Schroader, Kathy

From: David McDonald <david@mcdonaldpc com>
Sent: Tuesday, March 29, 2016 7 18 AM
To: Orjiako, Oliver, Schroader, Kathy
Cc: Boldt, Marc, Olson, Julie (Councilor), Stewart, Jeanne, Cook, Christine
Subject: Population Growth
Attachments: Orjiako-Ltr-160329 pdf

Dr Orijako

Please accept these comments for the CP update record

Thank you,

David T McDonald

FRIENDS OF CLARK COUNTY
PO BOX 513
VANCOUVER, WASHINGTON 98666
fiiendsofclaikcounty@tds net

March 28, 2016

Dr. Oliver Orjiako, Director
Clark County Community Planning
1300 Franklin Street
3rd Floor
Vancouver, Washington 98660

Via pdf and e-mail to Olivcr.Orjiako@clark wa gov

Dear Dr. Orjiako:

Please accept these additional comments from FOCC for the Comprehensive Plan update record. On March 24, 2016, the Columbian ran an article on the 2014 Census population growth numbers The article by Columbian Reporter Patty Hastings stated that our county's population increased by 6,489 between 2014 and 2015.

Although the Census site did not set forth population growth allocations per area within the County, the Washington OFM website does contain a chart showing the allocation of growth. OFM shows that population within the cities grew by a total of 4,825 people in 2014 (BG-570, Camas-330, LaCenter-300, Ridgefield-365, Vancouver-3,000 and Washougal-260, Yacolt-0) These numbers[1] do not count growth within the cities' respective UGAs, which are still considered to be in unincorporated Clark County

If the cities' population grew by 4,825, then rest of the population growth (1,664) occurred in unincorporated Clark County including within the cities' UGAs. Thus 75% of the population growth is within city limits and the remaining 25% occurred within the large urbanized UGAs and the remainder portion of the county (assumedly rural and resource designated lands). It is difficult to apportion the 25% (1,644) between unincorporated UGAs and the remainder of the unincorporated areas of the county as there are no statistics. However, per the cities' plans and consistent with GMA and growth patterns, the lion's share of the population growth would most likely fall within

[1] The OFM released these numbers on April 1, 2015, over a year before the current release of the Census report, which mirrors the OFM's release.

all of unincorporated UGAs[2]. One indicator of what percentage of the 6489 would be within urbanized areas is finding by the Thorpe report that population growth between 89/11 split[3]. Therefore, the split would be 5840 increase in urbanized areas and 649 in the rural area.

Thus the numbers support the Plans adopted by the Cities as well and the main premise of GMA that growth occur in urbanized areas Representatives of the cities have consistently testified that they have sufficient capacity within their urban growth areas to absorb and accommodate the growth over the next 20 years. It should also be noted that Councilor Madore's Alternative #4 (and what was adopted in November in 2015 and then repealed by the current council) did not add any capacity to the cities but dealt solely with rural growth issues. Finally, the Thorpe report concluded that "all four alternatives project significantly more lots than what is needed to accommodate growth"

Before dissecting the Councilor's recent FB post regarding the Census report, it is important to recognize three specific principles and laws that guide GMA planning. The first is that GMA requires that the County use the OFM numbers that are provided. The county used those numbers (*See* Policy Paper #s 1 and 2[4]). The second is that the law requires the County to complete its "Buildable Lands" evaluation at least one year prior to the deadline for submitting its plan to the state. *See* RCW 36.70A.215(2)(b)[5]. The Buildable Lands analysis includes the growth rate and population projections. Third, the GMA anticipates that 20 year plans need to be reviewed every 8 years to allow jurisdictions to make adjustments in growth rate and population forecasts if necessary Therefore, five years from now when the county begins its process for the next update, it can change the growth rate and the population

---

[2] It may be possible for staff to review building permits or other information to determine what portion of the 25% would most likely have occurred in the UGAs and which portion would have most likely occurred in the "non-urbanized" area of the County.

[3] According to the Thorpe Report, "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. Thus, it appears that all four alternatives project significantly more lots than what is needed to accommodate growth"

[4] The documents are posted on the county website here-https://www.clark.wa gov/community-planning/process-and-documents

[5] "(b) Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. ***The evaluation shall be completed no later than one year prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130*** The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation" (emphasis supplied).

forecast based upon the new OFM numbers produced at that time should the jurisdictions determine that to be necessary.

Therefore, using these Policy Papers #1 and #2 (along with the concomitant presentations which are also posted here https://www.clark wa.gov/community-planning/process-and-documents), staff gave all Councilors complete information regarding the legal OFM numbers that the County is required to consider using in their update. So, when the BOCC selected the OFM numbers and growth rates for the current CP update in 2013-2014, those rates were 1) based upon the Councilors having a full and fair briefing by staff, 2) consistent with meeting state law deadlines, 3) consistent with OFM numbers that were provided and 4) in line with the population trends from at least the time that the legislature passed the GMA.

