DNR closed their surrounding public lands to shooting, however the County did not. The County allowed use of the firing range in Camp Bonneville through this intense wildfire event.

3. No public process currently exists for Camp Bonneville use, despite ongoing neighborhood willingness to participate in decision making mandated by the Army before any changes to the property occur. We have noticed the lack of transparency and honest public engagement, which is illegal.

4. There is minimal public transparency. The current Camp Bonneville website contains only the documents the County wants the public to see. A complete online repository needs to be published for full transparency including the following items. The comprehensive 2012 EPA report outlining the depth of contamination and inherent concern with public use in the Camp. The deed, conservation conveyance, other agreements with the Army, Troutdale Aquifer well monitoring and reports, Lacamas Creek monitoring reports, final reports on each area subject to MEC and contamination cleanup, Dept of Ecology reports and statements regarding the cleanup and similar documents requested by the public.

5. The property was transferred under a Conservation Conveyance and as such the Deed restrictions require ongoing management of unexploded ordnance and contamination. We would like to know what plans are currently being considered.

Thank you,

Sherry Kam and Dana Samples
29415 NE 85th Circle
Camas, WA 98607
cell: 503.680.4699

Oct 6, 2020: Fudd to Council, Kathleen O., Ahmad Q.,
Erasing B., Lauren S.

Rebecca Messinger

From: stacy g <stacygerv@gmail.com>
Sent: Monday, October 5, 2020 6:14 PM
To: Rebecca Messinger
Subject: Re: Public Testimony for Oct 6, 2020 Council Hearing, Camp Bonneville

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Good evening:

I respectfully request my testimony be read aloud for the record as part of the Open Public Comment at the October 6, 2020 Council Hearing.

I previously submitted an email on September 30th but haven't heard any response to the questions that I submitted. Understand that there may have been an influx of people writing in with comments and there may be time taken before any type of response is given.

I am a homeowner within the Diamond Ridge community that borders Camp Bonneville. My husband is a helicopter pilot doing fire fighting down in California. He has traveled from Alaska to Colorado and California seeing first hand the immense fire danger from wooded areas that are not maintained during periods of high wind, low humidity, and high temperatures. These are exactly the conditions that would occur around this firing range. When you consider the below conditions it makes expanding use of the firing range highly dangerous:

- 1) the environmental considerations that are high danger and risk for fire (high wind, low humidity, high temperatures)
- 2) the fact that there is unexploded ordnance around that would make it impossible to fight any fire that broke out to protect surrounding communities
- 3) Un-maintained forest area that also adds to high danger for rapidly spreading fire (trees close together, dried brush)

What are the steps that will be taken to mitigate these dangers? I'm assuming if there is night fire being conducted on the range as stated, that tracer rounds potentially would be used. Again, that highly increases the fire danger to the surrounding communities. If there is expanded use of this facility then steps need to be taken to mitigate these highly likely and dangerous courses of action.

I hope that you will consider these concerns and work to mitigate them for the protection of not only the communities that immediately surround Camp Bonneville but Clark County as a whole, since fast spreading wild fires would be exceedingly difficult to contain on this terrain. I am not against the Sheriff's Department having a location to shoot. But if they are going to be using Camp Bonneville then mitigation measures need to be put in place to ensure the safety of the surrounding community from wildfire danger. Thank you for your time and consideration of these concerns.

Stacy Gervelis

Rebecca Messinger

From: Erin Allee <erinkallee@yahoo.com>
Sent: Monday, October 5, 2020 2:15 PM
To: Rebecca Messinger
Cc: Temple Lentz; Kathleen Otto; Dan Young; Cnty Sheriff General Delivery; Chuck Atkins; John Blom; Julie Olson; Eileen Quiring O'Brien; Gary Medvigy; Ahmad Qayoumi
Subject: Public Testimony for the 10/6/20 Council Hearing: Please read during Open Public Testimony

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Councilors,

Over the past two weeks the proposed re-use of Camp Bonneville has come before you in several work sessions, including a proposed expansion of an existing firing range. Though the 2005 reuse plan did originally include a firing range, in 2006 the deed to Camp Bonneville was transferred from the Army to Clark County under a conveyance for natural resource conservation. The Army did this to limit public access and thus reduce their overall cost of cleanup. The deed restrictions within this conveyance effectively rendered the firing range an illegal use.

I'd encourage you to review the Federal Deed of Conveyance regulations as well as the Prospective Purchaser Consent Decree.

U.S. Code, Title 10 Section 2694a states:

1. The deed of conveyance of any surplus real property conveyed under this section shall require the property to be used and maintained **for the conservation of natural resources in perpetuity**. If the Secretary concerned determines at any time that the property is not being used or maintained for such purpose, then, at the option of the Secretary, all or any portion of the property shall revert to the United States.
2. The deed of conveyance permits the recipient of the property to conduct **incidental revenue-producing activities on the property that are compatible with the use of the property for conservation purposes**.

As you know there is intense public scrutiny on Camp Bonneville. Public transparency, process and input will be essential to move forward. Most of the important documents

related Camp Bonneville cannot be found on your Camp Bonneville website. There was no public outreach by staff before placing the expansion of the existing firing range before you last week, though records show they've been working on it for months. Until staff has a firm understanding of the complexities, costs and public processes related to Camp Bonneville you cannot move forward.

Erin Allee

Rebecca Messinger

From: Jeannine Kenaston <horsesami@gmail.com>
Sent: Monday, October 5, 2020 2:41 PM
To: Rebecca Messinger; Gary Medvigy; Temple Lentz; John Blom; Julie Olson; Eileen Quiring O'Brien; Chuck Atkins; Cnty Sheriff General Delivery; Kathleen Otto; Ahmad Qayoumi
Cc: proebstel neighborhood association
Subject: Camp Bonneville Council Hearing Oct. 6th

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County Manager and Staff,

As a neighbor of Camp Bonneville, on NE 217th Ave., I would want public outreach from you to keep informed about proposed uses or reuse planning of the Camp.

In order for you to stop pushback from concerned neighbors who feel uninformed, but who are affected by your decisions made for Camp Bonneville, we need clear, open public engagement which respects our feedback about what happens in our back yard. I would ask that a committee of neighbors be consulted before changes in use occur. We have a wonderfully engaged Proebstel Neighborhood Association as a suggestion.

My greatest concern is the fire danger, the menace and the ramifications of unexploded ordinances at the Camp, and how you and our Fire Departments can keep us from looking like Paradise California. Funds to clear a fire break around the camp perimeter is, at the least, necessary to help stop the on slot of a toxic mega fire. Funding for a perimeter fire break could come from timber sales on the property.

I ask for engagement from the County with clear, open disclosure, and consulting with us neighbors as was called for by the Army with any changes.

I would like you to read aloud my comments during the Oct. 6th Council Hearing on Camp Bonneville please.

Thank you,

Jeannine Kenaston

Sent from [Mail](#) for Windows 10

Rebecca Messinger

From: kipick@mac.com
Sent: Monday, October 5, 2020 12:37 PM
To: Rebecca Messinger; Gary Medvigy; Julie Olson; John Blom; Temple Lentz; Eileen Quiring O'Brien; Kathleen Otto; Ahmad Qayoumi; Dan Young; Cnty Sheriff General Delivery; Chuck Atkins
Subject: Public Testimony regarding Camp Bonneville for 10/06/2020 Council Hearing

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

The following is Public Testimony for the Oct 6th, 2020 Council Meeting. I request that my testimony be read aloud for the record as part of the Open Public Comment at the Council Hearing tomorrow.

Livingston Mountain residents feel that we are again being largely ignored by the Council. Residents are again being shut out of decisions about Camp Bonneville. Firing ranges at Camp Bonneville are a serious problem. This property was deeded to the County as a conservation area. Continued use of this property for firing ranges is not consistent with this conservation mandate. In addition, the deed restrictions for Camp Bonneville require ongoing management of the unexploded ordnance and contamination that can never be cleared. This is a complicated management problem with escalating costs as firing ranges increase wildfire risks.

Camp Bonneville presents a serious wildfire risk to all of East County. The large areas with uncleared, unexploded ordnance and contamination mean firefighters cannot safely enter the property to fight a wildfire. The majority of wildfires are human caused. One careless act at the firing range can set off a wildfire that could not be contained. During the September wildfire events, DNR closed their surrounding public lands to shooting. Clark County allowed use of the firing range in Camp Bonneville throughout this dangerous wildfire period, doing nothing to limit the wildfire risk to its citizens.

What is most troubling is the lack of any public process or public input into the issues and risks Livingston Mountain residents face from Camp Bonneville. There is minimal transparency. Last week's attempt to take action on expanding the firing ranges at Camp Bonneville was buried in the Council time agenda. One had to drill down into the CCSO presentation to discover that discussions about Camp Bonneville were hidden in the middle of discussions about Harmony park. Residents find this unacceptable. Why are public officials trying so hard to hide information that that public has a right to know? Why was there no public notification or public hearings about the firing ranges? Why is the Council subverting the public's right to know?

The Council needs to take immediate steps to appoint a Camp Bonneville Neighborhood Committee of residents that live in the areas surrounding the camp. What happens on the property has a direct impact on us and we need a voice in these decisions as required by the Army agreements. The Council needs to take immediate action to mitigate the wildfire risk in Camp Bonneville. The logging funds from Camp Bonneville are monies to be dedicated to the conservation needs of this property. There is no greater need than to protect the community by funding a firebreak around the perimeter of the camp.

Please take action now and honor your responsibilities as public servants. Please begin open and honest public engagement with the residents of Livingston Mountain. It's frightening to think about our neighborhood burning down due to carelessness. Please don't allow this to happen.

Thank you,

Karen Pickering

Resident near Livingston Mountain

Rebecca Messinger

From: Allison Moses <allimoses@gmail.com>
Sent: Monday, October 5, 2020 1:34 PM
To: Rebecca Messinger
Cc: Gary Medvigy; Temple Lentz; John Blom; Julie Olson; Eileen Quiring O'Brien; Chuck Atkins; Cnty Sheriff General Delivery; Kathleen Otto; Ahmad Qayoumi; mike_sermon@yahoo.com
Subject: Clark County Council Hearing October 6, 2020

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Dr. Ms. Messinger,

I would like my comments read aloud during the Open Public Comment at the October 6, 2020 Council Hearing

My family and I live in a home that backs up to Camp Bonneville and we have been here 11 years. It was recently brought to my attention through the excellent leadership of the PNA that there are several unaddressed issues that relate to the public use of Camp Bonneville which greatly concern me.

1. Wildfires- As wildfires seem to be getting worse and resources seem to be stretched each season I am concerned that use of the Camp Bonneville firing ranges continues unabated during the hottest months of the year even while other public lands are closed due to risk. It is irresponsible to say the least that is allowed to go on especially since our home and many others are unprotected. At the very least the council should use logging funds to clear a firebreak around the camp's perimeter in order to protect the surrounding homes, ours being one of them.

2. Use of the Camp for FBI and other law enforcement- I am mad that the Council is even considering a second firing range for law enforcement. Since we have lived here we have gotten pamphlet after pamphlet stating the camp was being "cleaned" up for public use where we and others would be able to use it's trails and enjoy nature there. In fact, as you know the property was transferred under a Conservation Conveyance and as such the Deed restrictions require ongoing management of unexploded ordnance and contamination. Given the cost this will be difficult for the County in light of County staffing and budget limitations but why in the world are you considering adding more contamination?

3. Use Rights- Also of great concern is that the restrictions for the property mandated by the Army are being ignored. There is supposed to be public notice AND public input which includes neighborhood involvement, real involvement not the token 3 minutes you are allowing for public comment which is almost offensive. I am calling on the Council to appoint a Camp Bonneville Advisory Board that includes Proebstel residents.

We have been very patient over the years as we have put up with helicopters landing literally in our backyard in the middle of the night, strange men and women roaming around at all times of the day

with nò notice and the "dangling carrot" that has led us to believe we might be able to enjoy this beautiful property one day if we were patient with the clean up efforts. I am disappointed that the Council would try to take these steps without neighborhood input that would at the very least lead to more noise and at worst could lead to catastrophic loss of life and property for residents of the county.

Please do the right thing for the residents of the county and do it in the right way. That is what you are elected to do. Thank you for your attention.

Sincerely,
Allison Moses

Rebecca Messinger

From: Mike Sermone <mike_sermone@yahoo.com>
Sent: Monday, October 5, 2020 1:14 PM
To: Rebecca Messinger; Gary Medvigy; Temple Lentz; John Blom; Julie Olson; Eileen Quiring O'Brien; Chuck Atkins; Cnty Sheriff General Delivery; Kathleen Otto; Ahmad Qayoumi
Subject: Camp Bonneville proposed firing range expansion

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To whom it may concern,

I have multiple objections about this expansion, Primarily the following-

1. wild fire planning and mitigation
2. The lack of public involvement in the process.

I would like my comments read aloud during Open Public Comment at the October 6, 2020 Council Hearing.

Sincerely,

Mike Sermone
Camp Bonneville neighbor

Oct 5, 2020

CC: Council; Kathleen Q.; Ahmad Q.; Galina B.;
Lauren S.

Rebecca Messinger

From: Susan Koch <sdkoch84@gmail.com>
Sent: Monday, October 5, 2020 11:23 AM
To: Rebecca Messinger
Subject: Camp Bonneville

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Hello Rebecca,

I would like my statement read aloud at the October 6 hearing please.

My husband and I have lived a couple of blocks away from the main gate for 24 years. Forest fire has always been in the backs of our minds and we are concerned that not enough forest floor clean up and thinning of trees has been done to assure the lowest risk. Before taking any more steps to add a bigger firing range for the FBI will you first do the needed job of enforcing a plan of action to deter increased risk of fire?

Thank you,
Susan Koch

--

Susan Koch

Oct. 5, 2020

cc'd = Ahmad Q; Galina B., Lauren S.

Rebecca Messinger

From: PETER CHRIST <peteroboe@comcast.net>
Sent: Monday, October 5, 2020 1:23 AM
To: Rebecca Messinger
Cc: Gary Medvigy; Temple Lentz; Julie Olson; Chuck Atkins; Eileen Quiring O'Brien; John Blom
Subject: Camp Bonneville

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like my following comments read aloud during Open Public Comment at the October 6, 2020 Council Hearing

I and my neighbors on Livingston Mountain have a very real concern with the possibility of wildfires in Camp Bonneville. This should not be sluffed off by the Councillors. We all know that wildfires do happen and are happening throughout Clark County and the state. There are apparently unexploded ordnance in that property. Because of this, fire danger is increased and fire equipment cannot get into the area. It is my understanding that even the army, when it deeded the property to the County, required ongoing management of unexploded ordnance and contamination. It does not seem that the County has addressed that. It seems reckless to allow a shooting range in Camp Bonneville, which could increase the fire danger.

At the very least, there should be a public discussion of the fire danger, the proposed shooting range, and any other proposals for the use of the Camp Bonneville property.

Thank you.

Peter Christ
28818 NE Hancock Road
Camas, WA 98607
360-834-7022

Oct. 5, 2020

cc'd to ~~to~~ Ahmad Q; Galine B., Lauren S.

Rebecca Messinger

From: GEORGE MOUCHETTE <gmouche@msn.com>
Sent: Sunday, October 4, 2020 10:19 PM
To: Rebecca Messinger
Cc: Gary Medvigy; proebstel neighborhood association; Julie - Autoanswer Olson; John Blom; Temple Lentz; Eileen Quiring O'Brien; Chuck Atkins; Cnty Sheriff General Delivery; Kathleen Otto
Subject: October 6th, Council meeting

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I would like my comments read aloud during Open Public Comment at the October 6, 2020 Council Hearing.

I was very surprised about the county discussing adding another firing range without any community input. Our house is on 2 ½ acres that is part of the 20 acres that is surrounded by Camp Bonneville on three sides. Years ago, when there were many discussions how the county would utilize the property, the FBI range, and Sheriff department using one of the ranges came up. Some of the issues beside the wildfire concern were;

- Given all of the money/time/effort being spent to clean up munition pollution and unexploded ordnance why allow any shooting ranges?
- Could continue shooting pollute the Lacamas water table? We are lucky it has not already done so.
- Would shooting ranges be compatible with other potential county uses such as camping/hiking/horseback riding/picnicking, that the county could charge a user fee for?

It's been many years, but I what I remember is the sheriff wanted to use one of the firing ranges, but was going to limit use to only late fall, early spring with no weekend nor late evening/night shooting.

The FBI rep stated they were going to install bullet catchers to limit soil pollution and were going to baffle their range to reduce shooting noise.

In my opinion, because of wildfire danger as listed in the letter from the Proebstel neighborhood association dated October 4th, (listed below) 2020, and the reasons listed above there should not be any new ranges added. Also, if the FBI continues to use their range, they should add the bullet catchers and baffling as they had stated they were going to do.

Thank You
George and Chris Mouchette
23403 NE 83rd street
Vancouver Washington, 98682
360.253.4654

1. Wildfires in Camp Bonneville pose the greatest single threat to life and property in East County at this time. Any uncontained wildfire in Camp Bonneville will devastate East County. The DNR helicopter stationed in the Camp could not fly due to visibility/safety concerns during the September wildfire events.
2. As of Friday the Big Hollow Fire has burned approximately 25,000 acres and is only 40% contained. Due to lack of resources DNR is allowing the fire to burn itself out.

3. Any use of Camp Bonneville, including the current firing range, are entangled with increased wildfire risks. The majority of wildfires are human caused in this area. During the September wildfire event DNR closed their surrounding public lands to shooting, however the County allowed use of the firing range in Camp Bonneville through this intense wildfire event.

* The County MUST address the urgent wildfire issue before the next fire season. The Council SHOULD immediately authorize Camp Bonneville logging funds be used to clear a firebreak around the perimeter of Camp Bonneville in order to protect surrounding residential properties.

4. No public process has been initiated for uses in Camp Bonneville. In fact, neighbors have been shut out of any reuse planning. Every attempt by neighbors to provide public record information back to staff has been ignored. Lack of transparency and honest public engagement from public institutions is illegal. Limiting public testimony to three minutes as the *only* public engagement about Camp Bonneville's complex public health and safety risks is irresponsible. We MUST do better.

5. There is minimal public transparency. The current Camp Bonneville website contains only the documents the County wants the public to see. A complete online repository needs to be published for full transparency including the following items. The comprehensive 2012 EPA report outlining the depth of contamination and inherent concern with public use in the Camp. The deed, conservation conveyance, other agreements with the Army, Troutdale Aquifer well monitoring and reports, Lacamas Creek monitoring reports, final reports on each area subject to MEC and contamination cleanup, Dept of Ecology reports regarding the cleanup, and similar documents requested by the public.

6. The property was transferred under a Conservation Conveyance and as such the Deed restrictions require ongoing management of unexploded ordnance and contamination. Given the cost this will be difficult for the County in light of County staffing and budget limitations.

7. The County MUST activate a Camp Bonneville Reuse Committee (Including at least 4 neighbors, one from each side of Camp Bonneville) called for by the Army before ANY changes in use occur.

Rebecca Messinger

Oct 5 = cc'd to Council; Ahmad Q;
2020

From: Allen Thomas <allenthomasoutdoors@gmail.com>
Sent: Sunday, October 4, 2020 8:15 PM
To: Rebecca Messinger
Subject: Camp Bonneville Oct. 6 comments

Galina B;
Lauren S.

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please read my comments aloud during the open public comment period at the Oct. 6 county council hearing.

Council members,

My name is Allen Thomas. I live on Northeast 212th Avenue, about a mile west of Camp Bonneville. I recently learned about the proposed expansion of the firing range at Camp Bonneville.

I am not sure how I feel about this issue. But I am disturbed how this is progressing without public involvement. Back when the Proebstel area had a neighborhood association, councilors Medvigy and Quiring O'Brien promised to keep us up-to-date about Camp Bonneville. So did top county staff. There was even a Camp Bonneville citizens advisory group planned — including 12 or so proposed members.

And now, this proposal surfaces without notice to the neighborhood. This process needs to slow down until there can be neighborhood involvement.

I realize in the covid-era that public involvement is cumbersome. There can be a tendency to push substantive issues to the consent agenda.

But public involvement remains a key element to community acceptance of county decisions and good governance overall.

Thank you.

OCT-5 = CC'd to Council; Ahmad Q; Galina B.; Lauren S.
2020

Rebecca Messinger

From: Sarah Coleman <theberg27@gmail.com>
Sent: Sunday, October 4, 2020 8:07 PM
To: Rebecca Messinger

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rebecca,

PLEASE READ AT OPEN PUBLIC COMMENT ON TUESDAY, OCTOBER 6th'S COUNCIL HEARING

To the Clark County Council:

I own a home in the Autumn Hills neighborhood and my property borders Camp Bonneville, directly above the Central Impact Area. This past September we had two weeks of smoke blackened skies where we could barely see or breathe. During that time there were several instances where homeowners heard shooting coming from the firing range in Camp Bonneville. We hear the shooting regularly and are familiar with the sound.

I want to express my extreme concern about you letting people shoot inside of Camp Bonneville during a high-risk wildfire event. DNR temporarily banned the discharge of firearms surrounding Camp Bonneville on August 15th and yet shooting in Camp Bonneville was still allowed. You have negligently endangered the lives of hundreds of families living in this area.

DNR was unable to fly their fire helicopter during this time because the visibility was so bad.

Firefighting resources were slim because they were in California and Oregon.

The Big Hollow Fire just north of us continues to burn.

Please be forthright with us about what you are actively doing to prevent a wildfire event in Camp Bonneville.

Please explain the communication plan that will be used to share information in the event of a future wildfire.

Please explain to us the emergency response protocols that will be enacted in the event of evacuation.

Thank you for your time,

Sarah Coleman

Oct. 5, 2020
cc'd = Galine B., Laurens.

Rebecca Messinger

From: Ann Shaw <ampshaw@gmail.com>
Sent: Sunday, October 4, 2020 5:12 PM
To: Rebecca Messinger
Cc: Gary Medvigy; Julie Olson; John Blom; Temple Lentz; Eileen Quiring O'Brien; Kathleen Otto; Ahmad Qayoumi; Dan Young; Cnty Sheriff General Delivery; Chuck Atkins
Subject: Public Testimony for Oct 6, 2020 Council Hearing, Camp Bonneville
Attachments: Questions Regarding Camp Bonneville 1.docx

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I request my testimony be read aloud for the record as part of the Open Public Comment at the Oct 6, 2020 Council Hearing.

Please include the attached list of questions as part of public record for this testimony. Thank you.

Public Testimony for Oct 6, 2020 Council Meeting

On April 14, 2020, a wildfire broke out on private property along the northern border of Camp Bonneville. We watched for 48 hours as two helicopters and multiple ground crews worked to extinguish the blaze that burned over 20 acres. Calling DNR was the only way to get any information about the extent and seriousness of this wildfire. DNR was unaware individuals were burning materials every day near Camp Bonneville despite a burn ban. The unexploded ordnance that permanently remains in much of the Camp prohibits fire crews from entering or flying over this old military base to fight any fire that spreads in the Camp. Fires will burn unchecked, risking our lives and our homes. We were extremely lucky this time.....

Wildfires in Camp Bonneville pose the greatest single threat to life and property in East County. Any uncontained wildfire in Camp Bonneville will devastate East County.

All issues or discussions about Camp Bonneville, including the current firing range, are entangled with wildfire risks. Wildfire risk is embedded in every issue -- deed restrictions and the designation as a conservation conveyance, the lack of public process, the management of unexploded ordnance and contamination that can never be mitigated, security issues, forest management, even staffing and budgets. Wildfire issues must be front and center in every conversation about this property. For over two years, neighbors have raised concerns about the complex issues related to this property. We have provided information and discussed issues with County staff and the County Council. We continue to be ignored.

Our outreach is met with silence. Discussions and draft contracts to expand the firing ranges are being conducted secretly, without public notice or an established public process. This willfully hides the county plans and actions from public scrutiny. The Sept 30 presentation for the Council about the Camp Bonneville firing range both misinforms and omits crucial issues. Public process is never even mentioned. Lack of transparency and lack of honest public engagement evades your responsibilities as public officials, these actions may be illegal. Ignoring wildfire risks, ignoring the myriad of issues related to Camp Bonneville is risking the lives and property of neighbors. **This must stop.**

Three minutes of public testimony as the **sole** public engagement about Camp Bonneville's complex public health and safety risks is irresponsible. This does little more than limit, stifle and evade meaningful discussions. The Army's

conveyance of this property requires on-going active participation in decision-making by neighboring communities. Attitudes, strategies and inaction to disenfranchise neighbors cannot remain the County's approach to Camp Bonneville issues. Willfully ignoring the unique risks as well as the mandated restrictions and limitations of this property is dangerous. We MUST do better.

As a first step to address the urgent wildfire issue before the next wildfire season, I request that the Council immediately authorize Camp Bonneville logging funds to clear a firebreak around the perimeter of Camp Bonneville in order to protect surrounding residential properties.

As a first step to improve transparency, I request the County post all main documents related to Camp Bonneville on its website for the property. Documents such as the deed, conveyance and other agreements with the Army, final reports on each area that has been subject to MEC and contamination cleanup, the 2012 EPA report, Dept of Ecology reports and statements regarding the cleanup need to be readily available to the public.

I also request answers to the preliminary list of questions submitted as part of this testimony.

Neighbors will be holding virtual meetings focused on the County's actions about Camp Bonneville. We welcome Councilors and County staff to join these discussions as we seek an open productive path forward.

Thank you,

Dr. Ann P Shaw

Camp Bonneville neighbor

Camp Bonneville

Set 1: Preliminary Questions for Clark County Staff to Answer,
Oct 6, 2020

Current Status of Cleanup

What is the status of the cleanup of MEC and contamination?

There is been no public update in over 18 months.

When does the Washington State Dept of Ecology (DoE) expect to review final reports from the company completing the cleanup? Who in DoE will be reviewing these reports and what are their professional credentials?

What restrictions has DoE placed on this property going forward?

For example, are there other directives from DoE simply to those stated in its letter of Sept 9, 2019?

What recent contact/correspondence/email has county staff had had with the BRAC office and DoE?

What is the status of the monitoring for ground water contamination?

Are the required monthly clean up reports available? Have any of these reports for the year 2020 been made available to the Council or to the public?

Has staff contracted the Army Office of Economic Assistance?

This Army office provides grants for BRAC sites.

Army Office of Economic Assistance: [https://: www.oea.gov](https://www.oea.gov)

Online Documents:

<https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=3867>

Map of Camp Bonneville

In order for fire crews and other individuals to safely navigate the Camp, a detailed map showing areas that have been cleared and areas where dangerous materials remain is essential.

Who has completed a current, accurate detailed map and legend of Camp Bonneville that shows each area that has been cleared of MEC and contamination, and areas where MEC and contamination will never be mitigated?

Is there is map that shows the currently passable roads? Includes infrastructure such as bridges and culverts and where these structures accommodate firefights equipment?

For each cleared location on the map, is there a master spreadsheet of information that includes each cleared area, the “cleared-to-depth” information, the kinds/amounts of MEC and contamination that was removed, the kinds/ amounts of MEC and contamination that was not removed, etc?

Has each cleared area been marked on the ground? Is there a guide showing the kind of markers that have been used in each area?

Is there a guide that discusses “cleared-to-depth” criteria for conservation uses? As a conservation conveyance, “cleared-to-depth” criteria are less stringent than the criteria for an economic conveyance. Any activity or use that disturbs the ground will likely require a hazmat or uxo team to clear any remaining MEC and contaminants. How this varies across the property must be mapped and documented.

Wildfire Issues

What is the estimated cost to complete a fire break around the entire perimeter of Camp Bonneville? How quickly can the work on a fire break be completed?

What specific Camp roads are currently impassible for fire fighting equipment?
What are the plans to clear and repair all road sections in the camp?
Long sections of the perimeter road, particularly in the eastern extent of the property are overgrown and impassible.

How many bridges, culverts and other infrastructure in the camp need repair? Do these structures accommodate firefighting equipment?

Has DNR created a firefighting plan that accounts for the specific dangers and limitations of the Camp? Has this plan been shared with local fire districts?

Has Clark County stationed any fire units or equipment in order to rapidly suppress any fires?

What is the status of the DNR helitak at the Camp? Does this helitak provide fire suppression support directly for the Camp? Would this helitak need to be evacuated should a wildfire break out in the Camp?

What work has been undertaken/planned to thin or clear trees along the perimeter road? In areas of the camp that require thinning and other measures to reduce fire risk?

Is there a plan to mark wildfire evacuation routes around the Camp?
Clear road signage is needed to mark alternative wildfire evacuation routes on rural rounds around Camp Bonneville.

What measures are in place with CRESA and other agencies to provide timely wildfire information? Has DNR or the County created evacuation plans for East County in case a wildfire breaks out?

Recent experience with wildfires
in the area indicate current notification and information systems are inadequate.

Going forward, how large a dedicated firefighting crew will be needed to protect against fires? What equipment will be needed?

Is there a draft of ordinances, rules and procedures that protect human life and material/timber assets on the property in the case of a wildfire?

Security

When was the perimeter fence last inspected? Which sections of the fence cannot be inspected because the perimeter road is impassible? What fence repairs have been completed and what needs to be done?

What other security measures are currently in use? Cameras? Secured gates? Alarm systems?

How many intruders have been detected/arrested in the last 12 months?

What county codes currently exist that specify penalties for trespassing, vandalism, arson and other violations in the Camp? Because dangers exist that are unique to the Camp, are there county codes that specifically address these dangers? Do penalties reflect these serious dangers?

Going forward, how large a fulltime security staff will be needed to adequately secure this property? What other security equipment will be needed?

Involvement of Neighboring Community

What plan has been developed to assure on-going involvement of the surrounding neighborhoods in the planning, management and use of the Camp?

Surrounding neighborhoods and residential properties have on-going vested interests in Camp Bonneville since they continual impacts from this property. Recognizing these concerns, the Army expects on-going public involvement with neighboring communities that are directly impacted by the clean-up and reuse activities. According to an April, 2019 Washington Dept of Ecology statement (Publication No. 19-09-062),

“Following the RAB, Clark County facilitated a Community Advisory Group of ten community members (2006-2010), intended to keep the community informed of cleanup activities and future land use planning discussions.” (p.19)

Other than a couple of Dept of Ecology public meetings, there has been no on-going community involvement for the past nine years. However, this Dept of Ecology publication also notes:

“Community involvement will be included in the County’s operations and maintenance planning process as future land use planning progresses. The long-term operations and maintenance plan will describe implementation of institutional controls on the property” (p.17)

Deed and Conveyance Restrictions

Are the deed restrictions, conveyance restrictions and related requirements stipulated by the Army summarized in a decision tree to assure the County complies with these requirements?

Has the BRAC office been notified of the current status of the clean up?

Have County codes and ordinances been drafted as required by the deed restrictions and conveyance requirements? Have these draft codes and ordinances been shared with relevant BRAC officials and Washington State Dept of Ecology officials for their review?

Do these draft codes and ordinances include restrictions to address wildfire risk?

Do these draft codes and ordinances address security issues? Trespassing? Hunting prohibitions? Prohibit metal detectors and relic hunting? Restrict hours of use?

Management of Remaining MEC and Contaminants

Is there a draft of an operations manual that spells out what can and can’t be done throughout the Camp? Specify what operations and processes must be carried out to manage and maintain the camp? Specify the nature of the oversight of these operations and processes? Specifies the roles the Council, Public Works, neighborhood advisory board, a reuse that is consistent with deed and conveyance restrictions, etc? reuse authority, appropriate

What activities does the Army allow for different “cleared-to-depth” standards?

What is the specific “cleared-to-depth” information for each cleared unit in the Camp? How deep? What materials recovered and removed? What materials not removed? What on-going management is required for each area, e.g. erosion control? What areas will require specialized hazmat or uxo teams to conduct on-going maintenance? What is the cost of such specialized teams?

What are the estimated costs for activities that exceed “cleared-to-depth” standards for specific areas within the Camp? Is there a decision tree for determining kinds of ground disturbances tied to “cleared-to-depth” standards for each specific area within the Camp?

Is there a management plan for areas that were not cleared as part of the cleanup?

Is there a management plan for each of the cleared areas?

Generally, specific areas of Camp Bonneville have been cleared to a depth of 14 inches. Other areas have been surfaced cleared or not cleared at all. This depth of clearance generally does not allow for any disturbance of surface areas or digging. Any reuse will have to conform to the specific limitations of each particular area of the property.

1) RAU 1 consists of 20 acres in various locations of hazardous materials and chemical contamination that served as dump sites. This RAU addressed plumes of contamination that were migrating into water sources.

RAU-1 will require:

Information about this clean-up needs to be confirmed. Washington State Dept of Ecology does not post online its final clean-up reports for Camp Bonneville.

2) RAU 2-A was the site of a firing range used for many decades. This area contained substantial lead contamination of the soil. The lead contamination was a great concern because the stream and wetlands in this area were allowing the spread of the lead contamination that threatened the Troutdale sole-source aquifer, creating a serious hazard to human health and safety.

“Clean-up” of this area called for the removal of the firing range berms. However, it was determined that removing all the lead contaminated soil from this area was impractical. It was decided that lead contaminated soil would be removed to a depth of 12”. A ground cloth was placed over the remaining lead contaminated soil to prevent it from being disturbed, and a 12” layer of clean soil was brought in to cover the area.

RAU 2-A will require:

1) regular maintenance.

The ground cloth will need to be dug up and replaced every 10 years. This will require a specially trained team certified in managing hazardous wastes due to the remaining lead contamination.

2) restricted reuse.

No digging will be allowed in this area to prevent the disturbance and spread of the lead contaminated soil that will remain on site permanently.

In addition, the environmental constraints of the stream and wetlands throughout this area further restrict its use.

3) RAU 2-B. Information about this clean-up needs to be confirmed.

Washington State Dept of Ecology does not post online the final clean-up reports for Camp Bonneville.

4) RAU 2-C. Information about this clean-up needs to be confirmed.

Washington State Dept of Ecology does not post online the final clean-up reports for Camp Bonneville.

5) RAU 3 is also referred to as the Central Impact Target Area (CITA) or the Central Impact Area (CIA). This large area received impacts from artillery shelling for many decades. Large artillery shells are buried to depths of 6 feet or more, making it impractical to clear this area. Currently, only the surface of this area is being cleared. By mandate, this area will necessarily be permanently closed.

RAU-3 will require:

1) annual inspections.

The area will need to be inspected by certified explosives teams to identify and clear any new MEC (munitions and explosives of concern) that may surface from erosion and ground heaving.

2) permanently restricted.

This area must be permanently restricted only to authorized personnel. Adequate fencing and signage for this area will need to be maintained.

- 6) **RAU 3 - Western Slopes** is currently being cleared. In 2012, the EPA recommended clean-up of all 425 acres of this area. A 2017 preliminary study of this area reduced the clean-up to 197 acres based on vegetation cover, steep terrain and noting road and trail areas that had already been cleared.

RAU-3-Western Slopes will require:

This will need to be established once clean-up is completed.

- 1) **Other areas of the park:** There are large areas that have not been cleared. There is no proposal to clear these areas under the current Washington State Dept of Ecology plans. Most of these areas fall within the firing fans as noted by Army, and thus likely contain some metal fragments and unexploded ordnance.

The Army takes a very conservative stance on the use of areas that are uncleared, generally prohibiting access to the public.

Other areas of the park will require:

- 1) **guidance from the Army about the level of fencing, signage and other required measure to prevent public access to uncleared areas**

2) regular schedule of inspections.

