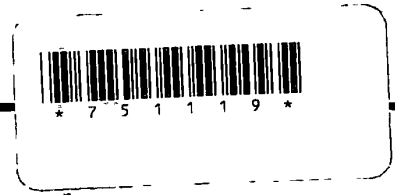


**Schroader, Kathy**



**From:** Orjiako, Oliver  
**Sent:** Tuesday, November 24, 2015 4:47 PM  
**To:** Schroader, Kathy  
**Subject:** FW: My critique of the Planning Assumption Choices  
**Attachments:** Critique of Planning Assumptions docx, Alt LPA potential homesites.xlsx

For the index record Thanks

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**From:** Heidi Owens [<mailto:heidi.owens@comcast.net>]  
**Sent:** Tuesday, November 24, 2015 10:31 AM  
**To:** Tilton, Rebecca; Orjiako, Oliver; Stewart, Jeanne  
**Cc:** Heidi Owens  
**Subject:** My critique of the Planning Assumption Choices

Attached are two documents that provide my critique of the Proposed Planning Assumption Choices being considered today for the preferred alternative of the 2016 comprehensive plan.

It has been difficult to complete a full evaluation and compile this information in the short time allowed. I wish that this paper and my Exhibit 1 be included in the Record.

Thank you,  
Heidi Owens, Ph.D.  
Citizen Clark County and Resident Vancouver

A Critique of Exhibit A – Planning Assumptions Choices  
Rev. 1.09 Developed by Mr. Madore

By Heidi Owens, Ph.D.  
November 24, 2015

Attention must be called to the quagmire that has developed around the Comprehensive Planning Process in Clark County. The process and the plan have been simply hijacked by one councilor for the benefit of a small group of rural property owners, Clark County Citizens United. It is with great frustration that I write this paper because I had hoped that the process itself would resolve many of the conflicts, however, it appears that that at as of 5PM Nov 23<sup>rd</sup>, 2015, the decision to accept an alternative based on flawed, illogical assumptions at the Nov 24<sup>th</sup>, 2015 hearing by the BOCC will be made, as shown by the Preferred Policy Document on Clark County's Grid. Mr. Madore says it is not a done deal, how will he resolve opposing positions, including the number of hidden potential home sites in his revised plan and the fact that the issues raised in the DSEIS have not been addressed in the proposed preferred alternative.

This paper shares an evaluation of the proposed planning assumptions and identifies the hidden properties from these assumptions. Mr. Madore talks about the need for transparency, and yet the proposed alternative hides what could be as many potential home sites as it recognizes. By not showing a clear picture of the reality in the plan, a host of additional challenges can or will be raised, calling Clark County's ability to have a comprehensive plan that is compliant into question.

**Background**

The assumptions on which the preferred alternative is based were presented by Councilor Madore at the first hearing to choose a preferred alternative on Oct 20<sup>th</sup>, 2015. At this point, they were considered Mr. Madore's opinion, and the council voted (by 2 to 1) that further consideration would happen on Nov 24<sup>th</sup>, 2015. It was not until the Nov 9<sup>th</sup>, 2015 work session that the assumptions were pushed forward by "consensus" for public comment and planning commission consideration. However, an email from Mr. Madore dated Nov 2, 2015 to Mr. McCauley, Ms. Cook, and Mr. Otjako outlined that public process, which means the work session on Nov 9<sup>th</sup> was nothing more than giving the appearance of public process on a pre-determined outcome.

The Nov 9<sup>th</sup> direction to seek public comment provided barely 2 weeks for the public to evaluate these assumptions. And at the Nov 15<sup>th</sup> and Nov. 16<sup>th</sup> Open Houses, Mr. Madore conducted the proposed assumption presentation, without providing any details on the methodology or background because he "did not want to overwhelm people." This limit on the public process made it difficult to understand the impact of the assumptions on the rural areas.

