



BOCC HEARING MINUTES
FEBRUARY 23, 2016

BOLDT Thank you The Council will now come back in order Oliver, will you give us a short presentation.

ORJIAKO. Yes Good morning Is it on? Yes. Good morning, Councilors. For the record, Oliver Orjiako, Community Planning Director

This is a continuation of your hearing from February 16th, and staff provided you a two-page staff report with an attachment. I will not go through the entire report I will assume that the Councilors have read that. This hearing, as I said, is a continuation of your February 16th hearing so that you can deliberate. You closed public testimony.

Following your hearing you asked or the Council asked a series of questions of staff, for example, how did we, staff, and the Council handled the site-specific requests. You also asked questions on the 1994 ag-forest designation, how that was resolved, whether we can provide you with a map that shows areas that were designated as ag-forest and the current zoning to date So we do have a map if the Board so choose. I don't think it's necessary, but we do have that map available

You also asked what is the status of the accessory dwelling units in the rural area I think on Page 2 we indicated that we are working or are still working with the PA's office regarding allowing accessory dwelling units in the rural area. We indicated as we are looking at what other counties are doing that there are some recent litigations that needs to be reviewed prior to us drafting an ordinance That's going to be a policy call If you do direct us to move forward with that, what is the litigation?

I know that Pierce County is in this because they're doing the same thing we are doing. They did update their own comp plan and submitted it, though, in a different cycle; however, that they also allowed ADU in the rural area. I believe they extended that to the resource that have been challenged to the Growth Board We are monitoring that. We would like to see the outcome of that before we can draft our own ordinance, and again, it will be a policy call by the Board.

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You also asked for, I believe, it was a clarification of Column A, inaccuracies, if you will. We tried our best to answer that on Page 2 of the staff report. Are there any proposed GMA changes given the fact that the legislature just completed, we reviewed that and there are no proposed changes that will affect the implementation of the Growth Management Act. You also asked us what are the next steps and we provided that on Page 2.

Following your action today, staff still needs to engage our current consultant, that is ESA, to finish the Final Supplemental Environmental Impact Statement. We are still going to do, based on the preferred plan that you selected, we are still going to run urban vacant buildable lands model for the urban area so that we can share that information with you at a later time and with our city partners as to what does that preferred plan represent and do we have sufficient room to accommodate the growth that you are planning for.

We will still do -- we are required to do capital facilities plan to support the Preferred Alternative as well as capital facilities financial plan. That we will be working with the Budget Office and other various County departments to prepare the capital facilities financial plan. In that document it states how we pay for some of the facilities to enable us to implement the 20-year growth plan. For the County to spend or fund any capital project, some of that needs to be in the capital facilities financial plan. We are still working on revising the comprehensive plan text. So much have been talked about that, so that work we are going to do.

And then any related changes to Title 40, which is our development regulations, so any proposed language or policy language that the Board adopts or approve, if we need to update our Title 40, we'll have to do so accordingly. As I stated, we have to issue the final or complete the SEPA review. We then have to submit our 60-day document to Commerce to begin our 60-day review period, that needs to be submitted to the State by April 30th if we are going to meet our 6/30/2016 deadline.

As part of that process, the Planning Commission will have a series of work sessions both on the Final SEIS, the comp plan text, changes proposed to Title 40, the capital facilities plan as well as the capital facilities financial plan. It's

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likely because we are running really approaching our deadline, we may propose joint work sessions between the Planning Commission and the Board and then the Planning Commission will go separately and deliberate and make a recommendation to you and then you will begin your own hearings and deliberation

Those are the next steps that are left and we did articulate that in our staff report to you So that is quickly my summary Again, you closed public testimony I will be available to answer questions We have legal counsel here too to help us answer questions during your deliberations.

BOLDT Is there any questions for staff?

MADORE: Yes, I have a question There is a bit of unfinished business, the layer of the map, Alternative 4 map that was grayed out and then turned on, turned back on and then the staff completed that layer which basically was the exceptions there. Those were lots that had split zoning or that were publicly owned Staff completed that work, recommended that we adopt that in order to finish off that map.

At what point in our this meeting today, this hearing, should we finish up that work?

ORJIAKO Councilor, that will depend on your action If you look at the staff report that I prepared, it also has correction of mapping errors, if necessary, and a path forward, so all that will depend on your action or the action of the Council. We are ready if you want to see the maps and make changes to that. Again, it will depend on your action and a path forward, but we are available to present that to you

MADORE: So do I understand correctly that just simply approving the recommendations by staff to complete, in other words, to approve what staff has completed in that one originally grayed-out layer does not necessarily move Alternative 4 forward or the preferred plan forward, it just simply completes a process so that whatever we approve will be already, well, finished; correct?

ORJIAKO I will let Chris chime in as well.

COOK Chris Cook, Deputy Prosecuting Attorney

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Councilor, I'm not sure exactly what you're asking, but if the Preferred Alternative is reconsidered, if the Choice B assumptions are rescinded, then that makes the map corrections a moot issue. And so as the heading of this supplemental staff report states, says corrections of mapping errors if necessary, if the Preferred Alternative is changed, if the planning assumptions that be are rescinded, then it would not be necessary to correct that map.

MADORE: Yeah. I would think then conversely, if we're going to move forward with a plan and a map that's well-defined and recommended by staff that that layer that was turned off has been corrected and turned on, that that would be the solid base for us to be able to consider yes or no in moving forward; is that correct?

COOK: Councilor, I am not a tech person and I am not sure exactly what you're talking about when you talk about the layer being turned on and off. I think what I am talking about is the Board's adoption of a Preferred Alternative on November 24th and its adoption of a set of planning assumptions known as the Choice B Planning Assumptions. Those are largely words, and if those are rescinded, there is no need to deal with the map.

MADORE: Sure. Let me explain because it's really quite simple. The map that we presented to the community was included all that was known and all that was presented provided by GIS. There was a layer that was turned off before we got it. It was grayed out. It did not show up to any of the Councilors or any of the citizens. I'm referring to that as the grayed-out or the disabled layer of the map.

It was disabled by staff for good reason in that it held only two exceptions: those parcels that were split zoned that had two different zones on one parcel and those parcels that were publicly owned. After we went through the full public process, staff noticed that, whoops, we should have turned that layer back on and handled those exceptions.

Staff did turn that back on, did a great job completing that work, so now we have a complete map and that invisible layer that's now visible is something that would be a natural course for us to accept staff's recommendations to complete that

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work. Is that clear?

COOK: Councilor, I don't know if you're asking what order these items should be considered in.

MADORE: Actually, I'm not.

COOK: But, again, I will --

MADORE: I did earlier, but I just want to make sure that we understand what we're talking about and the natural path forward. If we were to consider anything moving forward, we would complete the map first for our consideration.

COOK Not to consider anything moving forward To consider the alternative and the assumptions based upon which that map was created, it is necessary to correct the map; otherwise, that is not a good use of time.

MADORE: Sure You mentioned also that the assumptions are simply words. The assumptions are simply English representations of software code called the vacant buildable, the rural vacant buildable lands model. That's software code that changes the numbers that get reported to us that we act on. They're more than words. They're software rules that change the numbers by hundreds of percent before the Commissioners get them. That's, to me, those are hugely important. Thank you

OLSON: Mr. Chair

MIELKE: Yes

OLSON. I just two points of clarification. One that the map we were just speaking of is as a result specifically of the Choice B planning assumptions and Alternative 4B?

ORJIAKO That's correct

OLSON. And then secondly, we were provided this document from you guys, from staff estimating potential rural housing and employment This is the documentation of how rural lots have been counted in the past?

ORJIAKO. Councilors, what I will say is that there appear to

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be some misunderstanding and confusion, if I may use that term. What this represent is when ESA asked staff to help them determine the potential new lots available under each alternatives This is staff documentation of what was presented to ESA.

So, for example, if you go to Page 1-3, it's not in your staff report, I'm referring to the published -- August 5th published DEIS, you can see that on Page 1-3, Table 1-2 list all the potential new lots allowable or available under each alternative. So this is staff's effort to document what we did in consultation with our GIS staff and presented that to ESA.

There is no written rural VBLM model What we do is just a simple analysis of what are the available potential lot in the rural area based on the current zoning, so we don't have -- this Council and the previous Board that we have worked with have never approved a rural vacant lands model.

MADORE: Mr Chairman, I'd like to be able to correct a couple of misunderstandings. The question was asked whether or not the finishing up the map is implementation of the planning assumptions The map is completely independent. It has nothing to do with the planning assumptions. The way the map is the definition of 28,812 parcels in the rural area Alternative 1 has the same count, the same parcels as Alternative 4. Those 28,812 parcels are then exported from that map into Excel and that provides the basis that we start to analyze the numbers So the map is completely disconnected from the planning assumptions.

Once we get the exported, those exported files in Excel, that's where the VBLM, the rural VBLM, that M that is in those four letters stands for model, that's where the math, the software changes those numbers to reflect the totals that end up in the DSEIS

BOLDT Okay Is there any questions, more questions for staff?

STEWART: Mr Chair.

BOLDT Yes

STEWART. I'm going to see if we can move this conversation along.

BOLDT: Okay

STEWART: I make a motion to repeal the Preferred Alternative and comp plan policies as they were adopted on November 24, 2015.

MADORE Point of order

OLSON. I second.

MADORE Point of order When a point of order is raised, we interrupt the process to bring attention that we're violating our rules We are continuing the public comment on this to hear from the public before we take action

BOLDT. No, the public comment is closed.

MADORE I'm talking about the hearing on the comp plan.

BOLDT We're deliberating

MADORE. Excuse me, if I can say that correctly, deliberation follows listening. It never precedes listening.

BOLDT: You will get your chance

MADORE: Are you proposing that we vote --

BOLDT: No, I'm not.

MADORE: -- before we listen to the public?

BOLDT: The public testimony is closed

MADORE. Didn't we continue the public testimony from last week?

BOLDT: I closed the public testimony.

COOK No, sir, public testimony was closed The hearing was continued, but the testimony was closed. The record has been closed for both oral and written comment since last week.

MADORE: Yes, I stand corrected.

BOLDT: Okay. Is there a second?

OLSON: There's a second.

BOLDT: Okay. Deliberation?

MIELKE: If I understand, yeah, I'm understanding that we're taking action to remove it before we discuss it?

BOLDT: We're discussing it right now.

MADORE: What was the motion specifically?

STEWART: The motion is to repeal the Preferred Alternative and comp plan policies as they were adopted on November 24, 2015.

MIELKE: So, Mr. Chair --

BOLDT: Yes.

MIELKE: -- the discussion was to discuss the merits of Alternative 4 as well as the proposed that came forward, and we're taking action on that before we discuss those alternative choices that we had between Column A and Column B. So I'm not understanding why we would take the action to dissolve it before we talk about it.

BOLDT: We're talking about it right now.

MIELKE: Well, then I'll take this opportunity then to express my disappointment that you cut off discussion or debate about what we're discussing. It's a big subject to talk about. It takes in many parts of things, many of what were good and many that could be discussed about, but that's not the action that's being pushed forward right now. You're trying to cut off the debate and you haven't even discussed the things that were -- the alternatives that staff has come forward with.

Some of the things that were talked about was the infrastructure, how do you pay for the infrastructure. My response to that is that we pay for the infrastructure the

same as we have paid for the infrastructure in the last 20 years, that we've done that with the development portion of it and with the road taxes and things of that nature. This is huge to cut off debate on this

This is something that's been kicked down the road for 20 years denying the rural -- denying the rural portion to be considered at all and that was part of the Growth Management Act that you were supposed to take into consideration the rural amount. We made baby steps along the way. We also appointed a rural task force that went out there and they worked very, very hard to come back as to how they was recommending growth go forward

We're ignoring that by cutting off this debate too. We're throwing chains around those landowners to where they can't do it again. You might put moratoriums on them and everything else, they can't move, they can't build, they can't add on. We talk about promoting farm life and whatnot and yet we don't allow the passing down to the family members by allowing those family members to live on the parcels that they're going to be taking care of.

We have only seven states that have a Growth Management Act. That should tell you something about the Growth Management Act itself when you can't get more than seven states to change over 20 years. It was supposed to plan. It was supposed to plan for growth, not stop growth. It wasn't meant to pile people in. You talk about infrastructure being overtaxed or overburdened is when you put 40 units in a residential area that's designed to handle single-family homes.