- 8) **Current Roads and Trails** form a network to provide access to some areas of the property. Some roads have been maintained while others require significant work. Roads in steep terrain are subject to serious erosion, presenting difficult issues of maintenance. The roads and trails that have been cleared are cleared to a depth of 14 inches. Twenty feet on either side of these roads and trails have been similarly cleared, forming some safe corridors. These cleared areas have not been

marked, so individuals making use of these roads and trails will not have any clear indication when they have strayed into hazardous areas.

Roads and Trails will require:

1) annual inspections.

These areas will need to be inspected by certified explosive teams to identify and clear any new MEC that may surface from erosion and ground heaving. Experience from other similar BRAC sites show such annual inspections are essential.

2) certification of what kinds of traffic are appropriate relative to use degradation and erosion of the surface (appropriate for vehicular traffic, emergency vehicles, trail use, etc).

3) markers clearly indicating the limits of the cleared corridor.

4) annual maintenance to keep roads passable for firefighting and other emergency crews

Public Education

What public education plan has been developed to inform citizens of the dangers, hazards and restrictions of the Camp going forward?

Does such a plan include information about ordinances and codes specific to the Camp? Include information about penalties for code violations?

What is the estimated annual cost for on-going public education?

Are these drafts of liability waivers that will be required for each individual entering the property? How will use of the property be tracked? Will violators be identified and denied future access?

Rebecca Messinger

OCT. 2, 2020 cc'd: Oliver O.;
Sonya W.

From: Kathleen Otto
Sent: Friday, October 2, 2020 1:34 PM
To: Tina Redline; Rebecca Messinger
Subject: FW: Buildable Lands Guideline Incomplete - For the Public Record
Attachments: Buildable-Lands-Guidelines-Final (2).pdf; gms-bl-5254-essb-2017.pdf; Issue Paper 1_0_BLR_Guidelines_2019_Final (3).pdf



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <cccuinc@yahoo.com>
Sent: Friday, October 2, 2020 12:15 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Fw: Buildable Lands Guideline Incomplete - For the Public Record

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FOR THE PUBLIC RECORD

Dear Councilors, (Dept. of Commerce)

In 2017, **E2SSB-5254** made numerous changes to the Buildable Lands Program with an emphasis on affordable housing for all. Because these were the first changes to the Program since 2000, the Legislature needed the Dept. of Commerce to update the Review & Evaluation Program Buildable Lands Guidelines to reflect new legislation. The guidelines were developed by three members of the Dept. of Commerce and a 22 member Executive Steering Committee of participating counties, cities, interest groups and Futurewise. Gary Albrecht and Oliver Orjiako represented Clark County, and Bryan Snodgrass, represented the City of Vancouver.

E2SSB-5254, NEW SECTION 3 grants commerce authority for updates.

1. *The department of commerce, through a contract with a land use and economics entity, shall develop guidance for local governments on the review and evaluation program in RCW*

36.70A.215. *The contract shall be with an entity experienced in serving private and public sector clients which can assist developers and policy makers to understand near-term market realities and long-term planning considerations, and with experience facilitating successful complex land use issues. The department of commerce shall enable appropriate public participation by affected stakeholders in the development of the guidance for the appropriate market factor analysis and review and update of the overall buildable lands program. ...*

- a. *The review and evaluation program in **RCW 36.70A.215** and changes to the required information to be analyzed within the program to increase the accuracy of the report when updating **countywide planning policies** and the **county** and city comprehensive plans; . . .*
- b. *Whether a more effective schedule could be developed for **countywide planning policies** .*
- c. *A determination on how reasonable measures, based on the review and evaluation program, should be implemented into **updates for countywide planning policies** and the **county** and*
- d. *city comprehensive plans;*

The Dept. of Commerce updated the **Guidelines** in 2018. Commerce produced a new 90 page Guidelines manual, including **APPENDIX D: E2SSB-5254 Tracked Changes**, located on pages. 77-84 of the **Guidelines**.

APPENDIX D of the guidelines claims to include the new legislative changes according to Bill 5254. However, **APPENDIX D** is incomplete since it fails to include the entire **Section 4** of the bill. Senate Bill **E2SSB 5254** contains 5 additional pages of **Section 4, 1-5**, that failed to be included in the Guidelines. Importantly, the Guidelines does not indicate it is omitting the largest portion of Section 4 of the legislation. Notably, this includes 4 pages of **RCW 36.70A.070, Comprehensive Plans, Mandatory Elements, (5) Rural Element**, which describes rural development.

Commerce, the Executive Steering Committee and the consultants were not directed to selectively narrow the legislation and write the **Guidelines** according to a different, non-legislative perspective.

The intent of the Legislature was to provide affordable housing throughout a county. When Commerce narrows the scope, it leads jurisdictions to believe only urban areas are to benefit from affordable housing and the Bill, when such housing is to be afforded both rural and urban areas.

APPENDIX D, Pg. 84 of the **Guidelines**, limits the scope of **Sec. 4** of the Bill that references **RCW 36.70A.070**. The following is the language in the Guidelines in it's entirety:

RCW 36.70A.070 and 2017 c 331 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW . . Each comprehensive plan shall include a plan, scheme, or design for each of the following:

Included in Senate Bill 5254, but omitted from the Guidelines, is the rest of Section 4, which includes Mandatory Elements under RCW 36.70A.07

1. **A land use element . . .**
2. **A housing element . . .**
3. **A Capital facilities plan . . .**
4. **A utilities element . . .**
5. **Rural element . . .**

Clark County Citizens United, Inc. wishes to point out, **(5) Rural Element**, in **SECTION 4**, is also being eliminated from the work of the Clark County Buildable Lands Committee. **Clark County's Issue Paper I** defines the scope of work and restricts it to the Guidelines. But the Guidelines are flawed. **Issue Paper I** also fails to include the entire legislation and stops at **Sec. (2)(6), Pg. 5, Issue Paper I**. The work of the consultants, and the committee, all defer to the **2018 Guidelines**, which is incomplete and doesn't comply with the law. As an organization deeply rooted in rural communities, CCCU is concerned whenever rural opportunities are ignored.

On December 6, 2019, the Buildable Lands Committee was told rural was not going to be considered. After CCCU complained about exclusivity, non-compliance to the law, and how the process is supposed to be countywide. Rural was then briefly discussed. When Committee member, Jim Malinowski requested reconsideration of rural during the September 25, 2020 Committee meeting, Clark County planner Jose Alvarez responded, *rural isn't going to be discussed*. CCCU is concerned whenever rural opportunities are not elevated in importance and equity is missing.

The underlying legislation in **E2SSB 5254** is the legal basis for the work of the **2018 Buildable Lands Guidelines**, and should be the foundation for all work related to the county's Buildable Lands Report. CCCU is concerned over what happens if the Buildable Lands Guidelines are faulty and incomplete and the county chooses to follow it. There are many questions and concerns regarding this work.

- CCCU questions the Guideline's accuracy specifically related to the legislation of 5254 and omissions of **RCW 36.70A.070** of the Bill.
- CCCU questions the intended goal of **Clark County's Issue Paper I**, the restricted work of the Buildable Lands contractor, and the narrowed scope of work of the committee.
- **Clark County's Issue Paper I** fails to alert the public it is using a selective focus of the law. The result will be a flawed process.
- What should be a countywide process and analysis, according to **E2SSB- 5254**, has been limited to primarily serve the city of Vancouver.

CCCU insists the work of the contractor and the Buildable Lands Committee be held to the standards as written in the entire **E2SSB-5254** and not the Guidelines. The Washington Legislature saw that the lack of affordable housing affected every community throughout the state, They crafted an overarching bill that would help to correct the disparity, in both urban and rural areas. This work was included in the GMA under **RCW 36.70A.215**, and other associated text. It was not the intent of the Legislature to narrow the scope to only urban areas, but that is what the Department of Commerce did, in the new Buildable Lands Guidelines. All counties must recognize that by only following the Guidelines, their Vacant Buildable Lands Report will be incomplete, flawed and non-compliant to the GMA.

Please refer to the three attachments; The Buildable Lands Guidelines, E2SSB-5254, and Clark County's Issue Paper I.

Sincerely,

Susan Rasmussen, President

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



Department of Commerce

REVIEW & EVALUATION PROGRAM

BUILDABLE LANDS GUIDELINES

2018

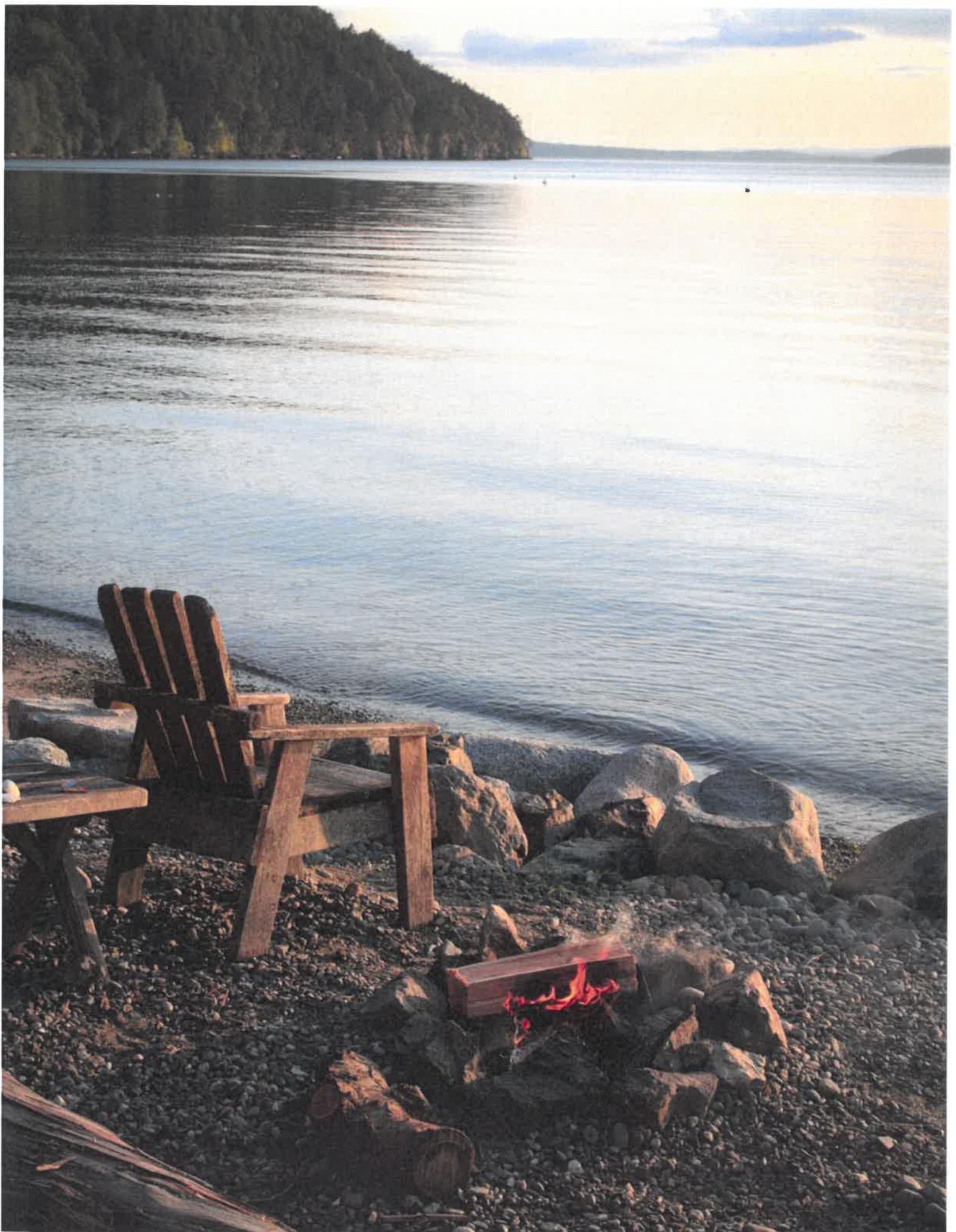


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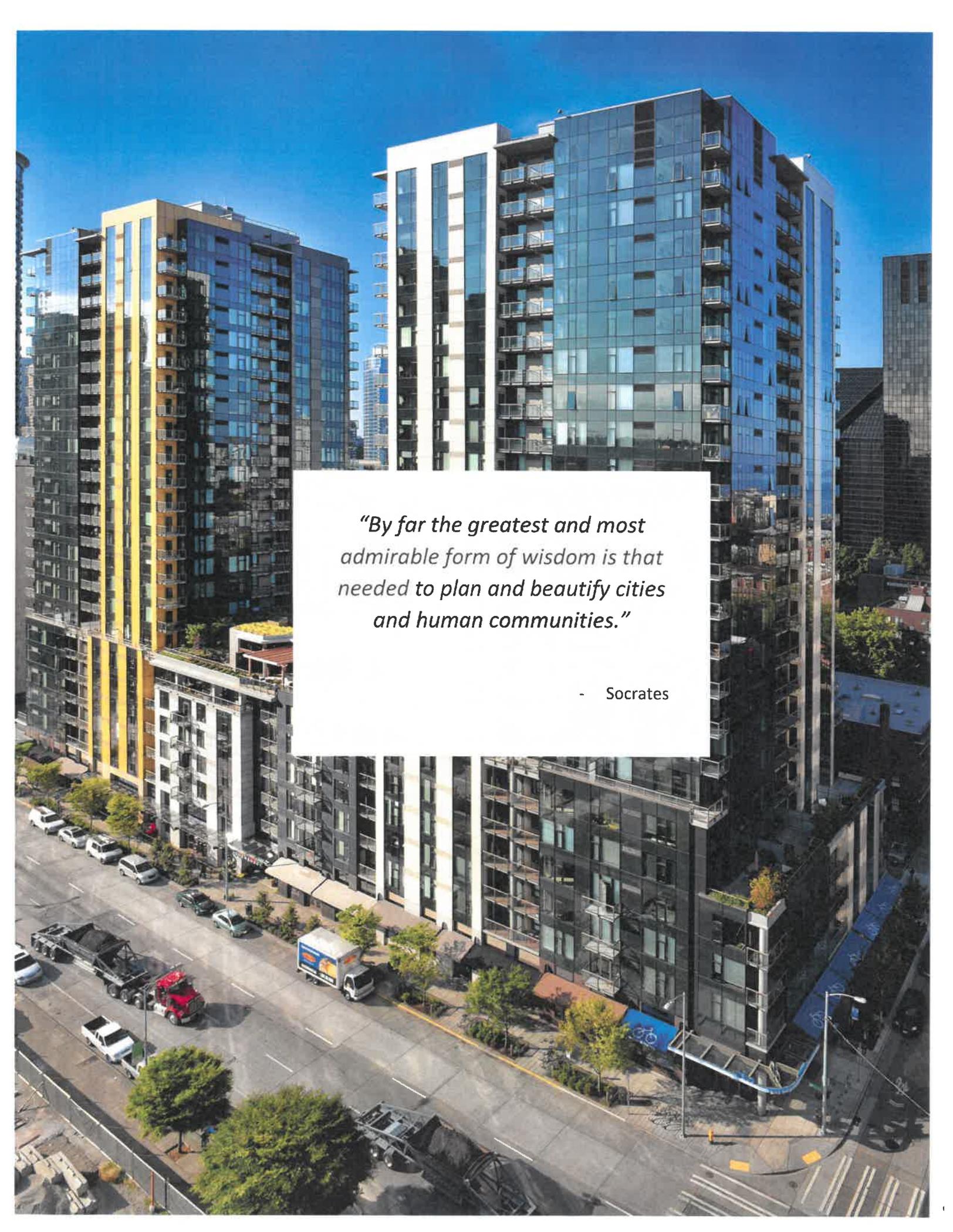
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“By far the greatest and most admirable form of wisdom is that needed to plan and beautify cities and human communities.”

- Socrates

Chapter 1: INTRODUCTION

PROGRAM HISTORY

FUNCTION OF THE BUILDABLE LANDS
GUIDELINES

REVIEW AND EVALUATION PROGRAM
REQUIREMENTS

PROGRAM GUIDELINE DEFINITIONS

PROCEDURAL OVERVIEW

FUNDING

SCHEDULE

REVIEW & EVALUATION PROGRAM & LAND
CAPACITY ANALYSIS

Introduction

The Review & Evaluation Program, commonly referred to as the Buildable Lands Program, is an integral part of Washington State's Growth Management Act (GMA). The program is established in Revised Code of Washington (RCW) 36.70A.215 and Washington Administrative Code (WAC) 365-196-315.

RCW 36.70A.215(1)(a) and (b) outlines that the purpose of the Review & Evaluation Program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the county-wide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.

The process of comparing growth and development assumptions with actual growth and development that has occurred and identifying measures to reduce differences between growth and development assumptions and targets may seem straightforward at face value. However, there are many complex factors and issues, along with data that must be collected and assessed in detail when performing the required evaluation. This raises many questions – How does a jurisdiction get started? What methods can be used for conducting the analysis? What actions need to be taken based upon the results of the collected data? What is required by the program and what flexibility do jurisdictions have to define



their program and approach? Such questions, among many others, are the basis for these guidelines.

Program History

The Review & Evaluation Program was established in 1997 as part of an amendment to the GMA. The program originally applied to six counties, and the cities within their boundaries, and was optional for all other jurisdictions. The six counties that were part of the original program were Clark, King, Kitsap, Pierce, Snohomish, and Thurston. Amendments to RCW 36.70A.215 in 2017 added Whatcom County. Since 1997, the original six counties have produced three Buildable Lands reports.

The first Buildable Lands Program Guidelines document was completed in 2000 and has been a valuable resource document for local

jurisdictions. It primarily serves as a source for suggested approaches to meeting the requirements of the program.

As outlined within WAC 365-196-315, Buildable Lands jurisdictions develop streamlined processes and procedures for administration and implementation of the program requirements. Flexibility allotted by the statute and rule is evidenced in the different approaches that have been developed by each county while still complying with the program's regulatory requirements. In 2017, E2SSB 5254 was passed by the Washington State Legislature and constituted the first major revision to the program since its inception in 1997. The 2018 Buildable Lands Guidelines are also the first update since the original Guidelines were published in 2000.

Figure 1. Counties Subject to the Review & Evaluation Program (2018)



Function of the Buildable Lands Guidelines

The Review & Evaluation Program is intentionally designed as a “bottom-up” approach in order to provide a great deal of discretion to counties and cities as they define their own programs.

The Guidelines are a flexible guidebook that breaks down the requirements of the Program. The intent of the Guidelines is to provide information, best practices, and methodologies related to conducting the Review & Evaluation Program’s analysis in order to assist local governments through the process. It is not intended to supplant local government’s responsibility to adopt policies and procedures to implement Buildable Lands requirements.

Review & Evaluation Program Requirements

The requirements and rules for the Review & Evaluation Program are established in RCW 36.70A.215 and WAC 365-196-315. The following is a summary of the statutory elements that are the foundation for any individual program’s development. These requirements are discussed in greater detail in other sections of the Guidelines.

Program Requirements

The RCW identifies key elements that, at minimum, must be included as part of program. They include:

- Adopt county-wide planning policies that establish the Review & Evaluation Program (RCW 36.70A.215(1));
- Determine whether a county and its cities are achieving planned urban densities and have sufficient capacity to accommodate planned growth by comparing growth policies with actual growth achieved (RCW 36.70A.215(1)(a));

- 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 to determine the quantity and type of land suitable for development, both for residential and employment activities (RCW 36.70A(2)(a));
- Evaluate the above collected data and assess their impact, if any, on land suitable for development (RCW 36.70A.215(2)(b)). It is important to note that although data are required to be collected annually, they are not required to be evaluated annually;
- Provide for methods to resolve disputes among jurisdictions (RCW 36.70A.215(2)(c)); and
- Develop reasonable measures that reduce the differences between growth and development assumptions and targets that may be contained in the CPPs and city and county comprehensive plans. If necessary, reasonable measures shall be adopted during the next comprehensive plan and development regulation update process and may be incorporated into CPPs (RCW 36.70A.215(2)(d) and RCW 36.70A.215(1)(b)).

Evaluation Requirements

RCW 36.70A.215(3) establishes the minimum evaluation components that must be assessed as part of any program. The steps outlined within this section serve as the foundation for the Buildable Lands methodology and are explained in greater detail in Chapter 3: Approach & Methodology. The primary steps required to be completed by all Buildable Lands jurisdictions include:

- Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan or since the last periodic review (RCW 36.70A.215(3)(d));
- Based on the actual density of development, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for these uses for the remaining portion of the current 20-year planning period (RCW 36.70A.215(3)(e));
- Determine if there is sufficient suitable land capacity to accommodate the county-wide population projection established for the county and the subsequent population allocations within the county and between the county and its cities, based upon previous achieved densities (RCW 36.70A.215(3)(a));
- Determine if there is sufficient employment capacity for the remainder of the planning period based upon planned and achieved densities (RCW 36.70A.215(3)(e)); and
- Analyze county and/or city development assumptions, targets, and objectives in CPPs and comprehensive plans when targets, projections, or assumptions are not being achieved. A finding that capacity shortfalls or growth inconsistencies will be rectified towards the end of the planning period cannot be made without supporting rationale (RCW 36.70A.215(3)(c)).

Showing Your Work

While flexibility is a cornerstone of the Review & Evaluation Program, each Buildable Lands jurisdiction must incorporate the components of RCW 36.70A.215 and WAC 365-196-315 into

their respective programs. This bottom-up approach places the responsibility on jurisdictions to show how their approach is accounting for the basic requirements of the program, how each requirement is assessed, and what the outcome of that assessment was. By doing so, residents and stakeholders participating in the process can clearly understand information considered, processes conducted, and how conclusions were made.

RCW 36.70A.215 and WAC 365-196-315 outline this by stating that the Review & Evaluation Program must be established within county-wide planning policies. The WAC provides additional guidance by stating that policies must contain a framework for implementation and administration of the program. A local framework for implementation and administration of the program may be adopted administratively.

Program Guideline Definitions

Broad GMA definitions are found at RCW 36.70A.030. Further, while not technically definitions, the Review & Evaluation Program does describe several key elements of the program. This includes the program purpose, what reasonable measures are, and how to determine land suitable for development. These can be utilized by local governments as they develop or update their local programs. WAC 365-196-210 provides additional definitions that are not contained within the GMA. These should be reviewed for incorporation into local policies and procedures.

The following definitions are not contained within statute or rules. These do, however, provide a common understanding for terms used within the Guidelines and provide a suggested approach to defining terms that are otherwise undefined.

Buildable Lands

While the Review & Evaluation Program is the official name provided in RCW 36.70A.215, the program is often referred to as Buildable Lands, or the Buildable Lands Program. The two terms are used interchangeably.

Growth Target

A figure in an adopted policy statement indicating the type and amount of growth (e.g., number of persons, households, or jobs) a jurisdiction intends to accommodate during the planning period.

Some jurisdictions adopt growth projections in lieu of, or in addition to, population and employment growth targets in their comprehensive plans.

Key Development Data

Data collected by jurisdictions allow for an assessment of growth and development trends. Data may include, but are not limited to, building permits, certificates or changes of occupancy, subdivision plats, zone changes, urban growth boundary amendments, numbers of dwelling units, and critical areas and buffers.

Lands Suitable for Development

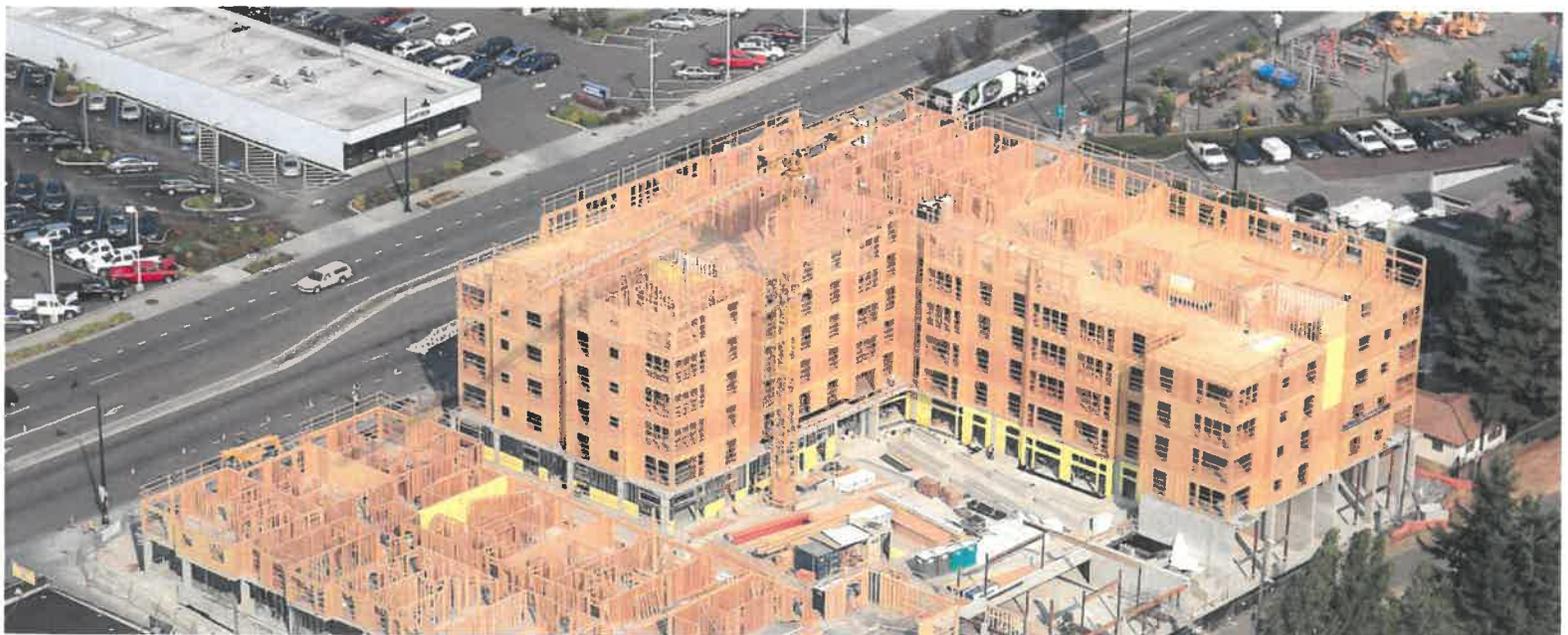
All vacant, partially-utilized, and under-utilized parcels that are (a) designated for commercial, industrial, or residential use; (b) not intended for public use; and (c) not constrained by regulations, including zoning, development, airport overlays, and environmental regulations that prevent development from occurring.

Market Supply Factor

Market Supply Factor is the estimated percentage of developable land contained within an urban growth area that is likely to remain unavailable over the course of a 20-year planning period and is, in practice, the final non-developable land deduction when calculating lands suitable for development and redevelopment.

Partially Utilized Land

Partially utilized parcels are those occupied by a use but which contain enough land to be further subdivided without rezoning. For instance, a single house on a 10-acre parcel, where urban densities are allowed, may be partially developed.



Population Projection/Forecast

A population projection (See RCW 43.62.035), often referred to as a forecast, is a statistically based projection of future growth that is issued by the Office of Financial Management (OFM). At least once every five years or upon the availability of decennial census data, whichever is later, the OFM prepares twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040.

Under-utilized Land

All parcels of land zoned for more intensive use than that which currently occupies the property. For instance, a single-family home on multifamily-zoned land will generally be considered under-utilized. This classification also includes redevelopable land, i.e., land on which development has already occurred but on which, due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period.

Vacant Parcels

Parcels of land that have no structures or have buildings with little value.

Procedural Overview

The steps below provide an overview of the statutory requirements of the Review & Evaluation Program (RCW 36.70A.215). This overview provides one method to fulfill program requirements.

Step 01: County-Wide Planning Policies and the Framework for Implementation and Administration

The county-wide planning policies establish the Review & Evaluation Program process in each county. The framework for implementation and

administration of the program may be adopted administratively to:

- Provide guidance for the collection and analysis of data;
- Establish when the data must be evaluated (RCW 36.70A.215(2)(b));
- Provide guidance on how decisions will be made about when reasonable measures are necessary and how that will be documented;
- Provide guidance on how adopted reasonable measures will be monitored;
- Provide guidance on how determinations are made as to whether adopted reasonable measures are working as intended/what to do when reasonable measures are not working as intended;
- Establish methods to resolve disputes among jurisdictions regarding inconsistencies in collection and analysis of data; and
- Provide for the amendment of the county-wide policies and county and city comprehensive plans, as needed, to remedy inconsistencies identified through the evaluation.

Buildable Lands jurisdictions have historically implemented these standards in a variety of ways ranging from addressing requirements through specific county-wide planning policies to supplementing countywide planning policies with specific implementation and administration procedures.

Step 02: Comprehensive Plan & Development Regulations

Comprehensive plans provide the land use patterns that guide growth and development that is consistent with county-wide growth targets and/or projections. Comprehensive plans designate planned land uses and densities, often expressed as either dwelling

units per acre, floor-to-area ratio, or as jobs per acre. Land use objectives and densities are implemented by development regulations such as zoning ordinances and unified development codes and provide the baseline from which the analysis undertaken as part of the Review & Evaluation Program occurs.

Comprehensive plans may also include reasonable measures, if determined to be necessary. Reasonable measures at the comprehensive planning level may be policies or land use changes that are specifically intended to reduce the differences between planned growth and what is actually occurring, should a significant difference be found as part of the analysis. Reasonable measures may require implementation within development regulations, such as the incorporation of lot-size averaging, upzoning an area, or allowing accessory dwelling units, for example.

Step 03: Annual Data Collection

Collection of data is paramount to a successful Review & Evaluation Program. Types of data to be collected, as outlined in RCW 36.70A.215, include:

- Annual collection of data on urban and rural land uses;
- Zoning and development standards;
- Environmental regulations including, but not limited to, critical areas, stormwater, shoreline, and tree retention requirements; and
- Capital facilities.

The collected development activity data should be used during the evaluation process to determine whether or not growth is occurring as planned. Collected data can also track the effectiveness of reasonable measures. Data collection should specify the type of data to be collected in addition to the procedures and methods to be used in the collection of data.

Some counties take the lead in data collection and provide jurisdictions a framework for the types of data that are collected and reported. Others use a centralized approach and may contract with regional planning organizations for data collection and analysis. Some counties provide a great deal of flexibility to individual jurisdictions to collect and report data; however, it is important that there be some consistency specified in how the data are collected and reported.

Please note that while data are required to be collected annually, they are not required to be analyzed or reported annually (RCW 36.70A.215(2)(a-b)).

Step 04: Data Evaluation

Data evaluation represents the analysis portion of the Review & Evaluation Program that results in the Buildable Lands Report. There is a great deal of flexibility granted on how to procedurally approach the analysis. In Thurston County, the Thurston Regional Planning Council collects data, conducts the analysis, prepares the Buildable Lands Report, and coordinates among the different jurisdictions during the process. Kitsap County, on the other hand, takes the lead on assembly and reporting of the Buildable Lands Report but leaves much of the evaluation and analysis to each individual jurisdiction to complete and report back – a more local approach.

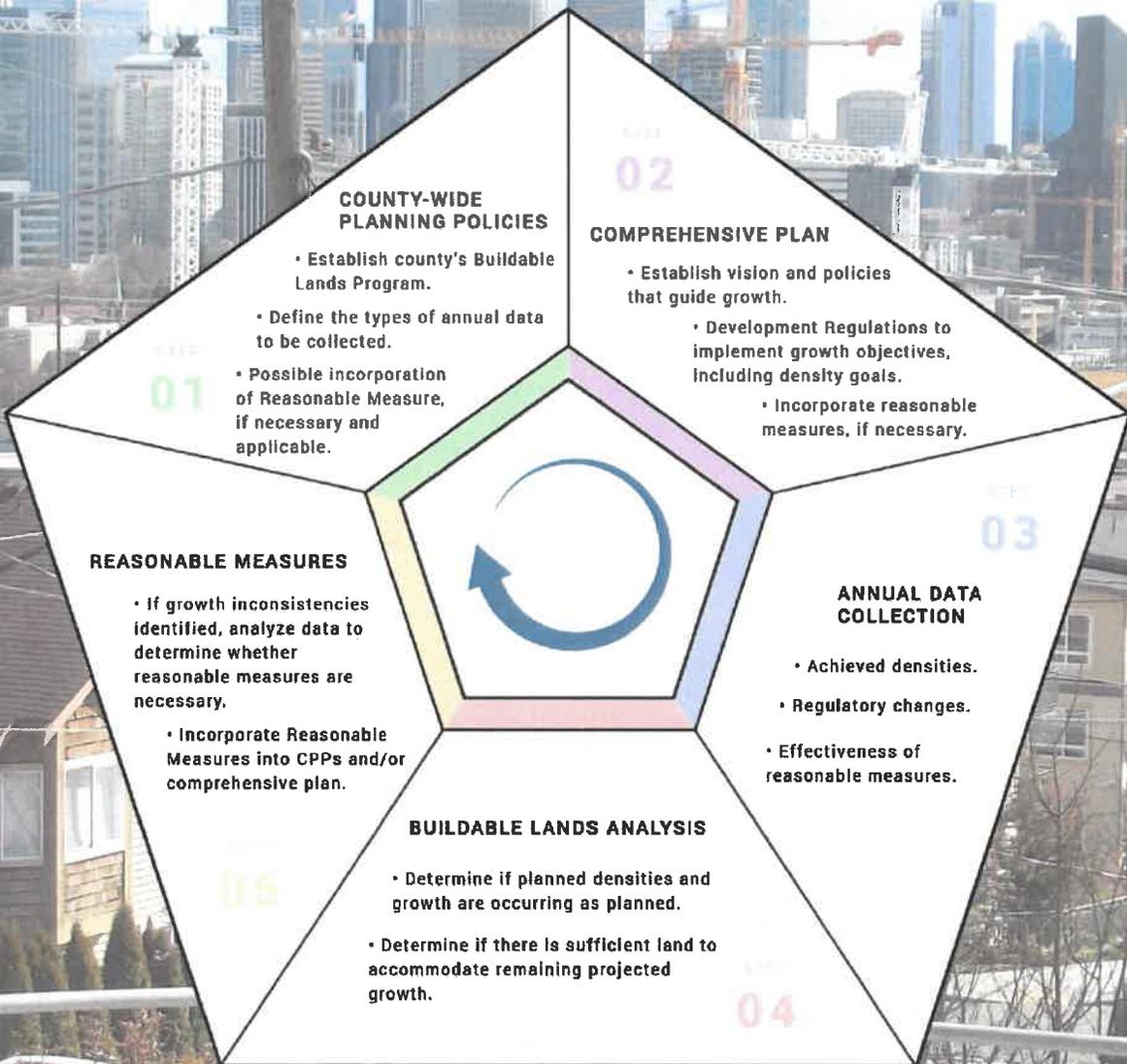
Regardless of how the evaluation is performed, the evaluation must address the minimum evaluation components of the program which are outlined in RCW 36.70A.215(3)(a)-(b):

- Analyze data to assess how growth is occurring and at what densities;
- Determine whether the data shows that densities are consistent with planned growth within the comprehensive plan and development assumptions;

- Determine if zoning/development regulations adopted since the last evaluation will have or are having an impact on assigned densities being achieved;
- Apply a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities; and
- Determine whether there is sufficient land suitable for development and capacity to accommodate the remainder of the 20-year planning period's population and employment targets and projections. In making this determination, zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the 20-year planning period.