Actual data from GIS staff to show the massive exclusion of parcels that occurs when the assumptions are run through the GIS Vacant Buildable Land Model (VBLM) for rural properties was not available until Nov 19, 2015. So, essentially the public had 2 business days to really evaluate these assumptions, and now these faulty assumptions are expected to be adopted for use in the preferred alternative on Nov 24, 2015. Any alternative based on Mr Madore's assumptions will grossly underestimate the potential number of home sites in the rural area.

### Issues with the Proposed Rural VBLM Assumptions

The eight assumptions from Table 1 of Mr Madore's Proposed Changes to Planning Assumptions are not evidence or fact based. Rather they are based on Mr Madore's perceived value and goal of upzoning the rural areas. He has noted these assumptions are really policy and has refused to accept or solicit staff input on how such policy might impact the ongoing GMA process, SEPA review, or the Capital Facilities Plan that must be created from the preferred alternative. If the county goes forward with the GMA planning process using an alternative based on faulty assumptions that underestimate the potential development, those flaws will propagate through the process and result in a Capital Facilities Plan that is inadequate to meet the likely growth in the rural areas.

Mr Madore's assumptions serve to limit the VBLM for the rural area by excluding the tally of certain parcels. Exhibit 1, attached, shows the number of potential home sites excluded by the different assumptions when run through the VBLM. This exhibit, prepared by me for this document, has been fact checked by county staff in addition to the references made in this document. As shown in Exhibit 1, there are five inaccurate or invalid assumptions that when properly counted, yield an additional 6253 potential home sites.

1. Proposed Assumption #3, Column B, uses broad strokes to exclude all parcels that have less than one acre of environmentally constrained land. This assumption is false. According to Bob Pool, CC director of GIS, the data in the GIS constrained land overlay "way overstates" the environmental constraints and does not provide "good detail." The overlay serves as a tool to identify potential critical lands such as flood plain, steep slopes, shorelines, habitat areas, and others.<sup>1</sup> Key point – the data does not confirm the sensitivity, rather it serves to trigger an environmental analysis.

It is unreasonable to assume that 100% of parcels with any environmentally constrained overlay will not develop when the county has a process that allows on-site assessment to be conducted<sup>1</sup> for documenting the constraints and allowing development to occur that mitigates those constraints. Furthermore, county Habitat and Wetlands ordinances state (which Mr Madore knows and identified<sup>2</sup>) "This chapter shall not be used to deny or reduce the number of lots of a proposed rural land division allowed under applicable zoning density."

Mr. Madore specifically addresses the restrictions on Septic Systems technology in his Nov 9 report, yet Mark Collier, the referenced Septic Consultant, writes that systems can exist in sensitive areas.<sup>3</sup> Furthermore, Mr. Collier indicated at the Nov. 19<sup>th</sup>, 2015 Planning Commission meeting that, with advanced technologies, engineers can accommodate septic systems in a number of sensitive areas by using soil separation and designing around constraints, such as steep slopes.

Assumption #3B is capricious and not valid for use in the RVBLM for the 5<sup>th</sup> alternative. It subtracts 3,594 potential home sites from the 5<sup>th</sup> Alternative (Alt-LPA).

