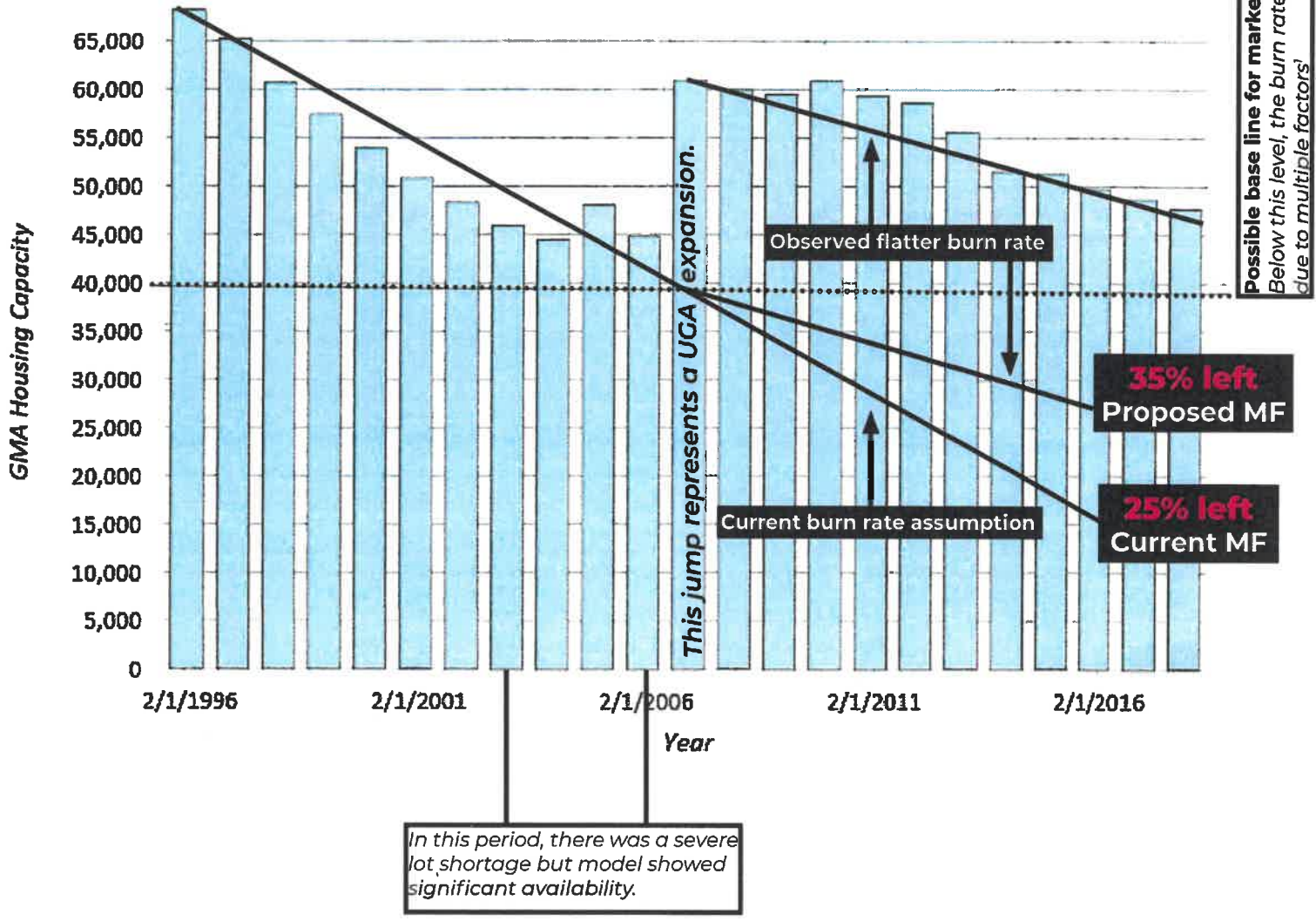


E. Golemo

#1

# Additional Housing Capacity

### Housing Capacity by Year



The market factor is basically a factor correlating to the land added in a UGA that doesn't develop in the 20-year cycle. This can be due to a multitude of factors including: willingness to sell, price expectations, and lack of available infrastructure and funding necessary to serve.

The base (or supply side) correlates to the burn rate and what is available at the end of 20 years. Currently, 10% vacant and 30% underutilized.

The demand side is a contingency added during the Comprehensive Plan. Currently this is at 15%.

**Total current market factor is 25% for vacant. The Building Industry Coalition recommends increasing to 35% total to compensate for slower observed burn rate as the UGA matures.**

cc'd: Council  
Oliver O.  
Jose A.  
Sanja W.

David T. McDonald  
BLPAC Member  
Ridgefield, Washington 98642  
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June 14, 2021

Clark County Councilors  
% Ms. Kathleen Otto, County Manager  
1200 Franklin Street  
Vancouver, Washington 98642

Re: Buildable Lands

Dear Councilors:

My name is David T. McDonald and I am a member of the 2019-2021 Clark County Buildable Lands Project Advisory Committee (BLPAC). I am a 36-year resident of Clark County and been active in Growth Management issues within the County since before the passage of the Growth Management Act in 1990. This the second time I have served on a Buildable Lands Advisory Committee for the County. I attended all of the meetings, read all of the prepared materials and presentations, participated in the meetings and completed additional research on issues that came before the committee. I have read ESSB 5254, as well as the various reports that were drafted by House and Senate committees as part of the bill moving from its introduction to passage. I have also read the Washington State Department of Commerce' Guidelines for Buildable Lands published in 2018. In addition, I have listened to 2 Council work sessions and 3 Council Time meetings on the Buildable Lands model (January 29, 2020, March 3, 2021, April 14, 2021, May 19, 2021 and June 9, 2021). I have read all of the materials posted for the June 15, 2021 meeting and also filed public records requests and reviewed all of the documents provided by those requests.

The purpose of the Buildable Lands 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;
- 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; and

c) 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.

**Emphasis supplied**

The purpose of the new statutory scheme was to ensure that the data being used in determining capacity for growth in urban areas was accurately based upon “on the ground data”. Specifically, the statutory scheme emphasized that where inconsistencies are found to exist between “on the ground development” and “targets”, there is a presumption against expanding urban growth areas. Rather than expand the boundaries, the local jurisdiction must identify and utilize what are designated as “reasonable measures”<sup>1</sup>. Reasonable measures are technically applicable if the assumptions and targets are greater than the capacity given the actual development patterns.

In essence, the Buildable Lands Review and Evaluation Program is to determine, based on real data (and there is a preference in the Guidelines for data from the assessor’s office) be used to determine what assumptions should be placed into our algorithm (our model) that will generate the most accurate reflection of what is happening on the ground (i.e. what was the expectation and what in fact occurred).

The statutes require that Clark County, and the cities within Clark County, complete a Buildable Lands report every five to eight years. The Buildable Lands reports are a look back at actual development to determine if cities and counties have designated adequate amounts of residential, commercial and industrial lands to meet the growth needs incorporated in their comprehensive plans. The law also requires Clark County and its cities to identify reasonable measures, other than adjusting urban growth areas in order to address the issue of greater need for capacity than may be determined by the VBLM. 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.

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<sup>1</sup> “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”.

All Buildable Lands Reports must be based on the actual density of development, housing, commercial, and industrial determine if there is sufficient suitable land capacity to accommodate the county-wide population projection established for the county and if there is sufficient capacity for the remainder of the planning period based on planned and achieved densities.

The Buildable Lands Program is not about what the comprehensive plan designation should be or what the zoning of a property should or should not be. The Buildable Lands program operates independent of what OFM population forecast number that the Council might in the future select and independent of such things as the Council's evaluation of how the population might be allocated between urban and rural (currently known as the 90/10 split). The model, and the Buildable Lands Report is not about what the future growth or about a specific population projection. Finally, 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 our comprehensive plan.

In Clark County, we have been running the Buildable Lands Model for approximately 20 years and have completed, and submitted, Buildable Lands Reports in 2002, 2007 and 2015. The new statutory scheme passed as E2SSB 5254 (amending RCW36.70A.215)<sup>2</sup> requires the County to update its Buildable Lands Model and "show our work" as to the methodology and assumptions of the model utilized. To start this process, the Council adopted a Public Participation Plan on July 16, 2019 by resolution, then unanimously approved hiring ECONorthwest as the consultant on October 1, 2019 and appointed for the Buildable Lands Project Advisory Committee<sup>3</sup>. The Consultants and staff first briefed the Council on the Buildable Lands issues and BLPAC progress on January 29, 2020. At no point were the credentials of the Consultant questioned and, in fact, at the time of the appointment, Councilor Blom (who was at

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<sup>2</sup> The bill also had a housing affordability component but those portions of the bill were targeted directly at specific actions that the Counties and State must take: 1) Imposition of an Affordable Housing for All Surcharge, 2) Imposition of a Surcharge for Local Homeless and Housing Assistance, 3) Capital Project Maintenance-Use of Additional Tax Funds, 3) Tax Exemption program to preserve Affordable Housing, 4) Create a WA Homeless Census, 5) Complete a Statewide Homeless Study, 6) Create a Homeless Housing Strategic Plan and 7) Provide an Annual Report on Homelessness. The Bill did not, as continually espoused by members of the Development and Building Industry members, address whether a single-family home costing between \$300K and \$500K would be considered affordable housing. In addition, it is important to note that multifamily housing units are the most effective in bringing down homelessness. <https://homeforallsmc.org/toolkits/multifamily-housing/>.

<sup>3</sup> From my perspective, the committee was originally skewed towards the Development and Building Industry: Jamie Howsley (Development Engineer and Advisory Board and Development Lawyer), Eric Golemo (Development Engineer and Advisory Board and Local Developer-SGA Engineering), Jerry Olson (Responsible Growth Forum and Olson Engineering and local Developer), Jennifer Baker (CREDC), Ryan Makinster (BIA), Rian Davis (Clark County Realtors) and Jim Malinowski (CCCU a group which advocates for expansive growth especially in the rural area). The rest of the committee consisted of members of Vancouver's Planning Commission (Ms. Ledell), Clark County Planning Commission (Mr. Barca and Mr. Swindell), Vancouver City Planner Bryan Snodgrass, Small Cities Representative Jeff Swanson, Stephen Abrahamson representing the Neighborhood Associations and me (Friends of Clark County). By the end, the BLPAC was down to 12 with Mr. Davis and Mr. Swindell stepping down leaving 7 out of 12 members who advocated for more development and argued that there was less capacity than the model showed while the data produced by Staff and the Consultants showed that, in fact, the model has consistently underestimated our Buildable Lands in the County.

the time the Councilor liaison to the committee) praised the Company for their breadth of experience and successful work around the State.

The committee met 8 times between December 2019 and January 6, 2021. At each meeting every member of the committee had the opportunity to speak, ask questions of other members of the committee and/or ask questions of staff and the consultants and/or ask for the staff and consultants to do follow-up work on specific requests. Views were aired, ideas were vetted and data was presented based upon specific requests. On January 6, the committee met for over 3 hours and voted on a multitude of issues and did not vote on two issues. The Council held its first Work Session on March 3, 2021.

