

**Schroader, Kathy**

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**From:** Anderson, Colete  
**Sent:** Tuesday, February 16, 2016 12:52 PM  
**To:** Orjiako, Oliver, Schroader, Kathy, Euler, Gordon  
**Subject:** FW: Comp Plan Errors and Omissions document  
**Attachments:** Comp Plan Errors and Omissions docx

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**From:** Tilton, Rebecca  
**Sent:** Tuesday, February 16, 2016 11:12 AM  
**To:** Anderson, Colete  
**Subject:** FW: Comp Plan Errors and Omissions document

FYI  
Rebecca

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**From:** Madore, David  
**Sent:** Tuesday, February 16, 2016 9:42 AM  
**To:** Tilton, Rebecca  
**Subject:** Comp Plan Errors and Omissions document

Rebecca,

I would like to present the attached file during the Comp Plan hearing

Thanks

David

Clark County

2016 Comprehensive Growth Management Plan Update

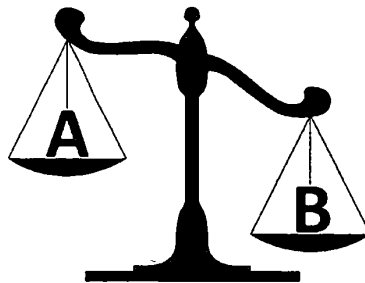


CHECKING IN ON OUR FUTURE

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Errors and omissions corrected by evidence based planning assumptions

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This document has two purposes:

1. Provide the logical proofs, factual evidence, and historical basis that necessitate the policies that define the adopted planning assumptions "B" in contrast to the original assumptions "A".
2. Provide the documentation to correct obvious DSEIS errors and omissions.

## Overview

This document focuses on the zoning map adopted on November 24, 2015 that was designed to accommodate the foreseeable population growth of the rural area of Clark County for the next 20 years.

The Growth Management Act (GMA) requires every Comp Plan to include a rural component. Alternative 4 is that rural component.

### Correction the rural zoning map

The chronic problems that have plagued rural families for the last 22 years are the result of a 1994 plan that imposed a gross mismatch between the rural parcels that already existed and an incompatible zoning map that made the vast majority of rural parcels nonconforming:

Rural zone	Non-conforming
R Zoned Parcels	6 out of 10
AG Zoned Parcels	8 out of 10
FR Zoned Parcels	9 out of 10

The zoning map created in 1994 failed to recognize the patterns that characterized the vast majority of rural parcels. Alternative 4 corrects the rural zoning map in three ways.

1. Recognizing the patterns of already existing grouped parcels
2. Recognizing the predominant parcel sizes of each area.
3. Recognizing a wider variety of residential densities

After several public meetings and open houses in the field, the proposed Alternative 4 map was further refined to incorporate valuable feedback. After several more public meetings and open houses in the field, the final version of the map was widely supported by the rural community and finally adopted.

One layer that contained parcels that had split zoning or parcels that were publicly owned, had been disabled in the map (were greyed out) up to that point. That disabled layer was then enabled, logically updated by staff, and then each landowner notified of the update. That final update is waiting to be approved by the policy makers.

Throughout the whole process, no parcels changed to another zone. R zones stayed as R, AG zones stayed as AG, and FR zones stayed as FR. Lots that already had split zones stayed as those same split zones. Only the minimum lot sizes were proposed for Alternative 4.

### **Correcting the accounting problems**

The existing Alternative 1 map, and the proposed alternative 4 map, are each made up of individual database records that are then exported and tallied to provide the total existing lots and the total new lots that may be created for each rural zone.

Those tallies reveal the capacity of the rural community to accommodate the target population growth for the next 20 years. Each parcel in the map consists of an individual record that includes other information useful for calculating its likelihood to develop. Those factors include the size, environmentally constraints, allowed minimum lot size, vacant or built status, Etc.

The software used to create these tallies have incorporated important planning assumptions that can dramatically change the tallies for each alternative by hundreds of percent. The accuracy and reliability of a realistic Comp Plan is largely dependent upon these assumptions.

Until mid-2015, few of those assumptions were known by or approved by the policy makers who are ultimately responsible for ensuring that the Comp Plan is as realistic and accurate as possible.

The previous two Comp Plans used planning assumptions, most of which, were not subject to transparency, not known by, nor approved by the policy makers. It is now known that some of the assumptions were invalid and unrealistic.

In each case, the effect of the assumptions was to erroneously overstate the number of potential rural lots. This resulted in a chronic shortage of rural lots and a failure to fulfill the GMA requirement of accommodating the forecasted rural growth.