- 2 Proposed Assumption #4, Column B states that about 30% of dividable parcels with homes do not develop further. There is no scientific evidence of this use of 30%, other than a potentially unscientific questionnaire to Ag and Forest zoned property owners and that the same is used in the urban model. Because GMA seeks to encourage growth in the urban areas, there is value in underestimating large parcels that might not divide. However, the GMA requires that the rural element: 1) have a written record explaining how the rural element harmonized the planning goals in RCW 36.70A 020, and 2) include measures that govern rural development and protect the character by controlling rural development, reducing sprawl and protecting critical areas, including surface and groundwater resources.<sup>4</sup> The requirements make it essential that the comprehensive plan have accurate counts of potential development in the rural areas. Without an actual census type analysis, it is arbitrary to choose 30% or any number that decreases the estimate of potential home sites, in this case 1,157 potential home sites from the 5<sup>th</sup> alternative.
- 3 Proposed Assumption #4, Column B also states that 10% of vacant parcels will never develop. Again there is not research based evidence to support this figure. Parcels could be vacant for a number of reasons. Simply because they are vacant does not mean vacancy will continue, and eliminating these parcels does not give an accurate picture of volume of potential home sites. This assumption is equally arbitrary; it removes 407 potential homes sites from the 5<sup>th</sup> Alternative.
- 4 Proposed Assumption #6, Column B states suggests that 90% of nonconforming parcels with at least one acre of unconstrained land will not develop. There is no evidence these legal lots develop any differently than other rural properties.<sup>5</sup> This assumption is arbitrary and based on opinion. Furthermore, it is equally incompatible with the GMA mandatory requirement for the rural element, as outlined in #2 above. This assumption removes 590 parcels as potential home sites.
5. Proposed Assumption #7, Column B states that a market factor "of 7.5% is appropriate to provide some margin for the law of supply and demand of rural parcels." Market factors (or land market supply factors) are used for urban planning to account for land that might not reach its maximum use.<sup>6</sup> This factor serves as a means to increase supply when looking at any UGA expansion. In the urban model market factors are added to totals.

By subtracting a 7.5% market factor, Mr. Madore is indicating a constriction in supply that has no real basis as the county cannot shrink the rural area. In an economic sense, the result of supply constriction would decrease available parcels and increase prices, hence the use of communities rental price increases to suggest the need for a negative market factor makes no sense. Mr Madore states "choice B proposes the latter for simplicity purposes." But he gives no details of those purposes. It appears that Mr. Madore's use of the market factor is to bring the potential population growth of the rural areas to within the forecasted rural population growth of his Table 2 Planning Assumptions #5 (Column B), which is 16,656. This capricious use of market factor has no justifiable bases and excludes 498 parcels as potential home sites.

Two additional assumptions from the Planning Assumption Choices Rev 1 09 Table 1 address cluster lots and forest lands. I will not address cluster lots because the County Community Planning Staff has made it clear that they have no way to collect concrete data around these lots. Assumption #2 address the timber lands, which were excluded in the rural VBLM used for the original Alternative 4 DSEIS. As these parcels could potentially be divided, community planning now recognizes that these parcels should be counted. Therefore, it is

necessary to both add back 1,278 excluded timber parcels to the original alternative 4 and then deduct those that correlate with Table 1 #2 (Column B), which states that commercially used forestry parcels far from infrastructure are not likely to develop. This subtraction falls into the "overrides" category in Exhibit 2 of Staff's Nov. 19<sup>th</sup> report<sup>7</sup> and will be less than 772 as the overrides includes other factors. For purposes of the attached Exhibit 1, I have not addressed the cluster and forestry parcel assumptions to show any net change of these assumptions in the rural area. I have also not factored in the zoning changes between the original Alternative 4 or the 5<sup>th</sup> Alternative based on the proposed assumptions.

### **Why this matters**

Assumptions serve to limit scope, in this case the scope of the rural VBLM. They have their place in model creation when a limited scope is needed for further analysis. For comprehensive planning, there are reasons why an accurate picture is important for the rural areas. GMA compliance, SEPA, and Capital Facilities Plan

Perhaps GMA does not provide a lot of direction for planning in rural areas because growth is supposed to be encouraged in Urban areas under GMA. Still, GMA emphasizes the importance of rural lands and rural character. RCW 36.70A 011 specifies that "a county should foster land use patterns and develop a local vision of rural character" for a variety of goals. Yet, for Clark County the assumptions on which the rural element is being defined for the comprehensive plan were exclusively created by Mr. Madore without consideration of how these assumptions might impact the rural character because the data was not made available until 4 days before the Hearing to adopt the preferred alternative. By using a list of arbitrary and capricious assumptions as "policy" to restrict the number rural parcels counted by the VBLM, the county's ability to be consistent with GMA is called into question for, at least, two reasons: 1) the requirement to document how the rural element, as defined under the plan, harmonizes with the planning goals,<sup>8</sup> and 2) the explicit GMA requirement that the Rural Element of a county comprehensive plan contain measures applying to rural development, which protect the county-established rural character, especially with the exclusion of possibly 6253 potential home sites.

