

Schroader, Kathy



From: Orjiako, Oliver
Sent: Thursday, November 19, 2015 1 21: PM
To: Wiser, Sonja
Cc: Schroader, Kathy
Subject: FW: Vancouver comments for Planning Commission
Attachments: Vancouver comments for 11 19 15 CCPC hearing pdf

Follow Up Flag: Follow up
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Hello Sonja

Please, forward to the PC Thanks

Oliver

From: Snodgrass, Bryan
Sent: Thursday, November 19, 2015 12:41 PM
To: Orjiako, Oliver; Euler, Gordon; Anderson, Colete; Alvarez, Jose
Subject: Vancouver comments for Planning Commission

All – Vancouver comments for the hearing, if you could forward to PC Thanks BRS



November 18, 2015

Chair Steve Morasch
Vice Chair Ron Barca
Richard Bender
John Blom
Karl Johnson
Eileen Quiring
Bill Wright

SUBJECT: City of Vancouver Comments on the Preferred Alternative for the Final Environmental Impact Statement for the 2016 Clark County Comprehensive Plan Update

Honorable County Planning Commissioners.

Thank you for the opportunity to comment. We appreciate the challenges the Planning Commission is facing in having to reconsider its previous recommendation, with new and conflicting information that is still being amended.

For reasons that are explained in detail later in this letter, the City of Vancouver respectfully requests that the Commission take the following actions:

- **Reconfirm your near unanimous September recommendation for a Preferred Alternative based on SDEIS Alternative 3. Even with proposed new assumptions which we do not believe are accurate or lawful, Alternative 4 is still at a level similar to what the Planning Commission and SDEIS analysis found to have significant negative impacts to taxpayer costs, public safety, and rural character.**
- **Recommend deferral of action on the proposed new rural assumptions until after June 2016, at which time they could be supported by data from actual rural development, and incorporated without legally jeopardizing the current Plan update process. Neither is the case currently.**

- **Maintain the countywide population forecast in the current adopted level of 577,000 to 578,000 persons countywide. This forecast has already been increased once during this update, and is 15,000 persons more than OFM projects as most likely to occur locally. Increasing the forecast to 580,000 or 582,000 persons or likely higher require revisiting the DSEIS. No justification has been provided for such increases other than conveniently matching projections under the new assumptions, effectively forcing adoption of Alternative 4.**
- **Until rural development assumptions based on rural development data are completed, maintain the current assumption that rural growth will account for 10% of countywide growth, which is fully consistent with recent data.**

Discussion:

Preferred Alternative

Vancouver supports having a dynamic rural area with a range of activities, but cannot support Alternatives 2 and 4, which would be the largest upzones in County history in terms of area, and according to the County's own analyses would create several highly negative impacts. Even under the proposed new assumptions which we do not believe are accurate, 6140 future lots would be created under revised Alternative 4. The Planning Commission has already rejected previous Alternative 2, which was projected to allow 8,220 future lots and found have potentially prohibitive infrastructure costs and a loss of rural character. These impacts as well as diminished transportation safety noted by the Commission in September impact rural citizens and taxpayers as well as those in urban areas. It should be noted that there has been substantial rural opposition as well as support in this process.

Proposed Rural Assumptions

Vancouver does not object to efforts to improve estimates in the rural area or elsewhere, provided they are reasonably accurate and based on rural data, and do not threaten lawful completion of the other plan components that are required by June 30, 2016. Unfortunately none of this is the case in our view:

- **The proposed rural assumptions threaten lawful completion of the entire plan**
Recent proposals change several parameters formally adopted by the Board and used throughout the EIS process. As a result, Alternative 4 is purported to now

produce only half as many future lots as reported and commented on in SDEIS, not because Alternative 4 has been dramatically reduced in size, but instead because a whole new set of assumptions is used to estimate how rural lands in general develop. This impacts all of the alternatives and would have generated different SDEIS comments from Vancouver and probably others had the information been available. In our view this would require going back to supplement the SDEIS and allow for comment based on the new information, and we have heard no contrary opinion from County legal or planning staff, or from SEPA officials at the Washington Department of Ecology we have spoken with.

- *The proposed rural assumptions are not supported by rural development data, and in many cases not even a credible rationale.*

- Unlike urban development assumptions, there is virtually no rural development data from permits or assessor records to support the individual rural assumptions proposed. See November 1 County staff comments on the assumptions.
- Data that is provided for the rural-urban split in Table 2 is misleading, as it omits the critical fact noted in the November 1 staff report - that rural growth since the last update in 2007 has accounted for 10.4% of countywide growth, fully consistent with the current assumption.
- There is also no data on how individual assumptions would alter the number of future lots, as requested by Commissioner Blom at the recent worksession. It is impossible to determine which assumptions are more significant than others, or how the purported new number of 6140 home sites under revised Alternative 4 was arrived at.
- Many of proposed assumptions lack a credible rationale as well as data, as well documented in the November 1 County staff report:
 - In Table 1, the proposed #3 assumption that no development will occur on rural lots with less than an acre of unconstrained land needed for septic systems ignores reasonable use allowances in County habitat and wetland rules, the overall legal requirement to allow legally created lots to develop at least a single home, and advances in septic technology.
 - The proposed #4 assumption that 30% of underutilized rural lands are "never to convert" simply because that is what urban data shows ignores the many differences in urban and rural markets and lot sizes. For example, rural landowners because of their lot sizes can divide land without creating potential neighboring homes and structures immediately adjacent to their homes. This is not the case in urban areas.