Lake Stevens, Snohomish County



Step 05: Reasonable Measures

If the analysis indicates that growth targets, projections, and assumptions are not being achieved, or if, based on achieved densities, there is not sufficient land suitable for development or capacity to accommodate population and employment growth during the remainder of the planning period, then reasonable measures may be required.

Reasonable measures are actions necessary to reduce the differences between growth and development assumptions and targets and actual development patterns. Reasonable measures are fully discussed in Chapter 3, and examples of different types of reasonable measures may be found in Appendix B.

Repeat Cycle

Once the Buildable Lands Report is drafted, the comprehensive plan update cycle begins shortly thereafter. County-wide planning policies can be used to update the county's Review & Evaluation program, if necessary, for the next analysis cycle.

The comprehensive plan update will include new 20-year population projections adopted within the countywide planning policies from a range provided by the Office of Financial Management, and an employment forecast. These forecasts are allocated to individual urban growth areas and jurisdictions. The Buildable Lands Report should help inform the analyses used by jurisdictions to determine the amount and densities of land they need to meet the new growth forecasts.

Funding

RCW 36.70A.215(6) specifies that new requirements added to RCW 36.70A.215 as part

of E2SSB-5254 are only required if funding to implement those requirements is appropriated. If sufficient funds are not appropriated, counties and cities are subject to the Review & Evaluation Program as it existed prior to October 19, 2017. Appendix D includes a tracked changes version of pertinent sections of E2SSB-5254 so readers can clearly understand program elements that have been recently added and are subject to funding requirements.

The Department of Commerce works with each county to create a funding allocation that corresponds with anticipated efforts. The counties are able to distribute the funding to its cities or other entities that conduct the Review & Evaluation Program, as necessary.

Schedule

The Buildable Lands Report is required to be completed no later than two or three years prior to the deadline for review and update of comprehensive plans (RCW 36.70A.215(2)(b)). For King, Pierce, and Snohomish Counties, the deadline is two years prior to the comprehensive plan update deadline. For Clark, Kitsap, Thurston, and Whatcom counties, the deadline for completion of Buildable Lands Reports is three years prior to the comprehensive plan update deadline.

The figures on the next page represent the procedural schedule for how the Buildable Lands Report fits within the comprehensive planning process. The current comprehensive planning cycles have been used.

Figure 4. Review & Evaluation Program Context Timeline – King, Pierce, and Snohomish Counties

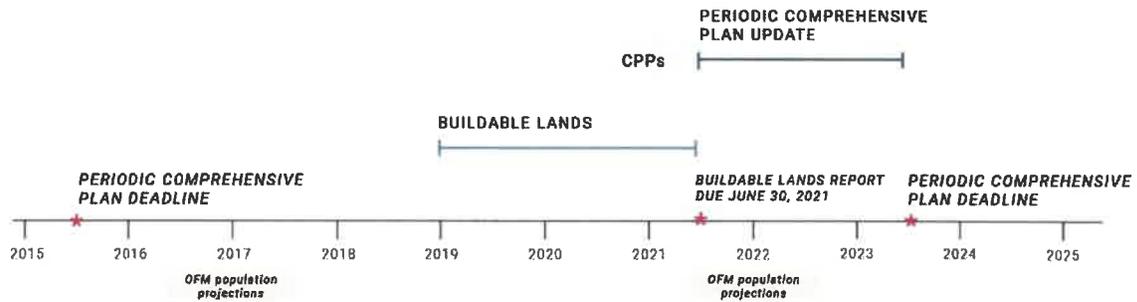
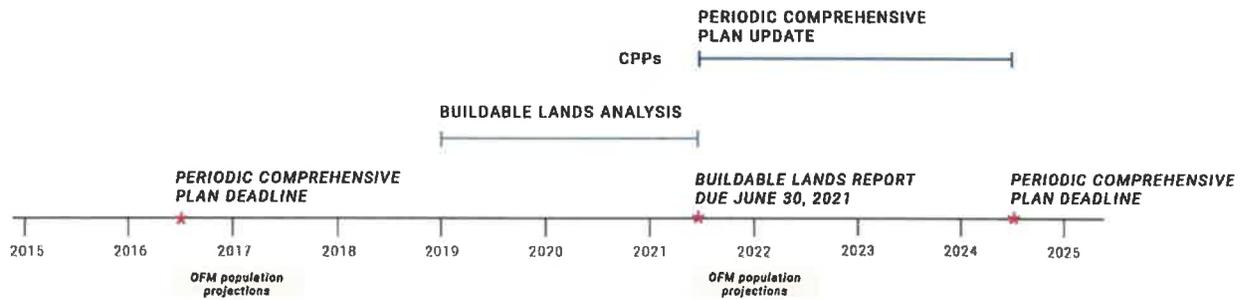


Figure 3. Review & Evaluation Program Context Timeline - Clark, Kitsap, Thurston, and Whatcom Counties



Review & Evaluation Program & Land Capacity Analysis

The purpose, requirements, and timing of the Review & Evaluation Program can be confused with the requirement for counties and cities to complete a Land Capacity Analysis as part of a periodic update to the comprehensive plan. While the statute and rules highlight the differences between the two GMA requirements, many Buildable Lands jurisdictions combine the data collection and analysis portion of the two requirements, even though the planning horizons are unique.

The primary difference between these two requirements is that the Review & Evaluation Program looks back to determine how your current comprehensive plan is functioning while the Land Capacity Analysis requirements are utilized to ensure sufficient land capacity of land suitable for development when comprehensive plans and development regulations are updated. In other words, one looks back while the other looks forward.

Figure 5 provides a side-by-side view of the two legal requirements to highlight the similarities and differences:

Figure 5. Legal Requirements Table

	Review & Evaluation Program	Land Capacity Analysis
Important statute and rule references	<p><u>RCW 36.70A.215</u> – Review & Evaluation Program</p> <p><u>WAC 365-196-315</u> – Buildable Lands review and evaluation</p>	<p><u>RCW 36.70A.115</u> – Comprehensive Plans and development regulations must provide sufficient capacity for development</p> <p><u>RCW 36.70A.130</u> – Comprehensive Plans shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period</p> <p><u>WAC 365-196-325</u> – Providing sufficient land capacity suitable for development</p>
Required to perform	<p>Seven Buildable Lands counties and the cities within those counties identified in 36.70A.215(5). The requirements are optional for all other counties.</p>	<p>All counties and cities that are required or choose to plan under the Growth Management Act (RCW 36.70A.115), including those cities and counties subject to the Buildable Lands requirements.</p>
Purpose	<p>RCW 36.70A.215(1)(a) – “Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans with actual growth</p>	<p>RCW 36.70A.110(2) - Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth</p>

	<p>and development that has occurred in the county and its cities; and”</p> <p>RCW 36.70A.215(1)(b) – “Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns...”</p> <p>RCW 36.70A.215(3)(a) – “(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county pursuant to RCW <u>43.62.035</u> and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW <u>36.70A.110</u>...”</p>	<p>that is projected to occur in the county or city for the succeeding 20-year period...”</p> <p>WAC 365-196-325 – “...To demonstrate this requirement is met, counties and cities must conduct an evaluation of land capacity sufficiency that is commonly referred to as a "Land Capacity Analysis."</p>
<p>Timing</p>	<p>Completed two or three years prior to the Comprehensive Plan deadline (depending on the county) – RCW 36.70A.215(2)(b)</p>	<p>No statutory timing requirement but typically completed as an early step of the periodic Comprehensive update.</p>

Some confusion between the two requirements may be caused by the interchangeable use of terms. There are several terms and phrases utilized within both the statute and rules for the Review & Evaluation Program and Land Capacity Analysis requirements where application of the term may be different. Many counties and cities, over time, have also adapted some of the undefined terms, which may lead to inconsistencies in how terms are applied at the local level. As an example, a non-buildable lands county may refer to its Land Capacity Analysis as a Buildable Lands Analysis.

The language in RCW 36.70A.130(3)(b) may also create some confusion. It states that comprehensive plan updates to accommodate projected population may be combined with the requirements of the Review & Evaluation Program. While data and information gathered as part of the Review & Evaluation Program are often incorporated and utilized during the development of the Land Capacity Analysis, the two requirements are statutorily different.

CHAPTER 2: DATA COLLECTION

DATA COLLECTION

QUESTIONS DATA SHOULD ANSWER

DATA COLLECTION TOOLS

DATA COLLECTION RESPONSIBILITIES

TYPES OF DATA

Data Collection

The Review & Evaluation Program is an exercise that collects data related to growth and development and determines, based upon those data, whether or not growth is occurring as planned and whether there is sufficient capacity to accommodate the remainder of the projected growth within the planning period. The process serves as a metric of comprehensive plan performance and tracks growth and development trends.

Because of the data-centric focus of the Review & Evaluation Program, data collection is one of the most critical considerations. In order to assess how development is occurring, data that measure development characteristics are vital.

Questions Data Should Answer

Key data to collect are, at a minimum, the information needed to address the specific elements defined within the Review & Evaluation Program – RCW 36.70A.215.

The following are a series of questions that the Buildable Lands Program should answer, based upon the specific requirements of the law. This list is intended to show the types of information that local governments should be collecting in order to, first, complete the evaluation and, second, to determine any subsequent corrective actions.

1. What is the actual density and type of housing that has been constructed in the UGAs since the last comprehensive plan was adopted or the last evaluation completed? Are urban densities being achieved within UGAs? If not, what measures could be taken other than adjusting UGAs?
2. How much land was actually developed for residential use and at what density since the comprehensive plan was adopted or the last evaluation completed? Based on this and other relevant information, how much land would be needed for residential development during the remainder of the 20-year comprehensive planning period?
3. How much land was actually developed for commercial and industrial uses within the UGA since the last comprehensive plan was adopted or the last evaluation completed? Based on this and other relevant information, how much land would be needed for commercial and industrial development during the remainder of the 20-year comprehensive planning period?
4. To what extent have capital facilities and development regulations affected the supply of land suitable for development over the comprehensive plan’s 20-year timeframe?
5. Is there enough suitable land in each county and its cities to accommodate the county-wide population and employment growth for the remainder of the 20-year planning period (based on the forecast by the state Office of Financial Management and the subsequent allocations between the county and cities)?
6. Does the evaluation demonstrate that actual development patterns are inconsistent with growth and development assumptions in the countywide planning policies and/or comprehensive plan?
7. What measures to be included in county-wide planning policies and the comprehensive plan update can be

taken that are reasonably likely to increase consistency between planned growth and that which is being achieved?

Data Collection Tools

Several types of tools can be used to track development activities. Rapid technological advances are impacting public agencies' ability to collect and analyze data. Advances will likely continue to shape the future of planning data collection and evaluation and jurisdictions are encouraged to explore innovative ways of collecting, monitoring, and evaluating data. The costs associated with the various data collection tools can vary considerably, and limited public funds can often impede smaller jurisdictions from being able to implement some of the more robust data collection systems. The following are different types of data collection tools that are currently the most utilized:

- Geographic Information Systems (GIS)
- Permit Tracking Systems
- Databases and spreadsheets
- Aerial imagery & LIDAR
- Data collected in the field

Data Collection Responsibilities

Each jurisdiction is responsible for collecting, reporting, and evaluating key data. However, it may be more efficient to have the county or regional planning organization manage at least some of this process to provide some level of consistency. County-wide planning policies or other processes, adopted administratively, must be set in place to outline how this process will occur. Arrangements about sharing responsibilities can be made through memorandums of understanding (MOU's), interlocal agreements or contracts.

For example, a city may contract with the county to collect and maintain its geographic information system (GIS) parcel data, while tracking its own development data (subdivision plats, building permits, or certificates of occupancy).

For incorporated UGAs, each city is responsible for collecting its development data, unless other intergovernmental agreements have been reached. The county collects data within unincorporated areas.

Some local governments may choose to track other information beyond the scope of the legislative requirements to further support analysis and the monitoring of development trends.

Types of Data

Baseline Data

The planning objectives contained within the comprehensive plan and development regulations, when quantified, serve as the baseline data. These include assumptions for growth expectations and baseline conditions at the time the county-wide planning policies, comprehensive plans, or development regulations were adopted. Baseline data can include analysis results from the previous Buildable Lands Report. Baseline data allow for a comparison between the beginning and end of the evaluation period. Baseline data will vary among jurisdictions, depending on the information and objectives used for the policies, plans, and regulations.

Annual Data

Annual data tell the story of actual development and factors affecting development during each evaluation period.

The Review & Evaluation Program legislation emphasizes tracking growth and actual densities within the UGAs and using this information as part of the evaluation. RCW 36.70A.215(2)(a) states that the review and evaluation shall:

...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 to determine the quantity and type of land suitable for development, both for residential and employment-based activities.

In addition, if jurisdictions take actions at the end of the evaluation period to increase consistency, they are advised to collect data sufficient to monitor how those measures are performing.

This section briefly describes a range of data for annual collection, with additional detail provided in Chapter 3 – Approach & Methodology. Keep in mind that jurisdictions are required to collect data pertaining to zoning, environmental and development standards, capital facilities, and development only to the extent necessary to determine the remaining quantity and type of land suitable for development during the analysis and preparation of the Buildable Lands Report. However, these indicators can be valuable for tracking trends and also help provide context for actual development that occurs in UGAs.

The basic types of annual data can generally be organized into the following categories: (1) urban and rural land uses and development; (2) zoning and development standards; (3) environmental regulations; (4) capital facilities; and (5) data necessary to evaluate measures adopted to increase consistency.

1) Urban and Rural Land Uses & Development

Jurisdictions should design and implement appropriate data collection systems to collect data on development activities both inside and outside UGAs. This should include data items that address the annual volume of residential and employment-based development. The information may be derived from plat records, building permits,

certificates of occupancy, GIS data submitted as part of subdivision approval, and any other relevant data source.

While most types of data collected will vary by county, the following types of data are most likely to be useful:

1. **Permit data**, which distinguish between what is permitted inside and outside of the UGA;
 - Approved building permits (number and type each year; date);
 - Approved subdivision permits (number and type each year; date); and
 - Remodel data, if capacity has been added.
2. **Construction data**, based on certificates of occupancy or other methods:
 - Residential units added each year (number, type, and amount of land);
 - Industrial sites developed or redeveloped each year (number, type, and amount of land);
 - Commercial sites developed or redeveloped each year (number, type, and amount of land); and
 - Reduction of existing residential, industrial, or commercial uses each year (demolition data by number and type, as appropriate).
3. **Parcel data** from County Assessor's office including:
 - Parcel information;
 - Land and improvement values; and
 - Easements, deeds, and restrictions, if necessary.
4. **Land use adjustments** that affect the buildable land supply:
 - Changes to the amount of land in UGAs; and

- Changes to the amount or type of residential, commercial, and industrial lands.

5. Employment-based data

- Square footage of commercial and industrial improvements for each site developed or redeveloped; and
- Washington State Employment Sector jobs per acre data.

2) Development Regulations

Development regulations, such as zoning and development standards, stormwater, shoreline, and tree retention requirements, among others, must be tracked by jurisdictions annually. There is a great deal of flexibility as to what and how this information must be tracked and collected, but the intent of tracking information related to development regulations is to assess what impact, if any, adopted regulations might be having on achieved densities. If, for example, it is determined that there are inconsistencies between planned growth and that which has actually occurred, jurisdictions should assess why the inconsistency exists. Reviewing recently adopted development regulations that might impact achievable density, and tracking what changes to regulations have occurred during the evaluation period, can lead to further examination. If regulatory changes are a contributing factor to growth inconsistencies, then reasonable measures can be appropriately developed.

3) Critical Areas

Local governments collect annual data on critical areas to update their land inventories with the most current information that relates to reduced development potential. Critical areas data can be used to more accurately calculate the supply of buildable land without critical areas constraints during the evaluation. Field inventories may aid in affirming the data collected.

Critical area adjustments may include, but are not limited to:

- New areas set aside as a result of the Endangered Species Act requirements;
- Areas impacted by floodplain and natural hazard regulations; and
- Changes to the amount of land identified as critical areas or critical area buffers in which development is precluded.

Land identified as geologically hazardous, frequently flooded, highly susceptible to erosion, or otherwise threatened by a natural hazard (flood, earthquake, landslide, volcano, tsunami, wildfire, sea-level rise, etc.) may also require assessment as part of critical areas determination. Data on high-hazard areas can be found through the Washington Department of Natural Resources geologic information portal, Washington Department of Ecology, and local hazard mitigation planning agencies, among other sources.

4) Capital Facilities

Data on capital facilities should be incrementally updated. At a minimum, these data should include the location and amount of land identified for major capital facilities that will be subtracted from the overall 20-year land supply. Local governments may also collect data on capital facilities that are required for approval of development. In most jurisdictions, this involves updating information on water and wastewater services and utilities including service areas and locations. School districts or school district capital facility plans, fire districts, and parks districts/departments should also be consulted to determine locations of planned facilities, if known.

5) Measures Adopted to Increase Consistency

The Buildable Lands Analysis may demonstrate differences between achieved growth and growth which was envisioned in the county-wide planning policies, and comprehensive plans. If so, the local government is to adopt measures that are

reasonably likely to increase consistency. Those reasonable measures are required to be incorporated into the next county-wide planning policies, comprehensive plan update, and/or regulations, as appropriate.

Evaluation Data

Additional evaluation data are necessary to supplement the baseline and annual data. This information can be gathered prior to the end of the review period, or as needed, to more fully evaluate land supply and development needs. Examples of evaluation data that are especially helpful include:

- Population change since the beginning of the review period;
- Most recent population forecast or other growth data from the state Office of Financial Management; and
- Job growth, past or future.

Post-Evaluation Data

After the initial evaluation is completed, local governments will need to consider whether reasonable measures are necessary. There are two potential outcomes if an inconsistency is identified. First, analysis of the inconsistency may result in a determination that reasonable measures are not necessary to reduce the differences between development assumptions and targets and actual development patterns. In these cases, supporting documentation of why reasonable measures are not necessary to resolve an inconsistency are required. Second, a determination that reasonable measures are necessary could be made. For example, a jurisdiction would review the results of the evaluation and gather any other information needed to assess why the inconsistency exists. Depending on the post-evaluation analysis, a determination would be made (as described in Chapter 3) on whether or not the inconsistency requires a reasonable measure. Post-evaluation data are those which helps the jurisdiction make and support either outcome.

In addition to the results of the initial evaluation, other data could be useful in analyzing and selecting the most appropriate actions to be taken. For example, information about economic factors may help explain why development did not occur as previously envisioned. 2017 updates to the Review & Evaluation Program further explained that a finding that growth and development will take place at the end of a planning period cannot be made without sufficient rationale. This places additional emphasis on evaluating why an inconsistency occurred.

As articulated in WAC 365-196-315:

Each county or city adopting reasonable measures is responsible for documenting its methodology and expectations for monitoring to provide a basis to evaluate whether the adopted measures have been effective in increasing consistency during the subsequent review and evaluation period.

The data chosen for annual monitoring would be highly dependent on which measures local governments are taking.

CHAPTER 3: APPROACH & METHODOLOGY

ACHIEVED DENSITIES

URBAN CAPACITY SUPPLY

URBAN CAPACITY NEEDS

NEEDS VS. SUPPLY

REASONABLE MEASURES

Approach & Methodology

The diverse range of methodologies utilized by jurisdictions planning under the Review & Evaluation Program is a testament to the flexibility allotted under RCW 36.70A.215. Having a “bottom-up” approach to meeting the program requirements recognizes that while there are commonalities between the counties and the cities within those counties, there are also distinct differences. From the type, amount, and density of planned growth to the resources available to coordinate and implement the requirements of the program, performing the analysis required for the Buildable Lands Report is complex, and there is no one-sized-fits-all approach.

This chapter of the Guidelines provides an overview of the requirements as outlined within RCW 36.70A.215. Options and considerations for implementing those requirements are then provided. Lastly, although changes to RCW 36.70A.215 that were made in 2017 must be considered, previous Buildable Lands Reports prepared by jurisdictions provide additional resources related to methodologies and scenarios and are a supplemental resource for implementation.

This chapter is organized into five primary steps. It is important to note that the steps do not necessarily occur in a sequential order and that counties have approached fulfillment of the requirements in ways beyond the steps provided.

EVALUATION SUMMARY

Step One: Achieved Densities

- *What are the actual development densities that have been achieved over the review period? Are growth densities occurring as planned?*

Step Two: Urban Capacity

- *What areas are suitable to accommodate future development and redevelopment capacity? Using achieved densities and other considerations, what is the estimated capacity of that suitable land?*

Step Three: Urban Capacity Needs

- *Based on achieved densities and other considerations, how much capacity is needed to accommodate projected population and employment growth?*

Step Four: Needs v. Supply

- *Is there enough supply to accommodate the projected capacity needs?*

Step Five: Reasonable Measures

- *Are reasonable measures needed to increase capacity supply or to remediate densities not being achieved?*

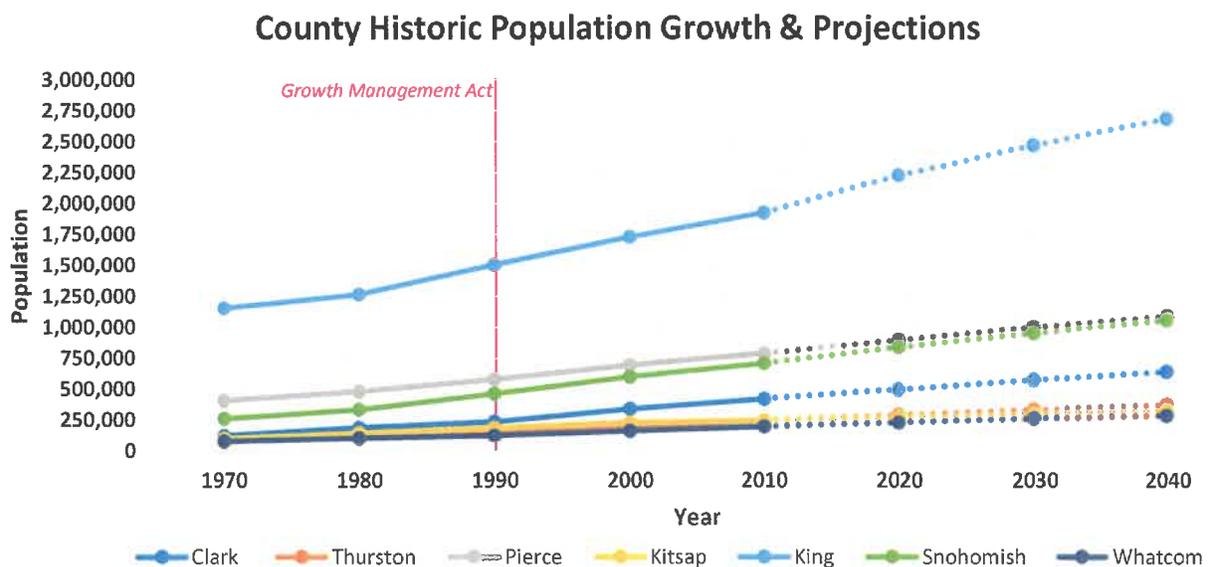
Changing Growth Patterns

The passage of the Growth Management Act in 1990 was a milestone in Washington State planning. Its impacts can be most clearly demonstrated in the increased development densities that have occurred at all levels after GMA adoption. Additionally, a vast majority of the growth that has occurred since the creation of GMA has been accommodated within UGAs. In 1990, the population of the six original Buildable Lands counties was 3.15 million. As of the 2010 Census, their populations had increased to 4.4 million, an increase of 39 percent. Since 2010, extremely rapid growth has continued to occur, largely attributed to the Technology industry’s increased employment in central Puget Sound (see Figure 6 below). Much of this new growth was able to be accommodated within existing urban areas by changing planning and development paradigms to favor higher densities, infill development, and redevelopment over sprawl and greenfield development.

Continued focus on redevelopment, infill, and higher densities, particularly in the more compact, urban parts of Buildable Lands counties, will continue to accommodate a sizable portion of new growth. There will, however, be continued pressure for growth outside of these areas.

Accounting for changing growth patterns, particularly when defining and calculating land supply, will be one of the most significant changes that many buildable land jurisdictions will face moving forward. Capacity calculations that have traditionally been oriented around greenfield development sites will increasingly need to consider urban dynamics and redevelopment. A shift towards redevelopment has many tangible benefits, but also requires additional market and economic considerations that are more complex than previous assessments, defined in more detail in this chapter.

Figure 6. Growth & Projections



STEP ONE: Achieved Densities

The first step to conducting the Buildable Lands analysis is to use the data collected over the evaluation period to determine how growth is occurring. RCW 36.70A.215(3)(d) states that jurisdictions must *determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section.* Additionally, WAC 365.196.315(5)(a)(ii) states that the evaluation should *compare the achieved densities, type, and density range for commercial, industrial, and residential land uses with the assumed densities that were envisioned in the applicable county-wide planning policies, and the comprehensive plan.*

Implementing jurisdictions determine achieved densities in a number of different ways. Regardless of which method is used, it is important to provide a rational connection between the results and the methodologies used to determine those results.

What is the Review Evaluation Period?

RCW 36.70A.215(3)(d) specifies that the review period is *since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation.* The common practice among jurisdictions has been to assess data from the years since the last Buildable Lands Report was completed, including data from years prior to the adoption of the most recent comprehensive plan.

Calculating Residential Densities

Jurisdictions typically analyze the achieved densities of development projects during the evaluation period and create an average achieved density per zoning category based on

the actual development data. It is important to determine what type of density calculation will be used to ensure a consistent metric of evaluation. The most common density evaluation metrics include:

- **Gross Density:** a density calculation based upon the number of units constructed across the entire site without deductions;
- **Buildable Density:** a density calculation that removes critical areas and buffers to better determine the density of construction over the buildable/disturbed area; and
- **Net Density:** a density calculation that first removes critical areas and buffers, as well as roads, stormwater detention facilities, and other areas not explicitly used for or that restrict residential units.

RCW 36.70A.215 and WAC 365-196-315 do not provide specific requirements regarding which type of density calculation should be used, which leaves the determination up to the jurisdictions conducting the analysis. Most jurisdictions have used a form of the buildable/net density calculation that deducts critical areas and buffers, at minimum, before calculating achieved densities. It would be difficult to use a gross density method to calculate achieved densities due to the wide variability between development and redevelopment sites and whether critical areas and buffers are present. Deducting critical areas, at a minimum, provides a better snapshot of development and redevelopment density.

This approach can be used for a number of different residential housing types, including

single-family detached and attached housing (apartments, fee simple or condominiums). This approach can also be used for residential redevelopment sites as the achieved density can be calculated by determining the size of redevelopment parcels, deducting for existing critical areas and buffers, if present, and assessing the new dwelling units over the redevelopment site area. See Figure 7 on page 26 for an illustration of how this calculation could be performed for a vacant site.

For residential achieved density calculations in mixed-use districts, the total number of residential dwelling units across the mixed-use site, after deducting for critical areas and

buffers, can be used to determine the number of residential dwelling units per acre in the mixed-use zone. Alternatively, the land base may be divided by proportional shares of residential and commercial areas to establish achieved floor-to-area ratios. It is important to ensure that residential and employment capacity estimates in mixed-use zones not be duplicated which would result in over-counting capacity. A commercial to residential ratio for mixed use areas could be used to estimate capacity or fact-check capacity estimates.

See Figure 8 on page 27 for an illustration of how this calculation could be performed for a mixed-use redevelopment site.



USING ACHIEVED DENSITY TO ESTIMATE FUTURE CAPACITY – VACANT LAND EXAMPLE

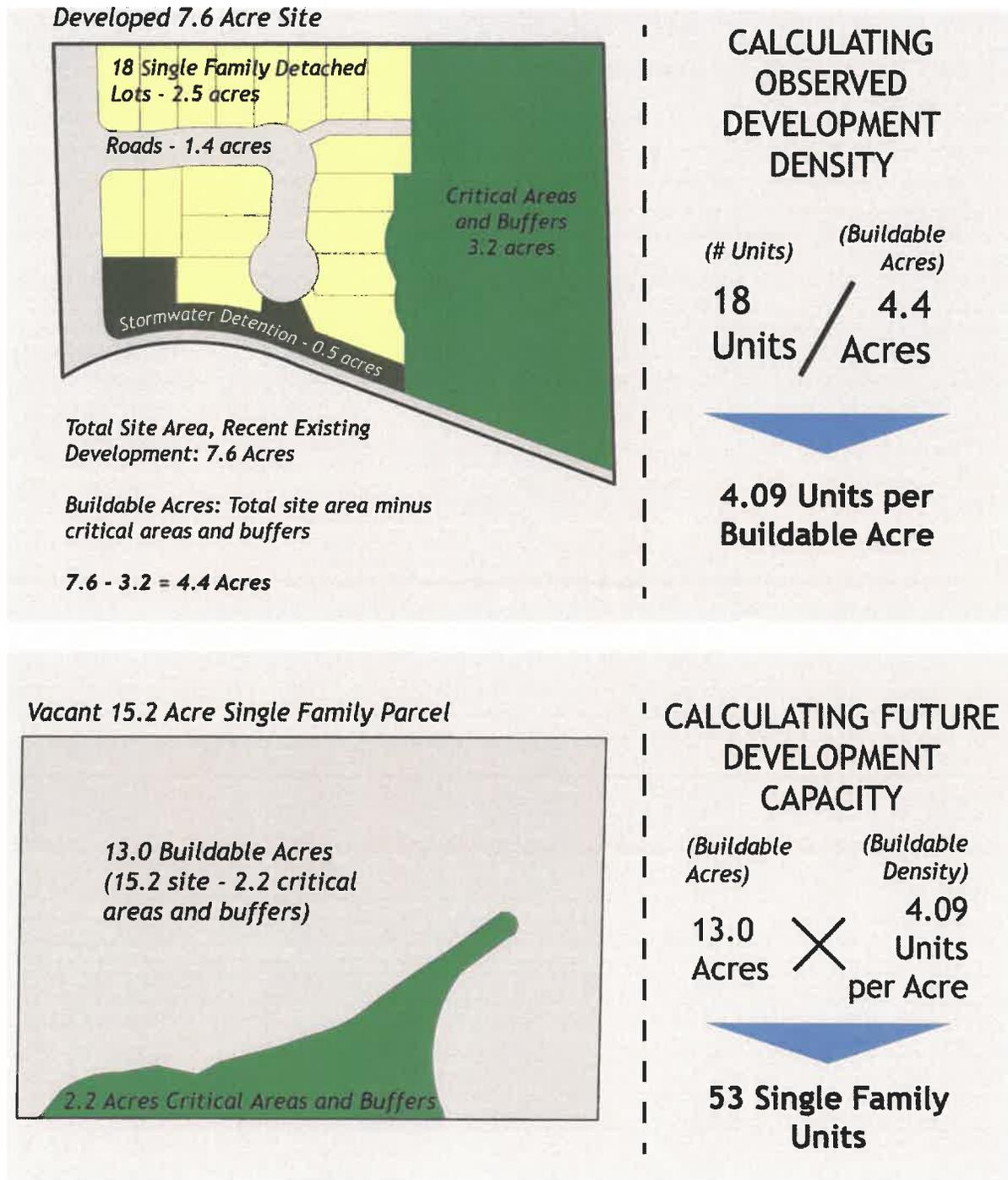


Figure 7. Future Capacity Example 1

USING ACHIEVED DENSITY TO ESTIMATE FUTURE CAPACITY – REDEVELOPMENT EXAMPLE

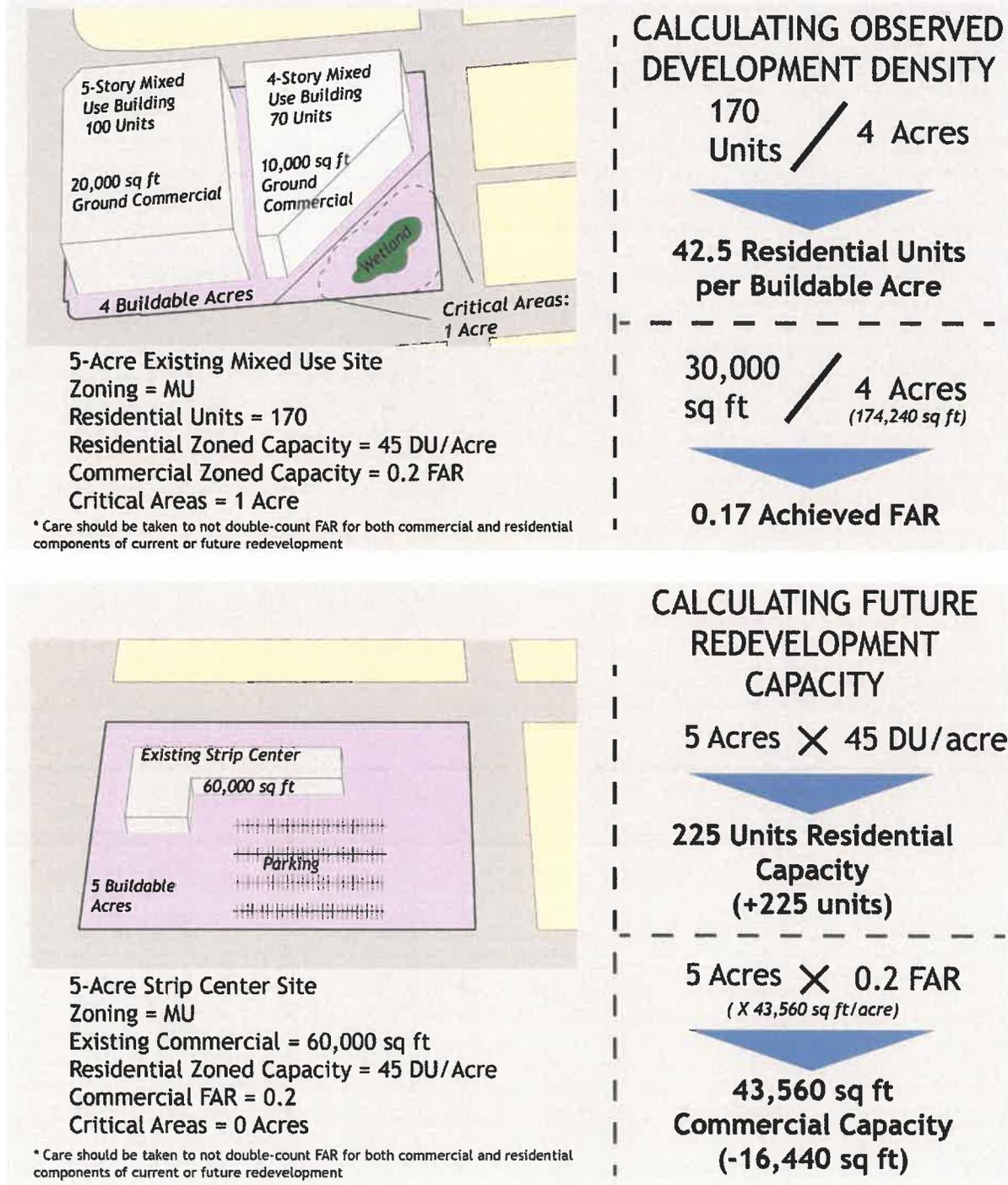


Figure 8. Future Capacity Example 2

Employment Densities

Similar to calculating residential densities, RCW 36.70A.215 and WAC 365.196.315 do not provide specifics regarding how employment density must be calculated, leaving a great deal of discretion to jurisdictions on how to calculate achieved employment densities. As with other elements of the Review & Evaluation Program, being able to show how conclusions are reached is crucial, regardless of which methodology is used.

