



March 20, 2023

Chair Bowerman and Councilors Yung, Belkot, Medvigy, and Marshall:

RE: Public Participation Plan for the 2025 Comprehensive Plan Update

Thank you for the opportunity to comment. With two important exceptions, we support the proposed County Public Participation Plan (PPP), and its well-articulated goals and various opportunities for input. The document is clearly written, and includes some important adjustments made since the original draft.

Our concerns relate to the PPP's stated goal of providing meaningful participation, and its call for sufficient information and tools for participants. If this goal is to be met, additional information and is needed in two key areas. We recommend the following:

- 1. Provide information and a forum for input on how growth choices in this update cycle impact how Clark County is ultimately built out over the longer term.** The 2025 Comprehensive Plan update will be the Clark County's fifth in just over 30 years, and there is a diminishing amount of land remaining for long term urbanization in future updates. High-level information about how long current growth choices can be sustained before new land supplies run out is an important evaluation tool. We appreciate County staff's expressed willingness in response to our original comments to consider options for examining long term implications and offer some specific suggestions here:

 - Before a 20-year countywide growth forecast is selected this spring, and when Draft EIS alternatives are presented, provide generalized, high-level information on how long the pace of growth encompassed in the forecast and alternative options can be sustained beyond 20-years, and the general implications for rural land and farms.
 - At some point earlier in the process include a meeting or forum to begin to explore general community desires and ideas regarding long term buildout of the County, as this will influence choices within this update cycle.

- 2. Develop and publish credible land capacity estimates.** Reasonable estimates of how much growth can be accommodated on existing lands in this update cycle are needed before selecting a new countywide population forecast, so the public and stakeholders will be able to determine the general extent of zoning changes and/or UGA expansions needed under the various forecast options. Reasonable estimates will be needed throughout the update process, particularly in the upcoming EIS, so that parties reviewing and commenting on

various land use alternatives have reasonably accurate information on the amount of growth and related impacts those alternatives will likely produce.

Unfortunately, capacity estimates usually provided annually at the start of the year are still not available, and none are posted on the County Vacant Buildable Lands Model (VBLM) website beyond 2018. Capacity estimates were included in the June 2022 County Buildable Lands Report, but they were completely at odds with actual growth and development data. The 2022 estimates indicated, for example, that long term capacity within the City of Vancouver can only accommodate an additional 12,000 housing units through 2035, even though applications containing that number of units were already submitted to the City and under review right now. For the VBLM to be accurate, there could essentially be no remaining capacity for new housing anywhere in the City for the next 13 years. This is simply not credible. Other City of Vancouver analyses show that the 2022 VBLM only accounts for around half of actual residential growth capacity, with the undercounting occurring primarily, but not exclusively in Vancouver.

The 2022 capacity estimates were based on new modeling assumptions adopted by the County Council following a lengthy but unfortunately flawed process. The final Council assumptions differed in some important ways from the work of the Buildable Lands Project Advisory Committee, County Planning and GIS staff, City staff, and state buildable lands guidance. Most critically, both the Advisory Committee and County Council review focused on the many individual assumptions that are input into the VBLM model, with no testing of the resulting model output against actual growth to confirm that correct input assumptions were being used. Testimony from some asserting the 2022 estimates somehow overestimated residential capacity also avoided the model results, instead focusing on a select few individual input assumptions and general field observations and perceptions. There was little County response when the City of Vancouver reported that various tests of the model results indicated it grossly underestimated actual residential growth capacity. The final County Buildable Lands Report provides no evidence or makes no claims that the capacity estimates set forth are reasonably accurate, and instead emphasizes the need for ongoing monitoring.

The proposed County Public Participation Plan makes no mention of updating the model until late 2024, after publication of the EIS with no apparent plans to fix the model's residential undercounting. If so, the EIS is likely to be significantly misleading, as the public and interested parties will be asked to comment on alternative growth scenarios that would produce significantly more growth, more congestion, and higher capital facilities costs than what the EIS states. If the undercount problem is not corrected, final adopted Comprehensive Plans will likely be similarly misleading and subject to challenge. If more growth is desired for policy reasons, that is the County's prerogative, but it should be done transparently and included in growth forecasts and capital facilities plans, and clearly stated in materials put forward for public comment.

In addition to being misleading, using documented and significantly inaccurate capacity estimates in the EIS and adopted Comprehensive Plan may render those documents non-compliant with the State Environmental Policy Act (SEPA) and the Growth Management Act. Modeling undertaken for the 2022 Buildable Lands Report (BLR) was only required to answer the yes or no questions of whether there was sufficient capacity to accommodate previously adopted growth targets, and whether planned densities were being achieved. To our knowledge BLR methodologies have not yet been addressed by the Growth Management Hearings Boards (GMHB) or Washington courts. Capacity modeling for Comprehensive Plans, on the other hand, is used to actually size UGAs and calibrate zoning designations. Referred to as a “Land Capacity Analysis” in the caselaw, it has been subject to legal scrutiny by the courts and the GMHB on many occasions. The fact that the Buildable Lands Report was not appealed does not ensure its land capacity estimates are legal or appropriate to simply plug into Comprehensive Plans without further analysis and refinement, especially when demonstrated inaccuracies exist.

Under any circumstances, Clark County must still revisit the 2022 VBLM as part of its Comprehensive Plan update process to address unfinished business and implement new state mandates. The implication of decisions by the County Council last year regarding off-site infrastructure assumptions were neither not quantified or incorporated into the analysis. Recent statutory changes under HB 1220 have new land capacity requirements, including using zoning designations, instead of the VBLM’s Comprehensive Plan designations, as the underlying base. HB 1220 also requires local governments to plan for and accommodate large numbers of below market housing units, which will render existing VBLM density assumptions based on past information further outdated. County code changes being considered in 2023 under Housing Options Study and Action Plan will also trigger density changes that the 2022 modelling did not account for.

Fixing the residential undercount problem could be undertaken as part of the work the County must complete regardless, and does not require a lengthy process. County staff and City of Vancouver staff have already publicly identified various individual input assumptions that are among the likely causes of the undercount. County GIS staff previously identified a series of technical corrections in the VBLM to improve its accuracy which could be incorporated but have not been thus far. The crucial step of testing VBLM results against actual growth to determine its approximate accuracy is not difficult, and can be used to refine individual input assumptions. The City of Vancouver is ready to contribute staff or financial assistance as needed to support this essential endeavor.

No modelling is perfect, but the Vancouver City Council is committed to ensuring the capacity estimates relied on to support long term land use and capital facilities plans, and to communicate to the community on issues of growth and its impacts, are reasonably accurate. Therefore, we respectfully request the following:

- Include updated growth capacity estimates in advance materials for hearings to select a countywide population forecast.

- Include information demonstrating that the capacity estimates are reasonably accurate, not just that they are the result of a process.

Again, thank you for the opportunity to comment on what is otherwise a sound Public Participation Plan.

Sincerely,

A handwritten signature in black ink that reads "Chad Eiken". The signature is fluid and cursive, with a long horizontal stroke at the end.

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