Furthermore, the DSEIS comments and testimony addressed a number of concerns related to Alternatives 2 and Alternatives 4 around Water (particularly ground water), wildlife and habitat concerns, transportation and other public service infrastructure needs and the impact around those, surface water runoff into streams effect on fish and water quality, just to name a few. The purpose of the DSEIS was to identify the potential issues from the proposed alternatives and address them in the final preferred alternative. By using assumptions to limit the scope of the model and essentially not count a large number of potential home sites is not mitigation. The planning commission twice recommended a preferred alternative that offered options that would minimize the overall environmental impact. Twice this recommendation has been dismissed. To go forward with a preferred alternative based on arbitrary and capricious assumptions does not do anything to address the points raised in the DSEIS, it is disingenuous and not transparent. The result will be to complicate the SEPA process.

When the Capital Facilities Plan is developed, it is essential the county have an accurate picture of the inventory, which any rural VBLM based on the proposed assumptions will not show an accurate inventory. The Department of Commerce calls this a critical first step. Without that accurate inventory, one cannot get an accurate forecast of future needs, creating a host of problems for future generations, including, but not limited to, growing pressure of systems not intended for the potential growth, such as transportation and energy needs, growing pressure on ground water, deficiencies in public services, such as sheriff and fire patrols, impact on fish and wildlife, and underestimating the expenses of maintenance and expansion of systems.

I have outlined a number of problems with the use of Mr. Madore's assumptions. I wish I had more time to clarify and present these issues; however, the timing of the Nov. 19<sup>th</sup> Planning Commission meeting where the real impact was finally understood, was only 4 days ago. In summary, it is important to note, that while the proposed assumptions do hide a number of parcels, if you uncover ALL of those parcels, the real difference between the original Alternative 4 and the revised 5<sup>th</sup> alternative is approximately 650 home sites. Nothing has changed, but what is being counted, and those counts are based on arbitrary and capricious assumptions developed by Mr. Madore.

- 1) Staff report on Rural VLM & Planning Assumptions of Nov. 19 page 2, environmentally constrained layers
- 2) Mr. Madore's Nov. 9 report – Rural VBLM Planning Assumptions Basis
- 3) Appendix A from Madore's report.
- 4) GMA mandatory requirements RCW 36 70A 070
- 5) Staff Nov. 19 report page 3, nonconforming lots (top of page) and Exhibit 4, same document
- 6) WAC 365-196-310 Urban growth areas Section (4)(b)(ii)(F)
- 7) Staff Nov. 19 report Exhibit 2 page 3
- 8) RCW 36 70A 070 Comprehensive Plans - Mandatory elements Section (5)(a)

Exhibit 1: Potential home sites from the proposed column B assumptions of Exhibit A - Planning Assumption Choices Rev 1.09 (11/18/2015)			
Data source: Provided by GIS staff and recorded in the Staff Report on Rural Vacant Land Model & Planning Assumptions, November 19, 2015			
	Alt-1 Capacity Per DSEIS	Alt-4 Capacity Per DSEIS	Alt-LPA
Gross potential home sites	7073	12401	6638
7.5% Market Factor			-498
Potential home sites as identified by Mr Madore	7073	12401	6140
Potential home sites from inaccurate or invalid assumptions			
Table 1 #3B Environmentally constrained parcels of less than an acre should not count as developable			3594
Table 1 #4B 30% of dividable parcels with homes will not develop			1157
Table 1 #4B 10% of vacant dividable parcels will not develop			407
Table 1 #6B 90% of nonconforming parcels with at least an an acre of unconstrained			597
Table 1 #7B Misapplication of market factor			498
Total potential home sites without ordinances to limit			6253
TOTAL POTENTIAL HOME SITES	7073	12401	12393
<p>Note Some parcels are influenced by more than one factor. Furthermore, the number of excluded cluster lots are unidentified, and there is no reliable data on if these lots can, in fact, be developed or not</p>			