While jurisdictions have developed their own methodologies, the following information can be helpful with calculating employment densities in office, commercial, industrial, and mixed-use areas:

- The North American Industrial Classification System (NAICS) and the Institute of Transportation Engineers (ITE), among others, are resources that provide this information. ITE, in particular, performs updates to their trip generation manuals in which employees per square footage of buildable area is a factor to determine potential trip generation for development and redevelopment sites. An alternative method that may be used is an employment density calculation based on a ratio of employees per net acre, if employee estimates are available. Washington State Employment Sector data can supply jobs per acre estimates.
- Depending on annual data collected for the analysis, a jurisdiction should have information related to the floor-to-area (FAR) ratios of completed buildings over the course of the evaluation period. For more specific analysis, the type of use for that new building (e.g., retail, manufacturing, office, etc.) could also be collected with the FAR information. Based upon the square footage per employee estimates provided by a source such as ITE, an estimate of the number of employees within a new development can be made. This approach would allow for an estimate of achieved employment densities per land use category.

When calculating achieved densities for redevelopment and mixed-use sites, the same process would apply. In mixed-use zones, in particular, the employment densities calculated through the above methodology, or others, would be supplemented with the residential density calculations to provide a residential to employment density mix that can be used as a basis for calculating future mixed-use capacity.

CALCULATING ACHIEVED DENSITIES & URBAN LAND NEEDS

Chapter 2 – Data Collection process provides information necessary to complete Buildable Lands. The following are the specific data elements that can directly assist with calculating residential and employment net densities and data that are needed to calculate urban land needs.

Calculating Achieved Net Densities

- Recorded plats and the date of recording
- Building permits and date of issuance
- Certificates of occupancy and date of issuance
- Gross acres of land developed for residential use
- Housing units by type built during review period
- Critical areas and buffers designated within residential lands
- Areas of public purpose lands, roads and rights-of-way, open space, parks, stormwater detention facilities
- Comprehensive plan designation and zoning associated with residential development
- Vesting date of development application

Calculating Achieved Employment Densities

- Building permits and date of issuance
- Site plans and date of approval
- Gross acres of land developed for employment-based use
- Square footage of commercial and industrial improvements
- Estimate of potential employees at full occupancy for development
- Estimated percentage of floor area that is commercial and residential in mixed-use zones

- Critical areas precluded from development within areas developed for commercial or industrial use
- Areas of public purpose lands, roads and rights-of-way, open space, parks, stormwater facilities
- Comprehensive plan designation and zoning associated with employment-based development
- Vesting date of development application
- Employment data from Washington State Employment Sector Data and Employment Security

Calculating Residential Urban Land Needs

- Actual population, housing unit or household growth experienced and its distribution (by jurisdiction and UGA)
- Demolitions of residential units
- Adopted population, housing unit or household targets and their distribution

Calculating Employment Urban Land Needs

- Actual employment growth experienced and its distribution (by jurisdiction and UGA)
- Demolitions of commercial and industrial structures
- Adopted employment growth and its distribution

STEP TWO: Urban Capacity

RCW 36.70A.215(3)(a) states that a jurisdiction must *determine whether there is sufficient suitable land to accommodate the countywide population projection and subsequent population allocations within the county and between the county and its cities*. This is arguably the most complex component of the evaluation as it requires a determination of what land is available for development and redevelopment, what the potential development capacities for those lands might be, and what, if any, significant impediments might impact the ability for those lands to be developed as planned. RCW 36.70A.215(3)(b) states that:

An evaluation and identification of land suitable for development or redevelopment shall include:

(i) A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical areas regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater); and

(ii) Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or development of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment.

Counties planning under the Review & Evaluation Program have developed different procedures for determining land suitable for development or redevelopment. The following sections expand on each of the requirements

listed within RCW 36.70A.215(3)(b). It should also be noted that land suitable for development pertains to vacant, under-utilized, and partially-utilized areas.

Land Use Designation, Zoning/Development Regulations, and Infrastructure Gaps

RCW 36.70A.215(3)(b)(i) provides that *a review and evaluation of the land use designation and zoning/development regulations and infrastructure gaps* are part of the evaluation criteria to determine if there is sufficient land suitable to accommodate county-wide population projections. The goal is to understand if and how development regulations or infrastructure gaps may affect density or timing of growth. The following guidance is intended to assist jurisdictions in evaluating this requirement.

Land Use Designation and Zoning/Development Regulations

RCW 36.70A.215(3)(b)(i) states that the evaluation of land suitable for development or redevelopment must also evaluate land use designation and zoning/development regulations including environmental regulations and other regulations that could prevent assigned densities from being achieved.

There may be situations where a development regulation may have an unintended impact on the ability of planned densities to be achieved. In most instances a regulation impacting development would be identified during the calculation of achieved densities. For example, if it was determined during the achieved densities calculation that densities in a zone or areas are not occurring as planned, further analysis might point towards a new regulation that was created. If this determination was made, a reasonable measure might be needed to reduce the inconsistency between planned and achieved densities. If not, there would

need to be some consideration for the impact of the development regulation on the future capacity identified, assuming the analysis clearly demonstrates that the regulation is reducing achieved densities.

There could be instances where the calculation of achieved densities would not assess the impact of a new or revised land use designation or zoning/development regulations. For example, the periodic update to local comprehensive plans takes place during the evaluation period. If critical area regulations, for example, are updated during the periodic update and wetland buffers increase, looking at achieved densities may not pick up on the impact to future development, especially when developments are vested prior to the new regulations being enacted. Updated regulations, such as stormwater or tree retention regulations, could have an impact, if lot size averaging is not allowed within a jurisdiction. Multi-family could be impacted if setback requirements were increased.

Regardless of how a jurisdiction chooses to approach this assessment, it is important to show your work and document that the issue has been assessed. Here are a few factors to consider for documentation:

- When collecting annual data, have jurisdictions provide high level details about newly adopted or modified regulations, possible impacts on development and redevelopment, and how they might impact planned densities from being achieved, when applicable. This could be a simple spreadsheet that provides baseline information;
- When inconsistencies between planned and achieved growth are identified, document how regulatory changes were reviewed as a possible cause for

this inconsistency and how it was addressed; and

- Pay special attention to major policy and regulation changes made between evaluation periods. Document those changes that may have an impact have been reviewed but might not be reflected in the achieved density analysis.

Infrastructure Gaps

RCW 36.70A.215(3)(b)(i) indicates that an assessment of land suitable for development must also include *infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater)* that could prevent assigned densities from being achieved.

For infrastructure, RCW 36.70A.070(3) already requires local comprehensive plans to have a capital facility plan element that includes (d) *a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.*

Buildable Lands counties completing their analysis should reasonably be able to rely on adopted capital facility plans when completing their assessment of land suitable for development. While the capital facilities plan addresses a number of items, including water, sewer, storm, schools and transportation infrastructure to support growth, infrastructure gaps pertaining to those capital projects may still be possible. For example, if a planned treatment facility upgrade is needed to support additional growth, and that planned and financed project experiences a significant delay, funding lapse, or difficulty acquiring sufficient land for the facility, then growth could be impacted. The achieved density analysis could

point to this issue and, if necessary, reduced capacity or reasonable measures might be needed if the planned facility's delay would extend beyond the 20-year planning period. Infrastructure gaps could also be identified by a lack of development within an area where growth would typically be expected.

In determining whether there is an infrastructure gap, jurisdictions should consider several factors:

- Is there a long-term lack of urban development in the area?
- How did the recent comprehensive plan address the needed infrastructure provision, and is that information still valid?
- If the infrastructure is anticipated to be provided later in the planning period, is development likely to occur quickly so that planned development is realized within the planning period, or will some of the area remain undeveloped?

The key is to make sure the issue is documented so measures, including reasonable measures, can be implemented where appropriate.

In terms of redevelopment on partially-utilized and under-utilized parcels, the impacts of infrastructure gaps will likely be less than with the development of vacant land on the fringes of UGAs, but there may still be instances where capital facility gaps impact land suitable for development and urban capacity calculations. The provision of regional stormwater facilities, sewer treatment facilities, and other critical system improvements needed to support additional capacity in urban areas could have an impact if planned projects do not receive intended funding or if project design and review are delayed. A jurisdiction might make a finding that planned capacity will be impacted by significant delays to a planned and funded capital facility, which might result in a

reasonable measure. It is also possible that the delay would not impact the 20-year planning horizon, in which case there would not necessarily be a need to account for the delay. This type of analysis would be limited to significant and funded capital facilities listed within the capital facilities plan.

For private development, there are times when the cost to provide improvements makes development infeasible. This could be a parcel that requires several lift stations or traffic improvements that are too costly and prevent development. At times, this gets resolved during the planning period and at times it may not. For example, there could be road improvements within the 6-year financing plan that, without being constructed, would render development infeasible or unlikely due to a failing level of service rating that prohibits development until improvements are made.

Additional Assessment Factors

The evaluation requires under RCW 36.70A.215(3)(b) typically includes an assessment of a variety of other factors. The evaluation, however, should consider factors that impact development and redevelopment on vacant, under-utilized, and partially-utilized land. The following are other common evaluation items considered during the evaluation of land suitable for development and redevelopment:

- **Utility Easements:** When assessing land suitable for development and redevelopment, significant utility easements can be considered as a deduction since the land is encumbered by uses that will limit developability;
- **Schools:** When future school sites are known, the land area can be deducted from available land for development and redevelopment; and

- **Public/Capital Facilities:** If known, the locations of future capital facilities can be deducted from the land suitable for development and redevelopment. Transportation elements can also be used to supplement rights-of-way needed for roadway improvements, most applicable to urbanizing areas.

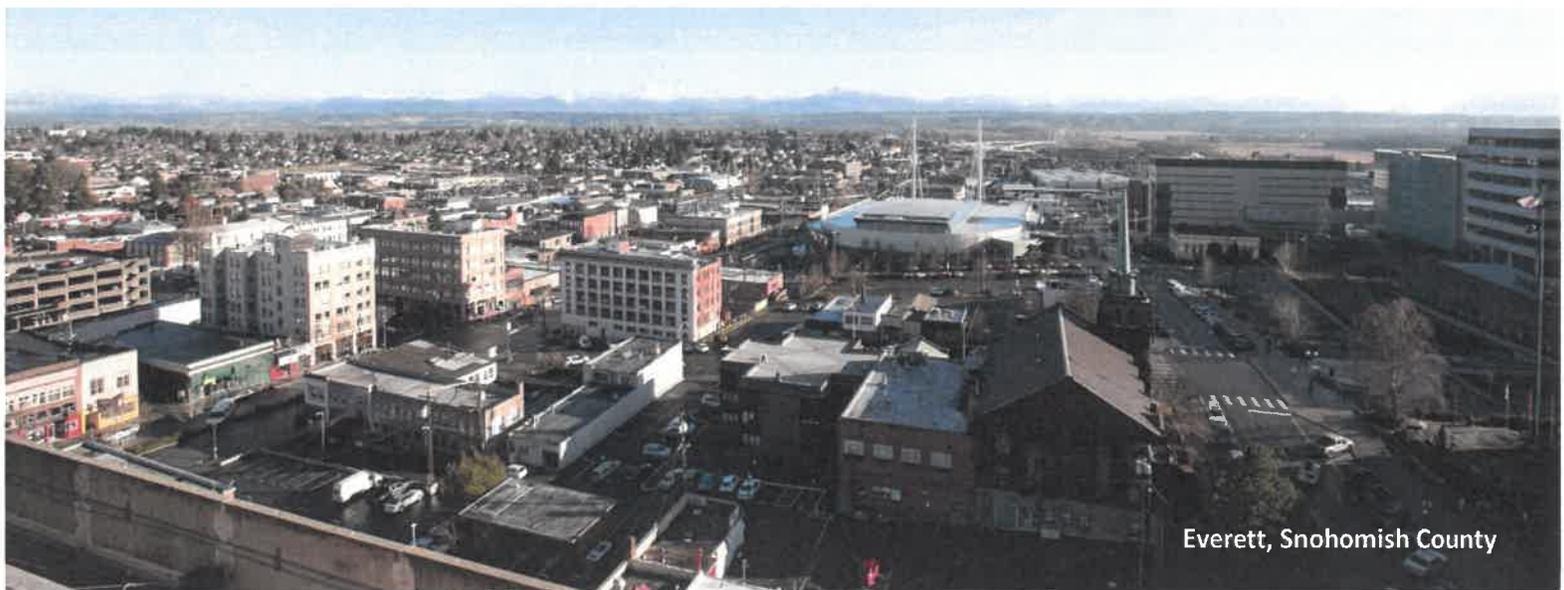
Zoned Capacity & Redevelopment

RCW 36.70A.215(3)(a) specifies that jurisdictions must determine whether there is *sufficient suitable land* to accommodate the county-wide population projection established for the county and the subsequent population allocations with the county and between the county and its cities. It also states that *zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the 20-year period*. This requirement places an expectation on jurisdictions to not just assume properties will develop to their maximum densities allowed under their zoning designations, but to conduct additional analysis related to how development and redevelopment might occur to support urban capacity findings. This will become increasingly important as growth continues to

move from vacant land to partially-utilized and under-utilized lands.

With vacant land at lower densities, lot sizes based on zoning may be used to estimate capacity. These calculations generally result in capacity estimates that are near zoned capacity. Estimating future development capacities for higher density development and redevelopment generally requires more analysis since many other factors, such as vertical construction costs, impact whether or not areas zoned for higher densities will develop at the intensities that have been planned.

Infrastructure gaps, environmental regulation impacts, and capital facilities will be less of a factor for under-utilized and partially utilized parcels when determining whether land is suitable for development since they typically occur on sites that have been previously developed. However, these sites will require greater attention when calculating capacity beyond simply using zoned capacity alone. The following are techniques that can be used by jurisdictions as they assess future urban capacity beyond zoned capacity.



Everett, Snohomish County

Achieved Densities – Redevelopment

If there is achieved density data from the evaluation period for a zone where redevelopment is occurring, such as for mixed-use sites and areas transitioning from single-family detached to townhomes, the achieved densities can provide valuable information to project how future development in such zones might occur.

In addition to being a Review & Evaluation Program requirement to evaluate whether planned densities are being achieved, achieved density data serve as the basis for capacity projections on land suitable for development and redevelopment and must be used to determine urban capacity for the remaining portion of the 20-year planning period.

Improvement Value

Some jurisdictions have utilized improvement values to help assess which areas are more likely to experience development and redevelopment. While there is no way to conclusively determine which sites are more likely to redevelop, this type of assessment can provide an additional layer of analysis to assist with calculating urban capacity. For example, based on market conditions, a low monetary value for residential, commercial, and industrial buildings could be set and GIS analysis and modeling can help identify parcels where land value improvements are lower than the set threshold. Properties under that value could indicate prime redevelopment sites.

Similarly, high values can be set for residential, commercial, and industrial buildings where it can be assumed that due to the structure's value, it is not likely to experience redevelopment even if there is sufficient land to do so. This can be supplemented with a cross-analysis on the age of the structure. For example, if a structure was recently constructed and is determined to be of high value, it would

be less likely for that site to redevelop. This type of analysis will vary extensively depending on the jurisdiction's real estate and building market and there are caveats that should be considered beyond simply the improvement value. This approach is highly subjective but can supplement other analyses.

Improvement to Land Value Ratio

Many jurisdictions currently use the improvement to land value ratio to assess areas that might be more primed than others for redevelopment. Utilizing assessor data, a comparison between the value of the structure/improvements and the value of the land can be made. When the value of the land is near or higher than the value of the improvement on the land, the property is generally going to be more favorable for redevelopment.

This analysis should be supplemented with additional data and professional judgment, since there are a variety of additional factors that influence whether redevelopment will occur beyond a simple finding that the improvement value exceeds the land value. For example, an area could be identified as primed for redevelopment based on this initial analysis, but economic factors, such as over-zoning with minimum density requirements that creates a development capacity and land value higher than what market conditions can build, could be impeding redevelopment. Reviewing the context of the findings by examining redevelopment trends in the areas shown to have a positive improvement to land value ratio can further scrutinize the findings and support urban capacity estimates.

Market Studies

One of the most useful ways of estimating urban capacity beyond zoned capacity alone is through market studies. A Market Study is a short-term analysis of an area, which is time-

sensitive. Market studies are often conducted on smaller scales, such as for neighborhoods, downtowns, and mixed-use districts. It is not reasonable to expect market studies to be conducted for all areas experiencing urban redevelopment, but market studies are sometimes conducted as part of comprehensive planning and other long-range planning efforts. These data, when available, can supplement capacity estimates for specific areas based upon the type and intensity of development that is anticipated to occur. Market studies can also be used to assess other comparable areas that are similar in size and scale and have similar economic characteristics. It is also important to consider the 20-year context of the evaluation when using market studies.

Comparable Sites & Jurisdictions

When there are insufficient data to use in projecting future urban capacity for redevelopment areas, comparable sites, even if outside of the jurisdiction or assessment area, can provide useful data. Jurisdictions may look to similar developments or development patterns on similar sites to assess how redevelopment might occur locally. For a more holistic view and broader approach, the analysis might review development trends in a comparable community and, with rationale, use those community-wide trends to estimate capacity within their jurisdiction.

Market Supply Factor Determination

Typically, the last portion of determining land suitable for development and redevelopment and estimating urban capacity totals is accounting for land that will likely remain unavailable due to the land owner's unwillingness to sell.

In current practice, Buildable Lands counties and cities employ a range of market supply factors in magnitude and by residential or employment uses. The following summarizes a

more detailed table of county and city market supply factors that have historically been used and are found in Appendix A:

- **Unincorporated UGA Residential Land:** 10% to 15% for vacant land, 25% to 30% for under-utilized land;
- **Unincorporated UGA Employment Land:** 10% to 20% for vacant land, 25% to 50% for under-utilized land;
- **Incorporated Residential Land:** 0% to 50% for vacant land, 0% to 50% for under-utilized land; and
- **Incorporated Employment Land:** 0% to 20% for vacant land, 0% to 40% for under-utilized land.

In general, larger urban jurisdictions with significant development and redevelopment activity observed or expected will likely find and assume lower market supply factors (0% to 10% frequently). Other jurisdictions not anticipating substantial redevelopment and/or are still experiencing urbanization of unimproved areas will likely assume higher market supply factors based on track record (15% up to 40% typically).

In determining the Market Supply Factor, it is important for jurisdictions to show their work, so that chosen market supply factors are supported by accurate and applicable data. (See Appendix A, Market Supply Factor Evaluation.)

Senate Bill (SB) 5254: Market Supply Factor Elaboration

Passage of E2SSB-5254 in 2017 requires an elaboration on how Market Supply Factor is determined by Buildable Lands jurisdictions. The outcome is a need for more formally documented methodology for market supply factor estimation by jurisdictions.

Counties and cities, working individually or at a countywide scale, should consider a range of factors that may block or severely inhibit

market availability of land suitable for development over the 20-year planning period. Appendix A provides examples of factors that may be relevant, with a focus on factors that may be more common where redevelopment capacity is of growing importance. The actual breadth and focus of the market supply factor analysis used in each case will vary based on community characteristics. Potential approaches to collecting data include:

- Property owner surveys;
- Property Owner interviews;
- Advisory committee input;
- Real Estate Residential and Commercial/ Industrial expert (brokerages, appraisers, etc.) input; and
- Review of County Assessor data to identify property sales and improvement activity.

Appendix A provides a detailed discussion of the various reasons why property owners of lands suitable for new improvements or for redevelopment may choose not to sell or develop over a long-term planning period.

Obstacles to market availability discussed are suggestions for cities and counties to consider given local land market conditions.

Market Supply Factor Methodological Approach

Jurisdictions have choices in how they consider reductions for Market Supply Factor to best suit local land market realities. Items to consider include:

- Original analysis that calculates unique, local Market Supply Factor(s);
- A review of Market Supply Factor(s) methodology or resulting Market Supply Factor(s) utilized by comparable other jurisdictions;
- Past Buildable Lands Reports with Market Supply Factor(s) reductions still

applicable to the new Buildable Lands Report update process; or

- Some combination of the above.

Analysis that estimates future property owner behavior is really a prediction, and a reasonable attempt to quantify how property owners in a city or unincorporated UGA of a county will act. Two key approaches to prediction of how land owners will act are:

1. How they have acted in the past (historical data); and
2. What they express their likely actions will be in the future (landowner input/polls).

Each potential approach to the market supply factor reduction is addressed below.

Historic Records of Land

County Assessor property data can be a key basis for a historical property availability analysis. The database typically contains detailed and historical information about every property for each jurisdiction. Critical details include date of transaction (sale), zoning, acreage, land and improvement value, and taxpayer/owner information. The best approach to historical property market activity includes:

- Analysis by land use designation (for example zoning) and geographic area;
- Over as many observations possible for multiple years of data and resulting confidence;
- Analysis of a sample of properties to extrapolate to the greater population of land by designation or comprehensive parcel analysis; and
- Distinctly local priorities and land market conditions reflected in assumptions made by the local planning agency.

Historical property data can help the agency better understand the following contributions to market availability or unavailability:

- Property transactions and rates;
- Property platted for new use;
- Property conversions;
- Realized property redevelopment;
- Properties that have few or no transaction records; and
- Market availability reaction to major infrastructure improvement.

Owner Future Plans – Owner Input

Future owner intent for different land types may not necessarily be best indicated by past owner behavior. In this case, some sort of documentation of owner opinion or planning is appropriate instead of or in addition to analysis of past land availability.

With online polling, categories of land and owners can potentially be somewhat targeted and questions can be written to be lower-effort answers. Among other things, online polls can more precisely target:

- Owners by location;
- Owners by land use designation type; and
- Owners by residence (local vs. absentee).

Polling of owner intent can also be comprehensive or it can seek to solicit input from a representative sample of property owners depending upon the land use type or location of interest.

Urban Capacity Supply Methodology

There is a lot of jurisdictional variation in how urban capacity is calculated. The steps below represent an overview of how urban capacity could be calculated based upon the requirements of RCW 36.70A.215. Figure 9 is also provided to illustrate this issue.

Methodology steps are cumulative, so in determining how each is estimated, care should be taken to avoid double counting factors.

1. Identify Areas that are Candidates for Growth: Define vacant, partially-utilized and under-utilized lands that can potentially accommodate additional capacity.

2. Determine Net Buildable Area: Assess the buildable areas of vacant, partially-utilized, and under-utilized lands by:

- Examining the impact of land use and development regulations (i.e., setbacks, lot sizes, and regulations that impact density), if these are not captured by observed density data;
- Removing critical areas and buffers that cannot be used in calculation allowed density; and
- Deducting areas where large utility easements may exist.

3. Subtract Areas for Future Capital Facilities: If known, deduct areas for planned capital facilities, future school sites, transportation corridors, parks, and other facilities that would not be used for residential and employment capacity.

4. Account for Infrastructure Gaps: Determine whether any significant infrastructure gaps would impede the development of vacant, partially-utilized, and under-utilized lands over the remainder of the planning period. This could include:

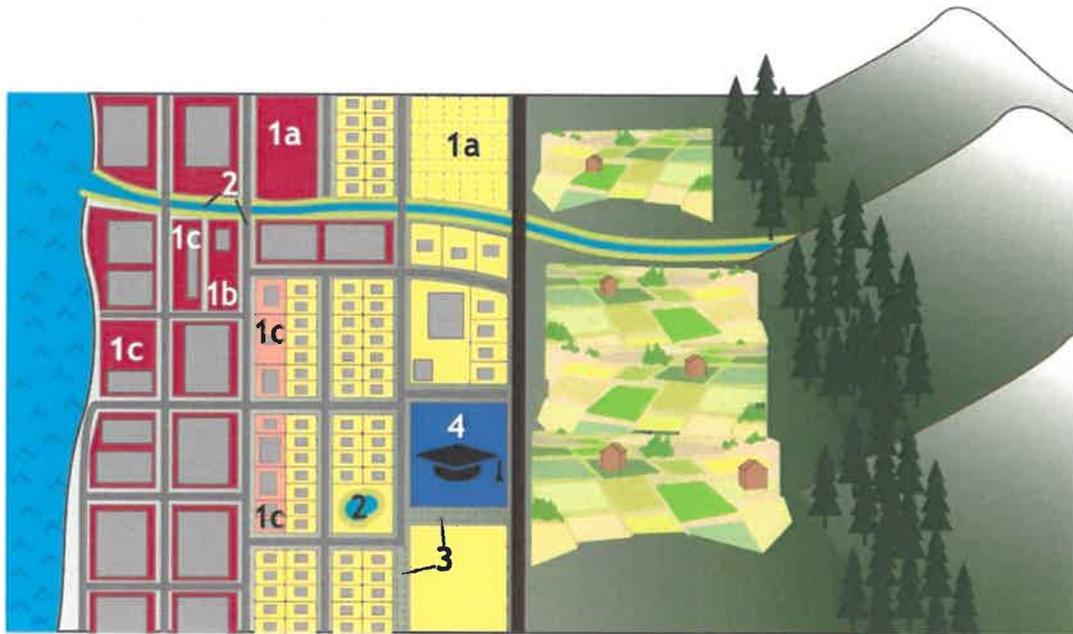
- Planned and funded capital facilities that are delayed or are no longer funded and are no longer planned to be in service during the

20-year planning period that would impact the ability to add additional capacity;

- Planned transportation improvements that, without being implemented, would limit additional development and redevelopment; and
 - Areas identified for development but are likely to remain outside of water and sewer service boundaries.
5. **Apply Market Supply Factors:** This will account for the percentage of residential, commercial, and industrial land that is assumed will not be available for development and redevelopment over the remainder of the planning period and is not accounted for in other steps of the supply methodology.
6. **Total Net Acres:** After applying the Market Supply Factor, determine the total net acres of vacant, partially-utilized, and under-utilized lands.

Determine Urban Capacity: Utilize the achieved density analysis, supplemented with density assumptions, to determine the estimated urban capacity.

Figure 9. Urban Capacity Calculation Components



Zoning Category

-  Single-Family Residential
-  Medium Density Residential
-  Commercial
-  Institutional

Important Features

-  Open Water
-  Stream or River (with buffer)
-  Wetland (with buffer)
-  Road
-  Potential Future Road or Lot
-  Existing Structure
-  Identified Future School Site
-  Urban Growth Boundary

Buildable Lands Category

- 1) Candidates for Growth
 - a. New growth (vacant)
 - b. Partially used
 - c. Underutilized
- 2) Critical Areas, zoning requirements, rights-of-way, major utility easements
- 3) Major infrastructure gaps (e.g., water, sewer)
- 4) Future regional facilities (e.g., schools, airports, wastewater facilities)

STEP THREE: Urban Capacity Needs

Part of the evaluation process includes the calculation of land and/or capacity needed to accommodate residential and employment growth during the remainder of the 20-year comprehensive planning period. RCW 36.70A.215(3)(e) states that *based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.*

While the statute specifically states that the amount of land must be determined, jurisdictions typically look at whether there is capacity to accommodate growth since an increasing share of growth is not occurring on vacant land but is instead taking the form of redevelopment at higher densities.

A simplified methodology for calculating demand based upon the 20-year population and employment forecasts is:

1. Develop a 20-year housing forecast for each jurisdiction that is consistent with OFM’s county-level population projections. In order to determine a housing forecast, household size projections, and vacancy rates will be necessary to convert the numerical forecast into dwelling units.
2. Develop a 20-year employment forecast for each jurisdiction that is consistent with county-level employment projections included within the comprehensive plan.
3. Using the forecasts, determine the amount of growth (expressed as dwelling units or commercial and industrial employment)

needed to be accommodated for the remainder of the 20-year planning period.

4. If the future growth needs as expressed in the comprehensive plan are sufficiently disaggregated by land use and housing type, jurisdictions may choose to convert the growth, expressed as dwelling units or commercial and industrial employment, into acres based on density factors. Similarly, they may choose to use density factors to convert the acres identified in the previous step to capacity, expressed as dwelling units or commercial and industrial employment. The calculation of Urban Land Supply and urban land needs should use the same evaluation factor, whether expressed as acreage or as dwelling units.

There are many other approaches that have been used to determine how much capacity is needed for the remainder of the 20-year planning period, and the above approach is one of many that can be used.

When using achieved densities to analyze urban demand, professional judgment and data trends may provide rationale for assumptions that differ from the achieved densities previously calculated and observed. This analysis would typically be completed under the Urban Land Supply and then used to calculate urban land needs to ensure consistency.

Whenever professional judgment results in the use of assumptions that differ from the achieved densities, the jurisdiction must show their work by providing sufficient information and data to support that assumption.

STEP FOUR: Needs vs. Supply Comparison

In order to determine whether there is sufficient land suitable for development and capacity to accommodate the remainder of the 20-year planning period's population and employment targets, the analysis must compare the results of the analysis by subtracting the total amount of land needed from the amount available. As described previously, this analysis can be conducted based on acreages or dwelling units, depending on which conversion factor and unit of analysis is preferred.

Jurisdictions are more commonly using housing unit and employment capacity estimates over land use acreages. It is important that calculations on urban capacity supply and urban capacity needs utilize consistent units of evaluation and the same underlying assumptions.

Should there be a shortfall between urban capacity supply and urban capacity needs, reasonable measures may need to be taken.



STEP FIVE: Reasonable Measures

The prior steps of the evaluation involve data analysis to determine whether growth is occurring as planned and whether there is sufficient capacity to accommodate the remaining portion needed for the 20-year population and employment projection. The final step of the analysis is determining if reasonable measures are necessary and, if needed, selecting measures that are reasonably likely to correct the identified issue.

RCW 36.70A.215(1)(b) defines reasonable measures as *actions necessary to reduce the differences between growth and development assumptions and targets contained in the county-wide planning policies and the county and city comprehensive plans with actual development patterns.*

RCW 36.70A.215(3)(c) requires an *analysis of county and/or city development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved.*

This section provides information to assist jurisdictions with determining whether reasonable measures are necessary and, if so, how to implement and monitor those actions.

Reasonable Measures Process

If the Buildable Lands analysis indicates that growth targets, projections, and assumptions are not being achieved, or if, based on achieved densities, there is not sufficient land suitable for development or capacity to accommodate population and employment growth during the remainder of the planning period, then jurisdictions must complete the following:

- Consider and identify the reasons for why densities are not occurring as planned;

- Determine whether reasonable measures are needed. There may be reasons why growth targets, projections, and assumptions are not being achieved that would not require reasonable measures to be taken. This could include the evaluation period happening during a time of economic recession or that planned infrastructure that will make up for any identified shortfalls is scheduled for future year construction. The key is to clearly document how decisions are made as to whether reasonable measures are necessary.
- When reasonable measures are necessary, identify possible actions, other than expanding urban growth areas, to be taken to reduce the difference between planned and achieved growth;
- The county or city shall then adopt and implement reasonable measures that are reasonably likely to increase consistency during the succeeding review and evaluation period;
- Consider reasonable measures that include an affordable housing component when affordable housing goals and policies for a county or city are not being met;
- Each county or city is responsible for documenting its methodology and expectations for monitoring to determine whether the adopted measures have been effective; and
- A copy of any action taken to adopt, amend, or rescind reasonable measures should be submitted to the Department of Commerce. If reasonable measures have not been effective, make

appropriate and necessary changes, other than adjusting UGA boundaries.

When Are Reasonable Measures Necessary?

The RCW and the WAC do not provide specifics regarding when reasonable measures are required. As shown above, RCW 36.70A.215(1)(b) describes reasonable measures as actions to reduce differences between planned and realized growth. This implies that an analysis to determine whether reasonable measures are needed is required when:

- Planned densities are not being achieved;
- There is insufficient capacity to accommodate the remaining portion of the planning period; and/or
- Actual development patterns are inconsistent with growth and development assumptions in the county-wide planning policies and/or comprehensive plan.

When any of the above observations are noticed, it does not necessarily imply that a reasonable measure will be necessary. Rather, it places an expectation on the jurisdiction performing the analysis to further analyze potential contributing factors to why the observations occurred. The following is an overview of each of these three potential observations and what types of considerations should be made when determining whether or not a reasonable measure is necessary.

Planned Urban Densities Not Being Achieved

If, during the achieved density analysis, achieved densities are not occurring as planned, an analysis of why the density discrepancy is occurring must take place to determine a probable cause for the inconsistency. A number of questions that could be asked include:

- Are there a sufficient number of projects from the evaluation period to determine that achieved densities are not occurring as planned?
- Could the inconsistency be attributed to vested lower density development from

the previous planning cycle that were built and included in the current evaluation period?

- Are there infrastructure issues, such as lack of sewer in a city, that preclude achieving planned densities?
- What projects are prioritized in the Capital Improvement Plan?
- Are there any development regulation changes that could be impacting achieved densities?
- Are economic fluctuations, such as regional or national trends, impacting growth and development?

The assessment of why urban densities are not occurring as planned should be well-documented. If reasonable measures are deemed to be necessary, there should be a direct correlation between the inconsistency identified and the reasonable measure remedy that is proposed. It is also important to note that achieved densities are typically evaluated at the jurisdictional level and therefore that reasonable measures would be applied at the jurisdictional level, rather than across the county as a whole.

Insufficient Capacity

When there is not sufficient urban capacity to accommodate the projected urban growth needs (based on population and employment projections for the planning period), then a capacity shortfall exists. There are a number of possible factors influencing an insufficient capacity finding, including:

- Planned densities are not being achieved;
- Regulation changes, such as critical areas and buffers, that may reduce land available for development; and
- There has been a significant increase in population or employment growth beyond what was originally anticipated.

If the analysis results in an insufficient capacity finding, the jurisdiction must assess and provide a finding on why the shortfall exists. Reasonable measures to increase capacity without UGA expansions would be required.

Growth Targets or Projections Not Being Met

The third primary trigger for potential reasonable measures is when growth targets, projections, and assumptions, where applicable, are not being met. RCW 36.70A.215(3)(c) requires an analysis of growth assumptions, targets, and objectives when growth targets and assumptions are not being met. It also specifies that *it is not appropriate to make a finding that assumed growth contained in the county-wide planning policies and the county or city comprehensive plan will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale*. This addition places the requirement on jurisdictions to further analyze why adopted growth targets or projections are not being met without stating that remaining growth will occur later in the planning cycle unless there are known factors that can support such a finding.

For example, a jurisdiction may make a finding that a light rail or transit expansion within the planning period will likely contribute to additional growth beyond what is currently occurring. Major capital facility projects planned to be completed that impact capacity can also be used to justify a finding that growth will occur later in the planning period.

There are a number of additional factors that jurisdictions may consider should they make a finding that growth targets, projections, or assumptions are not being met, including:

- Is the inconsistency related to regional or national economic trends not connected to local growth management decisions?
- Are permitting timelines and/or procedures impacting the ability to permit new construction and develop land?

- Are there significant infrastructure gaps that interfered with development potential?
- Were there certain areas within a UGA where expected urban development did not occur, and, if so, what are the likely reasons why such development did not occur (e.g., infrastructure gaps that have been planned but not funded or realized)?
- Do city policies and/or practices prohibit extension of public water and sewer in the portion of the urban growth area that is outside city limits? If so, have cities annexed sufficient land to encourage urban growth?
- Is an area that is not experiencing planned growth being suppressed by over-zoning with minimum density requirements? Do economic trends suggest that the area might reach a point of viability within the remaining portion of the planning period?

Based upon the outcome of the assessment, reasonable measures must be adopted and implemented unless it is determined that they are not necessary to resolve the inconsistency. It is important that CPPs and/or administrative procedures outline how these determinations will be made and documented.