- The proposed #6 assumption that only 10% of non-conforming lots will develop also ignores legal requirements to allow legally created lots to develop at least a single residence
 - The proposed #7 assumption that there should be a rural market factor ignores a market factor is only allowed under GMA in urban growth areas, and would only be relevant in urban growth areas as it is an allowance for expanding UGAs, which is impossible in rural areas.
 - The proposed #8 assumption that a rural infrastructure deduction be considered ignores the fact noted in the County report, that rural infrastructure needs do not reduce the number of developable lots.
- The proposed rural assumptions lack two key components significantly influencing the extent of development.
 - Proposed assumptions do not account for future lots from properties in long term forestry operations, which were not considered in the DSEIS impact analysis but should have been according the County staff report (Table 1 item 2, see also page 1-3 of the DSEIS). The total number of future lots from Alternative 4 in the DSEIS (12,401 lots) or under the proposed new assumptions (6140 lots) should both be higher.
 - Proposed assumptions also do not account for the likely higher rural rate of development if Alternative 2 or 4 is adopted and many property owners rush to divide and develop their properties before the new zoning is potentially reversed by the Hearings Board or a court. Not all owners will do this, but many would appear likely to pursue development quickly given pent up demand, and the well-known legal vulnerability of the rural upzone proposals. This is not the case in the urban area, and should be accounted for in any credible rural estimate.
 - Proposed new rural assumptions are not required to support the plan
Courts have explicitly ruled GMA does not require a rural land capacity analysis matching proposed rural land uses. In considering rural zoning, the County is not bound to match a specific population forecast, as is required in urban areas

Population Forecast:

Increasing the current population forecast by several thousand persons to 580,000 or 582,000 persons would represent a significant increase, likely triggering a reopening of the DSEIS which relied entirely on the adopted number. This increase is particularly significant if it is used to justify a land use change such as adoption of Alternative 4. It would become

further significant if the County chooses to raise the employment forecast to keep pace, which would trigger additional land use changes from what the DSEIS considered.

Regarding the overall adequacy of the currently adopted forecast, it should be noted that not only is the adopted 577,431 figure is significantly higher than the total OFM projects as most likely to occur in Clark County by 2035, but that it also averages annual growth at a rate of 1.3% per year, which is consistent with actual Clark County growth rates that have occurred since the national recession ended in 2010. Significantly, the 1.3% annual rate is based on a 20-year period, whereas GMA requires that land supplies be replenished at minimum every 8 years, effectively meaning Clark County could grow at an actual future annual rate of more than twice as forecasted, and still not run out of land before the next required update. Furthermore, the County also has the option of updating the forecast even sooner than every 8 years if needed. There is no realistic scenario in which total residential land supplies would come close to running out during the planning period.

Over the longer term involving several plan update cycles, the finite amount of total land in Clark County physically ensures that overall land supplies will run out, in that no additional UGA expansions will be possible. This limit may be reached by mid-century, depending on the degree to which rural and resource lands are converted or maintained. At that time, population increases would only occur through infill and intensification of existing designated urban areas. Based on observations from urbanized areas which have already reached this limit, annual growth rates will be substantially slower. In Clark County, maintaining past growth rates indefinitely is mathematically impossible, and efforts to do so in the near future will result in having to slow down more dramatically later.

Assumed Urban/Rural Split:

As clearly noted in the County staff report comments, rural growth in Clark County since the last plan update in 2007 has accounted for 10.4% of countywide growth, almost exactly consistent with the currently assumed 90/10 split.

We continue to believe that risking compliance with the required June 30, 2016 completion date does not benefit any party, urban or rural, either in favor of Alternative 4 or against. GMA does not require that rural issues be addressed by the June deadline, and allows them to be considered and adopted any year. Work toward this using defensible information and a process that complies with state law could begin as soon as July 2016. We have not heard any reason offered by the proponents of Alternative 4 why such a rational and reasonable approach should not be taken.

Again, thank you for the opportunity to comment. Please do not hesitate to inquire of City staff at the November 19 hearing, or anytime if there are questions or concerns about these recommendations.

Sincerely,

A handwritten signature in black ink that reads "Chad Eiken". The signature is written in a cursive style with a horizontal line extending to the right.

Chad Eiken, AICP, Director

City of Vancouver Community and Economic Development Department