In my comments, I would like to address the following issues: Market Factor, Use of Achieved Residential Densities, Residential Densities on Commercial Lands, Excess and Rearrage on Industrial and Commercial Lands, Infrastructure Gap, Land for Schools and Parks, Critical Land Deductions On Net Developable Land, "Ground Truthing" and Reasonable Measures.

I have reviewed the materials that have been presented to the Council on behalf of the Development and Building Industry, (and the many versions that were exchanged between staff and the Development industry at the direction of the Council) since the March 3, 2021 work session, most of whom were also members of the BLPAC (Baker, Golemo, Howsley, Makinster). The recent comments and documents presented by the Development and Building Industry are what can only be described as a "wish list". There is nothing new in these documents that was not presented during BLPAC and all are void of any data that could "ground truthed" by staff, the consultants or the other members of the committee. In fact, Mr. Golemo, throughout the process, continually affirmed the data being provided by the staff and the consultants (combined referred to as the "project team") was real but he just simply did not like the result and "felt" that using the real data would skew the numbers against what he "believed" was his "reality" of available land. Yes, even at the January 6, 2021 meeting Mr. Golemo consistently recognized that the data presented by the project team was the real and accurate on the ground data: EG: "Data is clear": EG: "Data is real"). In addition, any assertion that the Development and Building Industry does not have its own economic biases is simply false. The Development and Building Industry have a strong and vested economic interest in skewing the numbers towards a product that will allow for them to make more money. It is a simple truth.

In addition, there was an admission during the January 6, 2021 meeting that, outside of the BLPAC process, staff met separately with DEAB (Of which Mr. Howsley and Mr. Golemo are members) and then gave that data to ABHL to vet the data. As far as I know, there was no notice to any other members of the committee to be present at such a meeting and nothing regarding that meeting has been posted on any public county site that I have found. However, suffice to say, staff was making sure that it heard all of the information that the Development and Building Industry wanted to bring forward in the process, so that they could "ground truth" the information for the BLPAC.

The biggest points to make are: 1) our VBLM has been under forecasting capacity<sup>4</sup> that this is a 20-year plan 2) the BLPAC model captures additional capacity that the VBLM had not previously captured and 3) that and just because the properties are not shovel ready today, does not mean that they should in any way be excluded from the 20-year planning horizon. Basically, Clark County has been underestimating our UGA population capacity for many years and BLPAC's model is the first real step to correct that error.

### Market Factor

In the Clark County Buildable Lands Model, the market factor is based solely on data derived from years of viewing how land does and does not develop in our County. The CCBLM is intended to determine what land will remain undeveloped for the full 20-year planning horizon. The numbers that have been used consistently, and have proven to be totally data driven, are that 10% of Vacant Lands will not develop and 30% of Underutilized Lands will not develop. For a definition of all the terms (i.e. Vacant, Underutilized, Develop etc.), and a complete and specific history of the Buildable Lands model, I refer the Council to your Work Session from January 29, 2020, and the materials provided to you by staff and ECONorthwest at that time. See Exhibits B and C from that Work Session<sup>5</sup>. After an exhaustive review of the data, the conclusion is that there is no compelling evidence for higher factors than 10% for Vacant Land and 30% for Underutilized Lands exists. See March 3, 2021 Council Work Session at 14:30-14:50. Using 10% for Vacant Land and 30% for Underutilized Lands is also consistent with the Department of Commerce's Guidelines and findings<sup>6</sup>.

At the April 14, 2021 Council Time meeting, Councilor Lentz ask Dr. Oliver Orjiako if there was data to support the 6 bullet point items listed in the Development and Building Industry letter dated March 26, 2021 and Dr. Orjiako said "no". <https://www.youtube.com/watch?v=pCXUYSU1HX0> at 38:00. In a follow-up, Dr. Orjiako, who has been with the County since the inception of its Comprehensive Plan planning process and was the staff person assigned to the committee that originally created the VBLM, stated that there was

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<sup>4</sup> See Statement of Bob Pool at Council Work Session on March 3, 2021 at 1:23; Staff Memo dated April 1, 2021 at page 2, ¶ 2 and p 3 at ¶ 3 (VBLM is currently undercounting capacity).

<sup>5</sup> When I listened to the Council Work Session on March 3, 2021, I was quite surprised some of the Councilor's complete lack of understanding of the issues being described, especially in light of the fact that (with the exception of Councilor Bowerman), The Council had been briefed on the issues at the January 29, 2020 work session, both verbally and in writing. It was clear that the Council had failed to do even the most basic of homework (ie reviewing several documents and a WS audio from January 29, 2020) before coming to the Work Session on March 3, 2021. Both exhibits A and B that were presented to the Council at the January 20, 2020 work session can be found on the Grid here—

<https://clark.wa.gov/sites/default/files/dept/files/community-planning/Buildable%20Lands/Attachment%20B%20-%20VBLM%20Methodology.pdf> and here—  
<https://clark.wa.gov/sites/default/files/dept/files/community-planning/Buildable%20Lands/Attachment%20C%20-%20BLI%20Assumptions%20Research%20-%20Pierce%20Snohomish%20and%20Thurston%20Counties%20Summary%20Appendix.pdf>. The ECONorthwest memo is an extremely detailed comparison of Clark County to other comparable counties in Washington.

<sup>6</sup> See Guidelines for Market Factor Determinations at Dept of Commerce 2018 Buildable Lands Guidelines at pp 35-38 and Appendix A.

no data in the record to support the market factor request by Building and Development Industry but did report that there was ample data to support the 10%/30% split. *Id.*

As to a demand side market factor of 15% that the County had previously adopted after adoption of the model assumptions, neither staff nor the project team found any justification for adding that factor. *See Meeting #7 presentation at slides 7-11 and meeting notes.*<sup>7</sup> In the 7<sup>th</sup> meeting, after the presentation by project team, the development members of the BLPAC expressed surprise at the data results but provided nothing more than their “belief” that the market factors should be hire but, again, they provided no data to either the project team or the BLPAC to support that claim. Once more, it is important to note, that the market factor should be based on a 20-year horizon and that not all land comes to market within a single market or planning cycle<sup>8</sup>. I did not any new data presented to the BLPAC by the Development and Building Industry BLPAC members between September 2020 and January 6, 2021 to support some of the “beliefs” expressed at the September meeting which is why is strikes me as odd that in their May 5, 2021 letter to the County, the Development and Builder Community still has no data.

Also, one truth is that the County has a financial problem. Previously, the County decided it needed to increase its land supply exponentially (mostly at the behest of the Development and Building Industry) and it created large swaths of “Urban Holding” zones which, by the terms of that designation, cannot convert to “developable” until they are serviced (i.e. paid for by either the county or the jurisdiction annexing them and providing service). Thus we have areas within our UGAs that the County has designated will be developed within the 20-year planning horizon and, thus, included in the VBLM but not currently available for development because the County does not have the resources to provide services, the Cities have not annexed them (and thus provide services) and the Development and Building Industry is not willing to pay for the concurrency services. Thus, the County and the Cities should make plans on how to pay for those services to be installed so that those vast swaths of “developable” land can actually be developed.

Despite some assertions from the Development and Building Industry that the Market Factor found by BLPAC (10% of Vacant Lands will not develop, and 30% of Underutilized

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<sup>7</sup> “Jamie Howsley stated that he does not support taking out the demand-side 15%, as it seems justified as a means of trying to achieve the housing goal. Becky Hewitt responded by stating the Project Team could not find justification for the initial use of the 15% factor and would be difficult to justify under the new requirements to “show your work.”

<sup>8</sup> Some members of the committee had criticized the model capacity during 2003-2006 period vs. reality of available land so the project team vetted that period and found that there were factors constraining available land in that period which included: The Urban Holding designation in Vancouver UGA, the development moratorium in Salmon Creek and lack of sewer capacity Ridgefield UGA. Now, within the 20 year horizon, those parcels have developed as the UH designation for the Vancouver UGA and the moratorium in Salmon Creek have been lifted and Ridgefield has increased its sewer capacity.

Lands will not develop), the Development and Building Industry has no evidence to support those claims, much less a claim for 25% or higher. Basically, the Development and Building Industry has provided nothing more than their “belief” that those numbers (10% and 30%) just cannot be correct. Even with the one frame “story map” from 2018, the project team concluded that there is no data that supports the general assertions being made by the Development and Building Industry. Of note, is that they have had a full year, plus full access to staff to run any numbers that they wished as part of the BLPAC process and they still have no data to support their assertions. Also, despite the claims by the Development and Building Industry that 40,000 units should be a “possible baseline for market factor” there is nothing to support such a claim<sup>9</sup>. During the April 14, 2021 Council Time meeting, Dr. Oliver Orjiako told the Councilors that there is no such thing as a baseline, or threshold, that dictates where a change in a market factor should occur and the assertion by the Development and Building Industry is baseless. April 14, 2021 Council Time--<https://www.youtube.com/watch?v=pCXUY5U1HX0> at 1:11.

Despite the Councilors’ demands that certain percentages be run in now at least 3 different Development and Building Industry models, the numbers that come out are flawed because there is no basis for the Development and Building Industry’s assumptions. The old adage, “garbage in, garbage out” is applicable. There numbers are just legally indefensible. For example, just regarding residential “net” develop acres, the current “Baseline” Model the BLPAC models establish that there are 2,525 and 2,669 net acres (respectively) based upon the data. See Slide 6 of Mr. Pool’s presentation to the Councilors on June 9, 2021. The comparison shows that the data generated and vetted during the BLPAC process clearly shows that the current “baseline” VBLM has been consistently underestimating our UGAs’ capacity. Yet, depending on which version one accepts of the Development and Building Industry wish list, their three versions, respectively, show 1,647, 1,850 and 2,580 acres are available.

In a world of “show your work”, the best the Development and Building Industry could muster, with all of their resources and money, is a note scrawled in what looks like crayon on one slide that shows 2002-2007 capacities. Those numbers were vetted by both the project team during the BLPAC process, and by staff again at the direction of the Council and there is no support for that theory espoused by the Development and Building Industry for what that slide purports to represent. Moreover, the document that the Development and Building Industry not touts were raised during BLPAC and the project team vetted the claims being made and addressed the Committee’s comments regarding model capacity during 2003-2006 period vs. reality of available land and found the factors constraining available land in that period included: Urban Holding designation in Vancouver UGA, Development moratorium in Salmon Creek and Lack of sewer capacity Ridgefield UGA<sup>10</sup>. All of those issues have been resolved in the interim and the land is available for development or has been developed. The project team also emphasized in

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<sup>9</sup> In addition, it does not appear that the other graphs and information on that story map support the development communities assertions.

<https://www.arcgis.com/apps/MapSeries/index.html?appid=33043dd12d0b449690df95f701e2f89a>.

<sup>10</sup> See BLPAC presentation, meeting #7, September 2021 at slide #9.



response to the comments, that the market factor should be based on a 20-year horizon and it must be recognized that not all land comes to market within a single market cycle.

In addition, Mr. Wood, who apparently has taken over from Mr. Makinster, states in his May 5<sup>th</sup> letter to the County that “[W]e hold that the demand side be raised to 25%”. Yet he does not give any data to support 25%. This data is not open to “interpretation”. Either more than 10% of Vacant Buildable land converts or does not convert. Either more than 30% of underutilized lands convert or they do not convert. In Clark County, all the data available supports the assumption that 10%/30% will not convert and that is what should be used. Using the Development and Building Industry’s logic, is like me saying I think my pay should be raised by 25% but I give my employer no reason other than my subjective opinion that is what I am worth.