Implementing Reasonable Measures

After reasonable measures are identified to be necessary, they must be adopted where applicable and implemented. RCW 36.70A.215(2)(d) specifies that the reasonable measures *shall be adopted, if necessary, into the county-wide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans*. It also indicates that the reasonable measures process *shall be used as part of the next comprehensive plan update to reconcile inconsistencies*.

If reasonable measures are determined to be necessary, a jurisdiction must select actions that

are reasonably likely to reduce or mitigate the issue that has been identified. There are different types of reasonable measures that can be considered, depending on the issue identified. A list of possible reasonable measures is included in Appendix B.

Underlying issues identified as having an impact on growth and development as part of the Buildable Lands Program must be addressed as part of the county-wide planning policies and comprehensive plan update. When reasonable measures are adopted, they should be clearly identified as reasonable measures to ensure that the intended remedies can be monitored for effectiveness. While there may be instances where reasonable measures are implemented in county-wide planning policies, it is more likely that the implementation will be in comprehensive plans, capital facilities plans, and development regulations.

Monitoring Reasonable Measures

When reasonable measures are incorporated into the county-wide planning policies, comprehensive plans, or development regulations, they should be clearly identified as reasonable measures that address a growth inconsistency identified in the Buildable Lands Report.

RCW 36.70A.215 does not require the tracking of reasonable measures to determine whether or not they are adequately remediating the identified issue. However, it may be helpful for jurisdictions to identify data to be collected that can be used to determine the effectiveness of the reasonable measure. These data could be evaluated at a specified interval to assess performance.

APPENDICES

A. MARKET SUPPLY FACTOR EVALUATION

B. REASONABLE MEASURES

C. E2SSB 5254 REQUIREMENTS

D. E2SSB 5254 TRACKED CHANGES

APPENDIX A: Market Supply Factor Evaluation Considerations

Introduction

E2SSB-5254 introduced new considerations as part of market supply factor determination. There is no single way of determining an appropriate Market Supply Factor and, currently, there are varied approaches used by jurisdictions to determine which market supply factor is used. The flexibility for counties and their jurisdictions to determine a Market Supply Factor remains a cornerstone of the Review & Evaluation Program. This section on determining a Market Supply Factor in light of the 2017 additions is intended to provide context and a review of the additions and examples of how these can be assessed.

Over a 20-year planning period, not all land will be available for development or redevelopment, no matter how suitable. One key constraint on property availability is market availability, or whether or not land will transact for purpose of development or redevelopment. Owners of property that could be developed or redeveloped may have no interest in selling or developing over an extended period of time for any number of reasons. As Snohomish County, in its 2012 Buildable Lands Report, explains:

“...not all developable land will be available for development over the GMA planning timeframe since not all landowners are willing to develop their property for a variety of reasons (investment, future expansion, personal use, participation in open space tax relief programs).”

When there is documented unavailability of land over a long period, a Market Supply Factor reduction is allowed by Washington statute so that jurisdictions may avoid overestimation of

effective buildable land capacity reflecting uniquely local conditions.

Statutory Context

The Market Supply Factor adjustment to Buildable Lands has two primary references in the Revised Code of Washington (RCW), as well as two in Washington Administrative Code (WAC) specifically guiding urban growth area (UGA) planning. These are:

1. **RCW 36.70A.215(3)(b)(ii)** “Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment.”
2. **RCW 36.70A.110(2)** “...An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.”
3. **WAC 365-196-310(2)(e)** “The urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor. In determining this market factor, counties and cities may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.”

4. **WAC 365-196-310(4)(b)(ii)(F)** “The land capacity analysis may also include a reasonable land market supply factor, also referred to as the ‘market factor.’ The purpose of the market factor Market Supply Factor is to account for the estimated percentage of developable acres contained within an urban growth area that, due to fluctuating market forces, is likely to remain undeveloped over the course of the twenty-year planning period. The market factor recognizes that not all developable land will be put to its maximum use because of owner preference, cost, stability, quality, and location. If establishing a market factor, counties and cities should establish an explicit market factor for the purposes of establishing the amount of needed land capacity. Counties and cities may consider local circumstances in determining an appropriate market factor. Counties and cities may also use a number derived from general information if local study data is not available.”

In addition to authorization to utilize Market Supply Factor deductions to buildable land, it is important to emphasize what statute and the administrative code say about doing so:

1. **Market Supply Factors are appropriate and can be distinct for both new development and redevelopment.** Market Supply Factor is, in effect, a valid consideration for vacant, partially utilized or under-utilized land in UGAs as well as already-developed properties that are identified as appropriate for higher-intensity redevelopment.
2. **Distinct Market Supply Factors are appropriate for employment land and**

activities. Market Supply Factor reductions can and should also be made for commercial and industrial land, which typically have different, more income-oriented ownership intent than residential property ownership.

3. **Market Supply Factors can and should be distinct for different counties and cities.** Statute does not intend for there to be uniformity in Market Supply Factor determination by counties and cities statewide. Variation and distinct differences to reflect unique local conditions are expected and protected.
4. **Market Supply Factors can and should be distinct for Urban Growth Areas.** UGA Market Supply Factors should reflect fluctuating market forces that leave different parcels undeveloped for twenty years. More specifically, UGA Market Supply Factors should reflect owner preference, cost, stability, quality, and location as determinants of unavailability for development that may likely differ from parts of cities and counties that have long been developed.
5. **Urban growth area Market Supply Factors can be based on generally available information, including Market Supply Factor methodology from other cities and counties, instead of purely local data.** Jurisdictions may study local UGA Market Supply Factor determinants or study and potentially utilize UGA Market Supply Factor determination information and methodology from elsewhere in Washington.

Market Supply Factor in Practice

Buildable Lands County	Explicit Supply Market Supply Factor		Residential Market Supply Factors				Industrial/Commercial Market Supply Factors			
	Owner Intent/ Not Available	Small Town Growth Margin	Unincorporated UGA		Cities (Range)		Unincorporated UGA		Cities (Range)	
			Vacant	Under-Utilized	Vacant	Under-Utilized (1/)	Vacant	Under-Utilized	Vacant	Under-Utilized (1/)
Clark	✓		10%	30%	0% - 10%	0%-30%	20%	50%	0% - 10%	0% - 10%
King	✓		10%-15%	25%-30%	0% - 50% (2/)	0%-50% (2/)	10% - 15%	25% - 30%	0% - 40%	0% - 40%
Kitsap	✓		5%	15%	5%	10%-90% (3/)	20%	25%	20%	50% - 80% (3/)
Pierce	✓		15%	40%	0% - 50%	0%-50%	20%	50%	0% - 50%	0% - 50%
Snohomish	✓		15%	30%	15%	30%	15%	30%	15%	30%
Thurston (4/)	✓	✓	10% - 37%	10% - 37%	20% - 37% (5/)	20%-37% (5/)	10% - 25%	10% - 25%	10% - 25%	10% - 25%
Whatcom	✓		15%	25%	15% - 70% (6/)	25%-70% (6/)	15%	25%	15%	25%
Averages/Ranges:			12%	28%	7% - 37%	9% - 55%	16%	33%	8% - 24%	17% - 38%

Note: Clark County and Pierce County also implement distinct market supply factors for unincorporated UGAs, vacant mixed-use land and under-utilized mixed-use land.

1/ King County jurisdictions report market supply factors for “redevelopable” that includes “under-utilized” land.

2/ 50% market supply factor, the highest among King County cities, is strictly for Normandy Park single-family zoned land.

3/ From Neighborhood, District, Regional Center, and Employment Center market supply factors for City of Bremerton.

4/ Thurston County does not utilize distinct market supply factors for underutilized land and applies market supply factors to unincorporated UGAs areas that are equivalent to market supply factors utilized by the adjacent city area.

5/ City market supply factors estimated as city and UGA capacity in excess of estimated demand.

6/ The 70% market supply factor was used in limited portions of two cities due to unique infrastructure challenges, property ownership not interested in converting, and floodplain issues.

Sources:

Clark County Buildable Lands Report, June 2015

King County Buildable Lands Report, Appendix B, 2014

Kitsap County Buildable Lands Report, Appendix A, 2014

Pierce County Buildable Lands Report, June 2014

Snohomish County Buildable Lands Report, June 2013

Thurston County Buildable Lands Report Population & Employment Land Supply Assumptions for Thurston County Appendix, Thurston Regional Planning Council, November 2012

Whatcom County Land Capacity Analysis, Detailed Methodology Appendix, 2015

In practice, Market Supply Factor adjustments can vary considerably between different counties and their cities. The Market Supply Factor chart above provides a summary of the various market supply factors implemented by Buildable Lands jurisdictions for vacant and under-utilized/redevelopable residential and employment (commercial/industrial) lands. Market Supply Factors are taken from the most recent Buildable Lands Report and/or appendices for each county.

Market Supply Factor adjustments for all but Thurston County jurisdictions are explicitly limited to market availability of lands during a 20-year planning period. Market Supply Factor adjustments to-date reflect owner intent or unwillingness to sell land for urbanization or redevelopment.

Market Supply Factor Jurisdictions most commonly use the following ranges of market supply factors:

- Unincorporated UGA Residential Land: 10% to 15% for vacant land, 25% to 30% for under-utilized land.
- Unincorporated UGA Employment Land: 10% to 20% for vacant land, 25% to 50% for under-utilized land.
- Cities Residential Land: 0% to 50% for vacant land, 0% to 50% for under-utilized land.
- Cities Employment Land: 0% to 20% for vacant land, 0% to 40% for under-utilized land.

Source of Past Market Supply Factors

Whether explicitly stated (as in the Snohomish County Buildable Lands Report and in the Thurston County Buildable Lands Report) or not, market supply factors to-date included a basis in formal surveys of property owners and their personal intent to sell land identified as suitable for development. To varying degrees,

local governments have additionally considered general local knowledge about real estate markets and other land supply considerations. The June 2013 Snohomish County Buildable Lands Report provides a detailed history of property owner surveys for market supply factor determination going back to 1992. Those surveys, as summarized in Snohomish County BLR document, were:

- **1992 Department of Commerce “Providing Adequate Urban Area Land Supply”:** The DOC publication cited research that focused on property owners in suburban/UGA areas and owner willingness to sell for suburban residential conversion. The report focused on an analysis of suburban King County properties and owner willingness to convert. The report concluded a 20%-25% market supply factor for suburban residential land was supportable by evidence. This report shaped market supply factor derivation for most buildable lands counties during first attempts at Market Supply Factor derivation.
- **1993 City of Marysville Property Owner Survey:** The City survey of its larger, suburban property owners found a roughly 28% unwillingness to sell, consistent with findings in the 1992 DOC publication.
- **2002 King County Jurisdictions Analysis:** Coordinated analysis between King County and its cities generally concluded a 20% average Market Supply Factor for residential land and a 13% average Market Supply Factor for commercial and industrial lands, all located in suburban settings.

- **2005 “Urban Land Availability Survey of Snohomish County Landowners”:** The formal survey conducted by a private research firm for Snohomish County found higher market unavailability of under-utilized residential properties (23%) county-wide than vacant residential properties (17%). It also distinguished between single-family residential property unavailability (24% overall) and multi-family, mixed-use, commercial and industrial lands (17%).

Examination of the various market supply factors assumed by the Buildable Lands counties and their cities indicates that most-recent buildable lands analysis utilizes market supply factors consistent with the evolution of past owner intent surveys. However, the following are also true about past and currently utilized Market Supply Factors:

- *Surveys have overwhelmingly focused on suburban and greenfield land use, largely for UGA area designation and planning.*
- *Surveys have greatly focused on suburban and UGA lands suitable for conversion from vacant or very low density residential land to single-family residential subdivisions and developments.*
- *Surveys of owner intent have greatly focused on subjective willingness of owners to sell or subdivide.*
- *Surveys and analysis have not provided greater description of specific motivations for not selling such as time, cost, nature of existing use, infrastructure availability, or other factors that may affect owner decision-making.*

- *Surveys are becoming dated, as the last, formal study was completed for Snohomish County in 2005, a key year of the home price “bubble” that preceded the Great Recession.*

With the passage of E2SSB 5254, as will be discussed in the next section, previous Market Supply Factor assumption methodology may need to be updated by different jurisdictions. As a result, historical market supply factor assumptions employed by jurisdictions may be found to be too high (or too low) for future buildable lands analysis. Jurisdictions should verify whether historical market supply factor assumptions have been updated before reviewing what other cities or counties have utilized for comparable analysis.

Senate Bill (SB) 5254: Market Supply Factor Elaboration

Passage of ESSSB-5254 in 2017 indicates a need to elaborate on Market Supply Factor determination by Buildable Lands jurisdictions, with amendment to RCW 36.70A. SB 5254 section 3(1)(d) specifically adding the following considerations for potential guidance on how jurisdictions derive Market Supply Factor deductions:

1. Infrastructure costs, including but not limited to transportation, water, sewer, stormwater, and the cost to provide new or upgraded infrastructure if required to serve development.
2. Cost of development.
3. Timelines to permit and develop land.
4. Market availability of land.
5. The nexus between proposed densities, economic conditions needed to achieve those densities, and the impact to

housing affordability for home ownership and rental housing.

6. Market demand when evaluating if land is suitable for development or redevelopment.

A discussion of each issue as it may or may not affect local government Market Supply Factor derivation is found below. Each issue is treated within the context of the still-valid definition of Market Supply Factor: a reduction in buildable land inventory due to land market supply factor(s).

In other words, each issue is discussed in the context of how they may contribute to land supply constraint on availability over a 20-year planning period. Guidance suggestions for how jurisdictions may “show their work” regarding each issue as it may affect their own Market Supply Factors derivation is also provided.

The potential market supply factor issues described below are suggestive of a range of factors that a local government or countywide group may decide to consider as it determines an appropriate market supply factor or factors for the Buildable Lands Report.

Infrastructure Costs (New or Upgraded)

Appropriate infrastructure of all types can be an important determinant of whether land will convert to urban intensity uses within a UGA, and whether land with existing improvements will redevelop to higher-intensity use. Without appropriate connection and capacity for transportation, water, and wastewater services in particular, development or redevelopment of land is extremely unlikely no matter the subjective preferences of the property owner to sell.

However, with infrastructure connection and capacity, property values are typically enhanced due to “uplift” from the newly-enabled ability to develop property at intensity now supported

by public infrastructure investment. With this value “uplift,” property owners are typically more likely to consider selling- making land available on the market - for conversion to urban uses on greenfield land or sell/redevelop existing improvements to higher intensity. Putting land up for sale for new development or redevelopment frequently happens when public infrastructure investment and construction is assured, even before actual construction happens.

Cost *and* timing of planned, key public infrastructure investments are therefore crucial in shaping market availability of land over a twenty-year planning period. Both can and usually are interrelated, with higher-cost infrastructure projects frequently in later years of a public capital facilities plan and not necessarily with guaranteed (assured) funding sources and precise construction timing.

Because certainty of timing and cost financing mechanism of infrastructure are key determinants of the timing of market supply of land for new development or redevelopment, Market Supply Factor should explicitly address the timing of assured infrastructure construction that “unlocks” raw land or facilitates redevelopment of existing uses.

- **Capital Facilities Plans** would be the basis of understanding any specific Market Supply Factor reductions.
- **Capital infrastructure project timing for any pertinent public service provider should be considered**, whether an independent wastewater district’s new pump station, new transit investment by a transit agency, or a crucial state highway improvement as examples.
- **A time proportion methodology should be considered to specifically account**

for (delayed) timing of infrastructure investment that will bring land to market for development or redevelopment. For example, if a key light rail investment is not assured with funding and timing until Year 10 of the planning period, land enabled to redevelop from this investment will likely not see market availability until the timing of the project approaches. So, for instance, a portion of Market Supply Factor for such lands may be 30% to reflect the expectation that property owners will not be willing to sell the value of their current improvements for redevelopment until Year 6 of the planning period, four years before project construction is assured.

- **Lack of sufficient water rights may also warrant Market Supply Factor consideration.** As Thurston County identifies in its 2012 Buildable Lands Report, jurisdictions will increasingly face water rights and water access sufficiency issues over future 20-year planning periods and the impact of that upon buildable land inventory should be considered. Cost and availability of water rights and capacity would be appropriately treated as an infrastructure cost and timing issue under E2SSB 5254.
- **Conduct updated property owner surveys. Focus on identifying those affected by crucial infrastructure projects would be appropriate in determining infrastructure timing and cost Market Supply Factor.** As expressed earlier in this section, past Market Supply Factor methodology has focused on surveys of rural/suburban property owners' subjective willingness

to sell/subdivide their property into single-family homes. Updated surveying of property owners, especially including owners of existing improvements within a city for likelihood of redevelopment with new infrastructure, would be entirely appropriate.

- **Short of formal surveying, advisory committee(s) input of key property ownership interests can be an appropriate method to understand market availability impacts of infrastructure cost and timing.**
- **Analysis of land sale patterns before and after past, key infrastructure investments would be appropriate for deriving infrastructure cost and timing effects on Market Supply Factor.** Rather than relying on subjectively "predictive" surveys of property owner intentions, review of property sales data from county Assessor records can help to identify when property owners have indeed sold land in anticipation of or after key infrastructure has been constructed.

- **Jurisdictions should recognize that impact fees have been shown to facilitate infrastructure development by providing certainty to infrastructure improvement and value to new residents of a resulting development. But impact fee incidence in slower-growth communities, and/or lower property-tax communities can have effects upon total construction costs and feasibility that can potentially affect owner willingness to sell.** The cost of impact fees, or the share of public infrastructure funding paid by private development, can have an impact upon feasibility of new construction and, therefore, the timing of when property owners are willing to put land on the market for (re)development. Impact fees are ultimately funded by the value “uplift” of land due to infrastructure investment making that land suitable for urban intensity (re)development.

Cost of Development

Over a 20-year planning period, extraordinary private development costs can delay development feasibility and ultimately the supply of developable land during the planning period. A few examples include:

- **Private/internal infrastructure and utilities.** Larger, planned unit development and planned community developments will have long, planned build-out periods as a function of size. 20-year planned buildout periods for large planned community developments have precedent. Portions of such developments that are least convenient or cost-efficient to serve with internal private roads and infrastructure system can frequently be delayed until later in the planned build-out awaiting growth in capital resources from earlier development build-out and sales. Such delay in availability for building due to such costs amounts to a delay in market availability of that land to homebuilders who purchase such parcels, construct homes, and then sell at market price.
- **Private share of public infrastructure cost such as impact fees and other private contributions.** See the previous *Infrastructure Costs (New or Upgraded)* section for a detailed treatment of public infrastructure cost impacts to land cost and availability for development.
- **Condominium Liability Costs.** To the extent that condominium construction liability burden limits condominium development from a cost perspective, a city may conclude that a portion of land zoned for higher density residential development that is also less suitable or not likely for rental apartment development may not convert for a long period of time. The Washington Condominium Act has had a well-documented constraining effect upon redevelopment of properties into

moderately-priced condominiums,¹² where moderate condominium prices tend to suggest lower-priced communities more sensitive to development cost or non-optimal development site for market-rate rental apartments.

- **Cost of land development “inefficiencies.”** Local land use regulations regarding permissible development standards of lands that might convert can have a constraining effect upon project cost and market availability. As an example, tree retention requirements, depending on how they are structured, can potentially reduce the market value of land to an owner by impacting the potential unit yield on a site. Regulations that require greater existing tree retention can potentially reduce more efficiently geometric layouts of different uses, thereby reducing development yield per acre and per site, potentially delaying property owner decision to make land available for development. Other examples of “inefficiencies” can be found in the 2012 Thurston County Buildable Lands Report, which identifies the following land inefficiencies that reduce developability of land that can reduce ultimate density and yield, affecting the value of land and the

decision to make it available for development during a planning period:

- *Minimum space requirements for existing home(s) on sub-dividable land that reduce developable area.*
- *Limiting proportions of land in mixed-use areas available for redevelopment.*
- *Minimum parcel size to be considered sub-dividable.*
- *Private restrictions/covenants that prevent further subdivision.*
- *General deductions for non-residential uses in residential districts.*
- *Truncation of potential subdivision dwellings and layout due to rounding of units to whole numbers per parcel.*

All of the examples of private development cost and their impact upon underlying land values, and thus impact upon when a property owner would make land available, would be appropriate for consideration as part of Market Supply Factor derivation. However, most such cost factors would have a more “case-by-case” basis for specific sites and developments. Use of development and property owner surveys, interviews, and advisory input to better understand and document the impact of such

¹ For analytical treatment of the issue, see “Incentivizing Condominium Development in Washington State: A Market and Legal Analysis”, David Leon, Washington Center for Real Estate Research, July 28, 2016 (http://realestate.washington.edu/wp-content/uploads/2016/07/CondoReport_v7_FINAL.pdf)

² City of Seattle policy discussion as part of the Housing and Livability Agenda (HALA) can be found at Seattle HALA, Final Advisory Committee Recommendations to Mayor Edward B. Murray and the Seattle City Council (July 13, 2015) p. 35, recommendations H.3. (http://murray.seattle.gov/wp-content/uploads/2015/07/HALA_Report_2015.pdf)

cost factors on market availability of (re)development land over the planning period would be appropriate.

Timelines to Permit and Develop Land

This issue is suggested by E2SSB 5254 as potentially requiring Market Supply Factor derivation guidance. However, upon review, for the most part, the issue was found not to have a direct influence on property owner decision to sell or (re)develop land during a 20-year planning period. The issue is, however, potentially significant for discussion of reasonable measures, determining what adjustments might need to be made by the planning agency.

The sole exception would likely be extended timelines for developing large master-planned communities. Over a twenty-year period, several economic cycles may occur that can either accelerate build-out pace or slow it. Therefore, even though a master-planned community development plan includes all portions of future build-out, market forces, financial markets, and both private and public infrastructure costs may deem portions of such a project to not feasibly be built within 20 years. Market Supply Factor deduction for build-out of such projects beyond 20 years would be appropriate.

Market Availability of Land

As past property owner survey research has found, property owner unwillingness to sell for subdivision and/or (re)development is an issue. But as review of those surveys in this document found, there is actually little specificity about why property owners would choose not to sell land during a 20-year planning period.

Beyond public infrastructure availability, cost, and private development cost reasons already discussed in this section, property owners can have widely varying economic and legal reasons

for not selling land for an extended period of time, whether in a rural, suburban, small city or large city setting. This section discusses common examples of long-term constraining factors on land sale and (re)development from the property owner perspective that may be pertinent for Market Supply Factor calculation in a city or county.

Each may be appropriate for potentially considering as part of Market Supply Factor deductions, especially for jurisdictions that are increasingly planning redevelopment capacity and seek to understand owner intent of properties with existing developments. In light of the fact that past Market Supply Factor-related studies focused almost exclusively on greenfield development in a suburban UGA setting, cities and counties may find the following issues appropriate to study via:

- Property owner surveys;
- Property Owner interviews;
- Advisory committee input;
- Real Estate – Residential and Commercial/Industrial expert (brokerages, appraisers, etc.) input; and/or
- Review of County Assessor data to identify property ownership patterns and sales activity.
- **Current owner paid too-high of a price for the property and is waiting for the market to “catch up” in order to make it economically feasible to develop (High Basis).** This constraint can happen for new suburban development, but the issue is far more common and constraining for urban properties deemed appropriate for redevelopment. An existing development can be purchased on

speculation that it can be redeveloped if a business cycle continues and rents or prices continue to climb. However, as the cycle changes and rents or prices do not continue to grow, the property sale price is overvalued and the owner must either sell at a discount or hold until prices or rents return and escalate higher. The holding period, until such time redevelopment is feasible, is typically mitigated by the cash flow received from the existing real estate use. Therefore, high basis “holding” of property can happen for long periods of time.

- **Inhibitive tax implications of sale.** For some property owners, the tax on capital gains from property sale can be inhibitive to making the property available for sale. If the property owner is not inclined to continue to invest in other commercial real estate holdings after the sale of a site, as is required to utilize tax deferral programs such as a 1031 Exchange, property owners will hold ownership over long periods of time. This is particularly true in an urban setting where a property with an existing improvement earns the property owner income/cash flow from the improvements in place.
- **Trust ownership restrictions.** To shield property ownership from taxes and legal risk, properties are frequently held “in trust” with such legal protections. But trust ownership places restrictions upon sale of such properties due to tax implications, as well as restricts how those properties can be used as collateral to finance (re)development. Trust ownerships of significant sizes and property portfolios may have interest and experience in the legal procedures,

risks, and costs to finance redevelopment on held properties. However, smaller trusts, such as family or individual trusts, may have no such inclination or financial wherewithal to take on the cost and risk or redevelopment. Accordingly, trust-owned properties may not see (re)development for long periods of time as the trust entity enjoys the income from the existing real estate use(s) on-site.

- **Subjective ownership preferences.** Property owners, including suburban properties with residential subdivision potential, can have purely subjective reasons for not selling property over a 20-year period or longer. Long-term enjoyment of a larger, rural parcel as a residential use or maintaining ownership for the property to be inherited are examples of such decisions to not sell for long periods of time. This type of reduction from land inventory for Market Supply Factor is the basis of previous surveys and studies already cited in this section.
- **The economic value of business operating on the property is high enough to inhibit property sale or redevelopment.** Although screening for redevelopment suitability of land in cities reflects ratios of building improvement value to land value, determination of redevelopment suitability never factors in the economic use within the improvements and likely overstates redevelopment capacity. While an existing structure might have depreciated value in terms of redevelopment potential, the property may not redevelop for long periods of time because the business inside the

structure is viable, profitable, and may depend upon that business location as irreplaceable for the urban market they serve.

- **Absentee Ownership.** As property-owning households relocate away from the property they hold, sometimes distantly, owners will retain the property to enjoy the income stream from the use on their property. With stable, dependable income as the priority for their ownership, redevelopment will frequently not be a consideration for long periods of time and the property can be off of the market for much or all of a land use planning period.
- **Foreign Ownership.** Foreign ownership of a property, particularly with an existing improvement that generates cash flow for the owner, is much like an Absentee Ownership but with the addition of foreign tax law and tax shelter implications. For these reasons, foreign-held properties may not redevelop over extended periods of time, particularly if the real estate or economic use in the existing improvement is significant.
- **Lease vs. Fee-Simple Ownership.** Whether by choice or by legal requirement, such as Tribal land ownership, lands can and do have lease-only restriction to the use of those properties. The main constraint being that the lease-hold is of finite duration, and so at end of the lease terms, the value of any improvements on the property reverts back to the

owner and the lessee vacates. This constrains certain types of development, particularly for-sale real estate uses. In high-value real estate markets in large cities, such constraints can be less of a factor given the value of the real estate improvements and income in question. But in suburban markets of lower real estate value, leasehold restrictions can affect land availability for certain types of uses over the long term.

Nexus Between Proposed Densities, Economic Conditions, and Impact to Housing Affordability

Although cited in E2SSB 5254 as an issue to study as it may affect Market Supply Factor guidance, this issue was determined to be more appropriate to consideration of Reasonable Measures for dealing with inconsistencies between planned capacity at varying densities and the extent to which such planned capacity may not be economically delivered. The issue is far less of a direct influence on property owner willingness to sell land for development or redevelopment.

Market Demand for Suitable Land

Like the previous issue of nexus regarding proposed densities, this issue was determined to be more appropriate to consideration of Reasonable Measures for dealing with inconsistencies between planned capacity at varying densities and the extent to which such planned capacity may not be economically delivered due to appropriate market demand. The issue is far less of a direct influence on property owner willingness and legal/financial decision-making to sell land for development or redevelopment.

Below are a series of hypothetical approaches to and calculations of market supply factor based on data that should be available as commonly collected information from a county assessor property database.

Example #1: A calculation of Market Supply Factor assuming existing improvement value as a share of total property value represents unlikeliness to convert to a new use.

For a set number of properties of a certain type, for instance location or zoning, assessment data for each property include improvement value, land value and total property value. In this example, fifty properties and their value data are calculated and for each, the percentage of total property value attributable to improvements is calculated. Higher existing property values as a share of total value will tend to indicate the property will be less likely to convert from the existing use and therefore the owner will likely not make the property available for sale, even though it is deemed buildable. Across all properties in the hypothetical example, the average percentage of property value attributable to improvements is 25% and the mode (most common) is 17%. 17% to 25% is then a candidate range for a market supply factor assumption for this set or type of land in the inventory.

Market Supply Factor Analysis Example #1: Improvement Value to Total Value Comparison

County Assessor Data Query	Property 1	Property 2	Property 3	Property 4	---	Property 50
Improvement Value	\$200,000	\$200,000	\$400,000	\$50,000		\$150,000
Land Value	\$300,000	\$1,000,000	\$900,000	\$250,000		\$600,000
Total Property Value	\$500,000	\$1,200,000	\$1,300,000	\$300,000		\$750,000
Improvement % of Value	40%	17%	31%	17%	---	20%
Average	25%					
Mode (Most Common)	17%					
Potential Market Supply Factors		25%				17%

Example #2: A calculation of Market Supply Factor assuming the percentage of total properties with no previous record of transaction is indicative of the future percentage of properties that will likely not sell and convert. In the hypothetical example, among a population of 35 properties, six properties have no record of transaction of a specific period of time. This amounts to a non-availability rate of 17%. For the acreage of those properties in the hypothetical example, of 275 total acres of land, non-transacting properties represent 36 total acres for a rate of 13%. The candidate range of potential Market Supply Factors in this example ranges from 13% to 17% with an average of 15%.

Market Supply Factor Analysis Example #2: Query of Properties Never Transacting

County Assessor Data Query	Properties	Combined Acreage
Have No Record of Transaction	6	36
Total Candidate Properties	<u>35</u>	<u>275</u>
	17%	13%
Average	15%	

Potential Market Supply Factors: 17%
13%
15%

Example #3: A calculation of Market Supply Factor by deriving a non-conversion rate by studying the population of properties that have converted over a defined period of time. In the hypothetical example, among a population of sixty properties, forty of them converted in the last 10 years for a conversion rate of 67%. That translates into a non-conversion rate of 33% of properties in the set of interest. In terms of acreage, properties that converted comprise 400 hypothetical acres out of a total of 500 acres for a hypothetical conversion rate of 80%. That translates into a non-conversion rate of 20% based on acreage rather than property record counts. There resulting candidate range of Market Supply Factors for consideration would then be 27% to 33% with a midpoint of 20%.

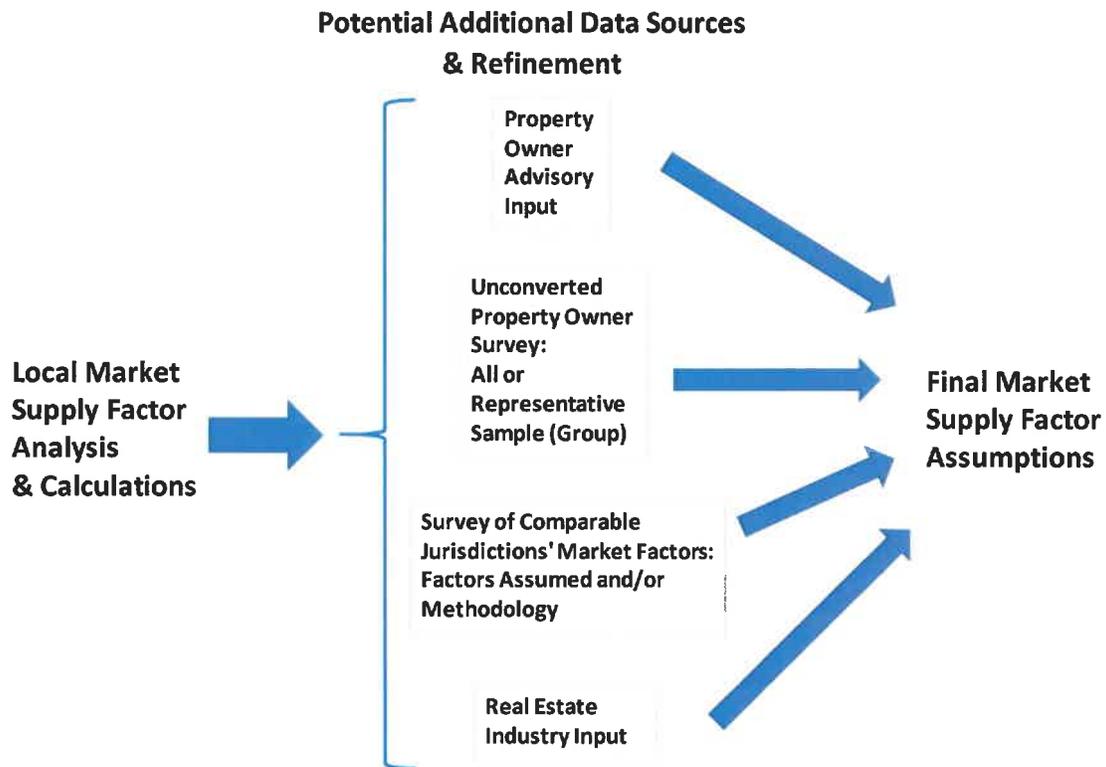
Market Supply Factor Analysis Example #3: Query of Properties That Have Converted to New Use

County Assessor Data Query	Properties	Combined Acreage
Converted in the Last 10 Years	40	400
Total Candidate Properties	<u>60</u>	<u>500</u>
Conversion Rate	67%	80%
Non-Conversion Rate	33%	20%
Average	27%	

Potential Market Supply Factors: 33%
20%
27%

The three basic examples of how to potentially utilize property value assessment and transaction data obviously represent somewhat simplified examples of calculations with data available. But the examples do illustrate the relationships between different values components, transaction rates, and conversion rates that can in isolation or in combination be considered or weighted for supporting Market Supply Factor assumptions.

The following chart represents a suggested combination of sources of information along with example calculations, or other calculation methodologies, that will likely yield more robust Market Supply Factor assumptions. Other suggested sources of information that may prove useful alone or in combination include property owner input, property owner surveys, examination of other jurisdictions’ Market Supply Factor methodologies and findings for comparable types of land, and input from real estate industry experts regarding market need and conversion likelihood over a longer planning period.



Other sources of information or considerations identified by a jurisdiction that support a “show your work” approach to Market Supply Factor can certainly also be of value.

APPENDIX B: Reasonable Measures

The following reasonable measures were taken directly from Buildable Lands counties and are intended to provide a framework for how reasonable measures have been used. Some may contain information that is specific to its respective jurisdiction and would require adjustments for application. Information within the Comments 1 and 2 rows are any notes that were associated with the reasonable measure.