So when you talk about urban sprawl or rural sprawl by the practices that we've done, we've created an infrastructure problem. It's time to deal with that rural area, not to cut off debate again.

The other question that was brought up, well, we're running out of water. I don't know about you, but in the 7th Grade I learned about the water cycle, how simple it is, how nature provides what we have. And until you see the ocean going down, I don't think that we have a shortage of water.

So while we've had things thrown out there to cut off this debate, to not discuss that portion of the rural community

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that we need to do, that is nearly 50 percent of our population and that you can -- in fact, we just had something here a minute ago to where we're taxing them another \$100,000 for a program that's going to help locally more than it's going to help the rural area.

So I think that we're way out of line with what we have before us right now to ignore the things that we have before us and not talk about them. To say, well, we're here to talk about it right now, let's go back and discuss the different parts of it that as was planned whether we have A or B, whether it's a planned Alternate 1, 2, 3 or 4, they all have merit, and the idea of a true plan is when you go through and pick out those things that are best for Clark County and the things that we need to do

There must be some forum to address the needs and the respect and the property rights of those people and the County, and that's what we're not doing that when we cut off this debate

BOLDT: Very good You're absolutely right.

STEWART: The motion does not cut off debate and there's still a lot of discussion here left to be had We all realize what you're talking about, Tom.

BOLDT So with that, can you put the -- so with Council's approval, I would like to go with the staff quick summary of each item and then we can talk about the items and we will have general comments at the very end. Is that okay?

OLSON: I think, Mr Chair, would we consider taking a vote on this motion prior to this piece?

BOLDT: This piece, yes Okay

MADORE: A point of, we still have opportunity here to weigh in?

BOLDT Yes.

MADORE Okay. Several things here. One, I provided this document to my colleagues last week, it's errors and omissions corrected by the evidence-based planning assumptions. I've been in the process of updating it even further since then.

There are some basics about this that I believe that if we vote, if this body votes to repeal this and not put anything in its place to solve the chronic problems that have plagued rural citizens for the last several decades that we will not comply with the Growth Management Act that requires this body to provide sufficient land to accommodate the foreseeable growth for the next 20 years

That's what the GMA requires us to do, the most fundamental reason why it's there in the first place. Those chronic problems are very specific. One is --

BOLDT Well, excuse me

MADORE Yes, sir

BOLDT: You will definitely have a chance. This motion is not to adopt anything.

MADORE I understand I'm not saying it is.

BOLDT: This motion is to --

MADORE: This is the reason that this is -- the motion on the table is to do away with the rural component of the plan

BOLDT: No, it isn't. It's not. It's to repeal.

MADORE: It's not?

MIELKE It's to repeal the Preferred Alternative that this Board voted to do back in October.

BOLDT: Yes And at the end of the day, we will have all of our Preferred Alternative. So all this is is getting us to a blank sheet and then we'll build from that blank sheet up So you can have your --

MADORE: Okay Well, given the opportunity.

BOLDT. You will have plenty of opportunity. So with that, all in favor say aye.

STEWART. AYE

OLSON AYE

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BOLDT AYE

BOLDT. All opposed? Motion carried.

MADORE: NAY

MIELKE. NO

BOLDT: Well, thank you. Motion carried. With that, so if we could just go down the list of the menu items

ORJIAKO: Thank you, Councilors What I will like to do briefly is walk you through this table On the first column are the four alternatives that was studied in the Draft Supplemental Environmental Impact Statement Alternative 1 followed by Alternative 2, Alternative 3 and then Alternative 4. And when I talk about 4, I don't want to confuse Alternative 4 with Alternative 4B because that's the one you just rescinded

The second column are the Options Descriptions Column three represent the Planning Commissions' recommendations to the Council. And the fourth column is the Preferred Alternative as was approved by Council on November 24th. And then you have a blank column there should you do something different

Alternative 1 is described as the No Action Alternative. It is indeed the 2007 growth plan for Clark County. That's the existing comp plan, if you will. So in the review of SEPA, it is called that you have a No Action Plan which is the existing plan

That is followed by Alternative 2 and it is called County Initiated Alternative. In Alternative 2 you will see all the items that are in Alternative 2 listed on the first column 2 a 2 a deals with Rural Lands It says here under 2.a this is more of housekeeping under 2 a. This will make our comp plan, existing comp plan to zoning matrix consistent. That's all we're recommending in 2.a

2.b is you mentioned that we had a rural land task force, 2 b and 2.c came about as a recommendation of that group and a preference of it that County staff was directed to conduct And in 2.b, the proposal is to change the minimum AG parcel size from AG-20, 20-acres minimum to 10-acres minimum 2.c is to also take Forest 40, Tier II Forest designation 40-acres

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minimum to 20-acres minimum

2.d is another proposal because there are some areas where Rural 10 and Rural 20 abuts resource lands. So if we are proposing and if the Board agrees with this proposal, those areas where we have Rural 20 that abuts AG, we will be able to look at those and propose that they go to Rural 10 or Rural 20, whichever one is the case. You go through each of these. You can see how the Planning Commission voted at their hearing on September 17th.

2.e applies to the rural centers. What we are proposing here is that there be one rural commercial. Right now what we have is what we call Rural Commercial Center CR-2 and CR-1. Those commercial designations that are inside a rural center or outside, we designate them differently. What we are calling for under 2.e is just to have one commercial designation. It doesn't matter whether you are inside a rural center or out.

What are rural centers? Rural centers are, I think we have about seven of them in Clark County, Hockinson, Meadow Glade, Brush Prairie, Chelatchie Prairie, Dollars Corner, Fargher Lake - I might be missing one or two - Amboy, and that's what we are proposing here, so that was just a really simple technical change.

Under 2.f, this is urban reserve, it is true that there are some areas that have been in urban reserve for quite some time, and this proposal here is to look at those areas and look at is there any utility in keeping those areas still in urban reserve or should some of those areas revert back to, say, Rural 5 or other rural zoning. That's what is being proposed in 2 f.

I will -- the -- I think the Chair, you will recall that in 2007 there were some areas immediately north on the west side and north or maybe south of Salmon Creek which the Board at the time looked at and directed that staff remove the urban reserve, and those areas have reverted back to Rural 5, as an example. That's what is being proposed here. I can go on.

The same is true in 2 g. What is proposed here, again, is to combine - this is more technical - to combine the three commercial zones that we currently have. We have C-2 which is Neighborhood Commercial, C-3 is Community Commercial and GC is

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General Commercial, combine that into one single commercial designation and then implement it with those three different commercial zone

This I believe is something that we don't have to once a year go before the Planning Commission and come back to the Council. This, if approved, a zone change could be made to the hearing examiner. We don't have to wait for once a year. That's the thing about this. If the Board allows this and we see issues as results occur, we may come back to you and ask you to modify this, but we think this is a good proposal.

Public Facilities, that's 2 h, we are proposing that we create a public facility zone. The way this will work is we have school sites, utility site, other publicly owned facilities that are already developed. This will only apply to public facilities sites that are already developed. If a school site owns a site that is not yet developed, this will not apply to them until the property is developed and you apply the public facility zone on them. That's what is proposing in 2 h

As I stated, the same is true in 2.1. We have had urban holdings for quite some time. It's a tool that we use to phase development. Some have said that urban holding have been areas that have been frozen for quite some time, but it is an overlay. We want to make sure that this is really an overlay. In most of this area that are designated as urban holding, I can put up a map and you see that with the exception of the City of Vancouver, areas that we designated as urban holding for the smaller cities, the only way that that urban holding can be removed is by annexation.

In the case of Vancouver on the east side, we also wrote a policy that those areas in urban holding on the east side will only occur through annexation and in some cases that have been the case with the exception of Fifth Plain Creek and some other areas where the cities will say we'll provide you sewer and water, the County you will be responsible for sheriff and the transportation issues.

So what Jose is showing you here are the map representing urban holdings. And I will say that the majority of the urban holdings that was applied in some areas is going back to 1994 have all been removed or have come into the urban growth boundary because these urban holding areas, as you know, are

already inside the urban growth boundary with urban zoning on it. We just put that urban holding as a temporary hold until infrastructure is provided to those areas and then the urban holding comes off

The Council will recall that in along 50th Avenue where Smith-Root is located, we have urban holding in that area, where Smith-Root came to us and said, you know, we want to be -- continue to be here in our community. We said, sure, we will come to the Council. The removal of urban holding in the Vancouver UGA, particularly as you go on the north side and west side of the Vancouver UGA, it's driven by the property owner. The 179 Interchange corridor is all in urban holding, and we know why

As I mentioned Smith-Root, we did remove the urban holding along 50th. So it's driven by property owners request and it's a way for the County to phase development and it's a tool that have been recognized and employed by other counties borrowing from Clark County. So that's what we're really proposing in 2 i to identify those areas that are in urban holding and put an overlay on them and strengthen how urban holding are used in Clark County.

In 2.j, that's Battle Ground UGA, there are some small area that we wanted to make some changes at the request of the City to actually reflect the zoning that is on the ground. As you know, sometimes when we do this growth plan update, property owners are still coming in proposing development and sometimes we don't catch them. When we do, we try to reflect that. That's exactly what is proposed for 2 j.

Similarly in 2.k, this is more of a proposal and I think, I believe, the City of Ridgefield is on board, this is to add the County Tri-Mountain Golf Course to the Ridgefield UGA and apply urban holding to it

2.l, again, is more of removing the area that in '07 is known as the Three Creeks Special Planning Area. The Council will recall that the members of the Three Creeks Planning Area were dissolved and they no longer meet, but they have pretty much completed their work, and that was part of the reasoning. There were no more funding and they were no longer meeting and the Council recommend that they be dissolved and that has happened. So we're recommending that the Three Creeks Special

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Planning Area that is on our map be removed as well to reflect that action of the Council.

2.m and 2.n are the two subarea plans known as the Discovery Corridor/Fairgrounds and then the Salmon Creek, that work has been completed and we are recommending that you approve that subarea plan

And 2 o and p are also changes that we are recommending to match what is actually on the ground or the current zoning. And some areas, we're recommending that we remove again urban reserve in the Vancouver UGA and replace it with either Rural 5 or AG where it is necessary.

2.q is another proposal This will remove urban holding in the Fisher Swale between area between Vancouver and Camas. This one we will need to consult with the City of Vancouver to make sure that if there's any criteria in our comp plan, that that is met before this is removed. That's all.

Washougal, this is more of a correction, a mapping error correction. There are some parcels that are within the City of Washougal UGA but outside the city limits. We want to make sure that we apply the appropriate zoning that correspond with the City and the County zoning, if you will.

Alternative 3 are the --

BOLDT· Oliver?

ORJIAKO· Yes

BOLDT I think before we get too ahead of ourself, to save a little time, would it be okay if we could take these --

ORJIAKO: One-by-one.

BOLDT -- one-by-one? The question I would have on the AG zones, 2 b, 2.c and 2 d that will essentially change AG, but in the latter uses in Alternative 4, it changes them. If we were to vote for 2 b, 2 c and 2 d, can they be readjusted if we do changes in Alternative 4?

ORJIAKO· Yes, you can. It depends on what you will do in Alternative 4.

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BOLDT: Right. We should just make note of that.

ORJIAKO: Yeah, I will make a note of that. You can see that that will be a change from the recommendation of the Planning Commission, but that's your call.

BOLDT: Yeah, I understand.

ORJIAKO: Yes, that's your call, Councilors.

BOLDT: So with the Board's permission, I'd just kind of like to go down through these. They're pretty well easy to do and I'll -- like for instance, Alternative 1 is just the starting ground we got to start from, so I'll just go through and we will vote on each one of these, and if you have concerns, we'll kind of debate. It shouldn't be that much on these, but there might be some. Is that okay?

MADORE: Yes.

BOLDT: Okay. And we'll vote on each just like the Planning Commission did.

ORJIAKO: Sure.

BOLDT: Okay. Alternative 1, questions? All in favor say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE: Just with the understanding that Alternative 1 is the foundation to start with something.

BOLDT: You're right. You got to start with something.

MADORE: Very good.