Mr. Wood then claims “Land that will not convert is mistakenly kept as vacant buildable land. He cites no examples to support his assertion but rather states “To verify this, we encourage reviewing past models and look at the conversion areas versus the non-conversion areas”. To be blunt, that is exactly what BLPAC, staff and the consultant have been doing for the past year and the data-based conclusion is that there is no evidence to support Mr. Wood’s bold claim. Finally he says, “the market factor should also consider the ever-increasing price of land and construction”. Again, he cites no guideline, law or administrative rule that suggests that the value of land has any impact on the elements involved in whether or not land will convert or not convert in a 20-year planning horizon<sup>11</sup>. Such flawed assertions fail the “show our work” test required by law.

The latest demand from the Councilors was to put an additional market factor on the supply side in addition to one on the supply side. As stated, there is no data presented by the Development and Building Industry (either during the BLPAC process or since) that supports the previously imposed 15% demand side market factor. In addition, there is no support in the law or the Guidelines for the numbers that are highlighted in now “version 5” of the model run for the Development and Building Industry. See June 2, 2021 ECONorthwest memorandum at page 5. The Department of Commerce Buildable Land Guidelines, and rules, reveal that the best policy is to use a “will not convert” market factor on the supply side. For Clark County, the data shows that number to be 10% for vacant and 30% for underutilized. There is no support for additional market factor on either the supply side or the demand side. Thus, the County should adopt the 10%/30% of never to convert and not apply any other factor on the supply or demand side.

Also, even if there were some evidence for a demand side market factor of any amount, prior to imposing that factor, the County is required to identify the specific inconsistency

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<sup>11</sup> See Guidelines for Market Factor Determinations at Dept of Commerce 2018 Buildable Lands Guidelines at pp 35-38.

and then develop reasonable measures to address the inconsistency *before* imposing a demand side market factor. *See* Department of Commerce Buildable Lands Guidelines at page 58<sup>12</sup>

Finally, if the County wants to have more residential development in the short run, then the County must provide funding (“a reasonable measure”) for services in those Urban Holding areas which, have almost 1100 net developable acres<sup>13</sup>. The alternative is for the Cities to annex those UH areas and provide services. Once either one of those are done, then development can occur as anticipated.

### **Densities and Population Capacity**

The laws, administrative rules and the guidelines for the Buildable Lands are very clear that the County must base land need on the *actual density* of development. *See* Council March 3, 2021 Work Session at 15:00-15:50. Currently the County calculates the achieved density in aggregate for each urban growth area when putting the Buildable Lands report together and compares against the policy target in the Comprehensive Plan for each jurisdiction. *Id.* The VBLM uses a policy target itself to estimate the capacity of residential developable land with a single net density for each urban growth area that does not vary based upon land use or zoning. *Id.*

The best numbers for this issue are found in the staff report dated December 18, 2020 by Mr. Alvarez. Basically, what the data shows (not anecdotally but the County’s actual data) is that that all of the jurisdictions exceeded their density targets, and Vancouver did by a LOT. *See* December 18, 2020 memo to Buildable Lands Advisory Committee to the BLPAC at pages 1-2. Even if the smaller cities have just slightly more observable density than target density, we KNOW those numbers, they are accurate and the law requires, as stated previously, that the County use those achieved densities.

Yet, even in the face of knowing exactly what those achieved densities are (ground truth data *see* the 12/18/20 memo), the BLPAC (again with the Development and Building Industry members voting against) rejected the data that is true and accurate and chose to ignore, or send the issue to the Cities to make a determination as to how that particular City should choose how to identify what have already been identified as achieved densities in the Urban Growth Areas.

### **Residential Densities on Commercial Properties**

According to the staff report, “the City of Vancouver in their downtown area has experienced a tremendous amount of residential growth in the last five years. The VBLM does not account

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<sup>12</sup> 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.

<sup>13</sup> *See* Slide #6 of Mr. Pool’s presentation to the Council on June 9, 2021. [https://clark.wa.gov/sites/default/files/media/document/2021-06/060921\\_WS\\_StaffPresentation-VBLM\\_0.pdf](https://clark.wa.gov/sites/default/files/media/document/2021-06/060921_WS_StaffPresentation-VBLM_0.pdf)

for any residential capacity in non-residential areas unless it's specifically designated Mixed Use in a jurisdiction's comprehensive plan". See Staff Report dated April 1, 2021 and on the grid for the June 16, 2021 hearing. The City has provided an extreme amount of detailed information to the BLPAC regarding densities in the City, redevelopment projects that have occurred and many, many more that are in the pipeline. Many of those are multifamily units which are traditionally more affordable for those who are struggling economically. Despite actual data detail past, current and anticipated projects in the City of Vancouver, the Development and Building Industry members of the BLPAC chose to ignore the data even while admitting that it is valid.

Despite the numbers provided by the City's primary planner, a man who was with the County during its original Comprehensive Plan planning process, the project team suggested a more conservative approach and the BLPAC recommended both the development and redevelopment rates proposed by the project team. According to the staff report, the BLPAC decision was "driven by the fact *that housing capacity is not being accounted for in the VBLM* and the policy decisions by the City to adopt regulations that allow this type of growth in those specific locations". See Staff Report dated April 1, 2021 (emphasis supplied). The vote was 11-1 at the BLPAC for the more conservative number<sup>14</sup>. For reasons unknown, my understanding is that the Development and Building Industry is now saying that no rate should be in the model. If true, BLPAC has not been provided any that contradicts the City's data much less the 5% and 1%. At the April 14, 2021, Councilor Bowerman stated that the Development and Building Industry states that this assumption should not apply because it was a "trend". However, there is nothing in any submission by the Development and Building Industry to support that this is just a "trend" and claiming "trend" is contrary to actual data, including the data regarding applications in the pipeline, provided by City of Vancouver. It is one thing to say it is a "trend" and it is another to provide foundational data to show it is a "trend".

I urge the Council to adopt the City's assumptions of 9% residential redevelopment rate over 20 years on built Vancouver City Center commercial land and 2% built Vancouver commercial land outside of downtown. These assumptions are based on observed recent history in Vancouver. The lower 5%/1% redevelopment assumption was based on an assumption that the Vancouver development history was unusual, and not likely to be sustained, but in fact it is not a "trend" but Vancouver's application data shows redevelopment trends are increasing. According to the City, in March 2021, there were 5900 multi-family units in review or construction citywide, 63% of them located outside of downtown, and 60% submitted after the local onset of the pandemic. An estimate of redevelopment on residential zoned lands in Vancouver should also be included.

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<sup>14</sup> The project team and BLPAC supported an assumption of 5% residential redevelopment rate on built Vancouver City Center commercial land and a 1% rate on built commercial land in Vancouver outside the City Center. The number that the City proposed *based upon their data* was to assume a 9% residential redevelopment rate on built Vancouver City Center commercial land and a 2% rate on built commercial land in Vancouver outside the City Center. Olson voted no.

In addition, the City has shown through their own data that development on mixed use historically was 25% outside of Vancouver City Center and 58% inside City Center, so the 40% assumption for option 2a is appropriate<sup>15</sup>. The alternative vote was for an assumption of a mixed use split for residential development on commercial land in the Vancouver City Center of 30% and 15% for Vancouver commercial land outside the City Center Recommended which was supported by 9 of 12 BLPAC members<sup>16</sup>. At the Council Time meeting held on April 14, 2021, Dr. Orjiako stated that there was no evidence to support the Development and Building Industry's claim and request regarding this assumption. <https://www.youtube.com/watch?v=pCXUY5U1HX0> at 38:00-41:00.

### Excess and Rearage

The Buildable Lands Guidelines state that some of the best data is from the County assessor's office. When addressing this issue for Employment lands in BLPAC, the staff and the consultants used the recommended data from the Assessor's office and concluded that 75% of excess and 20% of rearage would develop. The BLPAC vote was 7-5 in favor and the 5 that voted against did so solely on anecdotal grounds. The nays did not have any documentation to support a position contrary to the Clark County assessor's numbers and, again, no one denied that the data was clear. To be clear, what the assessor does is, in assessing the value of property for tax purposes, the assessor views the land to determine its ability to develop further than under current use<sup>17</sup>. Mr. Golemo was the sole member of the BLPAC associated with the Development and Building Industry to vote yes on adopting the assessor's data. Councilor Bowerman stated that the "rearage" and "excess" lands were privately owned and therefore may not develop unless the owner of the land either sold or developed it. Her statement is true of all private land in Clark County and applies to all zoning designations. In the case of the rearage and the excess, the assessor taxes those lands as if they are developable which means that the current landowners who have *not* challenged those tax assessments explicitly, or implicitly, concede that those lands can be developed. Again, the Guidelines put forth by the Department of Commerce recognize that the use of assessor data is a key component of identifying developable property.<sup>18</sup>

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<sup>15</sup> The BLPAC rejected using that data by an 8-4 vote with the no votes being from the Development and Building Industry but the Development and Building Industry BLPAC members did not provide any data to the contrary of the City.

<sup>16</sup> Howsley, Malinowski and Olson were the no votes.

<sup>17</sup> See Buildable Lands Guidelines at 18, 34-36 and 53.

<sup>18</sup> 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.

## Infrastructure Gap

The Development and Building Industry's infrastructure recommendation of 32-36% of net acres (excluding critical lands) are flawed because it is based on a 2016 analysis of approximately 20 subdivisions in two jurisdictions that is also flawed. BLPAC received a copy of the Responsible Growth Forum's study (a study that apparently the Council has now adopted in a council work session) and directed ECONorthwest to evaluate the RGF study, ECONorthwest partnered with AHBL<sup>19</sup>, a well-known engineering firm from Tacoma, to evaluate infrastructure set aside, with an emphasis on stormwater. AHBL reviewed the 2016 RGF study and found several ways in which that analysis over estimated infrastructure needs. The AHBL analysis was provided to the BLPAC for their January 6, 2021 meeting. AHBL also conducted an extensive review of plats in all Clark County jurisdictions over multiple years, including examples provided by the Development and Building Industry.

Based upon the analysis by AHBL, a copy of which is available for the Councilors, the project team recommended 31.5% of net acres (excluding critical lands and open space). The project team recommendation recognizes differences between methodology used to derive the current assumption and methodology used by the Development and Building Industry, it adopts the Development and Building Industry methodology and accounts for recent and anticipated changes to stormwater regulations. Ridgefield is unique in its open space requirement. The project team's recommendation of a 40% plat deduction for critical areas captures the open space requirement in Ridgefield. Thus, by allowing for additional deductions in Ridgefield, the model would skew Ridgefield's capacity by artificially lowering its actual capacity. Even one of the leaders of the Development and Building Industry, Eric Golemo, recommended 31.5% at the January 6, 2021 BLPAC meeting. At the April 14, 2021 meeting, Dr. Orjiako stated that the data supported the 31.5%. At the Council Time meeting held on April 14, 2021, Dr. Orjiako stated that there was no evidence to support the Development and Building Industry's claim for more than 31.5% and it was just not supportable. <https://www.youtube.com/watch?v=pCXUY5U1HX0>.