Even Councilor Madore recognized the accuracy of the numbers being used by the County when he posted the following on his FB page in ***June 2014***.

> **David Madore**
> June 24, 2014
> Planning for aggressive jobs growth·
> Clark County is one step closer in our transformation from a bedroom community of Portland to a thriving self-sufficient business hub where our quality of life includes great jobs right here at home.
> **Today's Comp Plan hearing included a variety of local leaders who share a vision that will provide significantly more land for businesses and enough land for future homes. These plans will serve as the basis for our road improvements and specify on our maps where we will provide for jobs, homes, parks, schools, and more.**
> **Each of our seven Clark County cities are working together with our county as a united community planning how we will grow. As commissioners, we've committed to maximize our support of our county cities and reassured them that we will not shrink their Urban Growth Boundaries, the lines that divide urban from rural areas.**
> We are working to grant the maximum flexibility to each city so they can each determine what is best for their domain. The Growth Management Act requires us to complete this major task by June 30, 2016.
> The process in our state is "bottom up" in contrast to Oregon's "top down" approach. That means that our state will not dictate the plans for our community. Rather, our

> community has the freedom to inform the state of the plans we want as our self-defined destiny.
> We have reason to be thankful for the citizen-friendly process. The principles, values, and steps can be viewed here:
> http://clark.wa.gov/thegrid/documents/PH01_Presentation.pdf
> Our future is in our hands and it is looking very bright. I welcome your feedback. (emphasis supplied

In addition, the BOCC, revisited the issue in October 2014 and again approved adopted growth rate and population forecast.-- https://www.clark.wa.gov/sites/default/files/2014-1022_BOCC_WS_Alternatives.pdf. In April, 2015, when Councilor Madore was the Chair, the Council again by a unanimous vote approved the current growth rate and population forecast in Resolution # 2015-4-05 at the end of a hearing that lasted over 5 and ½ hours-- https://www.clark.wa.gov/sites/all/files/the-grid/2015-04-05.pdf Therefore, since 2013, the councilors, including when Councilor Madore sat as Chair, have repeatedly reviewed and approved the population growth rates and forecasts that exist in our current local preferred alternative that is currently being considered for a FSEIS.

Based upon the above facts and law, Councilor Madore's new "opinions" expressed in his most recent FB post are either invalid (like his Planning Assumptions for his last incarnation of alternative #4) or misrepresent the facts and the law in a number of ways.

First he states:

> The US Census facts confirm that the 20-year plan pushed by Clark County Planning staff is woefully inadequate and fails to comply with the Growth Management Act's requirement to provide sufficient land for the foreseeable growth (and he cites the census table to support that fact)
>
> http://www.census.gov/quickfacts/table/PST045215/53011

Contrary to Councilor Madore's assertions the County is in compliance as 1) the County used the OFM provided numbers as required by law nd 2) the County met the legally required deadline of completing its analysis at least one year prior to its deadline to file its plan with the state The census confirms that we grew at less than 1 6% per year between 2010 and 2015 resulting in a population of 459,495 (over 120,000 under than 20 year projection). However, nothing in the census numbers confirms that our plan is "inadequate", much less "woefully inadequate" or out of compliance with GMA. In addition, if one wants to view long term trends in growth in the County, Clark County's average growth rate from 2000-2014 was only 1.01%, which is below the estimated growth rate in our current plan. If we had used that number, then we our plan overestimates growth.

Second, he states that:

> Matters were made worse when Alternative 4 was repealed under the false claim that the "do nothing" plan of Alternative 1 was sufficient to meet the needs of the rural community.

Alternative 1 is not the "do nothing" alternative. It provides for everything required by the GMA and reflects the actions needed to be taken to accommodate growth, actions needed to guide our capital facilities plans and projects to accommodate 20 years of growth and satisfies the 13 planning goals of the GMA and has already been upheld by the Growth Board and the Courts. The record is filled with evidence that there is more than sufficient land area allocated for growth under Alternative #1 including meeting the needs of the rural area Alternative #1 allows for quite a bit of growth in our county while staying true to the major premise of GMA, which is that urban areas absorb the lion's share of the population growth while preserving resource lands and maintaining rural character

Third, he states.

> Unless the gross error is corrected, Clark County will continue to be plagued with the same chronic land shortage that reduces the quality of life with ever higher prices for ever shrinking lot sizes

The underlying premises of this statement are not supported by facts. There is no "error" much less "gross error" to be corrected. Neither the census #s, nor the 2012 or current OFM numbers, support an assertion that our current plan has any error whatsoever [6]. As stated above, the average growth rate for Clark County from 2000-2014 was 1.01%. The current rate is in excess of that 14 year average. Another false premise is that Clark County has been "plagued" with "chronic land shortages" in the past The census numbers cited by the Councilor lend no support to his claim of land shortages. In fact *all* of the cities have repeatedly testified that they believe that they have sufficient land inventory to handle all the population growth that they anticipate in their UGAs within the next 20 years. The work by the Cities supports the anti-thesis of the

[6] FOCC has presented, and will continue to present, hard evidence in the record that shows that the impact by allowing the decreases in parcel sizes under 2.b-2.d are not sustainable and violate the GMA by allowing for too much parcelization of resource lands

Councilor's claims that there is any land shortage, much less a chronic one.