COOK: Excuse me, Councilor, was there a motion to adopt Alternative 1 and a second?

OLSON: No.

MADORE: No.

BOLDT: No.

COOK Okay. You need to have motions and seconds before you vote

OLSON: Okay. Then if I might

BOLDT: Yes

OLSON: I'd like to make a motion to adopt the Planning Commission - this is the starting place now - adopt the Planning Commission recommendations for the Preferred Alternative with the --

BOLDT We're just going with this

OLSON: So just one at a time?

BOLDT Yeah

OLSON: So we'll have to make a motion every time?

BOLDT: Yes.

OLSON Okay. Then I'll move that we adopt Alternative 1

BOLDT: Second? Second All in favor say aye.

STEWART: AYE

OLSON. AYE

BOLDT. AYE

MADORE AYE

MIELKE: AYE

BOLDT All opposed? Motion carries. Okay Very good

2.a, very simple. Questions? Is there a motion to adopt 2 a.

OLSON: So moved.

BOLDT: Second?

MIELKE: Second.

BOLDT: All in favor say aye

STEWART AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE AYE

BOLDT: Opposed? Motion carries.

MADORE. And I assume that on each of these there are notes attached and I assume that the notes that follow them as it was adopted last time will continue to stay unless we remove those notes. This note refers to a Note 2.a which states that provided that the revised Alternative 4 map is selected, instead of proliferating significantly new one and two acre -- two and a half acre parcels, nearly exclusive, this -- nearly exclusively recognizes existing one and two and a half acre parcels in areas where they are predominantly the predominant parcel size

BOLDT. Is that correct?

COOK. Well, my understanding is that the Council voted previously to repeal that the document that included Note 2 a, and so I guess there are two answers to that. You would keep that as a record of what the Council did on November 24th, but in terms of effect, it doesn't have one

MADORE: And I move that we keep Note 2.a associated with 2.a as stated.

MIELKE: Well, point of understanding, Mr. Chair

BOLDT: Yes.

MIELKE: When we adopt Alternative 2 that I hope that doesn't include all the parts of Alternative 2?

MADORE: This is just 2.a.

BOLDT: No, just 2.a.

MADORE: Is there a second to that motion then?

MIELKE: Yes.

COOK. Excuse me. But you can't keep it because it doesn't exist anymore. It was repealed

MADORE: 2 a applies specifically to 2 Note 2 a applies specifically to Item 2 a. That's why they're coded that way So I believe that it's our policy call to be able to keep those notes, that specification associated with it.

COOK: It could be readopted --

MADORE. That's what this does.

COOK -- but it couldn't be kept

MADORE: Okay

BOLDT: So we could readopt

MADORE: Then the wording of the motion is to readopt Note 2.a with the Item 2 a, Alternative 2.a, and that was seconded by Tom

MIELKE Mr Chair, aren't we readopting all these items --

BOLDT: May or may not.

MIELKE: -- Alternative 1 as well?

BOLDT: Yes

MIELKE: So then the motion should have been made with the Alternative 1 would be to adopt Alternative 1

BOLDT: No Yes

STEWART. So Mr. Madore made the motion to approve 2.a, seconded by Tom Mielke?

OLSON No No No

MIELKE: The motion is to adopt.

OLSON The motion was made to approve 2 a Didn't we already approve that motion? The motion is now to add language or readopt language.

BOLDT: Right To readopt the language associated with 2 a

COOK Which appears before you and it refers to Revised Alternative 4.

ORJIAKO: Yes

BOLDT: So does this -- oh, I see.

ORJIAKO: Yeah Chris is correct. 2.a, when you look at 2.a on Page 4, which is in your handout, it talks about, on the screen as well -- I'm sorry. It talks about the Revised Alternative 4 map which you have repealed or rescinded I'm sorry.

BOLDT: Okay So if we want to put that up, we should wait until we approve or if we would approve Alternative 4, then we could go back to this

ORJIAKO Yes, you can You can accept 2.a without the notes because you've already rescinded and you can come back to it later, if you so choose.

MADORE: Well, as it is, we have the motion on the table now and it's been seconded.

MIELKE: Mr. Chair, I'm not understanding why we can't adopt that portion of Alternative 2 which is 2.a

BOLDT We're talking about the note, not the 2.a

MADORE: The 2.a note

BOLDT: The 2.a note and we can come back to that. So all in favor say aye

STEWART: Wait. No. I need to be perfectly clear about what the motion is Is the motion to include the note in 2 a?

MADORE Yes

BOLDT And we can work on that later

STEWART Thank you

BOLDT So all in favor say aye

MADORE AYE

MIELKE AYE

BOLDT: All opposed?

STEWART. OPPOSED

OLSON. NO

BOLDT NO

BOLDT Motion fails

Okay Agriculture Lands Comments

OLSON: I'd make a motion that we include 2.b into the comprehensive growth management plan

BOLDT. Second?

STEWART: Second that motion.

MADORE We need to have some clarification because the incompatibility with 2.b, c and d with Alternative 4, I assume like it was addressed a little earlier that if we elect Alternative 4, which conflicts with this, that this would be -- it would -- what's the word?

COOK Supersede.

MADORE -- supersede That's the word I'm searching for.

BOLDT. Yes, it would supersede this

MADORE. Yes

BOLDT. Okay All in favor say aye.

HOLLEY. Hold on I'm losing your guys' voting here because you're going too fast

BOLDT: Okay. Well, I'll tell you what From now on we'll --

HOLLEY: Do that one again because I don't know who voted yes or no.

MADORE: I recommend that we use raise of hands.

BOLDT: Yeah. All in favor raise your hands.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE AYE

MIELKE AYE

BOLDT. How's that?

HOLLEY: Okay.

BOLDT We'll do that from now on. Very good. Good comment

2.c, Forest Lands Comments?

STEWART: I move that we approve 2 c on Forest Lands

BOLDT Second?

OLSON Second.

BOLDT: Comments? All in favor raise your hands.

STEWART. AYE

OLSON AYE

BOLDT. AYE

MADORE AYE

MIELKE AYE

BOLDT 2.d, Rural Lands

STEWART. I make a motion that we approve 2.d, Rural Lands zoned R-20 from 20 acres to 10 acres.

OLSON I second.

BOLDT Comments? Raise your hands Oh, all in favor

STEWART. AYE
OLSON AYE
BOLDT AYE
MADORE. AYE
MIELKE: AYE

BOLDT. 2.e, Rural Centers

OLSON. I move that we include 2.e, Rural Centers, into the plan.

MIELKE I'll second.

BOLDT: Any comments? No? All in favor raise your hands.

STEWART: AYE
OLSON: AYE
BOLDT: AYE
MADORE. AYE
MIELKE. AYE

BOLDT. Okay 2 f, Urban Reserve.

STEWART Move that we approve 2 f, Urban Reserve

BOLDT. Second?

MIELKE: Second

BOLDT: Comments? Seeing none, all in favor raise your hands

STEWART AYE
OLSON: AYE
BOLDT: AYE
MADORE: AYE
MIELKE: AYE

BOLDT: Moving along. 2 g.

OLSON. Mr Chair, I move that we include 2 g, Commercial Lands, into the Preferred Alternative.

BOLDT: Second?

MIELKE I'll second

BOLDT. Comments? All in favor raise your hands.

STEWART. AYE

OLSON. AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT. 2.h.

STEWART. I move that we approve 2.h, Creation of public facilities zone.

BOLDT. Second?

MIELKE I second.

BOLDT Discussion? All in favor raise your hands.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE AYE

BOLDT 2.i, Urban Holdings.

OLSON: Mr Chair, I move we include 2.1, Urban Holding, into the Preferred Alternative

MIELKE Second.

STEWART. Second.

BOLDT Okay. Any discussion? All in favor raise your hands.

STEWART: AYE

OLSON: AYE

BOLDT. AYE

MADORE. AYE

MIELKE AYE

BOLDT 2.j, Battle Ground UGA

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MIELKE Mr. Chair, I move that we approve 2.j, Battle Ground UGA.

BOLDT Second?

STEWART: Second

BOLDT: All in favor raise your hands.

STEWART AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT I should have asked for discussion there.

2.k, Ridgefield UGA

STEWART: Mr Chair

BOLDT Yes

STEWART I move that we reject Item 2.k

OLSON: Second.

BOLDT There's a second. Is there discussion?

STEWART To make it clear what that is, it is to move Tri-Mountain Golf Course into the Ridgefield UGA and add an urban holding overlay to the golf course. I move that we reject that.

MADORE. Discussion?

BOLDT: Yes

MADORE. This is a County-owned golf course that we inherited from a bad debt from the Port of Ridgefield. It's worth after it moves into the urban growth boundary could potentially be \$30 million that the County could sell to provide capital improvements, potentially a new precinct for our sheriff's office and a good portion toward building a new jail We are

choosing between a golf course and supporting the basic needs of our sheriff. It would be foolish for us to be able to hold on to the golf course and keep it outside the urban growth boundary to short-change our sheriff.

STEWART. So I think it's a preposterous assumption that retaining a golf course, which is a park land, it's open space, it's recreation, it's healthy and when operated properly, golf courses can add to the general fund. Once they're established and are well run and the next closest for anybody in Clark County is in Woodland, which is a wonderful golf course, but this is part of the creation of what we're doing for Clark County, for our growth and our development

This, as people move here - which we're encouraging and we put jobs here - it just seems a shame to have gone to all the trouble and suffered through the worst years of the golf course and then to jettison it and assume that that money has other projects to use it on, so that's my point I want to make.

MIELKE: Mr Chair, if I may.

BOLDT: Yes

MIELKE This action is to add the golf course into the UGA, retain parks and open space. We're retaining those and it puts it into the urban holding until which time that the infrastructure is put in place. This is supported 100 percent by the Planning Commission and also supported by the City of Ridgefield

STEWART: And we've heard those arguments. And urban holding means something. It doesn't mean a golf course for the future.

OLSON: Mr Chair, can I get some clarification on this. If this goes into the Ridgefield UGA, at some point they annex this, they can change whatever zoning they choose --

STEWART Yes.

OLSON: -- they can do whatever they want with it?

ORJIAKO: That's correct

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OLSON· Okay Thank you

ORJIAKO But because we own the property, I believe that they will be consulting with Clark County in terms of what the future zoning of the property will be That's what we've done in the past. We will not put any urban zoning on the property, but if annexed by the City of Ridgefield, the County owns the property, we will be -- the County will be participating in whatever the future of that property will be. I believe that the City of Ridgefield will be consulting the County on that

MIELKE So that's important that we don't lose control of that golf course It's just that it becomes inside the urban growth boundary. We still own that and it has been very successful. We've made improvements, and our idea is to put a higher, make more value out of that because currently, as it stands today, we're about \$5 million upside down in that golf course. You know, this continues to keep us financially stable also.

MADORE: Yes I'd also like to make a few points on this This does not sell the golf course, but if we leave it outside the urban growth boundary, it closes the door to any possibility of that being sold at any appreciable value.

It is not a park We inherited it because the Port of Ridgefield could not maintain, could not pay the debt service on it. We've been paying the debt service on it every year and it has lost -- year after year after year lost money It competes with the private sector It is not a moneymaker and it is not a park

It would -- we are stewards over this major asset that we can allow to be used for a better and a higher use. Not only that, and we still have the option to continue to hold on to it and use it like that if this Board or a future Board decides to do so But if we leave it outside the urban growth boundary, that value like so many other properties outside the urban growth boundary is greatly depreciated, and we are saying, no, for any possibility to pull any major asset into a better use for our sheriff Our sheriff needs a new central precinct Our sheriff needs a new jail. At least this leaves the door open that that could be a possibility

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So I cannot support leaving it out there and for the County to be in the business of being a golf course provider, running the golf course, the private sector does better. That's not our core mission.

STEWART: We have other parts in open space, but I see that, Mr. Horne, could you address the issue of once this goes into Ridgefield's urban growth boundary, who has the authority over it? I believe our authority ceases.

HORNE: Well, as long as it's in the UGA but not actually annexed, the County -- it would still continue to follow the County zoning. But once annexed, then while the City will consult with the County, they control what the zoning is. And to the extent they zone it in a manner that's inconsistent with its current use, it will limit any further expansion. So if you attempt to build any new buildings, if you attempt to do any other development out there, like, they have, you know, they've built some new buildings from when the original structure was constructed or the original course was completed and those opportunities will dramatically change once the zoning changes. And so you need to be aware, it will impact you.