In addition, the 31.5% comes with a caveat that Clark County no longer allow stormwater facilities to be sited in critical areas. The 31.5% assumes no development in critical areas which would necessitate a higher infrastructure deduction for stormwater on the net developable acres. "However, recently, the Council had a Work Session with Public Works where PW representatives explained that the County is out of compliance with DOE Stormwater guidelines and needs to alter its regulations to disallow Stormwater facilities in critical areas. Should the County not alter its regulations, and somehow continue to allow Stormwater facilities in the critical areas, then not even the 31.5% is supportable. As Dr, Orjiako pointed out to the Council at the April 14, 2021 Council Time, the reason why the DEAB memos (which are the same ones upon which they are still currently relying) were rejected is because the analysis failed.

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<sup>19</sup> AHBL is one of the preeminent engineering firms in the State of Washington, if not the Northwest. <https://www.ahbl.com/portfolio/> and <https://www.ahbl.com/awards/> and <https://www.ahbl.com/news/two-projects-win-a4le-awards>.

However, Dr. Orjiako also pointed out that with the new stormwater regulations, if the County is compliant, then the 31.5% is justifiable for an infrastructure deduction.

### **Schools and Parks**

Existing school and park lands are exempted from the Model. The Department of Commerce guidelines specifically state that land should be set aside only for KNOWN schools and parks that are designated by a current City Capital Facilities plan, otherwise they should be considered on the Demand side based upon need. *See* March 3, 2021 Work Session at 53:50. Traditionally, the County has treated the allocations of land for parks and schools on the Demand side and there has never been an issue with handling the potential set aside on the Demand side. *Id.* There are two basic reasons for this finding: 1) The VBLM can be updated as necessary should a school district and/or a local jurisdiction, buys and/or designates land for a school or a park in the future and 2) there are no “known” sites that are in the pipeline so designation would be contrary to Dept of Commerce Guidelines.

The unintended consequences of putting this into the demand side is that it artificially undercounts what capacity is available and, thus, when there is no known site or need for school or park acreage, the County would falsely and deceptively create a reduction in capacity that is simple unsupported by the data. *See* ECONorthwest Memo dated June 2, 2021 at page 5-6. The Guidelines also do not support placing any deduction for Schools and parks on the Supply Side. As stated, the Buildable Lands Guidelines book recommends that school sites and other public facility sites be deducted when they are known. Thus Clark County should only exclude known sites from the inventory of buildable land so they are not inappropriately inflating the land supply.

Plus the need, if any, for current parks and schools is already “baked into” the current UGAs so, to the extent that the UGAs exist today, the land for parks and schools has already been accounted for in the Model. *See* Councilor Council Time, Statements of Bob Pool at 25:00. In addition, all existing undeveloped Schools and Parks land that is in the existing UGA is accounted for and subtracted on the supply side before the model is run so there two checks and balances on the need for Parks and School land in the current planning process. Unless or until the Schools and/or Parks CFPs are updated and show additional need, there is no need to add into the model and doing so creates an artificially lower capacity. *Id.* There is no basis to extrapolate on past data because there is no evaluation of existing inventory and if the schools and parks need the land, it can come in on the demand side as a specific number. However, if the schools and parks do not see a need to obtain more land within an UGA when updated their CFPS, then again there is an underestimation of the land capacity.

Finally, there is a new statute which allows the Schools to purchase and develop land outside a UGA so if, in fact, they may not need any land within a UGA. Again, under the new laws “show your work” premise, there is no data or law that supports putting this on the supply side and should wait until there is a demand and make adjustments as the demand requires.

### **Critical Land Deductions On Net Developable Land**

At the work sessions, several Councilors questioned whether there were appropriate deductions of critical and/or constrained lands. First, developers are not denied lots when developable property contains constrained lands according to County staff. Basically, the developer is allowed to build the same number of units based upon the zoning but is given a variance to allow for a greater density and/or the developer is allowed a density transfer. Therefore, if the County uses the achieved density numbers as recommended by the project team, then it is appropriate to use the 40% reduction for critical areas, including open space on net developable land. However, if the County chooses not to use the observed densities, then using the 40% deduction on net developable land would, in effect, be double counting and violate the Guidelines.

### **Ground Truthing**

The BLPAC, with the County staff and Consultants (together project team) spent over a year going over data, getting updates, evaluating how the VBLM has worked historically looking at land parcels county wide and evaluating where has the County finding growth and capacity that had not previously been captured by the VBLM. BLPAC did so with a committee weighted towards the Development and Building Industry and development industry. The BLPAC evaluated land across the County to determine net developable acreage and capacity based upon real data from the previous models, the assessor's office, plats and subdivisions, critical and constrained lands mapping, actual deductions for infrastructure across the County over a period of years (rather than the two projects with flawed analysis presented by the Building and Development industry) and came up with a set of data based on actual on the ground truths.

On April 20, 2021, in response to a letter of questions from Staff to the Development and Building Industry, Mr. Wood stated "From feasibility studies done by our industry, there have been numerous occasions when lands shown as developable, have no chance of being developed. But they are currently still being accounted for in the model." However, Mr. Wood did not reference one single study. Mr. Wood did not reference one single "occasion". Mr. Wood did not point to one single specific parcel of land (much less parcels of land) that was "not" developable but still shown as developable in the model.

Simply put, he failed to "show his work" and, by failing to show his work, no one is able to evaluate the efficacy, accuracy or "ground truth" of his unsubstantiated allegations. Staff, through Mr. Alvarez sent back a reply on April 21, 2021 that simply stated "Without any additional specificity, the assumption in the model is that not all land will convert in the 20-year plan horizon. No modification is proposed to the VBLM option." In essence, Mr. Alvarez asked "what studies? what occasions and what land parcels?" and, thus, gave Mr. Wood a direct opportunity to provide specifics that could be evaluated and "ground truthed".

In response on May 5, 2021, Mr. Wood failed again to point to (much less provide) a single study. Mr. Wood's response failed again to provide a specific occasion (much less

“numerous” occasions) where his claims occurred. Mr. Wood’s response failed to specify one parcel (much less evidence of numerous parcels) to substantiate his claim. Rather, he stated that the industry had a “concern” that “previously identified unusable land (again with no reference to any parcel or parcels) is now labeled vacant buildable land”. Basically, Mr. Wood failed again to show his work but asked the County do what they had just completed with the BLPAC process. Again this shows that not even the Development and Building Industries can substantiate the claims and numbers that they want to see, and what the Council has voted to include, in the VBLM. Such inclusion fails the directives of the new statute, the attendant administrative rules and the Department of Commerce Buildable Lands Guidelines.

### **Reasonable Measures**

As to reasonable measures. RCW 36.70A.215(1)(b) provides this:

(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. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.

RCW 36.70A.215(2)(d) provides:

(d) 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.

The Buildable Lands Guidelines on pages 42 through 45 contain some additional detail on reasonable measures. You can find the Buildable Lands Guidelines on this webpage: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/buildable-lands/>. The full list of Reasonable measures, and the manner in which they could and/or should be implemented are found in Appendix B of the Department of Commerce Buildable Lands Guidelines Manual and there is no need to list them here. At this juncture, I have seen no discussion by the Council or staff that if there are any inconsistencies, and I contend that there are none supported by any ground truth data, of what reasonable measures are (would be) implemented prior to imposing a market factor and or extending any UGA boundary.

The Washington Court of Appeals has addressed the issue of reasonable measures



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*Kitsap Cty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn. App. 863, 867–68, 158 P.3d 638, 640 (2007), clarified on denial of reconsideration (July 31, 2007). The *Kitsap* Court basically said, “reasonable measures” have to be new:

After the Board concluded that there were inconsistencies, the County listed 18 “reasonable measures” adopted under RCW 36.70A.215 to promote urban growth. The County stated that it would encourage accessory dwelling units in single-family zones; allow clustered residential development, duplexes, town houses and condominiums; encourage development of urban centers and villages; encourage mixed-use development; create annexation plans; and allow affordable manufactured housing; increase urban amenities; allow master planning for large parcel development; encourage transportation-efficient land use; and increase access to critical services near homes, jobs, and transit.

Futurewise is correct that listing regulations in existence during the time of an “inconsistency” is not likely to cause any different result and are not “reasonable measures” that are likely to increase consistency during the subsequent five-year period. RCW 36.70A.215(4). Because the measures the County identified all existed during the time of the inconsistency, we reverse the Board’s conclusion that they were “reasonable measures” and hold that the County therefore violated RCW 36.70A.215 by not adopting and implementing measures that were reasonably likely to increase consistency.

*Id.*

Thus, even if there was one scintilla of data to support the Building and Development Industry’s suggestions to change the VBLM, there is a presumption in the law against considering expansion of the Urban Growth Areas prior to implementing reasonable measures that would address the “inconsistencies”.

In conclusion, after a long and arduous public process, the BLPAC made our model better, the assumptions proposed by the project team still are likely to underestimate the capacities we have available in our current UGAs. However, this vetting process was a great step towards a more accurate, more reliable and more legally defensible VBLM. To the contrary, there is no data or law to support the wishes being floated by the Development and Building Industry and their requests are based more on fairy dust than facts. They should be rejected.

Sincerely,

David T. McDonald



Rec'd from =  
S Rasmussen

cc'd: Oliver O.  
Jose A.  
Sonja W.

**Rebecca Messinger**

---

**From:** Kathleen Otto  
**Sent:** Monday, June 14, 2021 12:13 PM  
**To:** Tina Redline; Rebecca Messinger  
**Subject:** FW: Minimum standards required



**Kathleen Otto**  
County Manager

564-397-2458



**From:** Clark County Citizens United, Inc. <cccuinc@yahoo.com>  
**Sent:** Monday, June 14, 2021 10:45 AM  
**To:** Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@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: Minimum standards required

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

June 14, 2021

**FOR THE PUBLIC RECORD**

Dear Councilors,

Our entire county needs more housing. Clark County Citizens United wants to make sure that everyone has a place to live and work in our rural communities. Given this urgent need, the membership of CCCU wishes to work with the Council to develop a plan to provide more housing types for generations of rural children who want to live where they were raised.

A more inclusive buildable lands report needs to be written that also reflects a rural housing perspective. This approach ensures everyone has a place to live throughout the county. A Rural Housing Needs Assessment and Action Plan needs to be drafted. These documents will take into consideration the demographics, incomes, familial, cultural practices, other social and economic factors that contribute in

composing the projected rural housing needs. Urban housing will also benefit from this work:

Such a program would include:

1. The Rural Housing Needs Assessment will help the cities and counties understand the affordability of today's housing crisis.
2. It will better inform how the cities are expected to grow in the future.
3. It will inform what kind of housing people want at prices they can afford to help meet current and future housing needs.

Based upon the analysis, the Rural Housing Action Plan will help

develop strategies to ensure the correct supply of buildable land will be available to meet future demands of all income levels, affordability issues and cultural practices.

Reasonable measures may be required in the county's rural and resource zoned communities. When allocated growth targets and insufficient land to accommodate rural generations of children are not being met, countywide housing suffers as a result. Importantly, rural families may be subjected to undue risk and harm without analysis. As your constituents, the expectations are that policies will protect that population.