Reasonable Measure	Explanation	Comments 1	Comments 2
Create Annexation Plans	In an Annexation Plan, cities identify outlying areas that are likely to be eligible for annexation. The Plan identifies probable timing of annexation, needed urban services, effects of annexation on current service providers, and other likely impacts of annexation.		
Encourage Transportation-Efficient Land Use	Review and amend comprehensive plans to encourage patterns of land development that encourage pedestrian, bike, and transit travel. This policy is typically implemented at the development review level.		
Environmental Review and Mitigation Built into the Sub area Planning Process	Building environmental review and mitigation into the sub area planning process can address key land use concerns at a broader geographic scale, streamlining review and approval of individual developments.	Planned actions adopted for the subareas include required mitigation measures. In addition, a GMA-base traffic impact mitigation fee code was adopted with specific fees identified.	
Urban Growth Area Management Agreements	Urban Growth Area Management Agreements define lead responsibility for planning, zoning, and urban service extension within these areas. The agreements exist between various government jurisdictions and specify jurisdiction over land use decisions, infrastructure provision, and other elements of urban growth.		
Capital Facilities Investments	Give priority to capital facility projects (e.g. regional storm water facilities and sanitary sewers) that most support urban growth at urban densities. Provide urban services to help reduce sprawl development and maintain the edge of the urban growth boundary.	This measure is shown to have a significant impact on increasing UGA capacity: Targeted capital facility investments (e.g., increase sewer connection feasibility in areas deemed currently unfeasible for developer extension due to small lot sizes, critical areas, topography, etc.) [a sewer policy change or new public expenditures]	

Reasonable Measure	Explanation	Comments 1	Comments 2
Economic Development Strategy	Include strategy for sustainable economic development in local comprehensive plan. This strategy could include: • A downtown revitalization program • Incentives for development that meet local goals • Transit and transportation system upgrades • Enhancement of the natural resource base • An Industrial needs assessment • infrastructure		
Phasing/tiering Urban Growth	Incorporate strategies in comprehensive plans and capital facilities plans to phase urban growth as a way to provide for orderly development and encourage infill ahead of “urban fringe” development.		
Downtown Revitalization	Develop a strategy to encourage downtown vitality. Include techniques such as promoting mixed residential and commercial uses, reuse of existing buildings rather than tearing down and rebuilding, and alternative urban landscaping and infrastructure that encourage pedestrian use.		
Multifamily Housing and Tax Credits	Provide tax incentives (e.g., property tax exemption program) for multiple-unit housing for targeted areas in urban centers.		
Transfer/Purchase of Development Rights	Develop a program to encourage the purchase or transfer of development authority in order to increase urban densities and decrease non-urban densities within UGAs.		
Implement a program to identify and redevelop vacant and abandoned buildings	Many buildings sit vacant for years before the market facilitates redevelopment. This policy encourages demolition and would clear sites, making them more attractive to developers and would facilitate redevelopment.		
Creative use of Impact Fees	Adjust impact fees so that lower fees are required in the UGAs than in rural areas, while still contributing to the cost of development within the urban area.		
Develop or strengthen local brownfields programs	Local jurisdictions provide policies or incentives to encourage the redevelopment of underused industrial sites, known as brownfields. Incentives for redevelopment of brownfields such as expedited permitting, reduced fees or targeted public investments can be implemented through local zoning ordinances.		

Reasonable Measure	Explanation	Comments 1	Comments 2
Require Adequate Public Facilities	Local jurisdictions require developers to provide adequate levels of public services, such as roads, sewer, water, drainage, schools, and parks, as a condition of development. (Requirement by Growth Management Act)		
Promote Vertical Growth	Allow modifications to the building height restrictions in the Urban Growth Areas.		
Accessory Dwelling Units	Accessory dwelling units provide another housing option by allowing a second residential unit on a tax lot.	ADUs alone are not likely to accommodate a significant amount of future population growth or significantly increase housing unit capacity within existing UGAs	
Clustering	Clustering allows developers to increase density on portions of a site, while preserving other areas of the site. Clustering is a tool most commonly used to preserve natural areas or avoid natural hazards during development. Clustering can also be used in conjunction with increased density to preserve the aesthetic of less dense development while increasing actual density. It uses characteristics of the site and adjacent uses as a primary consideration in determining building footprints, access, etc.	New cluster lots alone are not likely to accommodate a significant amount of future population growth or significantly increase housing unit capacity within existing UGAs.	
Duplexes, Town homes, and Condominiums	Permit duplexes, town homes, and condominiums in both mixed-use and residential districts of UGAs.	Duplexes accounted for approximately 1% of all new units permitted in unincorporated UGAs from 2000-2005: Assuming an average 5,000 s.f. lot, duplexes could be estimated to account for approximately 2-3 acres of "saved" land accommodated by "infill" development rather than by UGA expansion countywide for the next five years (i.e., not a significant measure to increase capacity inside existing UGAs).	Condominiums accounted for approximately 3% of all new units permitted in unincorporated UGAs from 2000-2005: Using similar assumptions as duplexes, condominiums could be estimated to account for approximately 6-10 acres of "saved" land accommodated by "infill" development rather than by UGA expansion county-wide for the next five years (i.e., not likely a significant measure to increase capacity inside existing UGAs).

Reasonable Measure	Explanation	Comments 1	Comments 2
Density Bonuses	Some communities allow bonus densities in certain areas as an incentive for achieving other community values such as affordable housing, mixed-use developments, infill, rehabilitating existing structures and open space preservation.	Experience in other "buildable lands" counties that have implemented reasonable measures suggests that this measure is shown to have a significant impact on increasing UGA capacity: Adopt density bonus provisions in urban single-family residential zones (e.g., beyond Poulsbo) [a zoning code change]	
Higher Allowable Densities	Where appropriate (and supported by companion planning techniques), allow more housing units per acre.	Experience in other "buildable lands" counties that have implemented reasonable measures suggests that this measure is shown to have a significant impact on increasing UGA capacity: Increase residential densities (i.e., up-zones) [a land use/zoning map change]	County-initiated sub-area plan rezones since adoption of the 1998 Plan include Kingston Phase I and ULID #6. Significant net gain in density in ULID #6 due to redesignation of land from urban low to urban medium and mixed use, offset to some extent by redesignation of urban low to business park use. Kingston Phase I obtained a net increase in density by redesignating lands from neighborhood commercial and urban medium to urban village center.
Industrial Zones	Limit non-industrial uses in industrial zones. For example, require that any commercial use be sized to primarily serve the industrial needs in the zone. Preclude residential use unless it is accessory to the industrial use.		

Reasonable Measure	Explanation	Comments 1	Comments 2
Minimum Density Requirements	Zoning ordinances can establish minimum and maximum densities in each zone to ensure that development occurs as envisioned for the community.	Experience in other "buildable lands" counties that have implemented reasonable measures suggests that this measure is shown to have a significant impact on increasing UGA capacity: Adopt minimum urban densities/maximum lot sizes in urban residential zones [a zoning code change].	
Mixed Use	Allow residential and commercial development to occur in many of the same buildings and areas within UGAs.	Many of Kitsap County's commercial zones and urban medium to high density residential zones allow mixed use development via a conditional use permit. However, as currently applied, this measure, in and of itself, is not likely to significantly increase capacity inside existing UGAs.	
Small Lot/Cottage Housing	Allow or require small lots (5,000 square feet or less) for single-family neighborhoods within UGAs.	Experience in other "buildable lands" counties that have implemented reasonable measures suggests that this measure promotes infill development but is not likely to have a significant impact on UGA capacity.	
Allow Small Residential Lots	Allow a range of single-family lot sizes ranging from 3,600 to 9,600 square feet.		
Transit-Oriented Development	Encourage convenient, safe and attractive transit-oriented development; including the possibility of reduced off street parking that could encourage more efficient use of urban lands.		
Urban Centers and Urban Villages	Use urban centers and urban villages to encourage mixed uses, higher densities, interconnected neighborhoods, and a variety of housing types that can serve different income levels.		

Reasonable Measure	Explanation	Comments 1	Comments 2
Lot Size Averaging	This technique is similar to clustering. If the zoning ordinance establishes a minimum lot size, the land use designation is calculated based on the average size of all lots proposed for development, within the range required for urban density. Development proposals may create a range of lot sizes both larger and smaller provided the average lot size is within the range consistent with the designation.		
Allow Co-Housing	Co-housing communities balance the traditional advantages of home ownership with the benefits of shared common facilities and connections with neighbors.		
Encourage Infill and Redevelopment	This policy seeks to maximize use of lands that are fully developed or underdeveloped by making use of existing infrastructure and by identifying and implementing policies that improve market opportunities and reduce impediments to development in areas suitable for infill or redevelopment.		
Mandate Maximum Lot Sizes	This policy places an upper bound on lot size and a lower bound on density in single-family zones. For example, a residential zone with a 6,000 sq. ft. minimum lot size might have an 8,000 sq. ft. maximum lot size yielding an effective net density range between 5.4 and 7.3 dwelling units per net acre.	Experience in other "buildable lands" counties that have implemented reasonable measures suggests that this measure is shown to have a significant impact on increasing UGA capacity: Adopt minimum urban densities/maximum lot sizes in urban residential zones [a zoning code change]	
Enact inclusionary zoning ordinance for new housing developments	Inclusionary zoning requires developers to provide a certain amount of affordable housing in developments over a certain size. It is applied during the development review process.		
Zone areas by performance or building type, not by use	A local jurisdiction can alter its zoning code so that zones define the physical aspects of allowed buildings, not the uses in those buildings. This zoning approach recognizes that many land uses are compatible and locate in similar building types.		
Develop Manufactured Housing	Adopt standards to ensure compatibility between manufactured housing and surrounding housing design standards.		

Reasonable Measure	Explanation	Comments 1	Comments 2
Specific Development Plans	<p>Work with landowners, developers, and neighbors to develop a detailed site plan for development of an area. Allow streamlined approval for projects consistent with the plan.</p> <p>This policy results in a plan for a specific geographic area that is adopted as a supplement or amendment to the jurisdictions comprehensive plan.</p>		
Encourage developers to reduce off-street surface parking	<p>This policy provides incentives to developers to reduce the amount of offstreet surface parking through shared parking arrangements, multi-level parking, use of alternative transportation modes, particularly in areas with urban-level transit service.</p>		
Implement a process to expedite plan & permit approval in UGAs	<p>Streamlined permitting processes provide incentives to developers. This policy would be implemented at the development review phase.</p>		
Narrow Streets / Reduce Street Width	<p>Encourage or require street widths that are the minimum necessary to ensure that transportation and affordable housing goals can be achieved.</p>		
Concentrate critical services near homes, jobs, transit	<p>This policy would require critical facilities and services (e.g. fire, police, hospital) be located in areas that are accessible by all people. For example, a hospital could not be located at the urban fringe in a business park.</p>		
Urban Amenities for Increased Densities	<p>Identify and provide amenities that will attract urban development in UGAs and enhance the quality of life for urban residents and businesses</p>		
Locate civic buildings in existing communities rather than in Greenfield areas	<p>Local governments, like private builders, are tempted to build on greenfield sites because it is less expensive and easier. However, local governments can "lead by example" by making public investments in desired areas, or redeveloping target sites.</p>		
Urban Holding Zones	<p>Use low intensity zoning in certain areas adjacent to or within the UGA where municipal services will not be available within the near future. (For example: Urban Reserve)</p>		

Reasonable Measure	Explanation	Comments 1	Comments 2
Mandate Low Densities in Rural Resource Lands	This policy is intended to limit development in rural areas by mandating large lot sizes. It can also be used to preserve lands targeted for future urban area expansion. Low-density urban development in fringe areas can have negative impacts of future densities and can increase the need for and cost of roads and other infrastructure.		
Impose Restrictions on Physically Developable Land	The local jurisdiction places restrictions on the type of development that can occur on vacant land. Restrictions can vary in strictness, from no development to limited development. This policy is implemented through city limit or UGA boundaries.		
Allow for alternative sanitary sewer systems in unincorporated UGAs	To ensure urban-level sewer or equivalent wastewater service in all UGAs for the 20-year planning horizon. New proposed policies would allow for alternative systems such as package plants, membrane systems and community drain fields in areas where other sewer provision is not financially feasible, provide significant benefit to aquifer recharge and would enable Kitsap County to monitor and maintain those facilities to ensure their long-term effectiveness.		
Remove pre-planning allowances in UGAs	Development regulations have allowed subdivisions to “shadow plat” and show how urban densities can be achieved in the future and how sanitary sewer can be accommodated to serve all lots when fully developed. In the meantime, portions of the “shadow plat” can be developed with on-site septic systems. To increase the incentive for sewer provision and urban densities, removal of the pre-planning regulations is proposed in Alternative 2/Preferred Alternative.		
Provide for regional stormwater facilities in unincorporated UGAs	To increase development feasibility on small and/or development constrained parcels. New policy would allow for funding and construction of regional stormwater treatment facilities in areas where individual on-site treatment facilities are not financially feasible.		

Reasonable Measure	Explanation	Comments 1	Comments 2
Strengthen and amend policies to promote low impact development	Policies support clustered development with surface water features that allow for minimal site disturbance. This could allow for innovative infrastructure resulting in more efficient use of developable land.		
Consolidated comprehensive plan land use designations	Will make it easier to rezone urban parcels in the future without the additional time and expense of a comprehensive plan amendment process.		
SEPA Categorical Exemptions for Mixed Use and Infill Development & Increased Thresholds for SEPA Categorical Exemptions	To streamline the development review process and encourage more efficient development within existing UGA boundaries.		

APPENDIX C: E2SSB-5254 Requirements

Statute change	Document Where Addressed	How Requirement Was Addressed
<p>Section 2 Changes</p>		
<p>Sec. 2(1)(b): The purpose of the review and evaluation program shall be to: Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. <u>Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.</u></p>	<p>Guidelines</p>	<p>The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.</p>
<p>Sec. 2 (2)(a): The review and evaluation 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, <u>zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention;</u> and capital facilities to determine the quantity and type of land suitable for development, both for residential and employment-based activities;</p>	<p>Guidelines</p>	<p>The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.</p>
<p>Sec. 2 (2)(b): The review and evaluation program shall: Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. The evaluation shall be completed no later than <u>three</u> years prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. <u>For comprehensive plans required to be updated before 2024, the evaluation as provided in subsection (3) of this section shall be completed no later than two years prior to the deadline for review and, if necessary, update of comprehensive plans.</u> The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;</p>	<p>Guidelines</p>	<p>The Buildable Lands Guidelines have been updated to reflect and provide information consistent with changes to the statute.</p>

Sec. 2 (2)(d): The review and evaluation program shall: Develop reasonable measures to use in reducing the differences between growth and development assumptions and targets contained in the countywide planning policies and county and city comprehensive plans, with the actual development patterns. The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans.

Guidelines

The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.

Sec. 2(3)(a): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110. 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;

Guidelines

The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.

Sec. 2(3)(b)(i): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater);

Guidelines

The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.

Sec. 2(3)(b)(ii): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment. The methodology for conducting a reasonable land Market Supply Factor shall be determined through the guidance developed in section 3 of this act;

Guidelines

The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.

Sec. 2(3)(c): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: 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 plans will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale.

Guidelines

The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.

Sec. 2(6): The requirements of this section are subject to the availability of funds appropriated for this specific purpose. If sufficient funds are not appropriated consistent with the timelines in subsection (2) (b) of this section, counties and cities shall be subject to the review and evaluation program as it existed prior to the effective date of this section.

Guidelines

The Buildable Lands Guidelines have been updated to address the connection between new Buildable Lands requirements and program funding. Appendix G also contains a tracked change version of E2SSB 5254 which may be used as a reference document.

Added Requirement	Document	How Requirement Was Addressed
Section 3 Requirements		
<p><u>Sec. 3(a): The buildable lands guidance shall analyze and provide recommendations on: The review and evaluation program in RCW 36.70A.215 and changes to the required information to be analyzed within the program to increase the accuracy of the report when updating countywide planning policies and the county and city comprehensive plans.</u></p>	<p>Guidelines Ruckelshaus Memorandum</p>	<p>The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute. In addition, a memorandum to the Ruckelshaus Center has been prepared for use as they develop recommendations as part of "A Road Map to Washington's Future" project. The memorandum focuses on Growth Management Act issues that directly or indirectly impact Buildable Lands Counties.</p>
<p><u>Sec. 3(b): The buildable lands guidance shall analyze and provide recommendations on: Whether a more effective schedule could be developed for countywide planning policies and the county and city comprehensive plan updates to better align with implementing reasonable measures identified through the review and evaluation program, and population projections and census data while maintaining appropriate and timely consideration of planning needs best done through a comprehensive planning process.</u></p>	<p>Ruckelshaus Memorandum</p>	<p>The Ruckelshaus Center memorandum provides feedback on whether a more effective schedule could be developed for countywide planning policies and the county and city comprehensive plan updates to better align with implementing reasonable measures identified through the review and evaluation program, and population projections and census data while maintaining appropriate and timely consideration of planning needs best done through a comprehensive planning process.</p>
<p><u>Sec. 3(c): The buildable lands guidance shall analyze and provide recommendations on: A determination on how reasonable measures, based on the review and evaluation program, should be implemented into updates for countywide planning policies and the county and city comprehensive plans.</u></p>	<p>Guidelines</p>	<p>The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute.</p>

<p><u>Sec. 3(d): The buildable lands guidance shall analyze and provide recommendations on: Infrastructure costs, including but not limited to transportation, water, sewer, stormwater, and the cost to provide new or upgraded infrastructure if required to serve development; cost of development; timelines to permit and develop land; market availability of land; the nexus between proposed densities, economic conditions needed to achieve those densities, and the impact to housing affordability for home ownership and rental housing; and, market demand when evaluating if land is suitable for development or redevelopment. These all have an impact on whether development occurs or if planning for densities will differ from achieved densities.</u></p>	<p>Guidelines Ruckelshaus Memorandum Housing Memorandum</p>	<p>The Buildable Lands Guidelines and both the Ruckelshaus and Housing Memorandums address this component of the Bill. The Guidelines provide guidance on how infrastructure gaps (which may exist because of the cost to provide) could be analyzed during the achieved density analysis. In most cases, however, Buildable Lands jurisdictions should be able to rely on adopted Capital Facility Plans. The Ruckelshaus Memorandum will detail the need for accurate Capital Facility Planning as comprehensive plans are updated. Lastly, the Housing Memorandum has addressed been prepared to address the remaining portions of this section of the Bill.</p>
<p><u>Sec. 3(e): The buildable lands guidance shall analyze and provide recommendations on: Identifying the measures to increase housing availability and affordability for all economic segments of the community and the factors contributing to the high cost of housing including zoning/development/environmental regulations, permit processing timelines, housing production trends by housing type and rents and prices, national and regional economic and demographic trends affecting housing affordability and production by rents and prices, housing unit size by housing type, and how well growth targets align with market conditions including the assumptions on where people desire to live.</u></p>	<p>Housing Memorandum</p>	<p>The Housing Memorandum has been prepared to address this section of the Bill.</p>
<p><u>Sec. 3(f): The buildable lands guidance shall analyze and provide recommendations on: Evaluating how existing zoning and land use regulations are promoting or hindering attainment of the goal for affordable housing in RCW 36.70A.020(4). Barriers to meeting this goal shall be identified and considered as possible reasonable measures for each county and city, and as part of the next countywide planning policies and county and city comprehensive plan update;</u></p>	<p>Guidelines Housing Memorandum</p>	<p>The Housing Memorandum provides information on how existing zoning and land use regulations are promoting or hindering attainment of the goal for affordable housing in RCW 36.70A.020(4). The Buildable Lands Guidelines have been updated to reflect and provide guidance consistent with changes to the statute. Information has been included to ensure affordable housing is considered when reasonable measures are needed.</p>

<p><u>Sec. 3(g): The buildable lands guidance shall analyze and provide recommendations on: Identifying opportunities and strategies to encourage growth within urban growth areas.</u></p>	<p>Ruckelshaus Memorandum Housing Memorandum</p>	<p>This issue falls outside the purpose of the Review and Evaluation program as outlined in RCW 36.70.215(1)(a) and (b). Therefore, opportunities and strategies identified to encourage growth within Urban Growth Areas was directed at the Ruckelshaus Center Memorandum.</p>
<p><u>Sec. 3(h): The buildable lands guidance shall analyze and provide recommendations on: Identifying strategies to increase local government capacity to invest in the infrastructure necessary to accommodate growth and provide opportunities for affordable housing across all economic segments of the community and housing types.</u></p>	<p>Ruckelshaus Memorandum</p>	<p>The Memorandum to the Ruckelshaus Center provides ideas and information to consider that could increase local government capacity to invest in the infrastructure necessary to accommodate growth.</p>
<p><u>Sec. 3(i): The buildable lands guidance shall analyze and provide recommendations on: Other topics identified by stakeholders and the department.</u></p>	<p>Ruckelshaus Memorandum</p>	<p>The Memorandum to the Ruckelshaus Center includes recommendations on the importance of funding for not only the Buildable Lands program, but GMA requirements as a whole.</p>

APPENDIX D: E2SSB-5254 Tracked Changes

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254

65th Legislature
2017 3rd Special Session

Passed by the Senate June 29, 2017
Yeas 47 Nays 2

President of the Senate

Passed by the House June 29, 2017
Yeas 85 Nays 9

Speaker of the House of Representatives
Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254

Passed Legislature - 2017 3rd Special Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Fain, Palumbo, Zeiger, Angel, Hobbs, and Mullet)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to ensuring adequacy of buildable lands and
2 zoning in urban growth areas and providing funding for low-income
3 housing and homelessness programs; amending RCW 36.70A.115,
4 36.70A.215, 36.70A.070, 36.22.179, 82.46.037, and 43.21C.440; adding
5 a new section to chapter 36.70A RCW; and providing an expiration
6 date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 36.70A.115 and 2009 c 121 s 3 are each amended to
9 read as follows:

10 (1) Counties and cities that are required or choose to plan under
11 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
12 amendments to their comprehensive plans and/or development
13 regulations provide sufficient capacity of land suitable for
14 development within their jurisdictions to accommodate their allocated
15 housing and employment growth, including the accommodation of, as
16 appropriate, the medical, governmental, educational, institutional,
17 commercial, and industrial facilities related to such growth, as
18 adopted in the applicable countywide planning policies and consistent
19 with the twenty-year population forecast from the office of financial
20 management.

1 (2) This analysis shall include the reasonable measures findings
 2 developed under RCW 36.70A.215, if applicable to such counties and
 3 cities.

4 **Sec. 2.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to
 5 read as follows:

6 (1) Subject to the limitations in subsection ~~((47))~~ (5) of this
 7 section, a county shall adopt, in consultation with its cities,
 8 countywide planning policies to establish a review and evaluation
 9 program. This program shall be in addition to the requirements of RCW
 10 36.70A.110, 36.70A.130, and 36.70A.210. In developing and
 11 implementing the review and evaluation program required by this
 12 section, the county and its cities shall consider information from
 13 other appropriate jurisdictions and sources. The purpose of the
 14 review and evaluation program shall be to:

15 (a) Determine whether a county and its cities are achieving urban
 16 densities within urban growth areas by comparing growth and
 17 development assumptions, targets, and objectives contained in the
 18 countywide planning policies and the county and city comprehensive
 19 plans with actual growth and development that has occurred in the
 20 county and its cities; and

21 (b) Identify reasonable measures, other than adjusting urban
 22 growth areas, that will be taken to comply with the requirements of
 23 this chapter. Reasonable measures are those actions necessary to
 24 reduce the differences between growth and development assumptions and
 25 targets contained in the countywide planning policies and the county
 26 and city comprehensive plans with actual development patterns. The
 27 reasonable measures process in subsection (3) of this section shall
 28 be used as part of the next comprehensive plan update to reconcile
 29 inconsistencies.

30 (2) The review and evaluation program shall:

31 (a) Encompass land uses and activities both within and outside of
 32 urban growth areas and provide for annual collection of data on urban
 33 and rural land uses, development, zoning and development standards,
 34 environmental regulations including but not limited to critical
 35 areas, stormwater, shoreline, and tree retention requirements; and
 36 capital facilities ~~((to the extent necessary))~~ to determine the
 37 quantity and type of land suitable for development, both for
 38 residential and employment-based activities;

1 (b) Provide for evaluation of the data collected under (a) of
2 this subsection as provided in subsection (3) of this section. The
3 evaluation shall be completed no later than ~~((one))~~ three years prior
4 to the deadline for review and, if necessary, update of comprehensive
5 plans and development regulations as required by RCW 36.70A.130. For
6 comprehensive plans required to be updated before 2024, the
7 evaluation as provided in subsection (3) of this section shall be
8 completed no later than two years prior to the deadline for review
9 and, if necessary, update of comprehensive plans. The county and its
10 cities may establish in the countywide planning policies indicators,
11 benchmarks, and other similar criteria to use in conducting the
12 evaluation;

13 (c) Provide for methods to resolve disputes among jurisdictions
14 relating to the countywide planning policies required by this section
15 and procedures to resolve inconsistencies in collection and analysis
16 of data; and

17 ~~((Provide for the amendment of the countywide policies and~~
18 ~~county and city comprehensive plans as needed to remedy an~~
19 ~~inconsistency identified through the evaluation required by this~~
20 ~~section, or to bring these policies into compliance with the~~
21 ~~requirements of this chapter.)) Develop reasonable measures to use in
22 reducing the differences between growth and development assumptions
23 and targets contained in the countywide planning policies and county
24 and city comprehensive plans, with the actual development patterns.
25 The reasonable measures shall be adopted, if necessary, into the
26 countywide planning policies and the county or city comprehensive
27 plans and development regulations during the next scheduled update of
28 the plans.~~

29 (3) At a minimum, the evaluation component of the program
30 required by subsection (1) of this section shall:

31 (a) Determine whether there is sufficient suitable land to
32 accommodate the countywide population projection established for the
33 county pursuant to RCW 43.62.035 and the subsequent population
34 allocations within the county and between the county and its cities
35 and the requirements of RCW 36.70A.110(~~(←~~

36 ~~(→~~)). The zoned capacity of land alone is not a sufficient
37 standard to deem land suitable for development or redevelopment
38 within the twenty-year planning period;

39 (b) An evaluation and identification of land suitable for
40 development or redevelopment shall include:

- 1 (i) A review and evaluation of the land use designation and
 2 zoning/development regulations; environmental regulations (such as
 3 tree retention, stormwater, or critical area regulations) impacting
 4 development; and other regulations that could prevent assigned
 5 densities from being achieved; infrastructure gaps (including but not
 6 limited to transportation, water, sewer, and stormwater); and
- 7 (ii) Use of a reasonable land market supply factor when
 8 evaluating land suitable to accommodate new development or
 9 redevelopment of land for residential development and employment
 10 activities. The reasonable market supply factor identifies reductions
 11 in the amount of land suitable for development and redevelopment. The
 12 methodology for conducting a reasonable land market factor shall be
 13 determined through the guidance developed in section 3 of this act;
- 14 (c) Provide an analysis of county and/or city development
 15 assumptions, targets, and objectives contained in the countywide
 16 planning policies and the county and city comprehensive plans when
 17 growth targets and assumptions are not being achieved. It is not
 18 appropriate to make a finding that assumed growth contained in the
 19 countywide planning policies and the county or city comprehensive
 20 plan will occur at the end of the current comprehensive planning
 21 twenty-year planning cycle without rationale;
- 22 (d) Determine the actual density of housing that has been
 23 constructed and the actual amount of land developed for commercial
 24 and industrial uses within the urban growth area since the adoption
 25 of a comprehensive plan under this chapter or since the last periodic
 26 evaluation as required by subsection (1) of this section; and
- 27 ~~((+e))~~ (e) Based on the actual density of development as
 28 determined under (b) of this subsection, review commercial,
 29 industrial, and housing needs by type and density range to determine
 30 the amount of land needed for commercial, industrial, and housing for
 31 the remaining portion of the twenty-year planning period used in the
 32 most recently adopted comprehensive plan.
- 33 ~~(4) ((If the evaluation required by subsection (3) of this~~
 34 ~~section demonstrates an inconsistency between what has occurred since~~
 35 ~~the adoption of the countywide planning policies and the county and~~
 36 ~~city comprehensive plans and development regulations and what was~~
 37 ~~envisioned in those policies and plans and the planning goals and the~~
 38 ~~requirements of this chapter, as the inconsistency relates to the~~
 39 ~~evaluation factors specified in subsection (3) of this section, the~~
 40 ~~county and its cities shall adopt and implement measures that are~~

1 ~~reasonably likely to increase consistency during the subsequent five~~
 2 ~~year period. If necessary, a county, in consultation with its cities~~
 3 ~~as required by RCW 36.70A.210, shall adopt amendments to countywide~~
 4 ~~planning policies to increase consistency. The county and its cities~~
 5 ~~shall annually monitor the measures adopted under this subsection to~~
 6 ~~determine their effect and may revise or rescind them as appropriate.~~

7 ~~(5) (a) Not later than July 1, 1998, the department shall prepare~~
 8 ~~a list of methods used by counties and cities in carrying out the~~
 9 ~~types of activities required by this section. The department shall~~
 10 ~~provide this information and appropriate technical assistance to~~
 11 ~~counties and cities required to or choosing to comply with the~~
 12 ~~provisions of this section.~~

13 ~~(b) By December 31, 2007, the department shall submit to the~~
 14 ~~appropriate committees of the legislature a report analyzing the~~
 15 ~~effectiveness of the activities described in this section in~~
 16 ~~achieving the goals envisioned by the countywide planning policies~~
 17 ~~and the comprehensive plans and development regulations of the~~
 18 ~~counties and cities.~~

19 ~~(6))~~ From funds appropriated by the legislature for this
 20 purpose, the department shall provide grants to counties, cities, and
 21 regional planning organizations required under subsection ~~((7))~~ (5)
 22 of this section to conduct the review and perform the evaluation
 23 required by this section.

24 ~~((7))~~ (5) The provisions of this section shall apply to
 25 counties, and the cities within those counties, that were greater
 26 than one hundred fifty thousand in population in ~~((1995))~~ 1996 as
 27 determined by office of financial management population estimates and
 28 that are located west of the crest of the Cascade mountain range. Any
 29 other county planning under RCW 36.70A.040 may carry out the review,
 30 evaluation, and amendment programs and procedures as provided in this
 31 section.

32 (6) The requirements of this section are subject to the
 33 availability of funds appropriated for this specific purpose. If
 34 sufficient funds are not appropriated consistent with the timelines
 35 in subsection (2)(b) of this section, counties and cities shall be
 36 subject to the review and evaluation program as it existed prior to
 37 the effective date of this section.

38 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A
 39 RCW to read as follows:

1 (1) The department of commerce, through a contract with a land
2 use and economics entity, shall develop guidance for local
3 governments on the review and evaluation program in RCW 36.70A.215.
4 The contract shall be with an entity experienced in serving private
5 and public sector clients which can assist developers and policy
6 makers to understand near-term market realities and long-term
7 planning considerations, and with experience facilitating successful
8 conversations between multiple local governments and stakeholders on
9 complex land use issues. The department of commerce shall enable
10 appropriate public participation by affected stakeholders in the
11 development of the guidance for the appropriate market factor
12 analysis and review and update of the overall buildable lands
13 program. This guidance regarding the market factor methodology and
14 buildable lands program shall be completed by December 1, 2018. The
15 buildable lands guidance shall analyze and provide recommendations
16 on:

17 (a) The review and evaluation program in RCW 36.70A.215 and
18 changes to the required information to be analyzed within the program
19 to increase the accuracy of the report when updating countywide
20 planning policies and the county and city comprehensive plans;

21 (b) Whether a more effective schedule could be developed for
22 countywide planning policies and the county and city comprehensive
23 plan updates to better align with implementing reasonable measures
24 identified through the review and evaluation program, and population
25 projections and census data while maintaining appropriate and timely
26 consideration of planning needs best done through a comprehensive
27 planning process;

28 (c) A determination on how reasonable measures, based on the
29 review and evaluation program, should be implemented into updates for
30 countywide planning policies and the county and city comprehensive
31 plans;

32 (d) Infrastructure costs, including but not limited to
33 transportation, water, sewer, stormwater, and the cost to provide new
34 or upgraded infrastructure if required to serve development; cost of
35 development; timelines to permit and develop land; market
36 availability of land; the nexus between proposed densities, economic
37 conditions needed to achieve those densities, and the impact to
38 housing affordability for home ownership and rental housing; and,
39 market demand when evaluating if land is suitable for development or



1 redevelopment. These all have an impact on whether development occurs
2 or if planned for densities will differ from achieved densities;

3 (e) Identifying the measures to increase housing availability and
4 affordability for all economic segments of the community and the
5 factors contributing to the high cost of housing including zoning/
6 development/environmental regulations, permit processing timelines,
7 housing production trends by housing type and rents and prices,
8 national and regional economic and demographic trends affecting
9 housing affordability and production by rents and prices, housing
10 unit size by housing type, and how well growth targets align with
11 market conditions including the assumptions on where people desire to
12 live;

13 (f) Evaluating how existing zoning and land use regulations are
14 promoting or hindering attainment of the goal for affordable housing
15 in RCW 36.70A.020(4). Barriers to meeting this goal shall be
16 identified and considered as possible reasonable measures for each
17 county and city, and as part of the next countywide planning policies
18 and county and city comprehensive plan update;

19 (g) Identifying opportunities and strategies to encourage growth
20 within urban growth areas;

21 (h) Identifying strategies to increase local government capacity
22 to invest in the infrastructure necessary to accommodate growth and
23 provide opportunities for affordable housing across all economic
24 segments of the community and housing types; and

25 (i) Other topics identified by stakeholders and the department.

26 (2) The requirements of this section are subject to the
27 availability of funds appropriated for this specific purpose.

28 **Sec. 4.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
29 read as follows:

30 The comprehensive plan of a county or city that is required or
31 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
32 and descriptive text covering objectives, principles, and standards
33 used to develop the comprehensive plan. The plan shall be an
34 internally consistent document and all elements shall be consistent
35 with the future land use map. A comprehensive plan shall be adopted
36 and amended with public participation as provided in RCW 36.70A.140.
37 Each comprehensive plan shall include a plan, scheme, or design for
38 each of the following:

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254

Chapter 16, Laws of 2017

65th Legislature
2017 3rd Special Session

GROWTH MANAGEMENT ACT--BUILDABLE LANDS--HOMELESS HOUSING FUNDING

EFFECTIVE DATE: October 19, 2017

Passed by the Senate June 29, 2017
Yeas 47 Nays 2

CYRUS HABIB

President of the Senate

Passed by the House June 29, 2017
Yeas 85 Nays 9

FRANK CHOPP

Speaker of the House of Representatives

Approved July 6, 2017 2:37 PM

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

July 7, 2017

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5254

Passed Legislature - 2017 3rd Special Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Fain, Palumbo, Zeiger, Angel, Hobbs, and Mullet)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to ensuring adequacy of buildable lands and
2 zoning in urban growth areas and providing funding for low-income
3 housing and homelessness programs; amending RCW 36.70A.115,
4 36.70A.215, 36.70A.070, 36.22.179, 82.46.037, and 43.21C.440; adding
5 a new section to chapter 36.70A RCW; and providing an expiration
6 date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 36.70A.115 and 2009 c 121 s 3 are each amended to
9 read as follows:

10 (1) Counties and cities that are required or choose to plan under
11 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
12 amendments to their comprehensive plans and/or development
13 regulations provide sufficient capacity of land suitable for
14 development within their jurisdictions to accommodate their allocated
15 housing and employment growth, including the accommodation of, as
16 appropriate, the medical, governmental, educational, institutional,
17 commercial, and industrial facilities related to such growth, as
18 adopted in the applicable countywide planning policies and consistent
19 with the twenty-year population forecast from the office of financial
20 management.

1 (2) This analysis shall include the reasonable measures findings
2 developed under RCW 36.70A.215, if applicable to such counties and
3 cities.