Now, the fact that it remains in the rural area does have impacts in terms of the intensity of the use, if the County were to sell it, it doesn't entirely eliminate that because there are opportunities for rural development and rural industrial development as we're exploring now. But certainly Councilor Madore is correct that if it remains in the rural area, it limits some of your opportunity, so there are pros and cons both ways. But if you intend to keep it as a golf course, moving it into the urban growth area and any annexation will dramatically limit your ability to control its future.

MADORE: Chris, I'd like to just -- you combined two different very important things together into one. Moving this into the urban growth boundary is not annexation.

HORNE: Absolutely.

MADORE: And the same way that we continue as a Board to have full control over Hazel Dell area, which is inside the urban

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growth boundary, which still is under the jurisdiction of this Board. So it is that this golf course, if it gets moved inside the urban growth boundary, is the exact same way; is that correct?

HORNE: Certainly all land that's in an urban area is subject to the same annexation laws, you're correct

MADORE. Yes

HORNE: There has to be -- there are certain processes that cities have to follow in terms of obtaining percentages of population or percentages of value --

MADORE Yes.

HORNE: -- to approve its annexation, but that doesn't give the County an absolute yes or no as to annexation.

MADORE: Yeah, I understand

HORNE: Okay

MADORE: The same way that Hazel Dell could be annexed at some time in the future, it is not annexed It's inside the urban growth boundary and so we have full jurisdiction The same way then if we move the golf course inside the urban growth boundary, it still remains outside the city limits the same way that the Hazel Dell remains outside the city limits

There are processes to bring any area inside an urban growth boundary inside the city limits through annexation, but they are not the same and one is not a foregone conclusion In other words, bringing it inside the urban growth boundary is not annexation; annexation could potentially follow or not follow

HORNE I agree.

STEWART. However, annexation is highly likely because Ridgefield wants this in their UGA

HORNE. Well, they've expressed an interest in it They've spoken with staff about it.

STEWART A serious interest in it

HORNE Certainly.

STEWART And so the future of the golf course is not brighter and leaving more options open for the golf course by being put in the Ridgefield UGA Really it's the first step. Annexation is the second step And then redevelopment of that land as urban is clearly the next step because it's going into urban holding, and I think it has value to our community as it is, so...

MIELKE. So just, Chris, before you go --

HORNE Yes, sir

MIELKE -- we still, if this is moved into the urban growth boundary, we still own it, and if it was to be sold, it still comes back to this Board.

HORNE. Certainly the Board unless -- absent condemnation, yes, the Board has to be a willing buyer.

MIELKE Yes.

ORJIAKO Willing seller

HORNE. I'm sorry Excuse me A willing seller Excuse me

MIELKE: Yeah, I knew what you meant.

ORJIAKO. Yes.

MADORE: Are you done?

MIELKE I'm done.

MADORE There's one other point also. Earlier in this meeting today it was made clear, I think we all agreed, that this county needs large parcels of land for employment, for jobs The leadership of Ridgefield has indicated they have a strong interest in this becoming a lands property, a business park, something where you can -- where this large acreage can provide employment for our community Ridgefield needs that This is -- so we, again, we have to choose.

BOLDT: Is this a question?

HORNE Yeah, I'm not sure that's a legal question.

MADORE: I'm just making a point here

BOLDT: Please don't debate our Prosecuting Attorney

MADORE: I'm not debating the prosecutor. I'm addressing this point, and we did cover some questions here, but I've moved on to the use of this being employment land potentially which -- and also a capital source of -- major capital funds for our sheriff

OLSON: Mr Chair.

BOLDT: Yes

OLSON: So just a couple of things I think pinning the golf course and the sheriff's needs, I think, is a false choice, so I just want to make that point. Secondly, municipal golf courses have a long history in communities throughout this country and the county does not have nor does the city have municipal golf courses

In many cities and counties there is a parks and recreation department of which we do not have So you can say this is not a park, but if it's involved in a parks and recreation type organization, it becomes part of the community and part of an asset to the community To think that we're going to take this asset, sell it and build houses or literally lose control if it goes into the City of Ridgefield, because the fact of the matter is if they do annex it, they do control zoning and it will control what we can and cannot do with that property.

So there's a long history of municipal golf courses, and if we get rid of this one, I think we're making a big mistake for this community and the development of what's happening in north county.

MIELKE: So, Mr. Chair, I'm not sure how we've got to moving this inside the urban growth boundary that the County has decided to sell this, we have not. There's no plan to sell

this and no conversation. The plan was put in place to put value to something where we're \$5 million upside down in. It brings value to it. It gives us the option to sell it as a golf course, if we decide to do that down the way. It has never come back up to do that. It's all about bringing value to it and accept it and support it by the Ridgefield people.

MADORE: And I'd like to make one more point and that is that it is not a false choice. There is a history behind this. And, Bob Stevens, you've been in on the conversations about this being a smart move for our county that would potentially open the door that if we wanted to be able to turn those major assets and reapply them to a sheriff, that was a viable strategy to happen. So it is not a false choice. It is a very viable choice.

STEVENS: Well, that's one alternative of choices I presented.

MADORE: It is, yes.

STEVENS: The other alternative choice that I presented is that this could be an incredibly important asset in funding our parks. Many municipalities, as Councilor Olson has said, use golf courses as a source of funding. Portland has five municipal golf courses that contribute significantly to their parks and recreation. So, yes, while I agreed financially, I didn't say that that was the preferred alternative.

MADORE: I understand that.

STEVENS: So there is an important consideration. If we're not going to -- if we don't want to raise taxes, if we want to have parks, then we have to have some way of funding those parks. Tri-Mountain is on the cusp - or not on the cusp - it is now profitable as of this last year. So it's a lot more important consideration than the mere value of the land, I think, to the community, and that's the consideration that the policymakers are going to have to decide. Is it just money in the bank or is it a true recreational activity? Because I'm telling you, it's pretty tough to get a tee time out there anymore.

MADORE: Yes. And, Bob, I understand. I don't want to say that we decided to do so, but certainly that was one of the smartest options that we would want to make sure we don't

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close the door on

Also, that piece of property, we owe millions of dollars of debt on that property, and depending on how we do the accounting, if we don't include the debt service on that, then, yeah, we could say that we're profitable. But none of the other park properties, and this is not a park property, but none of the park properties carry debt. They are paid for; this one isn't. So it's a very different category. I think we've talked about it --

STEVENS. It is profitable including the debt service as of last year. We are not upside down in it. We're maybe -- we owe roughly 5 million on the golf course. It's certainly not worth at 0, so we're not 5 million upside down on it. The last time we looked at the value of the golf course, it was -- we got an appraisal of about three and a half. That was many years ago. We have not since gone out to test whether we're upside down or not.

So the important point is Tri-Mountain is making money, servicing its own debt and contributing to its own capital improvement in the process as of 2015, and I expect it to do nothing but move forward from there.

MIELKE. And I think we agree. We agree that our fairgrounds also is making money now, so is the golf course. It took a long time to get there. We're not talking about selling it. We're talking about making it more valuable and all the land around it becomes more high-end homes which would make that more stable.

MADORE: Yes. We do owe millions more than it's worth as it is, until we move it in, and then it becomes much more valuable. Thank you.

BOLDT. Okay. Well, as for me, I think we tried to put this in in the 2007 plan, and as we discussed it, I guess, you know, it is a public facility even though someone else runs it. I'm not a golfer, but it is probably just as important to golfing people as the fairgrounds is to me, which we carry more debt, so which I don't want the fair to sell. So I guess, in a sense, you've kind of talked me to the other side, but..

So, anyway, all in favor of the motion to take the Ridgefield Tri-Mountain out, all in favor say aye

STEWART AYE

OLSON: AYE

BOLDT: Raise your hand. All opposed?

MADORE NAY

MIELKE NAY

BOLDT NAY

BOLDT: Motion carried

2.1, Vancouver UGA, is there a motion?

STEWART: I make a motion that we approve 2 1, Vancouver USA -- Vancouver UGA, remove reference to the Three Creeks Planning Area.

BOLDT Second?

OLSON. Second.

BOLDT. All in favor raise your hand

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT. Okay. Very good.

2 m, Vancouver UGA Is there a motion?

OLSON: Mr. Chair, yeah, I'll move that we include 2 m, Vancouver UGA into the Preferred Alternative

BOLDT Second? I'll second. All in favor raise your hand

STEWART AYE

OLSON: AYE

BOLDT AYE

MADORE: AYE

MIELKE: AYE

BOLDT: Okay. 2,n, motion?

OLSON: I move that we include 2 n, Vancouver UGA, approve the Salmon Creek subarea comp plan map and zoning changes into the Preferred Alternative

BOLDT Second. Discussion? All in favor raise your hand

STEWART AYE

OLSON. AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT 2 o, Vancouver UGA.

STEWART 2,o, Vancouver USA, I move that we include it, change some parcels that have a mixed use comp plan designation to a comp plan designation that matches the current zoning

BOLDT All right Good It's Vancouver UGA

STEWART Vancouver U --

BOLDT: You sound like the old mayor, so Second Discussion? All in favor raise your hand.

STEWART AYE

OLSON AYE

BOLDT. AYE

MADORE: AYE

MIELKE: AYE

BOLDT. Okay. 2.p, motion

STEWART So let me try Vancouver UGA again I move that we include 2.p, as Paul, Vancouver UGA, remove UR adjacent to the Vancouver UGA and replace it with R-5 and AG-20.

BOLDT: Can I get a second? Second

MADORE So you just simply read what it says, correct?

BOLDT Yes All in favor raise your hand

STEWART AYE

OLSON AYE

BOLDT AYE

MADORE AYE

MIELKE AYE

BOLDT 2.g, Vancouver UGA Is there a motion?

OLSON Mr Chair, I'll move to include 2.g, Vancouver UGA, remove urban holding in the Fisher Swale area between Vancouver and Camas

BOLDT I second Any discussion? All in favor raise your hand

STEWART AYE

OLSON AYE

BOLDT AYE

MADORE AYE

MIELKE AYE

BOLDT Very good

2 r, Washougal UGA Motion?

STEWART: Regarding matter 2.r, I move that we approve for Washougal UGA, correct mapping error on parcels with city zoning inside the UGA but outside the city limits.

BOLDT I second. Discussion? All in favor raise your hands

STEWART AYE

OLSON AYE

BOLDT AYE

MADORE AYE

MIELKE AYE

BOLDT Okay. Very good. Moving on to 3, Oliver.

ORJIAGO: Councilors, Alternative 3 are the City-requested UGA expansions and they are listed according to the request from the cities

3.a is a request from the City of Battle Ground to add 80 acres now designated as Rural 5 to their UGA as land for jobs. And you can see the recommendation of the Planning Commission was 6/0 for approval to the Council.

3 b is a request from the La Center School District, a proposal to add a 17-acre site now designated Rural 5 for a school site. That also passed 6/0 from the Planning Commission to the Council to include that.

And 3 c is also a recommendation or a proposal from the City of La Center to add 56 acres currently designated as AG-20 for land for jobs. This one the Planning Commission vote was a tie with no recommendation to the Council, so that's 3 c.

3.d is a request from the City of Ridgefield to add 111 acres now designated as agriculture, AG, to their UGA. This will be for residential development.

And, finally, you have a request from the City of Washougal to add 41 acres now designated Rural 5 for residential development. I believe, I know you are no longer taking testimony. You had a lot of testimony on this one from Washougal 3.e and the vote from the Planning Commission was 3/2 and 1 abstention

So those are the requests from the cities. I will present it as Alternative 3. I'll stop there.

BOLDT: Very good. Okay. Let's go down through them. 3.a, Battle Ground, add 80 acres. Is there a motion?

OLSON: Mr. Chair, I move that we include 3 a for the City of Battle Ground, 80 acres.

BOLDT: Second?

MIELKE: Second.

BOLDT: Any discussion? All in favor raise your hand.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE. AYE
MIELKE: AYE

BOLDT: Very good La Center to add 17 acres, 3.b

STEWART: Mr Chair, I move that we approve 3.b, La Center, 17 acres now designated R-5 for a school site

OLSON: Second

BOLDT Second? Discussion? All in favor raise your hand.