We strongly disagree with planning staff. Their rationale for disregarding rural housing analysis, disregarding cultural practices and the projected housing needs of generations of our rural children is without reason. These are policy issues that should have been directed by the Council. Reasonable measures are required in rural communities when growth targets and insufficient land to accommodate generations of rural children are not aligned. The Council should inform staff you have not abdicated your jobs.

Sincerely,

Susan Rasmussen, President

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



ccid: Council  
Oliver &  
Jose A.; + Sanja W.

**FRIENDS of CLARK COUNTY**  
TOGETHER WE THRIVE  
PLANTING THE SEEDS FOR RESPONSIBLE GROWTH

*Celebrating 25 years serving Clark County communities.*

Clark County Council  
PO Box 5000  
Vancouver, Washington 98666-500  
Send via email to: [rebecca.messinger@clark.wa.gov](mailto:rebecca.messinger@clark.wa.gov); [jose.alvarez@clark.wa.gov](mailto:jose.alvarez@clark.wa.gov)

June 15, 2021

**Opposition VBLM resolution as written**

Dear Chair Quiring O'Brien and Council Members:

My name is Sue Marshall and I am providing the following comments on behalf of Friends of Clark County (FOCC). Thank you for the opportunity to have a representation on the Buildable Lands Project Advisory Committee and to provide testimony on the proposed Vacant Buildable Land Model.

As you are aware, Mr. McDonald represented our organization during the Buildable Lands Project Advisory Committee (BLPAC) process. He updated our Board regularly with the progress being made by the BLPAC, the professionalism exhibited by staff and the Consultant (ECONorthwest) and how he felt that the Consultants and staff generally bent over backwards to be neutral arbiters of the "ground truthed" data. Not surprisingly, he did relate when he had differences of opinion with staff and the Consultants and challenged them on their findings and data. He saw that as a positive process to make sure that the data and assumptions being placed into the model were in keeping with the applicable statutes, administrative rules and Department of Commerce Buildable Lands Guidelines manual so that, ultimately, the new updated VBLM would be legally defensible in court.

The BLM is a foundational element that initiates the comprehensive plan update. Evaluating the amount of land available for development is intended to be a process of looking back to evaluate how past assumptions preformed and then to make corrections to the model based on available data. It is required to be a data driven process. We are concerned that the Vacant Buildable Land Model has not been modified to correct for a countywide undercount of capacity. We are also concerned that the model modifications being considered by the Board of County Councilors will make the problem even greater.

As an organization we join in the comments submitted by Mr. McDonald, the City of Vancouver and FutureWise and add the following comments for the record.

Our recommendations are as follows:

**NEED TO RIGHT SIZE GROWTH AREAS**

- We are aware that staff and the consultants have repeatedly stated that the current VBLM has consistently "underestimated" capacity according to all the data. We have read in the staff reports that the County and the project team found, based upon on the ground data, that our VBLM currently undercounts capacity primarily because development is occurring on non-residential land and density is being achieved at much higher rates than the current VBLM assumes. We also have seen that staff and the consultants have verified that the data compiled over the years clearly supports a finding that 10% of the vacant land will not

convert and 30% of the underutilized will not convert and that any assumptions above the 10% / 30% are not supportable. The Department of Commerce Buildable Land Guidelines also state support almost uniformly throughout the state for this factor of 10% / 30%.

- We understand, the information provided to the Council, and the requests made by the development community were reviewed, vetted and rejected by the committee as there “asks” were not supported by the data. It is also our understanding that at the April 14, 2021 Council Time meeting, Dr. Orjiako stated that there was no support for the requests being made by the development community in their 6 point March 26, 2021 letter and, as far as we are aware, they have not provided any additional information since that time. Therefore, it is our understanding that the requests being made by the development community, by and large, are not legally defensible and will result in our updated VBLM grossly underestimating the County’s population capacity.
- As to schools and parks, we support addressing the need for school and park land on the demand side of the equation. We are aware that the Department of Commerce guidelines specifically state that land should be set aside for known schools and parks that are designated otherwise they should be considered on the Demand side based upon need. Traditionally, the County has treated the allocations of land for parks and schools on the demand side and there has never been an issue with handling the potential set aside on the Demand side for two reasons: 1) The VBLM can be updated as necessary should a school district and/or a local jurisdiction, buys and/or designates land for a school or a park in the future and 2) there are no “known” sites that are in the pipeline so designation would be contrary to Dept of Commerce Guidelines
- At the April 14, 2021 Council Time meeting, Dr. Orjiako stated that the development community’s infrastructure recommendation of 32-36% of net acres (excluding critical lands) is flawed and not supportable. At this juncture, we are tentatively in support of the 31.5% but with the caveats set forth in Mr. McDonald’s letter.
- Ground Truth Data –
  - The VBLM specifically does not account for any residential capacity in non-residential areas unless the area is specifically designated Mixed Use in a jurisdiction’s comprehensive plan. The BLPAC recommended both the development and redevelopment rates proposed by the project team. We are aware that this recommendation is driven by the fact that housing capacity is not being accounted for in the VBLM in combination with the policy decisions by the City that allow this type of growth in those specific locations. Therefore, the failure to recognize this real “ground truth” data in the model violates the directives of the statute. Thus we support the data driven conclusion by the City of Vancouver that the assumption should include assume 9% residential redevelopment rate over 20 years on built Vancouver City Center commercial land and 2% built Vancouver commercial land outside of downtown.
  - We also support the City of Vancouver’s data “ground truthed” determination that the VBLM should reflect that 40% of Vancouver commercial acres citywide will be developed with residential uses and that determination is consistent with recent observed history.
  - Additionally, we support the use of observable achieved densities. According to the BLPAC work, and the staff report from all the jurisdictions exceeded their targeted densities and, in the case of the City of Vancouver, *way* exceeded their targeted densities. Despite a report, and specific statements and data from the City of Vancouver, that highlighted that using observed densities is a more accurate methodology, the BLPAC was not able to gain consensus on that issue due to the development community’s voting block.

## PUBLIC PARTICIPATION

- As we understand the process, everything that the development community has raised during the “post BLPAC” process has been done off the County website dedicated to the Buildable Lands Advisory Committee’s work and Mr. McDonald had to obtain most of the communications between the development community, the Council and staff via several public records requests. These behind the scenes communications and email exchanges, especially between staff and the development community (several of whom are BLPAC members) are disturbing and are in direct contravention of the Public Participation Resolution passed by the Council in July 2019.
- It also seems very unfair to have staff be directed to have off line conversations with the development community without copying all of the BLPAC members, and the consultants, to have all of the public

process be transparent. At this juncture we are, as a public community organization, not even sure that all of the communications between staff and the development community that occurred at the direction of the Council have been made public. Such actions seem, on their face, to violate GMA's public participation edicts as well as puts a dark veil over what had previously been a very transparent process.

- Finally, as to the public process, the resolution for tonight's hearing is written to reflect the 3-2 vote taken in a non-public hearing that occurred without public notice as required by law but clearly states that 3 councilors have determined to adopt the development community's requests in total. Such action violates the requirements of a public hearing and the public participation element of GMA.
- The BIA should not be allowed to hijack what was a thoughtful process.

#### AFFORDABLE HOUSING

Expansions of growth boundaries do not, on their own, create affordable housing. It is commendable that the County has appointed a committee to develop recommendations related to affordable housing in the unincorporated growth area of Vancouver. Early findings reveal that the market alone has not succeeded in meeting the community's housing needs and that there are both regulatory and funding barriers that need to be overcome.

The VBLM options presented do not correct for the current undercount of building capacity and would lead to an unnecessary and ultimately costly expansion of growth boundaries countywide – sprawl. As a local farmer, I am well aware of the loss of local farmland and the encroachment of development onto prime agricultural soils that without an honest, data driven estimate of developable land will end up threatening the long term economic viability of agriculture in Clark County.

Thank you for your consideration and we urge you to adopt a VBLM that is supported by the data, reflects actual achieve density rates, and protects natural resources, working lands, water quality and wildlife.

Sincerely,



Sue Marshall, Board Member  
Friends of Clark County

Rebecca Messinger

CC'd: Oliver D., Jose A., Senja W.

**From:** Kathleen Otto  
**Sent:** Tuesday, June 15, 2021 1:42 PM  
**To:** Tina Redline; Rebecca Messinger  
**Subject:** FW: Clark County continues to force a cap on rural growth



**Kathleen Otto**  
County Manager

564-397-2458



**From:** Clark County Citizens United, Inc. <ccuinc@yahoo.com>  
**Sent:** Tuesday, June 15, 2021 1:39 PM  
**To:** Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@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 continues to force a cap on rural growth

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

June 15, 2021

FOR THE PUBLIC RECORD

Dear Councilors,

The following information is taken from the R.W. Thorpe Report, prepared by this highly respected consultant firm, over the Clark County 2016 Comprehensive Plan and the VBLM assumptions. The chart below shows populations per year and percent ratio of urban versus rural, according to Clark County GIS information given to them. CCCU has concerns that these numbers are artificial and created to appear to show growth. The chart shows the population urban/ rural split has been averaging at 86/14, very different than the 90/10 split the county has used since 2004. By using the lesser ratio, staff is attempting to force future rural populations into the cities. It's all part of process to illegally cap rural growth.

Although one sees the county claiming they will be accommodating X number of people in the rural areas, there's very little changes in the rural area counts. That's because large lot zoning prohibits additional people from living in those areas, while onerous regulations, costs, and delays dramatically delay any new growth. As former Councilor, Marc Boldt said at a county meeting, "If the zoning doesn't stop the growth, we'll just make it too expensive for them to go there". Even so, each year the county claims the 10% allotment will go to the rural areas, but that's not happening. So, where did they go? It appears to be all a part of the "shadow inventory" that Eric Golimo alluded to during a recent councilor work session.

Three census reports, US Census, C.C. Buildable Lands Monitoring Reports, and Comprehensive Plans for 2004 and 2015, indicate decreases in the County's rural populations between 2000-2010, and 2015; 4.1% decline, 3.4% decline and 3.6% decline. A declining trend for the rural population is established. However, the 2004 Comprehensive Plan has the rural area supposedly accommodating an additional 19,263 persons, 10% of the new growth allocation.

Despite showing a decline of 3.6% of the rural population in the 2015 Comprehensive Plan, the rural area was supposed to accommodate another 12,859 persons, the 10% new growth allocation. This remains in place during a time when the rural population trend clearly shows a steady decline in percentage growth. The overall County population, 2000-2010, has shown an increase of 80,125 persons, or 23% growth, but the rural population trend indicates a steady decline, 17.9% to 13.7%.

This indicates the rural areas have not been accepting the 10% new growth allotment and have actually suffered declines in people. The rural areas have clearly not been accommodating the 10% new growth allocations of 32,122, (2004-2035), and CCCU believes this situation is a direct result of county staff preventing growth in rural areas. What is concerning is that there is a decline in the population, when there should be an increase, regardless of the population formula. Because of the artificial cap on rural growth, the people are not going there and are actually being forced to move out of Clark County because there is no ability to live in the rural areas. Over 100 families, with their businesses, have moved to Lewis County, where they can easily buy land and build a home. This is a travesty of great proportions and needs to be rectified by this Clark County Council.