Per the law of supply and demand, failing to provide the expected need for residential land, results in unaffordable home and increased homelessness. Ever higher prices afford ever smaller homes and lesser apartments, contrary to the written Growth Management Act goals RCW 36 70A.020

Source: <http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A&full=true>

Clark County / Vancouver now has the distinction of having the fastest growing rent prices in the nation.

### **Comparing Planning Assumptions "A" to "B"**

The policy makers embraced a policy of transparency that fully disclosed the original planning assumptions and adopted a policy intended to improve the accuracy and to make the tallies more realistic.

The assumptions were organized into two tables with the original assumptions in column "A" the newly adopted assumptions in column "B". The adopted policy replaced the practice of counting what was theoretically possible, with the practice of counting what was most likely and realistic.

The adopted "B" assumptions lowered the tally of rural lots expected to likely develop. The new totals revealed that Alternative 1 was unable to accommodate the target growth and Alternative 4 was a good match.

An independent opinion was sought by a third party to compare the "A" assumptions to the "B" assumptions. A contract was awarded to Thorpe and Associates.

The cover page of the document submitted for analysis states on the cover page "The proposal contrasts existing choice A with the proposed choice B and provides the factual basis for each." Source: [https://www.clark.wa.gov/sites/all/files/the-grid/112415\\_rev109\\_ExhibitA.pdf](https://www.clark.wa.gov/sites/all/files/the-grid/112415_rev109_ExhibitA.pdf)

However, miscommunication resulted in the consultant doing the wrong work. Rather than comparing each "A" assumption to its associated "B" assumption, none of the original "A" assumptions were analyzed. Instead, the "B" assumptions compared to a short list of other counties.

Validity cannot objectively be based on popularity. Each county is unique. Each has some similarities and some differences. Most of Clark County's planning assumptions were not known by the policy makers nor subjected to transparency or scrutiny for the last 22 years. How then can we expect each of the other counties to be different? Theirs, like ours, likely have not been subjected to legal scrutiny.

The consultant was provided with the following documents that supported each "B" assumption with the logical proofs, factual evidence, historical basis, and methodology:

<https://www.clark.wa.gov/sites/all/files/c-grid/MethodologyforRuralVBLMAssumption1.pdf>

<https://www.clark.wa.gov/sites/all/files/c-grid/MethodologyForRuralVBLMAssumption2.pdf>

<https://www.clark.wa.gov/sites/all/files/c-grid/MethodologyForRuralVBLMAssumption3.pdf>

The methodology for each assumption, along with the parcel level Excel database files are available on the Clark County server at K:\GIS\BOCC\Madore\

But there is no evidence that any of that documentation was considered. None were refuted. If lack of supporting documentation was a reason to find an assumption invalid, then the "A" assumptions would be invalid.

One of the useful outcomes from the contracted work is the confirmation that the changes can be accommodated with an addendum to the DSEIS to satisfy the SEPA process.

### DSEIS errors to be corrected

#### 1405 miscoded records:

The map for Alternative 1 has the same parcels as Alternative 4. The only difference should be the proposed minimum lot sizes for those parcels. However, 1405 of those parcels, although properly coded for Alternative 1, have been miscoded for Alternative 4.

The documentation has been provided on the county server here:

<https://www.clark.wa.gov/sites/all/files/c-grid/Alt4CapacityCalculations.pdf>

The Excel database file is located here:

K:\GIS\BOCC\Madore\Methodology for Alt 4 Capacity Calculations

#### Cluster Remainder Lots

The Thorpe report declared assumption 1B to be valid and specifically refuted the practice of county cluster remainder lots as rural lots that could develop. The report referenced numerous state laws prohibiting such development. The DSEIS totals erroneously included cluster remainder lots in the Alternative 1 and Alternative 4 totals. These known errors need to be corrected.

#### Rebuttal to miscellaneous Thorpe findings

3	Rural parcels including 100% of environmentally constrained areas that lack sufficient area for septic systems and well clearances shall be counted as rural parcels that will develop.	Rural parcels that have less than 1 acre of environmentally unconstrained land sufficient area for septic systems and well clearances should not be counted as likely to develop.
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The methodology supporting assumption 3B has been provide (as referenced earlier) and has not been refuted. If the policy-validated in assumption 1B is valid, then 3B is also valid. State law prohibits septic systems from being built in wetlands, on very steep slopes, or in close proximity to a well. Therefore, it is impossible for 100% of all environmentally constrained parcels to develop. Therefore, assumption 3A cannot be realistic.

The Thorpe report declared assumption 1B to be valid. That assumption states "Parcels that cannot reasonably be expected to develop should not be counted as parcels likely to develop." That assumption is consistent with our adopted policy intended to make the Comp Plan more realistic and accurate than a plan based on what is theoretically possible.