STEWART: AYE
OLSON. AYE
BOLDT. AYE
MADORE: AYE
MIELKE: AYE

MADORE: Mr. Chair, I move that we incorporate 3 c, La Center, add 56 acres now designated AG-20 for jobs, provided that if challenged, La Center will provide for the defense instead of Clark County

STEWART Second that motion

BOLDT. That's a good point Discussion? All in favor raise your hand

STEWART: AYE
OLSON. AYE
BOLDT: AYE
MADORE. AYE
MIELKE AYE

BOLDT: Very good

STEWART Mr Chair --

MADORE Mr Chair, I move that we incorporate 3 d, Ridgefield, to add 111 acres now designated AG-20 for residential, provided that if challenged, Ridgefield will provide for the defense instead of Clark County

STEWART. Second that motion

BOLDT: Discussion? Raise your hand.

STEWART AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT: That was all in favor Sorry

MADORE. Mr. Chair, I move that we do not include 3.e, Washougal's 41 acres now designated R-5 for the reason that they didn't follow sufficient public process.

MIELKE I'll second.

STEWART: Second that motion.

BOLDT: Okay Any discussion?

MIELKE: Two.

BOLDT: Okay. What?

MIELKE. Two. Two seconds.

OLSON Thirds

BOLDT: Oh, okay Very good. All in favor raise your hand.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MADORE: AYE

MIELKE: AYE

BOLDT: Okay Motion passed

Any other city, city requests? I just have one for the UGA, the Gustafson piece

OLSON. Do you have a parcel number? Do we need to --

BOLDT. The Gustafson piece, I don't know if we have that up, but I would like to include that in the Vancouver UGA,

providing that the applicant defend it

OLSON: Are you making a motion?

BOLDT Yeah

OLSON I'll second

MIELKE. Where are we?

MADORE What piece is this?

STEWART. I'm not clear what this is

MADORE: For the same reason that we just voted to disallow Washougal's 41 acres for insufficient public process, there has been zero public process on what somehow just appeared out of nowhere here just now

BOLDT. No, I think it's been clear I mean, I've read the record and it's pretty clear It's -- and I've read the letters back and forth and there is ample evidence to de-designate it This was talked about in the last plan. It's got everything, capital facilities, everything to go around it, so ..

OLSON: And, Mr Chair, we did hear public testimony last week on this piece as well

MADORE Let me ask, have the neighbors been notified and have they participated in this public process to consider this?

BOLDT. They were last night and --

MADORE. It's not even on our agenda here; right? This is not on the agenda. How could we -- this is a very formal process that we can only act on what's published in our agenda. This is not on the agenda

Chris Horne, can you weigh in on this?

OLSON. Or Dr. Orjiako.

MADORE: We need your counsel

ORJIAKO: I can only add, if Chris is coming up, we did not notify the property owners on this one. The neighbors -- I'm sorry -- the neighbors. And I know that they did submit letter into the record. We may have studied this in the '07 plan. It was not studied in the Draft SEIS. And I know that the City of Vancouver, even though we've done it in the past, the City of Vancouver during this 2016 update, their position is not to expand their urban growth boundary. I'll leave it at that.

COOK: In addition, I would like to say that there are other property owners who contacted the County regarding individual site-specific requests, and they, just like the Gustafson advocates, were told that site-specific requests were not being considered as part of this comp plan update. I have somewhat of a concern about property owners who might have failed to pursue their requests for that reason.

MADORE: And, Oliver, you just said that, this is Vancouver's UGA, and their position is they do not want to expand the UGA here?

ORJIAKO: Well, they weren't specific to a particular site. Generally what they proposed to the County that during this process they're not proposing to expand their urban growth boundary. That has been their position.

MADORE: Chris, do we have -- we've said no to all the other special requests. Don't we need to be consistent?

HORNE: Well, that's your call, not mine, but I'll try and answer your legal question which was related to this being on your agenda.

Certainly under the Open Public Meetings Act, matters for which the Board has not placed on its agenda are not proper for voting. It is true that where you are taking a general action, such as a comprehensive plan, there are always going to be minor changes and that happens throughout this process.

The key for the Council is to decide if this is a minor change or a minor addition. Questions such as whether it's been given adequate notice and how you've treated other property owners weigh into whether it's minor or not, but that's really a judgment for the Council to make and ultimately if it's

challenged in court I don't want to delve into that water because it really goes beyond just this

It certainly was not noticed The County has not provided the same level of public participation that we have with the other items that are on your agenda, and certainly we've not noticed the property owners today to let them know this was even going to be considered, so there are those issues. And beyond that, I don't think I can add too much more to what Chris or Oliver have said.

BOLDT: Okay. Oliver, so probably this one and the others, what can we do for the next steps? There's such a confusion I realize that I've read the letters

ORJIAKO Yes. And short of saying that their option, including the ones there were not looked at, will be the next cycle. Because their desire is to come inside the urban growth boundary, they're not proposing that this is ag, because this property is zoned ag. They're not proposing that it be Rural 5 or something else. They're proposing that it come into the urban growth boundary. The only time we can consider adding property to the urban growth boundary is during the general review process There is a policy in the code that calls for minor boundary adjustment, but that is only limited for jobs, so it will be in the next cycle

BOLDT Okay

STEWART: Would we even have the authority to insert agriculturally zoned property into the UGA without the City's consent and approval or desire?

COOK. Well, Councilor, that's a complicated question. If the City and the County disagree on their urban growth boundaries, there is a statutory procedure by which they are required to first consult with each other in an attempt to have a consistent determination there. Ultimately, if the County votes to include something that the City does not want to include, the County's decision does prevail as to the County, but it leads to all kinds of questions about how that land will be treated, who has jurisdiction over it and will the City then appeal, what's the basis for the appeal, so forth and so on.

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So if there is disagreement, especially where the cities are pretty much done with their comprehensive planning for the update, it leads to kind of a mess.

STEWART: Okay So let me ask the question, then, in a much more simple way Did the City of Vancouver communicate with us asking to have this -- is it a single parcel --

ORJIAKO Yes

STEWART: -- or that designated area? Did the City communicate with us asking us to put that in their urban growth boundary?

ORJIAKO No.

BOLDT: Okay. So I'll try it next time, but there is a motion on the floor, so . All in favor --

MADORE What was the motion?

BOLDT The motion was -- you can vote no

OLSON. You can vote no.

STEWART. I'm concerned that we don't have enough information to move ahead with this.

OLSON Just vote no.

BOLDT I hear you. I hear everyone

STEWART. Thank you

OLSON. And we do have a motion that's been seconded, though

MADORE: What is the motion?

BOLDT. The motion is to include the Gustafson piece

OLSON: And we just vote no Just vote no

MADORE Well, it doesn't look like it's going to pass, though, but certainly we don't even know what the proposal is for the use of the property to be zoned what, if it's for jobs

or whatever It may be a good potential piece of property, but we don't know at this point.

BOLDT Very good

MADORE And the idea is equal application of the law, no special favors to one individual, and we said no to all the others, so that's my comment.

BOLDT Okay All in favor raise your hand.

BOLDT: AYE

BOLDT: All opposed raise your hand.

STEWART NAY

OLSON NAY

MADORE NAY

MIELKE: NAY

BOLDT: Motion failed Very good

Moving on, 4.

ORJIAKO Councilors, this is the Rural, Agriculture and Forest changes proposed in Alternative 4.a First, 4 a pertains to Rural Lands What is proposed in Alternative 4 that was studied in the DEIS is to eliminate Rural 10 and Rural 20 zones unless publicly owned and then create one acre, two and a half zones and then maintain in some cases the Rural 5 zoning That is what is in 4 a, rural area.

Under the Agricultural Lands what is proposed in 4 b is to eliminate AG-20, again unless it's publicly owned, and create AG-5 and AG-10 zones Similarly in the Forest Land what is proposed is to add Forest 10 and Forest 20 to existing Forest 40 and Forest 80 zones That is what is in 4 c.

4 a, b and c is the Cluster Option. These are other recommendations This other recommendation I can get to that when you're done with 4 a through 4.c.

MADORE Mr. Chairman, I move that we incorporate 4 a, the Rural Lands, and eliminate R-10 and R-20 zones unless publicly owned property and create R-1 and R-2 5 zones, maintain R-5

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zone, the note that is associated with that goes with this, and that note says the revised Alternative 4 map is selected as the specific implementation of this policy and it eliminates R-10 and R-20 zones unless publicly owned property, maintain the R-5 zones as R-1 and R-2.5 zones that - this is the important part - that instead of proliferating significantly new one and two and a half acre zoned parcels, nearly exclusively recognizes already existing 1 and 2.5 acre parcels in areas where they are the predominant parcel sizes.

MIELKE I'll second that I notice it was passed unanimously also by the Planning Commission

OLSON: It was unanimously denied by the Planning Commission.

COOK. It was rejected unanimously, Councilor.

MIELKE: What?

COOK It was rejected unanimously.

ORJIAKO Yes.

MIELKE Oh, motion to deny?

MADORE Yes, it was 5 to 1.

OLSON: Motion to deny, yeah.

COOK Oh, 5/1. Sorry You are correct

MADORE More comment on this, if it be possible here A and b and c tackle the R, the AG and the Forest, Rural zones, and that's where the process in the solving of the chronic problems come in So at this point, do I have the opportunity to make the case for Alternative 4?

BOLDT: Yes.

MADORE: Okay. This document here with this scale on it, it has a scale on there for one reason: it balances A to B It's a comparison between what we have and what we should have. It compares our planning assumptions, the rules, the software that changes the numbers before they ever arrived to the Commissioners, and it pairs one set of reasonable to those

that are theoretically possible but not likely

The chronic problems that we are to solve here with Alternative 4, first of all, the comprehensive plan requires a rural component. Alternative 4 is the rural component. The chronic problems that have been around since 1994, when at the very last minute, a map was changed to downzone the vast majority of the rural properties became incompatible. It did not recognize the pre-existing rural parcels that are out there

This document makes the case here. It just simply states the facts. Six out of ten of the R zones are nonconforming, not because they became that way, but because the zoning map defined them that way. They didn't match. Eight out of ten of the AG parcels are defined as nonconforming, not because they became that way, but because the map was that badly mismatched. Nine out of ten of the Forest parcels are defined as nonconforming, not because they became that way, but because the map was that poorly matched, it just didn't recognize the existing rural character that's out there

When this first happened in 1994, the citizens, the rural citizens that lost their private property rights, that lost their options, that lost the ability to be able to somehow pass on to their own families, to their own children and grandchildren their continued farming operations, their continued rural lifestyle, they did not accept it. So the citizens went to court, and at that time, the County was against the citizens. The County was on the other side of the courtroom that said we're going to oppose you

The County lost on all counts. The citizens won on all counts. And it would have been corrected if the County was to correct the plan the way that the Judge Poyfair directed, which was to recognize the pre-existing rural character of the predominant lot sizes that are out there and make the map realistic. The County said, yes, we'll do it. We'll get with it. We'll implement it. They ran out the clock and didn't do it.

So here we are, 22 years later with the same zoning map, the same problem, the same more disastrous stagnation that has removed the options for the rural citizens

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MIELKE: I have a question.

MADORE: Yes, sir

MIELKE So what I understand, then, is that these were legal lots, but they were made nonconforming which means that if you had already built a house on it, you're okay, but if you hadn't built a house on it yet, you cannot?

MADORE. Nonconforming doesn't mean that you can't build on it, but nonconforming basically says there's a standard that you're not meeting and it does provide inconveniences and extra costs. And there are those that argue, oh, what's wrong with nonconforming? So what if 90 percent of the forest parcels that are out there are nonconforming, so it doesn't hurt anything.

Right now there's some flexibility in that you could build, but that can easily change with the policy and that ability that says what do you do with nonconforming parcels is changed by policy and it can change over night, just like the 1994 plan changed in a week from what it was to what it is: the disastrous map that's incompatible with what's out there now.