Sincerely,

Susan Rasmussen, President  
Carol Levanen, Exec. Secretary

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

### **Urban/Rural Population Split:**

Historical basis of 20-year trend indicates an **85/15 or 86/14 split**. The proposal is a **90/10 split**. **The actual urban/rural split has consistently been 86/14 for decades**



**and is a viable policy option.** The 1994 approved plan used 80/20. A more moderate policy of 87.5/12.5 forecasts **16,656 new rural persons** for this plan update

Response: While the **overall population trend indicates an 86/14 urban rural split**, the population growth has actually increased at the 89/11 level, which means that **the rural population is steadily decreasing in terms of its annual growth percentage**. Therefore, the county would actually need to accommodate fewer future residents in rural areas.

**Table 3: The Actual Urban / Rural split** for the past 20 years Year Countywide Population Rural Population Percent Rural Population Urban / Rural Split

Source: Clark County Assessor GIS records

1995	279,522	43,254	15.5	84/16
1996	293,182	44,882	15.3	85/15
1997	305,287	46,409	15.2	85/15
1998	319,233	48,104	15.1	85/15
1999	330,800	49,429	14.9	85/15
2000	346,435	51,182	14.8	85/15
2001	354,870	52,002	14.7	85/15
2002	369,360	53,548	14.5	85/15
2003	375,394	54,146	14.4	86/14
2004	384,713	54,869	14.3	86/14
2005	395,780	56,009	14.2	86/14
2006	406,124	57,551	14.2	86/14
2007	414,743	58,608	14.1	86/14
2008	419,483	59,042	14.1	86/14
2009	424,406	59,623	14.0	86/14
2010	427,327	59,858	14.0	86/14

2011	432,109	60,544	14.0	86/14
2012	435,048	60,845	14.0	86/14
2013	443,277	61,489	13.9	86/14
2014	446,785	61,948	13.9	86/14

## COMMUNITY PLANNING Top of Form

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Bottom of Form

## Process and Documents

The information below describes each phase of the 2016 Comprehensive Plan update project. Information related to each phase will be posted here. We will add more information as it becomes available, so please keep checking the page.

### Pre-planning

Planning staff briefed the Board of County Commissioners, Planning Commission and public on the Growth Management Act and Vacant Buildable Lands Model and how they inform the Clark County comprehensive plan.

The public participation plan also was developed. It clearly identified the scope of the comprehensive plan update, when legislative action is expected, and how the public can participate or comment.

### Documents and information

#### **Growth Management Act overview**

- [Issue paper #1 Growth Management Act \(PDF\)](#)
- July 17, 2013 BOCC Work Session
  - [Presentation to BOCC on Growth Management Act \(Slides-PDF\)](#)

#### **Vacant Buildable Lands Model overview**

- Oct. 9, 2013 BOCC Work Session
  - [Presentation to BOCC on Vacant Buildable Lands Model \(Slides-PDF\)](#)

## Public Participation Plan

- [Public Participation Plan - Adopted Jan. 21, 2014 \(PDF\)](#)
- 

### Data Analysis

This phase of the project laid the foundation for the updated plan. The Board of County Commissioners (BOCC) chose a 20-year population projection to inform the employment and household projections and lead to working with cities and towns to determine where the projected people and jobs will be.

Also during this phase, proposed changes to the comprehensive plan text were reviewed by the public and Planning Commission for comment and recommendation to the BOCC. Technical reports that support the policies in the updated comprehensive plan were developed.

### Documents and information are available at the bottom of the page

#### Population projection

- Jan. 21, 2014 BOCC Hearing
  - [Issue paper #2 Population Projection \(PDF\)](#)
  - [Presentation to BOCC on population projection \(slides-PDF\)](#)

#### Employment forecast

- April 1, 2014 BOCC Hearing
  - [Issue paper #3 Employment forecast \(PDF\)](#)
  - [Issue paper #3.1 Employment forecast - revised \(PDF\)](#)
  - [Presentation to BOCC on employment forecast \(slides-PDF\)](#)

#### Growth allocation:

- June 24, 2014 BOCC Hearing
  - [Presentation to BOCC on growth allocation, principles and values, planning assumptions and suspension of annual reviews. \(PDF\)](#)

- Issue paper #4 Population and growth allocation, including resolution on allocation, planning assumptions and principles and values. (PDF)
- Issue paper #4.1 - Population and employment allocation - revised

#### State Environmental Policy Act (SEPA) scoping process

- Issue paper #5 State Environmental Policy Act (SEPA) Scoping (PDF)
- Aug. 2014 Scoping open house information and report
- Sept. 24 BOCC Work Session
  - SEPA scoping process presentation to BOCC and path forward (PDF)
- Oct. 22, 2014 Work Session
  - Alternatives presentation to BOCC - 10/22/14 (PDF)
- October 2014 Open House information
- Jan. 21, 2015 BOCC Work Session
  - 2016 Comprehensive Plan Update - BOCC presentation - 1/21/15 (PDF)
- Feb. 18, 2015 BOCC Work Session
  - BOCC presentation on Alternative 4 (PDF) - 2/18/15
  - Map (PDF)
- March 11, 2015 BOCC Work Session
  - Alternative 3.1 Handout (PDF) - 3/11/15
  - Alternative 3 - Battle Ground and La Center (PDF)
  - Alternative 3.1 Map (Battle Ground, La Center, Ridgefield and Washougal) (PDF)
  - BOCC presentation on Alternative 4 (PDF) - 3/11/15
  - Alternative 4 Map - 1 Rural Non-conforming (PDF)
  - Alternative 4 Map - 4 Urban Reserve/Urban Holding (PDF)

- March/April 2015 Open House information
- April 14, 2015 BOCC Hearing on SEPA Alternatives
  - Staff Report with Attachments (except comments) (PDF)
  - March-April 2015 SEPA Public Comments (PDF)
    - additional: April 2015 SEPA Public Comments (PDF)
    - additional: April 10 - 13 SEPA Public Comments (PDF)
    - additional: April 14 SEPA Public Comments (PDF)
  - October-November 2014 SEPA Public Comments (PDF)
  - July-September 2014 SEPA Public Comments (PDF)

#### Supplemental Environmental Impact Statement

- Sept. 3 & 10, 2015 Joint BOCC/Planning Commission Hearing - Draft Supplemental Environmental Impact Statement
  - Staff Report (PDF)
  - Draft Supplemental Environmental Impact Statement - Aug. 5, 2015 (PDF - 114MB)
  - Aug. 5-Aug. 27 DSEIS Comments (PDF)
  - Aug. 28-Sept. 2 DSEIS Comments (PDF)
  - Presentation slides (PDF)
- Oct. 20, 2015 BOCC Hearing - Draft Supplemental Environmental Impact Statement
  - Planning Commission memo to BOCC (PDF)
    - Exhibit A - Planning assumptions (PDF)
    - Exhibit B - BOCC principles and values (PDF)
    - Exhibit - C - Planning Commission recommendations on preferred alternative (PDF)
    - Exhibit D - Planning Commission Minutes of Sept. 17, 2015 (PDF)

- Maps
  - [Planning Commission preferred alternative comprehensive plan map](#) (PDF)
  - [Planning Commission preferred alternative zoning map](#) (PDF)
- Councilor Madore's documents/maps
  - [Alternative 4 update](#) (PDF)
  - [Population Forecast Correction](#) (PDF)
  - Alternative LPA maps
    - [Rural](#) (PDF)
    - [Forest](#) (PDF)
    - [Agriculture](#) (PDF)
- Nov. 9, 2015 Joint BOCC/PC Work Session
  - [Agenda](#) (PDF)
  - [Staff Report](#) (PDF)
    - [Population Projections 2010-2040](#) (PDF)
    - [Staff Presentation slides](#) (PDF)
  - Councilor Madore's documents/maps
    - [Nov. 4, 2015 - Proposed Changes to Planning Assumptions-An Evidence Based Proposal by Councilor David Madore rev 1.03](#) (PDF)
    - [Nov. 9, 2015 - Proposed Changes to Planning Assumptions - An Evidence Based Proposal by Councilor David Madore rev 1.05](#) (PDF)
    - [VBLM Planning Assumptions Basis](#) (PDF)
    - [Septic TAC letter](#) (PDF)
    - Revised Alternative 4 Maps
      - [Rural](#) (PDF)

- [Forest \(PDF\)](#)
  - [Agriculture \(PDF\)](#)
- Nov. 16 and Nov. 17, 2015 Public meeting materials:
  - [Presentation slides \(PDF\)](#)
  - [Handout - Nov. 15, 2015 Proposed Changes to Planning Assumptions - An Evidence Based Proposal to the Community rev 1.08 -with minor revisions \(PDF\)](#)
  - Information Boards:
    - [Welcome \(PDF\)](#)
    - [Update process \(PDF\)](#)
    - [Share your comments \(PDF\)](#)
    - [Table 1: GIS Rural Vacant Buildable Lands Model \(VBLM\) Assumptions \(PDF\)](#)
    - [Table 2: Planning Assumptions \(PDF\)](#)
    - [Graph 1: Rural Population Capacity and Forecast \(PDF\)](#)
    - Revised Alternative 4 Maps:
      - [Rural \(revised 11/20/15\) \(PDF\)](#)
      - [Agriculture \(PDF\)](#)
      - [Forest \(PDF\)](#)
- Nov. 19, 2015 Planning Commission hearing
  - [Staff Report with attachments \(PDF\)](#)
  - [Population Projections 2010-2040 \(PDF\)](#)
  - [Planning Assumption Choices dated 2015-11-15 \(PDF\)](#)
  - [Table 1 Planning Assumptions \(PDF\)](#)
  - [Table 2 Planning Assumptions \(PDF\)](#)

- [Graph of Population Options](#) (PDF)
- Revised Alternative 4 maps:
  - [Agriculture](#) (PDF)
  - [Forest](#) (PDF)
  - [Rural](#) (revised 11/20/15) (PDF)
- Nov. 24, 2015 BOCC hearing
  - [Resolution](#) (PDF)
  - [Final Planning Commission Recommendations](#) (PDF)
  - [Proposed changes to planning assumptions - Exhibit A](#) (PDF)
  - [Rural Comparison - Exhibit B](#) (PDF)
  - [Disclaimer: Preferred Alternative and Comp Plan Policy](#) (PDF)
  - [Preferred Alternative and Comp Plan Policy](#) (PDF)
  - [Alternative LPA Forest map](#) (PDF)
  - [Alternative LPA Rural map](#) (PDF)
  - [Alternative LPA Agriculture map](#) (PDF)
- Dec. 1, 2015 BOCC hearing
  - [Implementation of the Clark County Board of Councilors Comprehensive Plan Policy](#) (PDF): Hearing continued from November 24, 2015
  - [Community Planning 20 year Comprehensive Plan presentation](#) (PDF)
- Jan. 13, 2016 BOCC Work Session: 2016 Comprehensive Plan update overview for new councilors
  - [Presentation](#) (PDF)
  - [R.W. Thorpe and Associates, Inc. Report on Planning Assumptions](#) (PDF)
- Feb. 16, 2016 BOCC Hearing:



- [Staff Report \(PDF\)](#)
  - [Exhibit 1: Rural VBLM Model Overview - Comparison \(PDF\)](#)
  - [Exhibit 2: Planning Assumption Choices Rev. 109 \(PDF\)](#)
  - [Exhibit 3: R.W. Thorpe & Associates Clark County Planning Assumption Review \(PDF\)](#)
  - [Exhibit 4: Comprehensive Plan Preferred Alternative Matrix \(PDF\)](#)
- Feb. 23, 2016 BOCC Hearing:
  - [Supplemental Staff Report](#)
    - [Exhibit 1: Estimating Potential Rural Housing and Employment](#)
    - [Map](#)
- [Issue Paper 7: Preferred Alternative –Urban VBLM and Rural Capacity Estimates - March 10, 2016](#)

## **Buildable Lands Report**

Under state law, Clark County and its cities are required to review and evaluate the adequacy of suitable residential, commercial and industrial lands inside the Urban Growth Area (UGA) to accommodate projected population and employment growth during the remainder of the current 20-year GMA planning horizon, which ends in 2035.