Finally, Councilor Madore states that the new census numbers will result in the scarcity of useful land and violate one of the "key goals" of the GMA-affordable housing[7]. Affordable housing is one of the 13 planning goals that are part of the GMA planning process but there is nothing in the Census reports, or the Cities' various plans that show that they have a land scarcity, otherwise the cities would have requested expanding the urban growth boundaries. In addition, affordable housing is not necessarily tied to land supply but rather how development regulations are put in place to encourage the construction of affordable housing. The MRSC website has many thoughtful ideas regarding the implementation of affordable housing policies and regulations (none of which appear to be championed by the councilor). *See* http://mrsc.org/Home/Stay-Informed/MRSC-Insight/March-2016/It-s-Time-to-Implement-Your-Affordable-Housing-Pol aspx, http://mrsc org/Home/Explore-Topics/Planning/Specific-Planning-Subjects,-Plan-Elements/Housing/Affordable-Housing-Ordinances-Flexible-Provisions aspx, http://mrsc org/Home/Explore-Topics/Planning/Specific-Planning-Subjects,-Plan-Elements/Housing/Washington-State-Statutes-Administrative-Codes-Hou.aspx.

The legislature passed " 'in response to public concerns about rapid population growth and increasing development pressures in the state, especially in the Puget Sound region.' " *King County v. Cent. Puget Sound Growth Mgmt Hearings Bd*, 142 Wash.2d 543, 546, 14 P.3d 133 (2000) (quoting Alan D. Copsey, *Including Best Available Science in the Designation and Protection of Critical Areas Under the Growth Management Act*, 23 SEATTLE U.L.REV. 97, 97 (1999)). The Act was intended to control growth after decades of lax and optional land use regulations and the legislature's stated intent was to combat "***uncoordinated and unplanned growth***." RCW 36 70A.010.[8] "In seeking to address the problem of growth management in our state, the

[7] (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

[8] "One of the primary purposes of the Act is to direct new growth into IUGAs or UGAs. The Legislature has determined by adoption of the GMA that directing growth to urban areas provides for better use of resource lands and more efficient uses of taxpayer dollars A county must size an IUGA large enough to accommodate the growth that will be directed into it. A recognition of growth that has already taken place will prevent undue oversizing of the IUGAs. Likewise a recognition of the growth that will occur outside IUGAs (due to preexisting lots in rural areas) should not encourage growth in those areas but merely recognize its existence. The GMA requires counties to adopt policies, DRs and innovative techniques to prohibit urban growth outside of properly established IUGAs and UGAs. The more a county utilizes these techniques to funnel growth into urban areas, the more discretion is afforded under the Act in sizing IUGAs or UGAs." *C.U.S T E.R. v. Whatcom County*, WWGMHB #96-2- 0008,

Legislature ***paid particular attention to agricultural lands***." *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd*, at 555(emphasis supplied). Finally, the explicit purpose of RCW 36.70A 177 is to provide for creative alternatives that *conserve* agricultural lands and *maintain* and *enhance* the agricultural industry. *Id* at 561(emphasis in original).

In addition, the WWGMHB has stated the following in one appeal from our county:

> There is no doubt that the GMA sees agricultural lands and the industry that relies on them as something special given the duty set forth to *designate* agricultural land and *conserve* such land in order to *maintain* and *enhance* the agricultural industry. The purpose of this legislative mandate was articulated by the Supreme Court a decade ago when it held: The GMA sought to control and regulate growth, and specifically emphasized the protection of natural resource lands, including agricultural land. The Legislature hoped to preserve agricultural land near our urban centers so that freshly grown food would be readily available to urban residents and the next generation could see food production and be disabused of the notion that food grows on supermarket shelves. Final Decision and Order in *Karpinski v Clark County*, Case No 07-2-0027 at page 33 *quoting Redmond v. Central Puget Sound Growth Management Hearings Board*, 136 Wn. 2d 38, 57-58 (1998)

The end result is that population growth is to be centered in urban areas that can more effectively and efficiently provide capital services, and not in rural areas and resource lands. Secondarily when allocating population growth, protection of agricultural lands of LTCS is paramount and not superseded by consideration of economic factors. Finally, there is no evidence that allowing for lower minimum lot sizes in the rural area is necessary much less will promote affordable housing as that term has been defined under the GMA and other statutory schemes. *See* MRSC links above for same.

We hope to continue to provide factually and legally correct and supportable submissions for this record and also hope that our submissions aide the decision makers as they debate these issues

Sincerely,

David T. McDonald
On Behalf of Friends of Clark County