The map is the key. When we talk about a comprehensive plan, we're primarily talking about a map, and that map defines what you can do with your land. This map does four things. One, it recognizes the patterns of existing grouped parcels that are already there

Two, it recognizes the predominant parcel sizes for each area, so that if we've got a group of parcels and you've got a bunch of fives in there and you've got something that's not a five, well, then keep it together and the predominant parcel size in the area is the most straightforward way not to spot zone those areas

The third it does, it recognizes and provides a wider variety of residential area of densities. The GMA requires us, or should I say, the GMA has goals that says provide a wider variety of residential densities. This does that primarily by recognizing what's already existing in the real world.

The last thing it does is it corrects the GMA violations identified by Judge Poyfair back in 1994

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Now, if we end up, if this Board today votes to take away your private property rights again, because right now they are there, don't be discouraged and don't forfeit and don't give up. This is a step that like in 1994, the citizens, if you defend your private property rights, if you do not accept them being taken away from you, then defend them, because I believe you will win again, only this time, the lesson from the past will be applied and you will insist that the County follows through on the court's direction to do what the court directs them to do. So don't be discouraged.

There are -- our State constitution is founded not on collective property rights; it's on individual private property rights. So why would we vote against you? Why would we fight you in court to take away your private property rights? Why would we do that? We are your representatives, not staff's representatives. We want to be on your side in court. We can guarantee that you will -- that we will lose if you don't defend them and we vote against you. But if we side with you, then we will use that extra \$1.2 million that the majority here voted to add to your property taxes and use them to defend you instead.

Yes, sir

MIELKE: So Chris had something, I'm not sure if you were going to correct what I said, but I noticed you came to the edge of your chair.

HORNE: Councilor, the only thing I wanted to clarify is Clark County since 1973 has had a fairly substantial and unaltered pattern of recognizing what we have factually called grandfathering of existing lots. We allow all lots that currently exist that are legal lots, that means they were created prior to platting or created at a time when they were in compliance with platting and zoning, to continue to exist and, in fact, in many cases, those lots aren't even subject to the setback standards for the district in which they're located.

The code even provides in the interpretation section an ability for owners of smaller lots to be subject to the zoning district to which they're the closest and allows them to develop and receive building permits under that zoning

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designation, and that language started out in 18.601.010 and it's been moved to Title 40 and 40 about 200.010 and that policy remains unaltered

So nonconforming lots are treated as legal lots in all intent and purposes, except that they don't meet the current minimum zoning size, all the uses in those districts remain the same. The only -- well, I won't go into that.

And then with regard to what will happen if the zoning is changed, actually to the extent that lots only are reflected as existing one and two and a half acre parcels, as Councilor Madore indicated, then a change in the zone will do nothing but to reflect that those now match the zoning in the district in which they're located. It would have no other effect.

The effect really kicks in in two respects. One, to the extent there are larger parcels, it will allow for additional division of those properties creating what will be legal arguments about whether the County is allowing urban sprawl. And the other argument that we have, the Council really has to address is whether or not to the extent there are illegal parcels, properties divided in violation of platting, whether or not we're going to recognize and create those as legal parcels, and that's an issue that's never really been addressed and one that will come straight to the fore, if the Council reduces that zoning.

So the nonconforming lot is really a question, it certainly is an issue of perception, and Councilor Madore is correct that if these policies were ever changed, that that could impact property owners, but it's been the law in Clark County and people are familiar with it. In fact, you ask most any rural property owner and you say grandfathering and they know what that concept means because it's existed that long in the county.

So I'm glad to answer any other questions you have.

MIELKE: Thank you.

MADORE: There are arguments against that I've heard, that we've heard against allowing reasonable growth in the rural areas. One is that if we somehow stay with Alternative 4, that we will lose in courts and we will lose -- there will be

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terrible consequences for this county We'll lose our grants. We'll suffer all kinds of consequences.

In reality, in 1994 through 1997, three years that comp plan was contested in the courts, and that did not happen. In 2004 through 2007, the same story, a different matter but still contested in the courts, didn't happen

It is a fallacy that if we stand up for the reasonable plan for the GMA compliant Alternative 4, it is a reasonable plan that we will win in court and it will be worth the fight and there are no negative consequences in the process while the citizens battle this through and win. Those that claim otherwise, they are refuted by our own history. Every comp plan is always fought in the courts and the only question is which side is your county going to take, for or against you in that courtroom.

Another argument is that somehow if we allow growth to happen in the rural areas, that we're going to run out of water. We're going to drain our aquifer The town hall that the citizens put on back on the 13th of this month, PUD water was there and they informed us that they don't take sides in these matters, but they will provide. There's ample water for at least 50 years of two percent growth, and we're projecting one percent growth here for Clark County, ample water, and they'll provide those lines throughout the county and they said they'd cover Alternative 4 just fine, but that growth, that water will not be increased if the growth isn't there

Septic There are those that claim that septic will pollute our waters, our streams In reality, we have a technical advisory committee, a septic technical advisory committee, they were also there and they refuted that notion. The state-of-the-art, high-performance septic systems that are required now in Washington State are the best and the highest standards in the nation and they actually do work much better than sewer systems because sewer systems are required inside the urban growth boundary, as a general rule, and that water pulls out of our aquifers, the same aquifers we all pull from, and drains it to the ocean through the sewer.

In comparison, the rural areas use septic systems and they infiltrate that back into our aquifers and recharge it. In fact, some of the water that PUD is drawing from is from

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outside of this area and so we actually take a net positive and put more water into our aquifers

Another point was the CFP, the Capital Facilities Plan. We just can't afford it. How can you pay for all that growth? In reality, the plan that was already approved in 2004 through 2007 had a larger amount of growth. It was two percent growth compared to the one percent growth, which had a larger amount of capital facilities required to support that. We've been living with that ever since. This is a lesser amount than that. So we approved it. It was back then, we as the County approved that, and you can't say it was good then and it's not good now. It's lesser now than it was then.

There are a number of other points. I'd like to be able to hear any solid compelling reason why we can't provide the reasonable growth for the rural citizens in this plan that we've already followed the full public process in order to get to where we are today.

BOLDT: Any other comments?

STEWART: Well, you know, we could point and counterpoint on each one of these matters and, you know, for every expert on one side, there's an expert on the other side. And I do want to say in the big picture, we are governed by growth management laws through the State and Clark County and this set of Councilors did not create those State laws. And if we believe those State laws impede healthy, logical, progressive growth in our county, then we need to get our lobbyist working on that after we agree which of those are the most restrictive, and that needs to be one thrust of whatever we do here today.

We need to go upstream, that would be the State legislature, and next year will be a full session and that's if we see impediments that we're convinced are unnecessary impediments, we need to be working on that, and from the modification of those State laws, we can adapt our county code, and I'd certainly be open-minded about that.

But that's, I believe, that's one of the products that needs to come out of the final completion of this GMA update for Clark County is identifying where the other constraints are and seeing what we can do to help get relief on those.

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MADORE. Mr. Chair.

OLSON: Mr Chair.

MADORE. Go ahead. Take your turn.

OLSON. Just a couple of points also. First of all, we're back down to two choices. It's either we're for private property rights or we're not. And again, I think that's a false choice, and to simplify that and to turn it into that, I think is just not fair. So I'm going to reject that right now.

Whatever votes we take today doesn't mean we're voting against private property rights or for private property rights. We have an obligation to be GMA compliant in this process, and I think there's been some issues throughout this process of whether we're in compliance for a variety of reasons.

We keep hearing about the Poyfair decision. I think we addressed that fairly accurately last week. When we talk about representing the citizens, it seems we're talking about representing one side of an issue, one side of an argument. When we represent the citizens, there's the other side of the argument as well and we're balanced with conflicting issues here and conflicting interests and that's incumbent upon us to try to deal with that.

But as Councilor Stewart said, we, as elected representatives, have to follow the law and we're bound by the Growth Management Act. If we don't like it, we help change it, but we can't ignore it.

So we're looking at a situation here. We have input and items on the record from our planning staff, from our legal department. I've spoken with private land use attorneys on both sides of this issue. There's no easy answer here, but to couch it in we're for or against private property rights is just not reasonable.

So we have an opportunity to make a decision here that's going to -- that's important to this county and important to this community and I think we're careful and deliberate in doing that. But to frame it in a way that we're for the citizens or

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against the citizens is just not fair

MADORE. Mr Chairman, I'd like to clarify a few other points. There are planning assumptions that have been used in 1994 and 2000- -- well, '4 through '7 and 2004 through '7 that were used to change the numbers, those 28,812 parcels, they get exported to Excel. That's truth. That's facts. That's objective. Nobody changes that. That's the math.

But what happens when it goes from there to there? Software happens that change the numbers dramatically. I call that agenda-driven data. Those eight rules that planning used to change from those Excel files to then report the facts to the Councilors, to the Commissioners back then and all the way up to the mid-2015 were never revealed to or approved by this Board or any previous Board.

The Prosecuting Attorney's Office has claimed they have, but they can't put their finger on one of those in Table 1 that they have. There is no record. And if they had been revealed, they would have been corrected long ago.

When we finally reversed engineered those and found out what those really were, that changed the numbers that were reported to us, trust but verified, we verified and found out that, oh, those are not the numbers at all - in the private sector you call that cooking the books - is where somehow before you get the numbers, some magic happens to them in an agenda-driven data to determine a predetermined outcome and it's a policy call.

You don't allow staff or anybody else to change those numbers without the full knowledge and approval of those that are responsible for the accuracy of those numbers and forward them and informed decisions that we are required to make.

So when we corrected those after we identified them, we provided more realistic instead of theoretically possible, instead we had likely and realistic assumptions. We invited a third party, an expert that we wanted to evaluate and give us feedback, compare A to B, compare theirs to ours. Well, somehow that work never happened. That work got redefined and the original A assumptions versus B never saw the light of day. They were never even scrutinized or analyzed at all, rubber stamped, and that's what this does. If we repeal the

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Column B, they are automatically rubber stamping Column A, which is the original assumptions that never saw the light of day, never any scrutiny or analyzing.

In fact, the Thorpe that they did, the Thorpe report they did provide that did address these found the first two most important assumptions valid and they actually pointed out that the first assumption was actually illegal that the planning staff has been using county lots that are legally not countable

That's still happening today and the numbers published in the DSEIS used those numbers based on that fallacy So when the A to B comparison was to be made, A got automatically rubber stamped without even any consideration. B, we had provided to the consultant, at least to staff, the proofs from the records, from the data that says these are the arguments for them and here's the data and here's all the background, show your work. They never even considered it. They didn't even look at it.

Instead what they did is they looked at B and said, you know, let's try to invalidate that because somehow when I called our consultant, they said I'm not allowed to talk to you They could only talk with staff and staff had their ear, and the agenda was to invalidate our assumptions, the people's assumptions, the private property rights' assumptions and not even consider the comparison at all.

So when we look at the comparison and in the Thorpe report that says they're all invalid --

BOLDT: Can you summarize kind of.

MADORE. Yes --

BOLDT: Okay Thank you.

MADORE. -- I will summarize. The bottom line is full disclosure, transparency, honesty, math works. The ability for us to solve problems should be an objective process and you don't somehow change the numbers to somehow get a predetermined outcome

The last point is that there's an excuse here that's being

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made that somehow we just can't respect the private property rights of the rural citizens, which is defined as flexibility and options that belong to you. We're going to take those away from you. To me, that is taking your private property rights away. What do you have if you don't have that? That somehow that's the fault of the State, that the GMA requires us to do this. False.

The GMA won in 2004 through 2007. We just didn't implement it right here in Clark County. The GMA is not at fault. We are compliant if we approve what we've already approved here, Alternative 4, and we will be noncompliant and you will find out in the courts if you defend your private property rights and I'll join with you on that, if we don't respect the private property rights which is also one of the goals of the GMA.

So GMA is not a problem. It is our implementation that's a problem. And there are -- I haven't heard experts on the other side. I've heard layman on the other side. But the experts tell us one clear thing, PUD water, they're clear, they are recognized as the experts, nobody's countering theirs that are experts. Technical advisory committee for septic, they are the experts, nobody's countering that they are experts.

So on each of these things I would like to hear experts that can somehow refute the experts. Thank you.

STEWART: Mr. Chair.