- [Buildable Lands Report Staff Report \(PDF\)](#)
- [Buildable Lands Report \(PDF\)](#)
- [Buildable Lands Report presentation \(PDF\)](#)

### Comprehensive Plan Text

- [Comprehensive plan document changes>](#)
- [Issue paper 6 - Countywide Planning Policies \(PDF\)](#)
- [Issue paper 6 - Countywide Planning Policies - presentation \(PDF\)](#)

## Plan Development

This phase will result in a report documenting changes in Clark County since adoption of the Comprehensive Plan, areas of the plan or development regulations that must be updated or amended, and optional amendments or changes the board and Planning Commission have chosen to consider.

This phase is when issues identified in the Data Analysis phase are addressed through plan or code revisions. Plan development also includes meeting SEPA requirements. In this case, Draft and Final Supplemental Impact statements will be prepared and viewed.

Documents and information will be posted when available.

Comprehensive Plan Text

[Comprehensive plan document changes >](#)

[Issue paper 6 - Countywide Planning Policies \(PDF\)](#)

[Issue paper 6 - Countywide Planning Policies - presentation \(PDF\)](#)

### **Title 40**

- **March 16, 2016 BOCC Work Session: Cluster Developments**
  - [Staff presentation slides](#)

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail [ccuinc@yahoo.com](mailto:ccuinc@yahoo.com)

cc'd: Council  
Oliver &  
Jose A.  
Sonja W.



**Corporate Office**  
5512 NE 109th Ct, Ste. 101  
Vancouver, WA , 98662  
t.360.254.0493  
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June 15, 2021

RE: Vacant Buildable Lands Model Update

To the Clark County Council,

Thank you for the opportunity to comment on this very important issue. Aho Construction has built homes across the state of Washington for decades, and we are deeply concerned about the current lack of available buildable lands in Washington generally, and in Clark County specifically. Aho has built a reputation on its ability to provide quality home construction at a price that the average family can afford. Those families that the recent amendments to the Growth Management Act (GMA) refer to as "moderate income".

The GMA now defines moderate income as equal to, or lesser than, 120% of the HUD-determined median household income for the county. For Clark County, the 2019 HUD median household income was \$75,253. 120% of that is \$90,277. This income level could support a modest single-family home in most places, but the artificially constrained land supply in Clark County and the cost of construction (including permit fees) of even the most modest single-family home is pushing ownership out of the reach of "moderate income" families in Clark County.

Aho believes that home ownership should be a policy goal of the Council. Variety of ownership methods (purchase/rent/subsidized) should be a consideration in the County's mix of housing options as much as the mix of physical housing types. Home ownership has benefits beyond those of rental or subsidized housing. Homeowners are able to create individual and generational wealth that renters typically cannot. Homeowners are more vested in the physical infrastructure of the community including parks and schools because they tend to remain in place longer and see civic improvements as enhancing their own properties' values.

One major flaw Aho has identified in the current Vacant Buildable Lands Model (VBLM) is the lack of differentiation in parcel size. At a 6 unit/acre single-family density, the cost per unit to develop a 40-acre residential parcel is far less than a one-acre parcel. Not every parcel is equally "buildable". Aho believes that the VBLM should reflect the practical realities of development at scale in determining the probability that existing parcels, particularly those smaller, isolated parcels identified as "underutilized", will actually develop over the planning horizon. Aho supports the efforts of the Building Industry Association of Clark County to reform the Vacant Buildable Lands Model so that it more accurately reflects the real-world potential for residentially zoned land in Clark County to accommodate its future population at a reasonably affordable cost.

Sincerely,

A handwritten signature in black ink, appearing to read "S. B. Madsen", written over a horizontal line.

Steven B. Madsen, General Counsel



Rebecca Messinger *cc'd: Council; Oliver S., Jose A., Sonja W.*

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**From:** webmaster@clark.wa.gov on behalf of Clark County <webmaster@clark.wa.gov>  
**Sent:** Tuesday, June 15, 2021 8:30 PM  
**To:** publiccomment  
**Subject:** Council Hearing Public Comment

**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.



# Clark County

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Submitted on Tue, 06/15/2021 - 8:30 PM

**Name**

Lisa Henry

**Phone Number**

360.607.0115

**Email Address**

[lisayhenry@gmail.com](mailto:lisayhenry@gmail.com)

**Subject**

Buildable Lands

**Date of Hearing**

Tue, 06/15/2021

**Comment**

As a constituent, I'm confused as to why the Building Industry, with their inherent financial interest, and their spokespersons here are having such an outsized influence upon the decision making of the County Council, and why this decision is being made in an abrupt manner without reaching out to the community for more input. We don't want to continue to be Portland's Relief Valve. What about already overcrowded school districts such as BGSD? Are these lands going to become additional ugly warehouses like line 72nd avenue north of 205 now? More McMansions? We can't be reactionary to a short term nationwide economic problem with poor, profiteering long term planning. I am also concerned about the data accuracy as other commenters mentioned.

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If there are any questions or concerns regarding this email, please contact the [Web Team](#).



816 Second Ave, Suite 200, Seattle, WA 98104  
p. (206) 343-0681  
futurewise.org

June 15, 2021

The Honorable Eileen Quiring O'Brien, Council Chair  
The Honorable Temple Lentz  
The Honorable Julie Olson  
The Honorable Karen Dill Bowerman  
The Honorable Gary Medvigy  
Clark County Council  
c/o Rebecca Messinger  
PO Box 5000  
Vancouver, Washington 98666-500

Dear Council Chair Quiring O'Brien and Councilors Lentz, Olson, Bowerman, and Medvigy:

**Subject: Clark County Council Comments on the Vacant Buildable Land Model for the Public Hearing on June 15, 2021.**

Send via email to: [rebecca.messinger@clark.wa.gov](mailto:rebecca.messinger@clark.wa.gov); [jose.alvarez@clark.wa.gov](mailto:jose.alvarez@clark.wa.gov)

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Clark County.

Thank you for the opportunity to comment on the Vacant Buildable Land Model and data and assumptions the County is considering using in part to produce the Buildable Lands Report due on June 30, 2022.<sup>1</sup> While Futurewise appreciates the hard work of County staff, your consultants, and the Buildable Lands Project Advisory Committee, we are concerned that the Vacant Buildable Land Model has not be modified to the correct undercount of capacity countywide. We are also concerned that the model modifications being considered by the Board of County Councilors will make the problem even greater. We urge you not to make them for the reasons explained below.

We also support the evidence and recommendations in the letter from David T. McDonald. Before discussing our recommendations, we briefly document why right sizing urban growth areas make sense.

### **Right sizing urban growth areas (UGAs) saves taxpayers and ratepayers money.**

Right sized urban growth areas (UGAs) save taxpayers and ratepayers money. In a study published in a peer reviewed journal, John Carruthers and Gudmaundur Ulfarsson analyzed urban areas

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<sup>1</sup> RCW 36.70A.130(5)(b); RCW 36.70A.215(2)(b).

throughout the United States including Clark County.<sup>2</sup> They found that the per capita costs of most public services declined with density and increased where urban areas were large.<sup>3</sup> **Compact urban growth areas save taxpayers and ratepayers money.**

**The Buildable Lands Report and the Vacant Buildable Land Model are required to be based on actual development data and to objectively analyze the capacities of the County's and cities' comprehensive plans and development regulations.**

The Buildable Lands Report “shall” be based on an “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” and an objective evaluation of this data.<sup>4</sup> The Vacant Buildable Land Model must be based on this data, not on speculation or the policy preferences of various interests.<sup>5</sup>

But that does not appear to be the approach currently being taken. The approach appears to be based on the policy preferences of one segment of the community. This is contrary to the requirements of the Growth Management Act in RCW 36.70A.215. Buildable Lands Reports that do not follow the requirements of RCW 36.70A.215 can be appealed to the Growth Management Hearings Board.<sup>6</sup> A Buildable Lands Report that violates RCW 36.70A.215 will have to be redone.

**We urge the County to base the Vacant Buildable Land Model and the Buildable Lands Report on the actual data on development in the county as the GMA requires. That is the instruction that the Clark County Council should give to staff.** It will also allow your deliberations on the 2025 comprehensive plan update to be based on actual data.

**The Vacant Buildable Land Model must be updated with current data so that it no longer understates building capacity countywide.**

The Vacant Buildable Land Model understates building capacity countywide.<sup>7</sup> To comply with RCW 36.70A.215 the new actual data on residential development, actual deductions for critical areas and infrastructure, actual built densities, and estimates of home and rural based jobs must be

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<sup>2</sup> John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 511 (2003) enclosed in a separate email with the filename: “Urban sprawl and the cost of public services.pdf.”

<sup>3</sup> *Id.* at 518.

<sup>4</sup> RCW 36.70A.215(2).

<sup>5</sup> RCW 36.70A.215(2).

<sup>6</sup> Seattle-King County Association of Realtors v. King County, Central Puget Sound Growth Management Hearings Board Case No. 04-3-0028, Final Decision and Order (May 31, 2005), at 13 – 15 of 41, 2005 WL 2227910, at \*9 – 11.

<sup>7</sup> City of Vancouver staff letter to the Clark County Council RE: Buildable Lands – City of Vancouver staff position during Buildable Lands Project Advisory Committee (BLPAC) review pp. \*1 – 4 (March 19, 2021).

incorporated into the Vacant Buildable Land Model.<sup>8</sup> Failing to update the model to incorporate this data violates the Growth Management Act.

**Market factors must be reasonable and based on real data.**

“[A] market factor represents the estimated percentage of net developable acres contained within a UGA that, due to idiosyncratic market forces, is likely to remain undeveloped over the course of the twenty-year planning cycle.”<sup>9</sup> A classic example of a situation included in a market factor are historic buildings with less floor area than their allowed zoning capacity but that will not be redeveloped because of their value as historic buildings. Another classic example is a large estate that could be subdivided but is not likely to be subdivided because the owner values large lots.