4 **Sec. 2.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to
5 read as follows:

6 (1) Subject to the limitations in subsection (~~(+7)~~) (5) of this
7 section, a county shall adopt, in consultation with its cities,
8 countywide planning policies to establish a review and evaluation
9 program. This program shall be in addition to the requirements of RCW
10 36.70A.110, 36.70A.130, and 36.70A.210. In developing and
11 implementing the review and evaluation program required by this
12 section, the county and its cities shall consider information from
13 other appropriate jurisdictions and sources. The purpose of the
14 review and evaluation program shall be to:

15 (a) Determine whether a county and its cities are achieving urban
16 densities within urban growth areas by comparing growth and
17 development assumptions, targets, and objectives contained in the
18 countywide planning policies and the county and city comprehensive
19 plans with actual growth and development that has occurred in the
20 county and its cities; and

21 (b) Identify reasonable measures, other than adjusting urban
22 growth areas, that will be taken to comply with the requirements of
23 this chapter. Reasonable measures are those actions necessary to
24 reduce the differences between growth and development assumptions and
25 targets contained in the countywide planning policies and the county
26 and city comprehensive plans with actual development patterns. The
27 reasonable measures process in subsection (3) of this section shall
28 be used as part of the next comprehensive plan update to reconcile
29 inconsistencies.

30 (2) The review and evaluation program shall:

31 (a) Encompass land uses and activities both within and outside of
32 urban growth areas and provide for annual collection of data on urban
33 and rural land uses, development, zoning and development standards,
34 environmental regulations including but not limited to critical
35 areas, stormwater, shoreline, and tree retention requirements; and
36 capital facilities (~~(to the extent necessary)~~) to determine the
37 quantity and type of land suitable for development, both for
38 residential and employment-based activities;

1 (b) Provide for evaluation of the data collected under (a) of
2 this subsection as provided in subsection (3) of this section. The
3 evaluation shall be completed no later than ~~((one))~~ three years prior
4 to the deadline for review and, if necessary, update of comprehensive
5 plans and development regulations as required by RCW 36.70A.130. For
6 comprehensive plans required to be updated before 2024, the
7 evaluation as provided in subsection (3) of this section shall be
8 completed no later than two years prior to the deadline for review
9 and, if necessary, update of comprehensive plans. The county and its
10 cities may establish in the countywide planning policies indicators,
11 benchmarks, and other similar criteria to use in conducting the
12 evaluation;

13 (c) Provide for methods to resolve disputes among jurisdictions
14 relating to the countywide planning policies required by this section
15 and procedures to resolve inconsistencies in collection and analysis
16 of data; and

17 ~~((Provide for the amendment of the countywide policies and~~
18 ~~county and city comprehensive plans as needed to remedy an~~
19 ~~inconsistency identified through the evaluation required by this~~
20 ~~section, or to bring these policies into compliance with the~~
21 ~~requirements of this chapter.)) Develop reasonable measures to use in
22 reducing the differences between growth and development assumptions
23 and targets contained in the countywide planning policies and county
24 and city comprehensive plans, with the actual development patterns.
25 The reasonable measures shall be adopted, if necessary, into the
26 countywide planning policies and the county or city comprehensive
27 plans and development regulations during the next scheduled update of
28 the plans.~~

29 (3) At a minimum, the evaluation component of the program
30 required by subsection (1) of this section shall:

31 (a) Determine whether there is sufficient suitable land to
32 accommodate the countywide population projection established for the
33 county pursuant to RCW 43.62.035 and the subsequent population
34 allocations within the county and between the county and its cities
35 and the requirements of RCW 36.70A.110(~~(~~

36 ~~b))~~). The zoned capacity of land alone is not a sufficient
37 standard to deem land suitable for development or redevelopment
38 within the twenty-year planning period;

39 (b) An evaluation and identification of land suitable for
40 development or redevelopment shall include:

1 (i) A review and evaluation of the land use designation and
2 zoning/development regulations; environmental regulations (such as
3 tree retention, stormwater, or critical area regulations) impacting
4 development; and other regulations that could prevent assigned
5 densities from being achieved; infrastructure gaps (including but not
6 limited to transportation, water, sewer, and stormwater); and

7 (ii) Use of a reasonable land market supply factor when
8 evaluating land suitable to accommodate new development or
9 redevelopment of land for residential development and employment
10 activities. The reasonable market supply factor identifies reductions
11 in the amount of land suitable for development and redevelopment. The
12 methodology for conducting a reasonable land market factor shall be
13 determined through the guidance developed in section 3 of this act;

14 (c) Provide an analysis of county and/or city development
15 assumptions, targets, and objectives contained in the countywide
16 planning policies and the county and city comprehensive plans when
17 growth targets and assumptions are not being achieved. It is not
18 appropriate to make a finding that assumed growth contained in the
19 countywide planning policies and the county or city comprehensive
20 plan will occur at the end of the current comprehensive planning
21 twenty-year planning cycle without rationale;

22 (d) Determine the actual density of housing that has been
23 constructed and the actual amount of land developed for commercial
24 and industrial uses within the urban growth area since the adoption
25 of a comprehensive plan under this chapter or since the last periodic
26 evaluation as required by subsection (1) of this section; and

27 ~~((e))~~ (e) Based on the actual density of development as
28 determined under (b) of this subsection, review commercial,
29 industrial, and housing needs by type and density range to determine
30 the amount of land needed for commercial, industrial, and housing for
31 the remaining portion of the twenty-year planning period used in the
32 most recently adopted comprehensive plan.

33 ~~(4) ((If the evaluation required by subsection (3) of this~~
34 ~~section demonstrates an inconsistency between what has occurred since~~
35 ~~the adoption of the countywide planning policies and the county and~~
36 ~~city comprehensive plans and development regulations and what was~~
37 ~~envisioned in those policies and plans and the planning goals and the~~
38 ~~requirements of this chapter, as the inconsistency relates to the~~
39 ~~evaluation factors specified in subsection (3) of this section, the~~
40 ~~county and its cities shall adopt and implement measures that are~~

1 ~~reasonably likely to increase consistency during the subsequent five-~~
2 ~~year period. If necessary, a county, in consultation with its cities~~
3 ~~as required by RCW 36.70A.210, shall adopt amendments to countywide~~
4 ~~planning policies to increase consistency. The county and its cities~~
5 ~~shall annually monitor the measures adopted under this subsection to~~
6 ~~determine their effect and may revise or rescind them as appropriate.~~

7 ~~(5)(a) Not later than July 1, 1998, the department shall prepare~~
8 ~~a list of methods used by counties and cities in carrying out the~~
9 ~~types of activities required by this section. The department shall~~
10 ~~provide this information and appropriate technical assistance to~~
11 ~~counties and cities required to or choosing to comply with the~~
12 ~~provisions of this section.~~

13 ~~(b) By December 31, 2007, the department shall submit to the~~
14 ~~appropriate committees of the legislature a report analyzing the~~
15 ~~effectiveness of the activities described in this section in~~
16 ~~achieving the goals envisioned by the countywide planning policies~~
17 ~~and the comprehensive plans and development regulations of the~~
18 ~~counties and cities.~~

19 ~~(6))~~ From funds appropriated by the legislature for this
20 purpose, the department shall provide grants to counties, cities, and
21 regional planning organizations required under subsection ~~((+7))~~ (5)
22 of this section to conduct the review and perform the evaluation
23 required by this section.

24 ~~((+7))~~ (5) The provisions of this section shall apply to
25 counties, and the cities within those counties, that were greater
26 than one hundred fifty thousand in population in ~~((1995))~~ 1996 as
27 determined by office of financial management population estimates and
28 that are located west of the crest of the Cascade mountain range. Any
29 other county planning under RCW 36.70A.040 may carry out the review,
30 evaluation, and amendment programs and procedures as provided in this
31 section.

32 (6) The requirements of this section are subject to the
33 availability of funds appropriated for this specific purpose. If
34 sufficient funds are not appropriated consistent with the timelines
35 in subsection (2)(b) of this section, counties and cities shall be
36 subject to the review and evaluation program as it existed prior to
37 the effective date of this section.

38 **NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A
39 RCW to read as follows:

1 (1) The department of commerce, through a contract with a land
2 use and economics entity, shall develop guidance for local
3 governments on the review and evaluation program in RCW 36.70A.215.
4 The contract shall be with an entity experienced in serving private
5 and public sector clients which can assist developers and policy
6 makers to understand near-term market realities and long-term
7 planning considerations, and with experience facilitating successful
8 conversations between multiple local governments and stakeholders on
9 complex land use issues. The department of commerce shall enable
10 appropriate public participation by affected stakeholders in the
11 development of the guidance for the appropriate market factor
12 analysis and review and update of the overall buildable lands
13 program. This guidance regarding the market factor methodology and
14 buildable lands program shall be completed by December 1, 2018. The
15 buildable lands guidance shall analyze and provide recommendations
16 on:

17 (a) The review and evaluation program in RCW 36.70A.215 and
18 changes to the required information to be analyzed within the program
19 to increase the accuracy of the report when updating countywide
20 planning policies and the county and city comprehensive plans;

21 (b) Whether a more effective schedule could be developed for
22 countywide planning policies and the county and city comprehensive
23 plan updates to better align with implementing reasonable measures
24 identified through the review and evaluation program, and population
25 projections and census data while maintaining appropriate and timely
26 consideration of planning needs best done through a comprehensive
27 planning process;

28 (c) A determination on how reasonable measures, based on the
29 review and evaluation program, should be implemented into updates for
30 countywide planning policies and the county and city comprehensive
31 plans;

32 (d) Infrastructure costs, including but not limited to
33 transportation, water, sewer, stormwater, and the cost to provide new
34 or upgraded infrastructure if required to serve development; cost of
35 development; timelines to permit and develop land; market
36 availability of land; the nexus between proposed densities, economic
37 conditions needed to achieve those densities, and the impact to
38 housing affordability for home ownership and rental housing; and,
39 market demand when evaluating if land is suitable for development or

1 redevelopment. These all have an impact on whether development occurs
2 or if planned for densities will differ from achieved densities;

3 (e) Identifying the measures to increase housing availability and
4 affordability for all economic segments of the community and the
5 factors contributing to the high cost of housing including zoning/
6 development/environmental regulations, permit processing timelines,
7 housing production trends by housing type and rents and prices,
8 national and regional economic and demographic trends affecting
9 housing affordability and production by rents and prices, housing
10 unit size by housing type, and how well growth targets align with
11 market conditions including the assumptions on where people desire to
12 live;

13 (f) Evaluating how existing zoning and land use regulations are
14 promoting or hindering attainment of the goal for affordable housing
15 in RCW 36.70A.020(4). Barriers to meeting this goal shall be
16 identified and considered as possible reasonable measures for each
17 county and city, and as part of the next countywide planning policies
18 and county and city comprehensive plan update;

19 (g) Identifying opportunities and strategies to encourage growth
20 within urban growth areas;

21 (h) Identifying strategies to increase local government capacity
22 to invest in the infrastructure necessary to accommodate growth and
23 provide opportunities for affordable housing across all economic
24 segments of the community and housing types; and

25 (i) Other topics identified by stakeholders and the department.

26 (2) The requirements of this section are subject to the
27 availability of funds appropriated for this specific purpose.

28 **Sec. 4.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
29 read as follows:

30 The comprehensive plan of a county or city that is required or
31 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
32 and descriptive text covering objectives, principles, and standards
33 used to develop the comprehensive plan. The plan shall be an
34 internally consistent document and all elements shall be consistent
35 with the future land use map. A comprehensive plan shall be adopted
36 and amended with public participation as provided in RCW 36.70A.140.
37 Each comprehensive plan shall include a plan, scheme, or design for
38 each of the following:

1 (1) A land use element designating the proposed general
2 distribution and general location and extent of the uses of land,
3 where appropriate, for agriculture, timber production, housing,
4 commerce, industry, recreation, open spaces, general aviation
5 airports, public utilities, public facilities, and other land uses.
6 The land use element shall include population densities, building
7 intensities, and estimates of future population growth. The land use
8 element shall provide for protection of the quality and quantity of
9 groundwater used for public water supplies. Wherever possible, the
10 land use element should consider utilizing urban planning approaches
11 that promote physical activity. Where applicable, the land use
12 element shall review drainage, flooding, and storm water run-off in
13 the area and nearby jurisdictions and provide guidance for corrective
14 actions to mitigate or cleanse those discharges that pollute waters
15 of the state, including Puget Sound or waters entering Puget Sound.

16 (2) A housing element ensuring the vitality and character of
17 established residential neighborhoods that: (a) Includes an inventory
18 and analysis of existing and projected housing needs that identifies
19 the number of housing units necessary to manage projected growth; (b)
20 includes a statement of goals, policies, objectives, and mandatory
21 provisions for the preservation, improvement, and development of
22 housing, including single-family residences; (c) identifies
23 sufficient land for housing, including, but not limited to,
24 government-assisted housing, housing for low-income families,
25 manufactured housing, multifamily housing, and group homes and foster
26 care facilities; and (d) makes adequate provisions for existing and
27 projected needs of all economic segments of the community. In
28 counties and cities subject to the review and evaluation requirements
29 of RCW 36.70A.215, any revision to the housing element shall include
30 consideration of prior review and evaluation reports and any
31 reasonable measures identified.

32 (3) A capital facilities plan element consisting of: (a) An
33 inventory of existing capital facilities owned by public entities,
34 showing the locations and capacities of the capital facilities; (b) a
35 forecast of the future needs for such capital facilities; (c) the
36 proposed locations and capacities of expanded or new capital
37 facilities; (d) at least a six-year plan that will finance such
38 capital facilities within projected funding capacities and clearly
39 identifies sources of public money for such purposes; and (e) a
40 requirement to reassess the land use element if probable funding

1 falls short of meeting existing needs and to ensure that the land use
2 element, capital facilities plan element, and financing plan within
3 the capital facilities plan element are coordinated and consistent.
4 Park and recreation facilities shall be included in the capital
5 facilities plan element.

6 (4) A utilities element consisting of the general location,
7 proposed location, and capacity of all existing and proposed
8 utilities, including, but not limited to, electrical lines,
9 telecommunication lines, and natural gas lines.

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

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

20 (b) Rural development. The rural element shall permit rural
21 development, forestry, and agriculture in rural areas. The rural
22 element shall provide for a variety of rural densities, uses,
23 essential public facilities, and rural governmental services needed
24 to serve the permitted densities and uses. To achieve a variety of
25 rural densities and uses, counties may provide for clustering,
26 density transfer, design guidelines, conservation easements, and
27 other innovative techniques that will accommodate appropriate rural
28 economic advancement, densities, and uses that are not characterized
29 by urban growth and that are consistent with rural character.

30 (c) Measures governing rural development. The rural element shall
31 include measures that apply to rural development and protect the
32 rural character of the area, as established by the county, by:

- 33 (i) Containing or otherwise controlling rural development;
34 (ii) Assuring visual compatibility of rural development with the
35 surrounding rural area;
36 (iii) Reducing the inappropriate conversion of undeveloped land
37 into sprawling, low-density development in the rural area;
38 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
39 and surface water and groundwater resources; and

1 (v) Protecting against conflicts with the use of agricultural,
2 forest, and mineral resource lands designated under RCW 36.70A.170.

3 (d) Limited areas of more intensive rural development. Subject to
4 the requirements of this subsection and except as otherwise
5 specifically provided in this subsection (5)(d), the rural element
6 may allow for limited areas of more intensive rural development,
7 including necessary public facilities and public services to serve
8 the limited area as follows:

9 (i) Rural development consisting of the infill, development, or
10 redevelopment of existing commercial, industrial, residential, or
11 mixed-use areas, whether characterized as shoreline development,
12 villages, hamlets, rural activity centers, or crossroads
13 developments.

14 (A) A commercial, industrial, residential, shoreline, or mixed-
15 use area are subject to the requirements of (d)(iv) of this
16 subsection, but are not subject to the requirements of (c)(ii) and
17 (iii) of this subsection.

18 (B) Any development or redevelopment other than an industrial
19 area or an industrial use within a mixed-use area or an industrial
20 area under this subsection (5)(d)(i) must be principally designed to
21 serve the existing and projected rural population.

22 (C) Any development or redevelopment in terms of building size,
23 scale, use, or intensity shall be consistent with the character of
24 the existing areas. Development and redevelopment may include changes
25 in use from vacant land or a previously existing use so long as the
26 new use conforms to the requirements of this subsection (5);

27 (ii) The intensification of development on lots containing, or
28 new development of, small-scale recreational or tourist uses,
29 including commercial facilities to serve those recreational or
30 tourist uses, that rely on a rural location and setting, but that do
31 not include new residential development. A small-scale recreation or
32 tourist use is not required to be principally designed to serve the
33 existing and projected rural population. Public services and public
34 facilities shall be limited to those necessary to serve the
35 recreation or tourist use and shall be provided in a manner that does
36 not permit low-density sprawl;

37 (iii) The intensification of development on lots containing
38 isolated nonresidential uses or new development of isolated cottage
39 industries and isolated small-scale businesses that are not
40 principally designed to serve the existing and projected rural

1 population and nonresidential uses, but do provide job opportunities
2 for rural residents. Rural counties may allow the expansion of small-
3 scale businesses as long as those small-scale businesses conform with
4 the rural character of the area as defined by the local government
5 according to RCW 36.70A.030(15). Rural counties may also allow new
6 small-scale businesses to utilize a site previously occupied by an
7 existing business as long as the new small-scale business conforms to
8 the rural character of the area as defined by the local government
9 according to RCW 36.70A.030(15). Public services and public
10 facilities shall be limited to those necessary to serve the isolated
11 nonresidential use and shall be provided in a manner that does not
12 permit low-density sprawl;

13 (iv) A county shall adopt measures to minimize and contain the
14 existing areas or uses of more intensive rural development, as
15 appropriate, authorized under this subsection. Lands included in such
16 existing areas or uses shall not extend beyond the logical outer
17 boundary of the existing area or use, thereby allowing a new pattern
18 of low-density sprawl. Existing areas are those that are clearly
19 identifiable and contained and where there is a logical boundary
20 delineated predominately by the built environment, but that may also
21 include undeveloped lands if limited as provided in this subsection.
22 The county shall establish the logical outer boundary of an area of
23 more intensive rural development. In establishing the logical outer
24 boundary, the county shall address (A) the need to preserve the
25 character of existing natural neighborhoods and communities, (B)
26 physical boundaries, such as bodies of water, streets and highways,
27 and land forms and contours, (C) the prevention of abnormally
28 irregular boundaries, and (D) the ability to provide public
29 facilities and public services in a manner that does not permit low-
30 density sprawl;

31 (v) For purposes of (d) of this subsection, an existing area or
32 existing use is one that was in existence:

33 (A) On July 1, 1990, in a county that was initially required to
34 plan under all of the provisions of this chapter;

35 (B) On the date the county adopted a resolution under RCW
36 36.70A.040(2), in a county that is planning under all of the
37 provisions of this chapter under RCW 36.70A.040(2); or

38 (C) On the date the office of financial management certifies the
39 county's population as provided in RCW 36.70A.040(5), in a county

1 that is planning under all of the provisions of this chapter pursuant
2 to RCW 36.70A.040(5).

3 (e) Exception. This subsection shall not be interpreted to permit
4 in the rural area a major industrial development or a master planned
5 resort unless otherwise specifically permitted under RCW 36.70A.360
6 and 36.70A.365.

7 (6) A transportation element that implements, and is consistent
8 with, the land use element.

9 (a) The transportation element shall include the following
10 subelements:

11 (i) Land use assumptions used in estimating travel;

12 (ii) Estimated traffic impacts to state-owned transportation
13 facilities resulting from land use assumptions to assist the
14 department of transportation in monitoring the performance of state
15 facilities, to plan improvements for the facilities, and to assess
16 the impact of land-use decisions on state-owned transportation
17 facilities;

18 (iii) Facilities and services needs, including:

19 (A) An inventory of air, water, and ground transportation
20 facilities and services, including transit alignments and general
21 aviation airport facilities, to define existing capital facilities
22 and travel levels as a basis for future planning. This inventory must
23 include state-owned transportation facilities within the city or
24 county's jurisdictional boundaries;

25 (B) Level of service standards for all locally owned arterials
26 and transit routes to serve as a gauge to judge performance of the
27 system. These standards should be regionally coordinated;

28 (C) For state-owned transportation facilities, level of service
29 standards for highways, as prescribed in chapters 47.06 and 47.80
30 RCW, to gauge the performance of the system. The purposes of
31 reflecting level of service standards for state highways in the local
32 comprehensive plan are to monitor the performance of the system, to
33 evaluate improvement strategies, and to facilitate coordination
34 between the county's or city's six-year street, road, or transit
35 program and the office of financial management's ten-year investment
36 program. The concurrency requirements of (b) of this subsection do
37 not apply to transportation facilities and services of statewide
38 significance except for counties consisting of islands whose only
39 connection to the mainland are state highways or ferry routes. In
40 these island counties, state highways and ferry route capacity must

1 be a factor in meeting the concurrency requirements in (b) of this
2 subsection;

3 (D) Specific actions and requirements for bringing into
4 compliance locally owned transportation facilities or services that
5 are below an established level of service standard;

6 (E) Forecasts of traffic for at least ten years based on the
7 adopted land use plan to provide information on the location, timing,
8 and capacity needs of future growth;

9 (F) Identification of state and local system needs to meet
10 current and future demands. Identified needs on state-owned
11 transportation facilities must be consistent with the statewide
12 multimodal transportation plan required under chapter 47.06 RCW;

13 (iv) Finance, including:

14 (A) An analysis of funding capability to judge needs against
15 probable funding resources;

16 (B) A multiyear financing plan based on the needs identified in
17 the comprehensive plan, the appropriate parts of which shall serve as
18 the basis for the six-year street, road, or transit program required
19 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
20 35.58.2795 for public transportation systems. The multiyear financing
21 plan should be coordinated with the ten-year investment program
22 developed by the office of financial management as required by RCW
23 47.05.030;

24 (C) If probable funding falls short of meeting identified needs,
25 a discussion of how additional funding will be raised, or how land
26 use assumptions will be reassessed to ensure that level of service
27 standards will be met;

28 (v) Intergovernmental coordination efforts, including an
29 assessment of the impacts of the transportation plan and land use
30 assumptions on the transportation systems of adjacent jurisdictions;

31 (vi) Demand-management strategies;

32 (vii) Pedestrian and bicycle component to include collaborative
33 efforts to identify and designate planned improvements for pedestrian
34 and bicycle facilities and corridors that address and encourage
35 enhanced community access and promote healthy lifestyles.

36 (b) After adoption of the comprehensive plan by jurisdictions
37 required to plan or who choose to plan under RCW 36.70A.040, local
38 jurisdictions must adopt and enforce ordinances which prohibit
39 development approval if the development causes the level of service
40 on a locally owned transportation facility to decline below the

1 standards adopted in the transportation element of the comprehensive
2 plan, unless transportation improvements or strategies to accommodate
3 the impacts of development are made concurrent with the development.
4 These strategies may include increased public transportation service,
5 ride-sharing programs, demand management, and other transportation
6 systems management strategies. For the purposes of this subsection
7 (6), "concurrent with the development" means that improvements or
8 strategies are in place at the time of development, or that a
9 financial commitment is in place to complete the improvements or
10 strategies within six years. If the collection of impact fees is
11 delayed under RCW 82.02.050(3), the six-year period required by this
12 subsection (6)(b) must begin after full payment of all impact fees is
13 due to the county or city.

14 (c) The transportation element described in this subsection (6),
15 the six-year plans required by RCW 35.77.010 for cities, RCW
16 36.81.121 for counties, and RCW 35.58.2795 for public transportation
17 systems, and the ten-year investment program required by RCW
18 47.05.030 for the state, must be consistent.

19 (7) An economic development element establishing local goals,
20 policies, objectives, and provisions for economic growth and vitality
21 and a high quality of life. (~~The element may include the provisions~~
22 ~~in section 3 of this act.~~) A city that has chosen to be a
23 residential community is exempt from the economic development element
24 requirement of this subsection.

25 (8) A park and recreation element that implements, and is
26 consistent with, the capital facilities plan element as it relates to
27 park and recreation facilities. The element shall include: (a)
28 Estimates of park and recreation demand for at least a ten-year
29 period; (b) an evaluation of facilities and service needs; and (c) an
30 evaluation of intergovernmental coordination opportunities to provide
31 regional approaches for meeting park and recreational demand.

32 (9) It is the intent that new or amended elements required after
33 January 1, 2002, be adopted concurrent with the scheduled update
34 provided in RCW 36.70A.130. Requirements to incorporate any such new
35 or amended elements shall be null and void until funds sufficient to
36 cover applicable local government costs are appropriated and
37 distributed by the state at least two years before local government
38 must update comprehensive plans as required in RCW 36.70A.130.

1 **Sec. 5.** RCW 36.22.179 and 2014 c 200 s 1 are each amended to
2 read as follows:

3 (1) In addition to the surcharge authorized in RCW 36.22.178, and
4 except as provided in subsection (2) of this section, an additional
5 surcharge of ten dollars shall be charged by the county auditor for
6 each document recorded, which will be in addition to any other charge
7 allowed by law. From September 1, 2012, through June 30, (~~2019~~)
8 2023, the surcharge shall be forty dollars. The funds collected
9 pursuant to this section are to be distributed and used as follows:

10 (a) The auditor shall retain two percent for collection of the
11 fee, and of the remainder shall remit sixty percent to the county to
12 be deposited into a fund that must be used by the county and its
13 cities and towns to accomplish the purposes of chapter 484, Laws of
14 2005, six percent of which may be used by the county for the
15 collection and local distribution of these funds and administrative
16 costs related to its homeless housing plan, and the remainder for
17 programs which directly accomplish the goals of the county's local
18 homeless housing plan, except that for each city in the county which
19 elects as authorized in RCW 43.185C.080 to operate its own local
20 homeless housing program, a percentage of the surcharge assessed
21 under this section equal to the percentage of the city's local
22 portion of the real estate excise tax collected by the county shall
23 be transmitted at least quarterly to the city treasurer, without any
24 deduction for county administrative costs, for use by the city for
25 program costs which directly contribute to the goals of the city's
26 local homeless housing plan; of the funds received by the city, it
27 may use six percent for administrative costs for its homeless housing
28 program.

29 (b) The auditor shall remit the remaining funds to the state
30 treasurer for deposit in the home security fund account. The
31 department may use twelve and one-half percent of this amount for
32 administration of the program established in RCW 43.185C.020,
33 including the costs of creating the statewide homeless housing
34 strategic plan, measuring performance, providing technical assistance
35 to local governments, and managing the homeless housing grant
36 program. Of the remaining eighty-seven and one-half percent, at least
37 forty-five percent must be set aside for the use of private rental
38 housing payments, and the remainder is to be used by the department
39 to:

1 (i) Provide housing and shelter for homeless people including,
2 but not limited to: Grants to operate, repair, and staff shelters;
3 grants to operate transitional housing; partial payments for rental
4 assistance; consolidated emergency assistance; overnight youth
5 shelters; grants and vouchers designated for victims of human
6 trafficking and their families; and emergency shelter assistance; and

7 (ii) Fund the homeless housing grant program.

8 (2) The surcharge imposed in this section does not apply to (a)
9 assignments or substitutions of previously recorded deeds of trust,
10 (b) documents recording a birth, marriage, divorce, or death, (c) any
11 recorded documents otherwise exempted from a recording fee or
12 additional surcharges under state law, (d) marriage licenses issued
13 by the county auditor, (~~(e)~~) (e) documents recording a state,
14 county, or city lien or satisfaction of lien, or (f) documents
15 recording a water-sewer district lien or satisfaction of a lien for
16 delinquent utility payments.

17 **Sec. 6.** RCW 82.46.037 and 2016 c 138 s 4 are each amended to
18 read as follows:

19 (1) A city or county that meets the requirements of subsection
20 (2) of this section may use the greater of one hundred thousand
21 dollars or twenty-five percent of available funds, but not to exceed
22 one million dollars per year, from revenues collected under RCW
23 82.46.035 for:

24 (a) The maintenance of capital projects, as defined in RCW
25 82.46.035(5); (~~(e)~~)

26 (b) From July 1, 2017, until June 30, 2019, the acquisition,
27 construction, improvement, or rehabilitation of facilities to provide
28 housing for the homeless; or

29 (c) The planning, acquisition, construction, reconstruction,
30 repair, replacement, rehabilitation, improvement, or maintenance of
31 capital projects as defined in RCW 82.46.010(6)(b) that are not also
32 included within the definition of capital projects in RCW
33 82.46.035(5).

34 (2) A city or county may use revenues pursuant to subsection (1)
35 of this section if:

36 (a) The city or county prepares a written report demonstrating
37 that it has or will have adequate funding from all sources of public
38 funding to pay for all capital projects, as defined in RCW

1 82.46.035(5), identified in its capital facilities plan for the
2 succeeding two-year period; and

3 (b)(i) The city or county has not enacted, after June 9, 2016,
4 any requirement on the listing or sale of real property; or any
5 requirement on landlords, at the time of executing a lease, to
6 perform or provide physical improvements or modifications to real
7 property or fixtures, except if necessary to address an immediate
8 threat to health or safety; (~~or~~)

9 (ii) Any local requirement adopted by the city or county under
10 (b)(i) of this subsection is: Specifically authorized by RCW
11 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW;
12 specifically authorized by other state or federal law; or a seller or
13 landlord disclosure requirement pursuant to RCW 64.06.080; or

14 (iii) For a city or county using funds under subsection (1)(b) of
15 this section, the requirements of this subsection apply, except that
16 the date for such enactment under (b)(i) of this subsection is ninety
17 days after the effective date of this section.

18 (3) The report prepared under subsection (2)(a) of this section
19 must: (a) Include information necessary to determine compliance with
20 the requirements of subsection (2)(a) of this section; (b) identify
21 how revenues collected under RCW 82.46.035 were used by the city or
22 county during the prior two-year period; (c) identify how funds
23 authorized under subsection (1) of this section will be used during
24 the succeeding two-year period; and (d) identify what percentage of
25 funding for capital projects within the city or county is
26 attributable to revenues under RCW 82.46.035 compared to all other
27 sources of capital project funding. The city or county must prepare
28 and adopt the report as part of its regular, public budget process.

29 (~~(4) ((The authority to use funds as authorized in this section is~~
30 ~~in addition to the authority to use funds pursuant to RCW~~
31 ~~82.46.035(7), which remains in effect through December 31, 2016.~~

32 ~~(5))~~) For purposes of this section, "maintenance" means the use
33 of funds for labor and materials that will preserve, prevent the
34 decline of, or extend the useful life of a capital project.
35 "Maintenance" does not include labor or material costs for routine
36 operations of a capital project.

37 **Sec. 7.** RCW 43.21C.440 and 2012 1st sp.s. c 1 s 303 are each
38 amended to read as follows:

1 (1) For purposes of this chapter, a planned action means one or
2 more types of development or redevelopment that meet the following
3 criteria:

4 (a) Are designated as planned actions by an ordinance or
5 resolution adopted by a county, city, or town planning under RCW
6 36.70A.040;

7 (b) In conjunction with, or to implement, a comprehensive plan or
8 subarea plan adopted under chapter 36.70A RCW, or a fully contained
9 community, a master planned resort, a master planned development, or
10 a phased project, have had the significant impacts adequately
11 addressed;

12 (i) In an environmental impact statement under the requirements
13 of this chapter ((in conjunction with, or to implement, a
14 comprehensive plan or subarea plan adopted under chapter 36.70A RCW,
15 or a fully contained community, a master planned resort, a master
16 planned development, or a phased project)); or

17 (ii) In a threshold determination or, where one is appropriate,
18 in an environmental impact statement under the requirements of this
19 chapter, if the planned action contains mixed use or residential
20 development and encompasses an area that:

21 (A) Is within one-half mile of a major transit stop; or

22 (B) Will be within one-half mile of a major transit stop no later
23 than five years from the date of the designation of the planned
24 action;

25 (c) Have had project level significant impacts adequately
26 addressed in a threshold determination or, where one is required
27 under (b) of this subsection or where otherwise appropriate, an
28 environmental impact statement, unless the impacts are specifically
29 deferred for consideration at the project level pursuant to
30 subsection (3)(b) of this section;

31 (d) Are subsequent or implementing projects for the proposals
32 listed in (b) of this subsection;

33 (e) Are located within an urban growth area designated pursuant
34 to RCW 36.70A.110;

35 (f) Are not essential public facilities, as defined in RCW
36 36.70A.200, unless an essential public facility is accessory to or
37 part of a residential, office, school, commercial, recreational,
38 service, or industrial development that is designated a planned
39 action under this subsection; and

1 (g) Are consistent with a comprehensive plan or subarea plan
2 adopted under chapter 36.70A RCW.

3 (2) A county, city, or town shall define the types of development
4 included in the planned action and may limit a planned action to:

5 (a) A specific geographic area that is less extensive than the
6 jurisdictional boundaries of the county, city, or town; or

7 (b) A time period identified in the ordinance or resolution
8 adopted under this subsection.

9 (3)(a) A county, city, or town shall determine during permit
10 review whether a proposed project is consistent with a planned action
11 ordinance adopted by the jurisdiction. To determine project
12 consistency with a planned action ordinance, a county, city, or town
13 may utilize a modified checklist pursuant to the rules adopted to
14 implement RCW 43.21C.110, a form that is designated within the
15 planned action ordinance, or a form contained in agency rules adopted
16 pursuant to RCW 43.21C.120.

17 (b) A county, city, or town is not required to make a threshold
18 determination and may not require additional environmental review,
19 for a proposal that is determined to be consistent with the
20 development or redevelopment described in the planned action
21 ordinance, except for impacts that are specifically deferred to the
22 project level at the time of the planned action ordinance's adoption.
23 At least one community meeting must be held before the notice is
24 issued for the planned action ordinance. Notice for the planned
25 action and notice of the community meeting required by this
26 subsection (3)(b) must be mailed or otherwise verifiably provided to:
27 (i) All affected federally recognized tribal governments; and (ii)
28 agencies with jurisdiction over the future development anticipated
29 for the planned action. The determination of consistency, and the
30 adequacy of any environmental review that was specifically deferred,
31 are subject to the type of administrative appeal that the county,
32 city, or town provides for the proposal itself consistent with RCW
33 36.70B.060.

34 (4) For a planned action ordinance that encompasses the entire
35 jurisdictional boundary of a county, city, or town, at least one
36 community meeting must be held before the notice is issued for the
37 planned action ordinance. Notice for the planned action ordinance and
38 notice of the community meeting required by this subsection must be
39 mailed or otherwise verifiably provided to:

1 (a) All property owners of record within the county, city, or
2 town;

3 (b) All affected federally recognized tribal governments; and

4 (c) All agencies with jurisdiction over the future development
5 anticipated for the planned action.

6 (5) For purposes of this section, "major transit stop" means a
7 commuter rail stop, a stop on a rail or fixed guideway or transitway
8 system, or a stop on a high capacity transportation service funded or
9 expanded under chapter 81.104 RCW.

10 NEW SECTION. Sec. 8. Section 2 of this act expires January 1,
11 2030.

Passed by the Senate June 29, 2017.

Passed by the House June 29, 2017.

Approved by the Governor July 6, 2017.

Filed in Office of Secretary of State July 7, 2017.

--- END ---

Review and Evaluation Program 2019 Issue Paper - 1

Introduction

The Review & Evaluation Program, commonly referred to as the Buildable Lands Program, is part of Washington State's Growth Management Act (GMA) and is codified in RCW 36.70A.215 and WAC 365-195-315. In 2017, E2SSB 5254 (Exhibit A), a bill to ensure adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs, was passed by the Washington State Legislature and constitutes the first major revision to the Program since its inception in 1997. The 2018 Buildable Lands Guidelines (Exhibit B), resulting from E2SSB 5254, is also the first update since the original Buildable Lands Guidelines was published in 2000. The purpose of the Program per 36.70A.215(1)(a)(b) and (3)(a) is to:

- a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets and objectives contained in the county wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and
- b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns.
- a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110.