MIELKE. Thank you. Thank you, Mr. Chair. You didn't leave a whole lot for me to grasp on to, but one of the things that's really important is that we recognize we didn't just run into this willy-nilly. We went out and we did research. Why is Clark County having such a tough time when the other 39 counties or 38 counties around the state just seem to didn't have that problem? It was Clark County. We've shut down Clark County by not allowing different things.

In the last one, they said we'll get to the rural part later. We'll do it later, and they never came back to do it. Never went back to address it as the Growth Management Act requires them to do, and that's what we're doing today. We're doing things that many other counties around this state has already

done. It's part of a 20-year plan.

We've heard from the experts, we don't have a water problem. We don't have a sewer problem I live out there, I know. And it's not crowded. The infrastructure is in place. The infrastructure is put in place by development that might happen. It's done with the impact fees if you were to build another home out there So we have infrastructure. We have a way of paying for it, and other counties already do it. With that I would encourage all of us to support this.

MADORE· Yes.

OLSON· I just have one more. Thank you. Councilor Madore just made a lot of references to agenda-driven data, agenda-driven information I think I'm going to reject that. But he also talked about correcting the numbers with his planning assumptions

Could you just, Oliver, briefly talk about the planning assumptions that have been used in the past in the rural areas and what has and hasn't been done as it relates to Council activities and --

ORJIAKO Thank you, Councilor, for that opportunity, and I'm addressing the entire Council. There has never been an approved vacant buildable lands model for the rural area You will not find any document prepared by planning staff that talks about Column A. And Column A represents the interpretation of Councilor Madore

Now, the first time we saw Column A was November 3rd of 2015 and was asked to provide input. We provided clarification which was the redline version of staff which went to the Planning Commission, and I know the Council was aware that that was going to go to the Planning Commission because we were asked to put, not a disclaimer, but a language that this is preliminary, if there are modifications, it will come later. That was in the e-mail that went to the Planning Commission.

We have been working with Councilor Madore to clearly identify and clarify that there is no vacant buildable lands model for the rural area What has been approved by previous Board is the vacant buildable lands model for the urban area, for the

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urban area.

Okay So what have we done in the past when it comes to how we estimate potential number of lots in the rural area? We do so by what I call a very simple analysis If you're going to put some X number of growth in the rural area, you want to make sure that there is some capacity, if you will It's not an inventory We don't go out anymore and do a windshield traditional way of doing an inventory What we do is we approach our GIS staff and ask them, based on the current zoning, what is the potential additional lot that could be created? That's how it is done.

And you can verify that by talking to Bob Pool or Ken Pearrow, who is in the audience. Since 1994, there has never been any approved model of vacant buildable lands model for the rural area, and I will continue to maintain that Why? We don't think it's necessary We have never done that. We have never come to the Board and said approve this model so that we can use it to run a vacant buildable lands analysis for the rural area. You will not find any document or any data that the previous Board or this Council approved that You will find staff with GIS present reviewing the urban vacant buildable lands model with the Council. And if there are any changes proposed, that change is authorized by the Board, not by staff.

So there is nothing, no document, nothing that you will find that says this is the written model that we used or that County staff used or the GIS staff used to estimate or do any inventory in the rural area I know this is not short, but I will show you that there is none

OLSON So this document that you provided us estimating potential rural housing and employment in Clark County, Washington, this is what you use, that's the logic and background record for the information that ESA came up with in the DEIS?

ORJIAKO Exactly And the only reason we did that is to show our work, should we be asked, to at least show how did we come up with the numbers that are on or provided in the DEIS, this is just a documentation of that, nothing more than that.

OLSON So the fact that we have it here would lead me to

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believe that it's not covert?

ORJIAKO: No.

OLSON Okay. Thank you.

ORJIAKO: And I know you have stopped taking public testimony. I have served so many boards and I can go back to so many of them, including Commissioner Betty Sue who is in the audience, at no time has any Board directed planning staff or GIS staff to develop a rural vacant model, never

MADORE: Mr. Chairman, I'd like to make a correction here I don't know if it's semantics or what it is, but those records that get exported by GIS from our map, the 28,812 records, they don't just simply get reported to us Staff has not provided, has not shown their work The planning assumptions that take them from what those numbers were to what we see and what happens in between is the software

And you are right in that we have never authorized in the -- we've never had a overt VBLM rural vacant buildable lands model that has been approved; however, be very careful that that is not a denial of the software that has been used to go from this point to this point Those software rules were reversed engineered and they show up in Column A They have been used It does exist It has changed the numbers, and that is something that's been happening behind our -- or behind the scenes without the knowledge or the approval of any County Commissioners until finally they were reversed engineered and those then became clear

So these do exist. If you feel like they don't exist and somehow these numbers haven't been acting on the numbers to end up with the tallies that we have, then please specify which ones do not.

COOK: Councilor Madore, most of the items, many of the items that you put in Column A are exported from the urban vacant buildable lands model.

For example, you say, well, there's a 15 percent urban market factor so there should be a rural market factor You have taken things that apply to the --

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MADORE Ms Cook, let me -- please, excuse me.

ORJIAKO: Councilor Madore, I'm going to jump in now because we have --

MADORE I understand. But there's a point here I need to clarify

ORJIAKO: Do not, do not, do not, sir, falsely accuse your planning staff of denial or covertly presenting information. I have worked here for over 20 years and I've been honest I have very, very talented staff and no one has ever misled any Commissioners

Now, I have Ken Pearrow here who I have worked with for over 25 years. Ken and Bob, do we have a written, an approved vacant buildable lands model for the rural area?

PEARROW: Ken Pearrow, P-e-a-r-r-o-w, for Clark County GIS.

STEWART: Can't hear.

PEARROW: Oh, sorry

STEWART. If you could move in a little closer.

PEARROW. Okay. Sorry Can you hear me now?

STEWART: Yes. Thank you

PEARROW: Yes. No, you're correct We've always run a rural analysis and primarily at the request to come up with numbers in the rural area so we can look at, you know, our capital facilities planning, what kind of transportation impacts would be out in the rural area, and also in terms of schools, how much impact there would be for schools So we've come up with a number in terms of how many potential lots might be out there

We try to use the best information that we have available to do such a thing So we look at, you know, the Assessor information We look at our zoning information We look at other types of information that makes that number the best possible number we can come up with. It's never been approved by the Board.

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We try to be consistent as much as we can with what the urban model does so that there's some consistency there, but that's the primary purpose was to look at capital facilities planning

MADORE: And I want to praise our GIS staff, GIS staff, Bob Pool, Ken Pearrow, Barbara Hatman, each of you have been fabulous. You've been truth-tellers. You provide full disclosure. You've provided all of the facts and all of the data that we depend on, and I don't have the slightest reservation. You guys need -- really need to be recognized for stellar work. Whatever software is given to you by planning the directives, that's what you crank out and that's and rightfully so

The problem is that this software has never been -- that changes these numbers that ended up being needed to be used by GIS has never been known to the Councilors and certainly not approved by the Councilors.

BOLDT: Thank you.

MADORE: I would like to make one point here, Chris --

BOLDT: Thank you, sir.

MADORE: -- and that is that you somehow are leading us to believe that Column A is not the original planning assumptions. Please understand that any references to the urban planning assumptions are simply references. They're just simply mentioned, but they are not asserted.

The one point that you stated here that somehow the one that references dividable lands, it doesn't say to change that. It says that it's documenting what is there is that Planning Assumption No 4 says, "every rural parcel shall be counted as a parcel that will divide to the maximum degree possible." That planning assumption is in context with the other. Context is provided. But if you differ on any of these Column A assumptions and somehow assert that they are not directing the software that has then statements and case statements and formulas in there, if any of these do not fully convey what is happening in that software that change those numbers, please point it out. They're all numbered 1 through 8.

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COOK: Let's see Where's the forest one? Is that No 2?
Because that's flat-out wrong --

MADORE Yes No 1 and 2.

COOK: -- because in the software, as I understand it,
commercial forest properties within current use were not
counted.

MADORE. I verified that last night I've got the latest data
from GIS, I verified that, sure enough they were counted. The
numbers are there. They are counted, hundreds of extra lots
were counted even though the DSEIS says that they were not
counted. I have the proof that shows they were. Our GIS
staff has the data that shows they were

PEARROW: I believe for the DSEIS, they were excluded in the
forest zones They were not excluded in other zones, but for
the DSEIS, we did exclude forest lands that are in the forest
zones.

MADORE That might have been the intention But I verified,
Bob Pool sent me the data yesterday, we went through it and
checked it and, whoops, sure enough, it was counted.

BOLDT. Okay

PEARROW: And I'd just like to add one more thing also, that
we studied four alternatives there or ran the model on four
alternatives We ran the same model for each alternative We
didn't decide to change the model for one alternative over the
other It was the same assumptions, same criteria for all
four alternatives

MADORE: Actually, there was an error on Alternative 4, those
28,812 records, parcels, they're the same for -- the same
parcels for 1 and 4 All we do is change the zoning,
potential zoning on them 1,405 records of the forest parcels
got miscoded and so they got -- and the numbers got inflated
for Alternative 4 by accident, and that's okay But it's our
response to correct that and that's planning's responsibility
to correct that

BOLDT. Excuse me. Thank you. Thank you, sir Good job.

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Anything else?

OLSON: You have a motion.

BOLDT I just --

OLSON You have a motion on the floor.

BOLDT. Yeah, we do. I'd just like to say a couple of things since we're right in the middle of the rural part. You know, it's been stated that, you know, this is a State law, and it's not a pretty law I realize that

When Councilor Mielke and I were in Olympia, I think we tried 20 times to change growth management and 20 times it was vetoed, so we've gone down that street We have a more liberal governor now than we did then, so it's very unlikely it will be changed. I'm not saying it's good, but that's the way it is.

You know, growth management, and I've been hurt by the '94 plan and seen the rest of the plans and been involved, I'm in my second plan now, it's like building a house and it is step-by-step. And the key is is that you make sure you're done with one step to go to the next step, and that's clear to the public I think that's -- in a way, that's why we've had some confusion about people trying to get in the urban growth boundary because it wasn't sure and, you know, and there was confusion to that:

The other one was, you know, the Board did come up with a population estimate You don't have to use that population estimate, but once again, this is growth management process. It's not the best, but that's the way it is. And when it comes down to it, it comes down to our two attorneys, anybody else going to defend it and a hearings board

I've been in them hearings board several times It's not a very pretty thing, but that's what happens And all of us in this county, you know, it will probably be as it was stated, you know, even the best plans get appealed. Well, it's our objective to get the less appeals we can and not to get a remand from the Board and start completely over

And the rural part of that, it is, once again, extremely hard, but the rural and a redefinition or recommitment of a comp plan, this is really a review of the comp plan. The rural part is on itself, and I'm not saying that it doesn't have its merits. We tried that before and we had a rural task force and there's no reason why we can't have another one, but we have to have a rural framework. You have to have a foundation, because when it comes up to the hearings board, we need to have everybody. And that's environmentalists. That's the city people. That's the rural centers, everything, on our side or at least together.

I understand the circumstance. We've done a few things already to help some of that, and, you know, I've farmed all my life, and as I see it, there's, like, three different people in the rural, in the rural areas of our state or of our county. There's the people that were here in '94, like I was, that was because of the State law and because the County Commissioners, you know, at that time had to abide by the State law. It was thrust upon them, and I was hurt in one of them. I went from two and a halves to 20s, but so has a lot of other people.

So there are some people that are still living on their lands that I think in 4 x that even the Planning Commissioners said that we need to really address. There's the people that have bought themselves now and they want compensation.

Well, the question is is if, you know, if you don't live on your land in '94 and you want so-called your rural property rights brought back, you know, are the people that really got their property rights hurt in '94, are they going to get some of your money? I kind of doubt that.

And then there's the general people, you know, that have had their say that their rural property rights have been taken away if we don't do anything. And I would say that I understand your circumstance. But if I have a \$5 in my billfold and I decide not to give you \$5, that's not taking \$5 away. You still have what you have. I realize in this is that there's a haves and the haves nots and people win or lose, you know. That's growth management to some extent.

This plan really didn't have the hard issues right up in front, and that is why I think we need to re-address the

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really hard issues, what we do with farming, what we do with rural life. I grew up in farming when, you know, still farm when the issues were, you know, how much -- why you can't find pesticide or, you know, why you can't drive a tractor down the street or how come, you know, the State, you know, is on our backs. Things, really specific things, water and everything else to farming, why is the price of logs so low or why does it cost so much to build a road with all the stormwater effects, all sorts of them things were brought up in the rural.