A market factor must be reasonable and based on actual data.<sup>10</sup> For example, Snohomish County staff studied properties with additional capacity estimated in the county’s *2002 Buildable Lands Report* that were unchanged since 2001, as indicated by the lack of development or the lack of development proposals as of 2019.<sup>11</sup> This study showed that the actual market factor was much lower than the market factors in Snohomish County’s *2002 Buildable Lands Report*. This table includes Snohomish County’s findings:

Land Category	Existing Market Factor Assumption	Observed Market Factor 2002 – 2018	
		Bothell MUGA	Stanwood/Cedarhome
Vacant	15 percent	6 percent	12 percent
Under-utilized	30 percent	10 percent	16 percent

Notes: MUGA means Municipal Urban Growth Area. In Bothell’s situation this is the part of the larger Southwest Urban Growth Area (SWUGA) that Bothell is planning to annex over time. The Stanwood/Cedarhome area is in northwest Snohomish County outside of the Southwest UGA. **Source:** Memorandum to Snohomish County Tomorrow (SCT) Planning Advisory Committee From Stephen Toy, Principal Demographer Subject: Updates to SCT Buildable Lands Procedures and Reasonable Measures Program Documents Recommended by the PAC Subcommittee p. 11 (April 2, 2020).

As the above table shows, the actual market factors were much lower than the assumed market factors. And the time period analyzed for the above table was only six years. Over a longer period of time, the market factor will likely to be lower still. This evidence shows that market factors as high as 20 or 30 percent are unrealistically high. We recommend that the County and cities use a lower market factor based on actual data.

<sup>8</sup> *Id.* pp. \*3 – 4.

<sup>9</sup> *Thurston Cty. v. W. Washington Growth Mgmt. Hearings Bd.*, 164 Wn.2d 329, 352, 190 P.3d 38, 49 (2008).

<sup>10</sup> RCW 36.70A.215(20(a) & (3)(b)(ii).

<sup>11</sup> Memorandum to Snohomish County Tomorrow (SCT) Planning Advisory Committee From Stephen Toy, Principal Demographer Subject: Updates to SCT Buildable Lands Procedures and Reasonable Measures Program Documents Recommended by the PAC Subcommittee p. 11 (April 2, 2020) last accessed on April 27, 2021 at:

[https://www.snohomishcountywa.gov/DocumentCenter/View/72651/20200409-BLR-Methods-and-RM-Update\\_PAC-Review](https://www.snohomishcountywa.gov/DocumentCenter/View/72651/20200409-BLR-Methods-and-RM-Update_PAC-Review) and enclosed in a separate email with the filename: “BLR Methods - RM Update\_PAC Review\_Apr-9-2020.pdf.”

Clark County Council RE: Comments on the Vacant Buildable Land Model  
June 15, 2021  
Page 4

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 or email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,

A handwritten signature in blue ink, consisting of two stylized, overlapping loops that resemble the letter 'S'.

Tim Trohimovich, AICP  
**Director of Planning and Law**

Enclosures (in a separate email)





June 14, 2021

Honorable Chair Quiring O'Brien and Councilors Lentz, Olson, Bowerman and Medvigy:

RE: Buildable Lands – City of Vancouver recommendations for updating the regional Vacant and Buildable Lands Model (VBLM)

We appreciate the opportunity to comment and want to thank you and your staff for undertaking the challenging work of updating the VBLM model for the first time in 14 years. The model has consequences for the City of Vancouver, and current City staff have participated in several previous VBLM model updates, served on the recent state buildable lands advisory committee which helped develop recent guidance on this issue, and also served on the local Buildable Lands Project Advisory Committee (BLPAC) which concluded this January. Vancouver as you know is concerned about what appears to be a deep undercounting of residential capacity countywide by the existing VBLM model, and staff has shared this with the City Council early last year and in discussions just last week.

We appreciate that this is difficult work, and would like to offer the following recommendations which we believe would address this concern:

**Take advantage of the flexibility in GMA deadlines to ensure the model is reasonably accurate.** The Buildable Lands Report (BLR) evaluating whether existing UGAs have enough land based on recent development trends to meet existing local growth forecasts is not required until June 2022. Although this step itself does not establish new long-term land supplies, it sets the stage and time should be taken as needed this year to ensure the updated model is reasonably accurate. Whatever model is adopted in the short term should then be checked against actual development that occurs locally over the next 3-4 years and adjusted as needed before the June 2025 deadline to adopt new Comprehensive Plans with new long term land supplies to meet new growth forecasts.

**Consider implications of the GMA requirement to update 20-year Comprehensive Plans and land supplies at least every 8 years, or sooner if needed.** This requirement effectively means long term land supplies will not come close to running out, and UGA boundaries which are found to be overlay tight can be expanded. The reverse is not true, however, as overly large UGAs once adopted are difficult to impossible to adjust inward from a practical matter. The problems of oversized UGAs are not as easily remedied by the required updates. Such problems can include having more growth than planned for by capital facilities plans, creating sprawling development patterns that are more expensive to serve, converting more resource lands than needed, and

having less land remaining for future updates beyond the next 20 years and thereby forcing growth to slow down more radically in the future.

**Pursue a model that is reasonably accurate, not one driven by policy desires.** Policy concerns about having larger or smaller land supplies should be taken up when selecting new long term population and employment forecasts, which the Hearings Boards have ruled are in part policy choices. Land capacity models are intended to be data rather than policy driven under GMA, and padding the model with extra land beyond what is needed also means any additional growth that occurs because of this will be beyond what local capital facilities plans have prepared for.

**Base the model on data, not personal observations.** Land development patterns and trends are well documented by building and land uses permit and application records, assessor data, and other available sources. Field observations and anecdotal information can be useful in identifying trends to look for in the data, but such observations and anecdotes should only be given significant consideration if they are supported by comprehensive data sources.

**Consider the model as a whole, not only its individual assumptions.** In practice the model is only applied as a whole, and the assumptions that make it up don't have individual regulatory impacts. Without reviewing the performance of the overall model and comparing that to actual growth, we believe it is impossible to determine if the set of individual assumptions is complete, is fully accurate, and whether the assumptions interact with each other as expected. A case in point is the assumed density of housing, which as we understand in all of the models before you is based on a straight average of lot sizes. This makes sense in isolation, but plugging this assumption into a multi-step model that also has a separate assumption for environmentally critical land deductions will result in a double count unless critical lands are backed out of the density average, which they have not been in any of the models.

**Fix the overall residential undercount.** From 2010 to 2019 the Clark County grew by 63,000 persons, yet the VBLM model estimates of remaining growth capacity only went down by 38,000 persons over this same period, during which the model assumptions didn't change. Even with rural growth backed out, the existing VBLM model appears to have failed to account for around 19,000 persons that were added in urban areas, which is about half of the countywide urban population growth that occurred during this time. [Later analysis](#) suggests the undercount problem is getting worse, with the VBLM only recognizing 37% of countywide urban growth that occurred from 2017 to 2020. This residential undercount issue was raised in comments to the BLPAC but neither discussed nor voted on.

Exhibit 5 of the hearing materials, a 4/1/21 County staff memo, rightly cautions that comparisons of model results over time can be distorted by rezones which add new residential land. This is correct, but to explain the undercount in countywide model reporting over the past decade there would need to have been roughly 2,300 net new residential acres created by rezones from non-residential to residential designations countywide. In the City of Vancouver, the largest city by far, the actual residential supply increase from zone changes of all types during this time was 45 acres. The countywide undercount figures include all parts of urban areas, so by definition are

not impacted by annexations which shift land from unincorporated to incorporated areas unless those annexations also include zone changes which shift land from non-residential to residential designations.

While our information may be incomplete, we are unaware of any alternative calculations or analyses which explain the approximately 19,000 person gap between actual growth and the baseline VBLM model results reported during this timeframe, or any alternative calculations or analyses showing that any of the proposed model currently under consideration are sufficient to fix the problem or achieve reasonable accuracy. The Housing Units by Model table in the [staff presentation](#) for the hearing shows that two of the proposals, BIA and BIA3, would estimate less capacity than the baseline, thereby making the undercount worse. The best option, the committee and project team recommendations under PacProj, would increase estimated capacity by 21% over the baseline model, but a 21% improvement to a baseline model which only accounts for approximately one half of actual countywide urban growth would still only reach 61% accuracy. BIA2 would only achieve 55% accuracy based on this analysis.

Of course no model is perfect, but given the importance of the model's functions, we respectfully request that the County Council not adopt a new model unless there are supporting calculations which demonstrate that it is accurate and resolves the residential undercounting in the current VBLM.

#### **Recommendations for specific assumptions:**

1. **Assumed residential density** – Use observed rather than targeted residential density, as required by RCW 36.70.A.215. Calculate residential density in a manner consistent with other model assumptions and avoid a double deduction of critical lands through use of median rather than mean (average) observed density, or other method which excludes critical land from density calculation.
2. **Residential Redevelopment in Vancouver.** Assume 9% residential redevelopment rate over 20 years on built Vancouver City Center commercial land and 2% built Vancouver commercial land outside of downtown. This assumption is based on observed recent history in Vancouver. The lower 5%/1% redevelopment assumption was based on a notion that recent Vancouver history was unusual and not likely to be sustained, but in fact Vancouver application data show redevelopment trends are increasing, not plateauing or decreasing. In March 2021 there were 5900 multi-family units in review or construction citywide, 63% of them located outside of downtown, and 60% submitted after the local onset of the pandemic. An estimate of redevelopment on residential zoned lands in Vancouver should also be included.
3. **Residential Development on Vacant or Underutilized Commercial Land in Vancouver.** Assume 40% of Vancouver commercial acres citywide will be developed with residential uses, consistent with recent observed history. Arguments that residential development on commercial lands in Vancouver should not be recognized in the VBLM ignores market trends, and misstates policy impacts. Most residential development on commercial land in Vancouver does not displace employment but often adds to it by accommodating both

residential and commercial development in mixed use buildings or projects. Residential development on commercial land is typically multi-family rather than single family, and does not appear driven by perceived land supply shortages but rather locational alternatives and advantages provided by commercial lands.

4. **Residential Market Factor Deduction.** Retain existing 10% vacant and 30% underutilized not-to-develop assumptions without additional market factor. Recent arguments to add an additional 25% are not supported by data as BLPAC project team explicitly found, and would violate GMA as interpreted by Hearings Board in [this decision](#) (page 20) prohibiting more than one distinct market factor, and requiring jurisdictions to show their work regarding market factor. The 2007 to 2016 “burn rate” data does not support increasing market factor further in our view because land supplies were unusually high at the start of this period following the local adoption of the largest countywide UGA expansions in Washington history in 2007, and because land consumption was significantly reduced in subsequent years because of the Great Recession.
5. **Critical Lands Deduction.** The most recent version of this recommendation to deduct 40% of identified critical lands appears to be based solely on data from plats, which exclude most multi-family development data. Both should be included.
6. **Residential Infrastructure Deduction.** Accounting for changes in stormwater regulations is appropriate in principle, but the amount of the stormwater increase appears not to reflect any development data from Vancouver which has differing soils that infiltrate better and require less stormwater deductions. The recommendation to effectively apply half of the overall infrastructure deduction in Urban High designated areas in Vancouver is appropriate because they will be developed primarily with multi-family housing that is internally served with very limited dedications for public roads or other infrastructure, but this apply to Urban High designated lands elsewhere, which will also be developed primarily with internally served housing.

Thank you again for the opportunity to comment. To be clear we are not recommending that other jurisdictions develop in the same way as Vancouver. We are recommending that we adopt a model that is shown to be reasonably accurate in estimating land needs based on recent market realities, as well as emerging trends. Unless the residential undercounting of the existing model is addressed and remedied, we believe there will be a continued gap between what we plan for and what we get, with negative implications for our future.

Sincerely,



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