4	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. But every rural parcel shall be counted as a parcel that will divide to the maximum degree possible.	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. These same deductions should be applied to rural planning totals as well.
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Due to the error that resulted in none of the "A" assumptions being analyzed, the Thorpe report concluded that 4A was not valid for lack of evidence. The illogical conclusion is 3A which also has no evidence for the rural area, is valid. Even more illogical is the notion that no 3A will not be used if 3B is not used.

When insufficient evidence is available to determine the likelihood of one area to develop, the logical conclusion is to use the closest available information. In this case, the likelihood of parcels to develop in one part of the county is the next approximation for another area of the county since there is no information to the contrary.

5	As long as county code allows, lots that are up to 10% smaller than the minimum lot size should be considered as conforming lots and counted as parcels likely to develop.	Same
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Assumption 5B is valid for the same reasons stated in 4B

6	Although county code prohibits most nonconforming parcels from developing, all nonconforming parcels with 1 acre shall be counted as rural parcels that will develop.	Due to some exceptions from the norm, 10% of nonconforming parcels with at least 1 acre of unconstrained area will likely develop.
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Assumption 6B is valid for the same reasons stated in 4B. In addition, the Thorpe report clearly confirms that the policy makers have the unabridged freedom to make this policy call.

7	A 15% urban Market Factor provides some margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. But a 0% Market Factor shall be used for rural areas.	A 7.5% rural Market Factor should be used to provide a reasonable margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. Implementation of this rural Market Factor is accomplished by deducting this percentage of parcels from the total available rural parcels. Note that this rural Market Factor is half of the urban Market Factor of 15% in order to also satisfy the GMA goal of reducing low density sprawl.
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The Thorpe report states “The Market Factor in the Washington State code allows counties to use a “reasonable supply and demand factor when sizing Urban Growth areas. This would not necessarily be applicable to rural growth projections.”

The wording is clear that the code does not prohibit a reasonable supply and demand factor. The obvious fact is that the law of supply and demand is universal. That is the reason that the GMA requires counties to accommodate foreseeable growth in the first place. It would not be possible to achieve the goal of affordable housing without taking logical steps to ensure sufficient supply with a reasonable margin.

RCW 36.70A.110 requires each county to make accommodations for affordable housing across all segments and sectors. That includes the rural area of the county. The policy to adopt this reasonable market factor is intended fulfill that requirement.



8	A 27.7% infrastructure deduction for infrastructure including roads, storm water, parks, schools, fire stations, conservation areas, lakes, streams, protected buffers, Etc.. A 0% deduction shall be used for rural areas.	Same
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Again, the same fallacious logic of the Thorpe report would assert that if 8B is not used, then neither will 8A be used. The absurd conclusion is false on its face. A reasonable conclusion is to use zero as a close approximation since the percentage is likely very small.

**Table 2: Planning Assumptions**

Ref	A (existing)	B (proposed)
2	The actual urban/rural split has consistently been 86/14 for decades. But a 90/10 split shall be used instead to lower the rural population growth forecast to only 12,955 persons.	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.

“The state code does allow local city and county jurisdictions the autonomy to make planning decisions based on local circumstances” The Thorpe report compares Clark County to King County which is an unreasonable comparison. Whatcom uses 78/22, a valid ratio. Spokane used 75/25, a valid ratio. Clark County used 80/20 in our first Comp Plan, a valid number. Therefore, an 86/14 is a valid ratio. It also reflects the actual population split of our county.

**The self-refuting conclusion of the Thorpe report**

Even though the Thorpe report ignored all “A” assumptions, the findings on page 23 concludes that the number of potential rural lots for all four alternatives exceed the required lots even though all of the numbers were based on “A” assumptions that the report ignored throughout and continue to use the known errors that skewed rural numbers documented herein.

### **Conclusion**

Had the comparison been done to compare assumptions "A" to assumptions "B", the more accurate of the each pair would have served a useful purpose. As is, none of the submitted proofs were addressed.

The policy makers have the ultimate responsibility to provide a Comp Plan that is the most realistic, accurate, and reasonable as possible. That can only be accomplished by adopting policies that fulfill that requirement.

The Clark County Councilors serve as the policy makers empowered with the freedom, responsibility, and authority to use their discretion and policy making means to provide the best Comp Plan for the citizens of Clark County possible.

The county councilors have gone above and beyond all requirements to successfully balance all of the goals of the GMA with the adopted Preferred Alternative that consists of Alternatives 1, 2, 3, and 4.