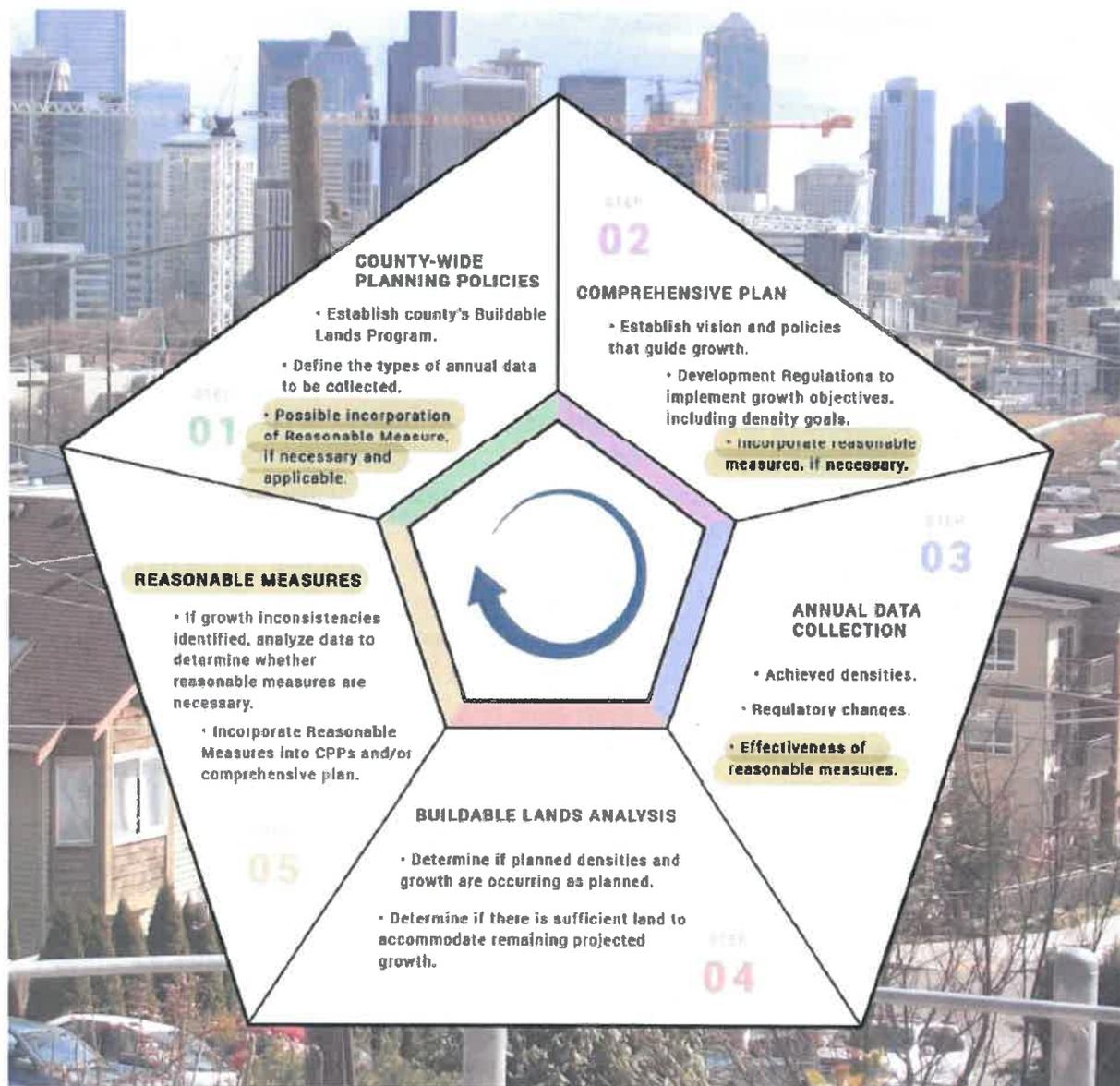
Background

In 2000, the county amended the comprehensive plan to establish the review and evaluation program (ORD. 2000-12-16). The county has completed three review and evaluation cycles culminating with the issuance of Buildable Lands Reports in 2002, 2007 and 2015, which informed the 2004, 2007 and 2016 Comprehensive Plan updates, respectively. The Vacant Buildable Lands Model (VBLM) is the tool the county uses to perform the buildable lands analysis. The VBLM analyzes potential residential and employment capacity of each urban growth area based on vacant and underutilized land classifications. This potential capacity is used to determine the amount of urban land needed to accommodate projected population and job growth for the next 20 years during plan updates and to analyze land consumption or conversion rates on an annual basis for plan monitoring purposes.

Process

The graphic below depicts the steps in the review and evaluation program and the relationship between the components of the program. The five steps identified form the structure of the review and evaluation program that has been in place since 2000. Reasonable measures are the fifth step in the process. However, if the evaluation identifies a difference between the growth and development assumptions, it may trigger additional action in steps one through three, as highlighted.

Figure 1. Procedural Overview



Source: Buildable Lands Guidelines 2018, Department of Commerce

Updated Guidelines

Table 1 below, provides a condensed summary of the major amendments to the buildable lands legislation that were addressed by the Department of Commerce in the revised 2018 Buildable Lands Guidelines and how they will affect Clark County. The underlined text indicates the changes to the statute. These items fall into three categories: Development standards and zoning, market factor analysis, and infrastructure gap assessment. These three areas of analysis may necessitate changes to the assumptions used to estimate capacity in the Vacant Buildable Lands Model (VBLM). The intent of the legislation is to require jurisdictions to show their work to demonstrate the factual basis for planning assumptions. The guidelines provide a variety of methods to accomplish this objective including evaluating existing sales data, surveying property owners, and real estate industry professionals.

Table 1. Summary of amendments to Buildable Lands Guidelines

	Amendments to the Buildable Lands Guidelines	Effect on Clark County
1.	<p>Sec. 2(1)(b): The purpose of the review and evaluation program shall be to: Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. <u>Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.</u></p>	<p>Clarification on process.</p>
2.	<p>Sec. 2 (2)(a): The review and evaluation 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, <u>zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention;</u> and capital facilities to determine the quantity and type of land suitable for development, both for residential and employment-based activities;</p>	<p>New information to collect and evaluate as part of the program. May necessitate changes to the capacity estimates. (Vacant Buildable Lands Model)</p>
3.	<p>Sec. 2 (2)(b): The review and evaluation program shall: Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. The evaluation shall be completed no later than three years prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. <u>For comprehensive plans required to be updated before 2024, the evaluation as provided in subsection (3) of this section shall be completed no later than two years prior to the deadline for review and, if necessary, update of comprehensive plans.</u> The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;</p>	<p>Establishes timeline for update of the buildable lands report.</p>

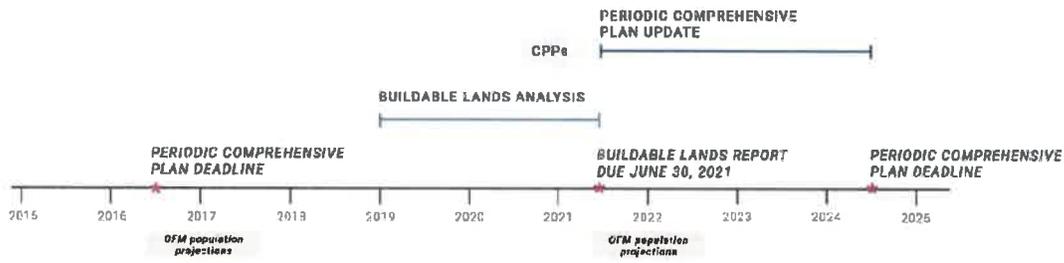
4.	<p><u>Sec. 2 (2)(d): The review and evaluation program shall: Develop reasonable measures to use in reducing the differences between growth and development assumptions and targets contained in the countywide planning policies and county and city comprehensive plans, with the actual development patterns. The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans.</u></p>	<p>Procedural requirement to amend comp plan for adoption of reasonable measures, if necessary.</p>
5.	<p>Sec. 2(3)(a): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110. <u>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;</u></p>	<p>Market factor required. See #8 below. Clark County already uses a market supply factor.</p>
6.	<p><u>Sec. 2(3)(b)(i): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater);</u></p>	<p>In addition to #5 above, analysis of infrastructure gaps is required. Capital Facilities Plan's may be sufficient. Urban Holding analysis could also be used. Zoning/development regulations (i.e. could include infrastructure assumptions due to changes in stormwater regulations)</p>

7.	<p><u>Sec. 2(3)(b)(ii): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment. The methodology for conducting a reasonable land Market Supply Factor shall be determined through the guidance developed in section 3 of this act;</u></p>	<p>Market supply factor is already in use but will need to show work to demonstrate factual basis for planning assumptions. This can be addressed in many ways including property owner surveys, sales activity and ownership patterns, advisory committee input, etc. This will be a major focus of the advisory group.</p>
8.	<p><u>Sec. 2(3)(c): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: 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 plans will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale.</u></p>	<p>Additional analysis may be required to justify continued use of planning assumptions.</p>
9.	<p><u>Sec. 2(6): The requirements of this section are subject to the availability of funds appropriated for this specific purpose. If sufficient funds are not appropriated consistent with the timelines in subsection (2) (b) of this section, counties and cities shall be subject to the review and evaluation program as it existed prior to the effective date of this section.</u></p>	<p>Requires state funding for the new requirements or new requirements go away and revert to the previous evaluation.</p>

Timeline

Clark County's next Buildable Lands Report is due to Commerce by June 30, 2021, three years prior to the 2024 Comprehensive Plan update. The graphic below illustrates how the buildable lands analysis fits into the next periodic review.

Figure 2. Review & Evaluation Program Timeline - Clark County



Source: Buildable Lands Guidelines 2018, Department of Commerce

Next Steps

A request for proposal is anticipated to go out in June for the following scope of work: Review existing Clark County Vacant and Buildable Lands Model in relation to the new Buildable Lands guidelines and identify any necessary improvements; facilitate technical advisory committee meetings; and issue a final report and presentation to council.

A technical advisory committee, appointed by Council, will provide input to implement the updated buildable lands guidelines related to development standards and zoning, market factor analysis, and infrastructure gap assessment.

In 2000, the then Board of County Commissioners convened a Vacant Buildable Lands Model technical advisory committee to review definitions of land classifications and the assumptions that would be applied to them. The TAC was represented by the Responsible Growth Forum, Friends of Clark County, GIS Staff, Planning Staff and a City representative. The 2019 technical advisory committee should include representatives from those or similar organizations and representatives of two cities (Vancouver and one of the smaller cities) would be recommended.

Any recommendations to update the VBLM would go through the Type IV public process to include Planning Commission work session and public hearing, and council work session and a public hearing.

Rebecca Messinger

From: Kathleen Otto
Sent: Monday, September 28, 2020 12:52 PM
To: Tina Redline; Rebecca Messinger
Subject: FW: Questionable 1-29-20 VBLM Work Session report - FOR THE PUBLIC RECORD



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <cccuinc@yahoo.com>
Sent: Monday, September 28, 2020 12:33 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Fw: Questionable 1-29-20 VBLM Work Session report - FOR THE PUBLIC RECORD

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FOR THE PUBLIC RECORD

Dear Councilors,

At the Councilor Work Session on January 29, 2020 staff indicated that the purpose of the buildable lands process was to comply with a bill that focused on affordable housing. That statement is only partially true, and actually not the reason for the VBLM report.

The VBLM report is to be an annual report, for those counties being required to submit a report, to show the state they are accounting for the growth that is happening in their county. Affordable housing has been

added to the RCW 36.70A.215 requirements, but is not the focus of the law or the report. This attached professional report from the people in the field, agree. The bill that passed was to assure the state required buildable lands annual reports were accurate. Additional language was added to the law to be far more descriptive and definitive over what was expected of each county. The staff appears to be leading you in the wrong direction regarding Clark County's responsibility to this ammended RCW.

CCCU was told by staff, in 2015, that they judiciously submit the report on an annual basis, as directed by the RCW. But we see their reports were only done every five years. Did staff just re-submit the report each year, without a formal review process to consider changes? A comment made by Clark Countys' outside attorney, while reviewing the Thorpe report in 2016, indicated the county was behind on their reports and needed to catch up.

There are numerous citings in the RCW and state directives that, in discovery of possible buildable lands, the process is to be a county wide endeavor. After that process is complete, the county will then be able to determine the likelihood of land that would be developed and how much will be available for housing and jobs. In the case of rural land, CCCU understands that in past reports, the county just counted the potential lots. But, now they must eliminate unbuildable land first, according to 36.70A.215, before they can determine housing potential in that area.

The county continues to use an unauthorized formula, deemed by the courts in 1996, of 85% in the cities and 15% in the rural areas. Instead of complying with the court actions, the county changed that formula from 85% / 15%, to 90% / 10%, in the 2004-2007 Comprehensive Plan, with no public process. By changing the formula numbers, perhaps the county thought they could ignore the court ruling. Even when using an unauthorized formula, the county will now be compelled to change the

buildable lands model for rural areas using the new RCW criteria, and not just count lots. CCCU determined that it appeared in the research that in 2016, the county actually counted lots twice, in the remainder parcels of cluster developments, using the current rural or resource zone and a potential urban zone. This time, the county report will have to show the work, as to how the county determines buildable lands for both urban and rural land, as a county wide process.

In the 2016 Comprehensive Plan, the expected population growth was noted as 114,000, for the twenty year period, leaving 11,400 for the rural areas, using the illegal formula. But in another passage in the Plan, it indicates the 114,000 people is projected for the urban area only. So where are the rural people going to live?

There is much to be questioned regarding the information given the Councilors at that recent Work Session, and CCCU will be submitting more testimony over additional concerns, as the process unfolds.

Sincerely,

Carol Levanen, Exec. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

New Buildable Lands Law Projected to Improve Data, Fill Gaps In State Housing Inventory - Lens

Governor Jay Inslee recently signed a bill into law which would increase the accuracy of buildable lands reports, a move that realtors and homebuilders say will help increase housing inventory across the state.

Photo: Murderbike

Washington homebuilders and realtors are praising a new law that would clarify what land is considered buildable under Growth Management Act

(GMA) comprehensive plan updates – a move stakeholders say will help address housing inventory shortages across Washington.

The Senate approved SB 5254 in a 47-2 vote on June 29. On the same day, the bill passed the House in a 85-9 vote, with four excused. On July 6, Governor Jay Inslee signed the measure into law.

Washington State Legislature

State Sen. Joe Fain (R-47) is prime sponsor of the bill, and cosponsors include State Sens. Guy Palumbo (D-1), Hans Zeiger (R-25) and Steve Hobbs (D-44).

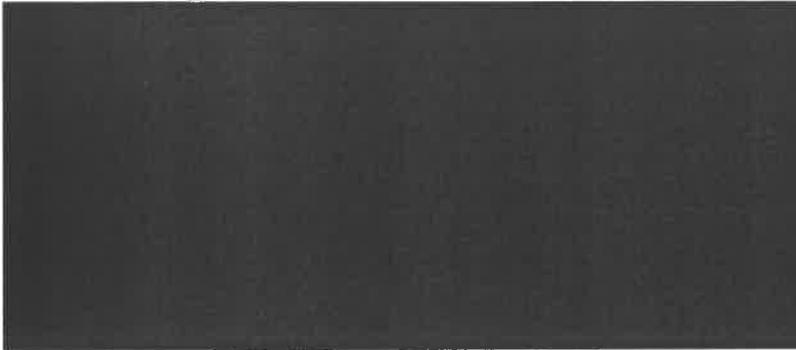
“The thing I was largely interested in...was finding a way to make buildable lands reports more valuable,” Fain told Lens, stating that previously, versions of such reports could contain inaccurate information that would actually make land unbuildable.

For example, land might be too steep or located adjacent to sensitive areas which would render it unable to be permitted, according to Fain. “If you are looking where to put developments, it completely falls apart if there is bad data...” he said.

Under the GMA, King, Snohomish, Pierce, Clark, Thurston and Kitsap Counties must establish a growth review and evaluation program, also known as the Buildable Lands program, to determine whether counties and cities are achieving urban growth within the urban growth area – a key requirement of the law.

The buildable lands report (BLR) compares actual growth and development with forecasted growth under the comprehensive plans. If

there are any discrepancies between the two, counties and the cities within them are required to improve the accuracy of the projected and experienced growth figures.



Growth Management Buildable Lands - Washington State Department of Commerce

Evaluating six Washington counties to determine if they have an adequate amount of residential, commercial, and ...

“It is critically important to make sure these are actually valuable documents that can be used by both the private and public sector and help local governments find resources they can use to make sure these things get done properly,” Fain said.

Bill Clarke, a lobbyist for Washington Realtors, agrees with Fain.

Land might appear usable on paper but might lack infrastructure for water or sewage, he said, or there may be environmental concerns to consider such as being near wetlands or buffers – all of which compromise the usefulness of the land.

Clarke said it has previously been difficult to determine what land is buildable, and has proven frustrating to many, including homebuilders, who also support the new law.

“The bill’s passage represents a major step forward for the buildable lands process by ensuring greater accuracy of information used to plan for growth,” said Nick Harper, senior director of strategy and policy at the Master Builders Association of King and Snohomish Counties in response to SB 5254’s signing.

“More accurate buildable lands data should help our region do a better job of utilizing existing land supply and infrastructure to meet current and future housing demand,” he added.

Counties planning under GMA must update their comprehensive plan every eight years, but not every county is on the same update schedule. According to the bill report, local jurisdictions updating their GMA comprehensive plan before 2024 would need to complete their buildable lands report no later than two years before the final report is due.

Clarke said moving the deadline up will allow cities or counties to take advantage of lessons learned for the next plan update.

Among the law’s other requirements, local jurisdictions must review rules and situations which may affect development and identify areas of land which are no longer fit for development or redevelopment. Also zoning, development and environmental regulation data will be considered to better meet growth and development projections.

After the law takes effect, and up until December 1, 2018, the Department of Commerce must work alongside local governments and stakeholders to create guidance materials for updating the BLR process.

The law would also work to address shortages in the state's housing inventory, according to Clarke, which has been a growing concern over the past few years.

"We will get a more accurate picture of how much buildable land is needed to meet population growth," he said. "If there is adequate buildable land and density, then you can theoretically get the additional inventory you need. That's how it's supposed to work."

According to recent data from the Northwest Multiple Listing Service (NWMLS), Washington's housing inventory was down 14 percent in June 2017 with 14,482 active listings compared to one year prior; June 2016 had 16,838. This year, however, there was slight inventory improvement from May to June, when the figure jumped by 16 percent.

The sparse inventory was most noticeable in King County where less than a month's supply of housing was available for purchase, whereas in a "balanced market," inventory would be closer to a four- or six-month supply, according to the NWMLS release.

"The lack of inventory hurts everyone within the housing spectrum, from renters to first-time homebuyers to homeless to buyers," said Clarke.

Under GMA, the Office of Financial Management (OFM) assigns population projections to each county, who then assigns it to each city. Clarke says cities should be able to absorb these demands with adequate buildable land.

"From a policy standpoint, we want to make sure more homes are built in the right areas to accommodate the growth our region has seen, but to do it in a way that is sensitive to environmental or infrastructure concerns," said Fain.

An additional component of the bill becomes effective January 2018, which allows cities and counties to use additional tax funds to obtain, build or improve homeless housing facilities until June 30, 2019. Also, the current \$40 surcharge for the Homeless Housing and Assistance Act would receive a four-year extension, which Clarke says is the main source of revenue for many local programs.

The law takes effect on October 19, 2017.

Rebecca Messinger

From: Kathleen Otto
Sent: Monday, September 28, 2020 8:16 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: Buildable Lands Guidelines, Pg.18 - FOR THE PUBLIC RECORD



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <cccuinc@yahoo.com>
Sent: Saturday, September 26, 2020 10:34 AM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Cc: Susan Rasmussen <sprazz@outlook.com>; Carol Levanen <cnldental@yahoo.com>
Subject: Fw: Buildable Lands Guidelines, Pg.18 - FOR THE PUBLIC RECORD

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Dear Councilors,

The recent VBLM Report Committee meeting clearly showed the direction the staff and consultant firm was going. Higher density in the city of Vancouver was their focus, despite the GMA mandates under RCW 36.70A.215, the ECONorthwest contract obligations and the VBLM state Guidelines. Mr. Alvarez stated early on in the last September 25, 2020 virtual meeting, that nothing was going to happen with the rural areas and no changes will be made. You must ask the question, what ever happened with the GMA mandate of a county wide process to assure affordable housing to all segments of the population in the county. This work is not acceptable.

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

The data necessary to evaluate measures that will be adopted to increase consistency, are located in the **Department of Commerce, Review & Evaluation Program, Buildable Lands Guidelines, 2018, Chapter 2: DATA COLLECTION, Pg.17-20**. This data is critical to the work of the Buildable Lands Committee.

Data Collection Responsibilities

Each jurisdiction is responsible for collecting, reporting, and evaluating key data. . . County-wide planning policies or other processes, adopted administratively, must be set in place to outline how this process will occur. . .

The county collects data within unincorporated areas.

Annual Data

. . . 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 to determine the quantity and type of land suitable for development, both for residential and employment-based activities. . .

The basic types of annual data can generally be organized into the following categories: (1) urban and rural land uses and development; (2) zoning and development standards; (3) environmental regulations; (4) capital facilities; and (5) data necessary to evaluate measures adopted to increase consistency.

Urban and Rural Land Uses & Development (Pg. 18)

Jurisdictions should design and implement appropriate data collection systems to collect data on development activities both inside and outside UGA's. This should include data items that

Address the annual volume of residents and employment-based development. The information may be derived from plat records, building permits, certificates of occupancy, GIS data submitted as part of subdivision approval, and any other relevant data source.

1. **Permit data . . .**
2. **Construction data . . .**
3. **Parcel data from County Assessor's office including**
 - . Parcel information
 - . Land and improvement values; and
 - . Easements, deeds, and restrictions, if necessary.
4. **Land use adjustments that affect the buildable land supply:**
 - . Changes to the amount of land in UGA's; and
 - . Changes to the amount or type of residential, commercial, and industrial lands.
5. **Employment-based data**
 - . Square footage of commercial and industrial improvements for each site developed or

redeveloped; and

. Washington State Employment Sector jobs per acre data.

Development Regulations

Development regulations, such as zoning and development standards, stormwater, shoreline, and tree retention requirements, among others, must be tracked by jurisdictions annually. There is a great deal of flexibility as to what and how this information must be tracked and collected, but the intent of tracking information related to development regulations is to assess what impact, if any, adopted regulations might be having on achieved densities. . .

Critical Areas

Local governments collect annual data on critical areas to update their land inventories with the most current information that relates to reduced development potential. Critical areas data can be used to more accurately calculate the supply of buildable land without critical areas constraints during the evaluation.

Critical area adjustments may include, but are not limited to:

- . New areas set aside as a result of the Endangered Species Act requirements;*
- . Areas impacted by floodplain and natural hazard regulations; and*
- . Changes to the amount of land identified as critical area buffers in which development is precluded.*

Capital Facilities

. . . At a minimum, these data should include the location and amount of land identified for major capital facilities that will be subtracted from the overall 20-year land supply. . .

Measures Adopted to Increase Consistency

The Buildable Lands Analysis may demonstrate differences between achieved growth and growth which was envisioned in the county-wide planning policies, and comprehensive plans.

Post-Evaluation Data (Pg. 20)

. . . There are two potential outcomes if an inconsistency is identified. First analysis of an inconsistency may result in a determination that reasonable measures are not necessary to reduce the differences between development assumptions and targets and actual development patterns. . .

A jurisdiction may review the results of the evaluation and gather any other information needed to assess why the inconsistency exists.

. . information about economic factors may help explain why development did not occur as previously envisioned.

This information is to be provided for not only the city of Vancouver, as was demonstrated in the last VBLM meeting, but is to be provided for throughout the county. The county has a lot of work to do to be complaint to the GMA.

Sincerely,

Susan Rasmussen, President

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

Rebecca Messinger

9/25/20 cc'd: Olivero, & Sonja Wi

From: Kathleen Otto
Sent: Friday, September 25, 2020 3:04 PM
To: Tina Redline; Rebecca Messinger
Subject: FW: meeting 7 of VBLM Vancouver centric - FOR THE PUBLIC RECORD



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <cccuinc@yahoo.com>
Sent: Friday, September 25, 2020 2:39 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Fw: meeting 7 of VBLM Vancouver centric - FOR THE PUBLIC RECORD

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilors,

I am currently listening to the VBLM Report Committee meeting and Jose' has just told Jim Malinowski that nothing will be changing in the rural areas and nothing has been done on behalf of the rural area in this process. Is this a policy decision by the councilors? I think that CCCU's question needs to be answered by the councilors. Please respond to this question and your reason for that decision. Jose' leads the public to believe that is the case. CCCU does not believe Clark County would be compliant to the law to limit the VBLM process to the city of Vancouver, according to the mandates of the GMA.

Sincerely,

Carol Levanen, Exec. Secretary

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>; John Blom <john.blom@clark.wa.gov>; julie.olson@clark.wa.gov <julie.olson2@clark.wa.gov>; Temple Lentz <temple.lentz@clark.wa.gov>; kathleen.otto@clark.wa.gov <kathleen.otto@clark.wa.gov>
Sent: Friday, September 25, 2020, 02:23:07 PM PDT

Subject: Fw: meeting 7 of VBLM Vancouver centric - FOR THE PUBLIC RECORD

Dear Councilors,

Clark County Citizens United Inc. continues to wait for the VBLM process perform a county wide evaluation of potential buildable land throughout the county in both rural and urban areas. None of this information has come forth, thus far. When we will see all of the charts, research and data is a mystery, but none of those items, which other counties have performed, has been presented.

Most concerning is that it appears that this whole process is just for the planning and benefit of the city of Vancouver, Why are the county wide taxpayers footing the bill for the City of Vancouver to do their planning. That city should be paying the cost for the work that has been done by EcoNorthwest for the VBLM Report. I have attached the link to the meeting power point and it is clearly limited to the city of Vancouver, CCCU and its membership cannot accept this kind of flawed process. Whoever does this Report, it must be county wide and follow the GMA mandates under RCW 36.70A.215.

Sincerely,

Carol Levanen, Exec. Secretary

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

https://clark.wa.gov/sites/default/files/media/document/2020-09/5.%20BLPAC_Meeting7_Presentation.pdf

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

Rebecca Messinger

From: Kathleen Otto
Sent: Friday, September 25, 2020 7:54 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: Action items going forward - the VBLM Report - FOR THE PUBLIC RECORD
Attachments: Staff Feedback on Planning Assumption Choices.docx



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <ccuinc@yahoo.com>
Sent: Thursday, September 24, 2020 5:46 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Fw: Action items going forward - the VBLM Report - FOR THE PUBLIC RECORD

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 ccuinc@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 McIssac 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 with 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>

	<p><u>lands. Those parcels should have been included in the calculations.</u></p>	<p>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.</p>
3	<p>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.</p>	<p>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.</p> <p><u>. 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.</u></p> <p>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.</p> <p>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.</p>
4	<p>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.</p>	<p>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.</p> <p><u>This would be a BOCC policy decision.</u></p>
5	<p>Lots that are up to 10% smaller than the minimum lot size should be considered as</p>	<p>Same</p>

	conforming lots and counted as likely to develop as provided by current county code.	
6	All nonconforming parcels with <u>at least 1 acre</u> 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 unsupported 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><u>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%?</u></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><u>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.</u></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,</u> as well as other GMA provisions concerning protection of resource industries.</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	<u>na</u>
1996	293,182	44,882	15.3	85/15	<u>11.9</u>
1997	305,287	46,409	15.2	85/15	<u>12.6</u>
1998	319,233	48,104	15.1	85/15	<u>12.2</u>
1999	330,800	49,429	14.9	85/15	<u>11.5</u>
2000	346,435	51,182	14.8	85/15	<u>11.2</u>
2001	354,870	52,002	14.7	85/15	<u>9.7</u>
2002	369,360	53,548	14.5	85/15	<u>10.7</u>
2003	375,394	54,146	14.4	86/14	<u>9.9</u>
2004	384,713	54,869	14.3	86/14	<u>7.8</u>
2005	395,780	56,009	14.2	86/14	<u>10.3</u>
2006	406,124	57,551	14.2	86/14	<u>14.9</u>
2007	414,743	58,608	14.1	86/14	<u>12.3</u>
2008	419,483	59,042	14.1	86/14	<u>9.2</u>
2009	424,406	59,623	14.0	86/14	<u>11.8</u>
2010	427,327	59,858	14.0	86/14	<u>8.0</u>
2011	432,109	60,544	14.0	86/14	<u>14.3</u>
2012	435,048	60,845	14.0	86/14	<u>10.2</u>
2013	443,277	61,489	13.9	86/14	<u>7.8</u>
2014	446,785	61,948	13.9	86/14	<u>13.1</u>

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.

Rebecca Messinger

9/23/2020: CC'd to Council, Rob Klug,
Ejaz Khan, Lauren Smith

From: webmaster@clark.wa.gov on behalf of Clark County <webmaster@clark.wa.gov>
Sent: Sunday, September 20, 2020 3:45 PM
To: publiccomment
Subject: Council Hearing Public Comment

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Clark County

Submitted on Sun, 09/20/2020 - 3:45 PM

Name

Shannon Fabry

Phone Number

5418708825

Email Address

shannonfabry@gmail.com

Subject

Hazardous traffic, Public Works' response

Date of Hearing

Tue, 10/06/2020

Comment

A request was submitted to the county engineer for installation of 2 stop signs to create a 3 way stop at the intersection of SE 283rd Avenue and Nourse Road. The response from Ejaz Khan; P.E., Traffic Engineer, PUBLIC WORKS was, in part, as follows:

"Stop sign is a traffic control device to assign right-of-way and should not be used for speed control. If you feel that the drivers are speeding, then I recommend that you contact the sheriff's office for enforcement."

First, The county does not have the resources to post a sheriff's deputy on the very edge of the county limits to monitor traffic. I just spoke with a deputy who confirmed that as a fact.

Second, stop signs are often put up in rural corridors for speed control. The 3 way stop that was created on Ireland Road to slow traffic is the very instance that inspired my request.

Additional stop signs need to be added to this intersection making it a full 3 way stop. SE 283rd has zero stop signs in its

entirely, therefore treated as a racing strip for the increasing number of drivers who do not have consideration for the safety concerns on a rural road. Due to the burgeoning development over the last 5 years the number of vehicles flying down SE 283rd Avenue (a 45mph zone) in excess of 60 mph has increased exponentially. Over the next year we will have a tremendous increase in that traffic with the 500 new homes that are going to be built in the near vicinity.

The ability of drivers to race down SE 283rd Avenue influences their speed going up-and-down Crown Road including the section of road in front of Woodburn elementary. There's also increased congestion at that intersection when school is in session at Camas High School. Northbound cars lineup all the way back to Woodburn elementary while waiting to turn left onto Nourse Road in the mornings during the week. Residents' driveways are blocked making it difficult for us to leave for work in the morning. Not only is our ability to get out of our driveway hindered, but our visibility to turn safely onto the road is reduced as well.

There are numerous school children who stand at the side of that shoulderless road in the dark every morning waiting for the school bus. This is a terrifying for those of us who feel we are taking our lives in our own hands every time we check the mail or put out our garbage cans.

The value added for adding two simple stop signs at this intersection is enormous. It will provide safety for the residents who live along that road, safety for the children who wait for school busses along that road, and safety for the drivers who have no time to react to the increasing number of animals on the road when they are driving 60-70 mph. At those speeds a driver will not have time to react. A small passenger car will throw a 75 pound dog 10 feet into a post with so much force it will tear its nose almost completely off. That is not theory. I've seen it happen at that exact same spot my 75 pound grade schooler waited for the bus in the dark .

Please be proactive in an effort to stop SE-NE 283rd Avenue being used as a raceway. Install stops signs BEFORE a child is seriously injured or killed. Consider what is the better use of resources: 2 stop signs or a sheriff's deputy?

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If there are any questions or concerns regarding this email, please contact the [Web Team](#).

Tina Redline

From: Kathleen Otto
Sent: Tuesday, September 22, 2020 8:50 AM
To: Tina Redline
Subject: FW: Clark County Needs More 1 Acre-5 Acre lot options ~ COVID19 Has Changed Us!

FYI



Kathleen Otto
County Manager

564-397-2458



From: Leah Higgins <leahnwhomes@gmail.com>
Sent: Tuesday, September 22, 2020 8:37 AM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Clark County Needs More 1 Acre-5 Acre lot options ~ COVID19 Has Changed Us!

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Hello,

I wanted to reach out and stress about the needs of the People of Clark County. COVID19 changed our world as we knew it. Small zero lots and apartments are NOT what the People of Clark County want or NEED! California is proving to us what happens when people are too close and "trapped" in their small homes/lots. I'm in the real estate trenches every single day. My buyers are saying we need a LARGE lot, we need SPACE, it's not necessarily the large home they are looking for, its space around the home. Single buyers, family buyers, pet buyers, downsizing buyers, all are the same.

As representatives of the People of Clark County I believe the Council needs to hear the People of Clark County, really listen. What are they saying to you? If not you, then their friends, family, and real estate agents.

If parks, recreation areas, play areas are not open, where do the People of Clark County go?? Their backyard, their family's yard. We MUST have medium size lots. Half acre, 1 acres, 2-5 acre. There MUST be a happy medium between the environmental groups and the Rural groups. The medium lots allow space for the People, lawn/shrubs for the environment and tax support for the cities and infactured. Win, Win, WIN!!! Not perfect for all entities but definitely a WIN for all!

Please feel free to reach out to me if you have QUESTIONS! I listen to my clientele and I feel that I need to relay that information onto the Clark County Counselors.

Thank you and have a wonderful week!

L

--



Leah Higgins
Realtor
360-798-1502 Cell
360-604-4664 Fax
leahnwhomes@gmail.com



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Rebecca Messinger

Sept. 17 2020 = CCD to O. Orjiako
S. Wisen
Record

From: Kathleen Otto
Sent: Thursday, September 17, 2020 10:20 AM
To: Tina Redline; Rebecca Messinger
Subject: FW: Buildable Rural Capacity - FOR THE PUBIC RECORD



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <ccuinc@yahoo.com>
Sent: Wednesday, September 16, 2020 9:25 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Buildable Rural Capacity - FOR THE PUBIC RECORD

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Rebecca Messinger

Sept. 16, 2020 = CC'd to Council

From: webmaster@clark.wa.gov on behalf of Clark County <webmaster@clark.wa.gov>
Sent: Wednesday, September 16, 2020 12:59 PM
To: publiccomment
Subject: Council Hearing Public Comment

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Clark County

Submitted on Wed, 09/16/2020 - 12:58 PM

Name

Carol Levanen

Phone Number

3606873334

Email Address

cnldental@yahoo.com

Subject

complaint regarding the new website

Date of Hearing

Tue, 09/29/2020

Comment

Dear Councilors,

The new website is not at all user friendly and next to impossible to find the information that one is looking for. A citizen would quickly leave the site, rather than try to find the information. The Grid has been removed, which gave all of the councilor information for all current and past years. The new page only goes back to 2013, which is not adequate. In addition, one cannot find any of the published county documents.

Please return the Grid, and published documents, in its former form, to the Clark County web page.

Sincerely,

Carol Levanen

If there are any questions or concerns regarding this email, please contact the [Web Team](#).