And now we've kind of gone to a kind of a Facebook atmosphere of ripping people, each other up and I won't tolerate it. I've spent too much time here to see this happen. So we will commit to working on this. There's a lot of things, you know, that we can't -- that we simply cannot do. I'd love to go to two and a halves, but there's a lot of things I'd love to do, you know, but it just will not work. But as we move on, I would wish that we would come together and stop being so mean to each other.

With that, thank you, Board, thank you very much and thank you audience

MADORE: Mr. Chairman

STEWART Do we have a motion on the floor?

MADORE. We do We do

OLSON: We do have a motion We have 4.a Could we just call the question, please.

MADORE. No, please, just very, very brief, please. The tears are not ours because somehow with that we're not getting along --

STEWART: I don't want to hear that We're calling the question.

MADORE. The tears are for those families that don't have --

STEWART The question has been called for

MADORE. -- that are losing their private property rights for

their children, now those are the appropriate tears

There is less -- just very, very brief -- The problem is not the law. The problem is not the State. Clark County has the most stringent comp plan, the most extreme comp plan in the state. 43 homes per acre is what our framework plan says inside the urban growth boundary and there we are 40 and 80 acres out there in the rural area. The problem is not that It's our implementation And --

BOLDT: Okay I call for the vote

MADORE: -- we need to be able to be fighting for right and fighting for the citizens is way worth the fight.

BOLDT All in favor raise your hand.

MADORE The motion on the table is to --

BOLDT: 4 a

MADORE: -- accept 4 a?

BOLDT. All in favor raise your hand.

MADORE: YES

MIELKE: YES

BOLDT All opposed?

STEWART NO

OLSON: NO

BOLDT NO

BOLDT. Okay 4 b, Agriculture Land Is there a motion?

STEWART Mr. Chair.

BOLDT Yes.

STEWART. I move we reject 4 b and exclude it.

OLSON Second.

PUBLIC That's no surprise.

BOLDT All in favor raise your hands.

STEWART: AYE

OLSON AYE

BOLDT AYE

BOLDT. All opposed?

MADORE: NO

MIELKE: NO

BOLDT: 4.c

STEWART Mr. Chair, I make a motion that we remove 4.c

OLSON I'll second.

BOLDT: Second.

OLSON. I'll second

BOLDT. All in favor raise your hands.

OLSON. Actually, I have a question about this I'm sorry to digress here. This piece has been -- Oliver, can I get your thoughts on 4 c? I don't mean to put you on the spot, but I am putting you on the spot I apologize. We have I guess under --

STEWART. 4 c refers to the Alternative 4 map and that's why my intent is to exclude it.

OLSON. Okay.

BOLDT All in favor raise your hands.

STEWART AYE

OLSON: AYE

BOLDT AYE

BOLDT All opposed?

MIELKE: Don't we get any discussion on that?

MADORE. There's a point of order here, discussion

OLSON: Yeah, go ahead.

MIELKE. Yeah, I would like to make a comment that even the Planning Commission was almost equally split on this. Sometimes, as we move forward, the challenge is that we have the ability now to bring forward proof of other counties already having done this, and that's what I want to do is go out there and say why can't Clark County do this if we actually have documentation and other counties that have already, not change the zoning, but change the size and at the will of the property owner? It's not a mandate. It's an option.

MADORE. It's an option

BOLDT. Okay. All in favor raise your hands of to deny.

STEWART: Would you remind me what the motion is because I turned my phone off?

BOLDT. I believe the motion was to deny 4 c

STEWART. Yes. Allow me to -- sorry. So sorry.

BOLDT: All in favor raise your hands.

STEWART. AYE

OLSON. AYE

BOLDT. AYE

BOLDT. All opposed?

MADORE. NO

MIELKE: NO

MADORE. Mr. Chairman, I move that we would approve 4 a, b and c which just simply allows Cluster Options to be available to the rural citizens.

MIELKE: I'll second the motion.

OLSON. Can I get some clarification on 4 a, b, c?

MIELKE· It's my understanding that we've allowed this in the past

OLSON· Just a question Yes, so, Chris Cook, can I get some clarification on 4 a, b and c and what --

COOK: 4.a, b and c was to have cluster options. It refers to Note 4.a, b and c, which is highlighted on the screen. It says, "Cluster options shall be included in the Preferred Alternative for each of the rural zone categories of Rural, AG, and Forest, as communicated by the Board throughout the Comp Plan Update process." It is, in my view, inextricably connected with the options 4 small a, 4 small b and 4 small c, which have just been rejected. That does not mean that cluster options cannot be part of this comp plan update Cluster options would generally be included in the text of the comprehensive plan as they are now for the rural zones.

OLSON: So --

MADORE· Mr Chairman, I'd like to correct something there.

Chris, you indicated that somehow this is connected to Alternative 4 It is -- there is no references to Alternative 4 whatsoever in that It says the Preferred Alternative. So it's perfectly compatible with any Preferred Alternative; is that correct?

COOK That is not the way I interpret it, no

MADORE Can you point -- there's the note. That's what it says in its entirety.

COOK: Councilor, you're asking me to repeat myself I look at 4 small a and that, to me, refers to 4 small a that's up there, this talks about the Preferred Alternative This document chose Revised 4 as part of its Preferred Alternative

It also refers to communications by the Board throughout the process, and I know that you and Councilor Mielke talked about having clustering as part of this, that all leads me to believe that this is part of the Preferred Alternative It refers to aspects of the Preferred Alternative that have been repealed and then just now rejected in votes by a majority of the Board

MADORE. Maybe that you're reading into it what is not there. There's nothing in there about Preferred Alternative or about Alternative 4. It is any Preferred Alternative, and that's my understanding and that's why I support the rural, the cluster options for whatever Preferred Alternative there are that we adopt for the rural citizens.

BOLDT Well, and I would say that regardless if you're talking about the Preferred Alt 4 or whatever, the clustering, just an all-out cluster options is a huge item that the Board has fought with for the last 20 years for good or bad. And one of the things that we fought, and will still fight, is that the remnants, all kinds of things with a cluster that I think the Board needs to get its handle around, but it's an issue of code rather than an issue of planning, and it's got to be an issue of code because there's a lot of issues that come into it.

STEWART Mr. Chair, I want to add to that that the 4.a, b, c combination absolutely reintroduces the Alternative 4 map which is included with a, b and c. There's no way to suggest that that doesn't include the Alternative 4 map which we're rejecting.

OLSON. Mr. Chair, I just want -- so is there an opportunity to address clustering, the cluster options later in the process as we go --

COOK Yes

OLSON: There is. Okay. Then I think that's -- then I think I'm good, because I want to be clear that this is something that we want to have a conversation about.

COOK That can be done.

MADORE Mr. Chairman, I'd just like to make a point for the definition of cluster. We've seen those that have a strong bias toward environmental at the expense of any development - I'll call that the left - and those that push for private property rights all across the spectrum.

The cluster option allows all of that to be achieved, and that is the cluster option says instead of dividing a parcel into,

for instance, 10 -- or four 10-acre parcels, if it was a 40, even allow four 1-acre parcels and allow the aggregate 36 acres to be one continuous open space and that achieves the goals better than any other. Why would we somehow prevent the ability for the large aggregation of open spaces in the rural areas to be -- why would we prefer to chop them up instead into individual 10s?

COOK. Councilor, what you're describing is more in the lines of a policy than an actual comprehensive plan map alternative, comprehensive plan alternative, map alternative, SEPA alternative. It's more like a policy. And given that clustering can occur in the rural zone now because of code provisions, that is also something that can be considered when the Board considers the updates to the Title 40 code that will be part of this overall process.

MADORE. The AG and the Forest zones now do not have that. I believe they used to years ago.

COOK. Prior to GMA

MADORE. And this would allow -- does this Board have the freedom at this point to continue to allow that option as defined? It's always been defined as in the past one-acre parcels contiguously together where all the rest of the area is a cluster remainder that is not developable. That's the way it's always been in the past. It's not anything complicated. It's very, very simple. It's an option available to rural citizens. I would think that --

BOLDT. Okay. Is there a motion on the table?

ORJIAKO. Yes.

MIELKE. Yes, there is.

MADORE. Was there a motion on the table?

MIELKE. To adopt --

MADORE. What is that motion?

BOLDT. To approve a, b and c. All in favor to approve, raise your hands

MADORE: YES

MIELKE: YES

BOLDT All opposed?

STEWART. NAY

OLSON NAY

BOLDT NAY

BOLDT: Motion fails

4 x, that's really about, Oliver, more of a --

OLSON Yeah. What opportunity do we have to include something like this?

BOLDT. I think we all agree that we need to look at this, so ..

MIELKE: And I think --

ORJIAKO: Yeah This is something --

STEWART: Probably in a different forum and a different format and in a more serious way than we can do by a general acceptance or rejection of it, because nobody really -- I don't believe any of us really reject the idea in 4.x

MADORE However, Mr Chair, I move that we do approve 4.x just simply to set the thing in motion, to define the -- to accept and embrace the goal and to task us to implement it. It's one more option that would help to preserve the private property rights that were taken in 1994

MIELKE Mr. Chair, if I might, we've had a problem with this in the past and the effort of this would be to fix that and would happen if we had several parcels together, but they were not meeting the zoning requirement. If it was in one name, you couldn't sell off part of it, but if they were individual names, they could, and this goes back to address that. I noticed that the Planning Commission also voted 5 to 1 in favor.

BOLDT I don't think it addresses it --

MADORE: Is there a second to my motion?

MIELKE: Second

BOLDT. -- but I don't think it hurts us either, does it?

COOK: Well, I think it's an adoption of a policy rather than, again, a comprehensive plan alternative.

Interestingly enough, if you see Note 4 x, I know we've been referred to notes elsewhere, and I think that the notes have been rejected along with the rest of this document, but Note 4.x says it's not appropriate to add future general ideas or concepts to the Preferred Alternative

I actually agree with that, but not because it's in a note. It's just that is something that the Board should consider and consider how it wishes to do that, whether it would be through appointment of a task force or a committee or what if that is your preference. But I don't see it as being part of an alternative that should be then studied in the Final SEIS because that's the outcome of making something part of the Preferred Alternative. It needs to be analyzed in the FSEIS and we don't even know what it is at this point, so it would be hard to analyze this.

STEWART. So my issue with it is I do believe it should not be on the list of a Preferred Alternative. It should be as a policy, and this might be the beginning of some good wording for this. But I don't want to see any more happy chat, any more generalized language that sounds great and, you know, can, we can skate by on but not really do anything. I want to see this worded in language that is some kind of a commitment as a policy, a Board-adopted policy where we actually make some kind of commitment and not just sort of generalized idea

So I'd like to see it come back as a policy. I'd like to omit it from this and have it come back at a future time. This can be a policy that isn't associated with this comp plan too

MADORE. Well, my motion was seconded by Councilor Mielke on this. The reason that we didn't need this is because we already solved the problem with Alternative 4 prior. This follows that. Now we've taken away even the cluster options

for the rural citizens. We leave them with an empty bag This, at least, makes a -- embraces some policy for us to move in the direction of recognizing their options, their rights, to give them some options. You're right in that even my own notes on this --

STEWART: Then let's give it some teeth Let's give it some detail.

MADORE: -- argues against the moving forward with it as a policy because it wasn't ready But at this point, we don't have anything and at least we can embrace the direction that says let's make it ready Let's move down that road.

OLSON: Mr Chair, just two quick things, very quick. So just to be clear, we've not taken away cluster options. We're going to have those conversations. We have clustering now We're going to continue to talk about those going forward, so we've not taken away cluster options.

MADORE: We just voted against them

OLSON This is not the final day. And we just heard that while all five of us support 4.x, it doesn't belong in this plan for environmental review That's the simple part

MIELKE: It still has to do with land use

STEWART: And it should have enough detail that it really does what it says

BOLDT Okay. All in favor raise your hands.

MADORE Of accepting 4 x?

BOLDT: Yes

MADORE: AYE

MIELKE: AYE

BOLDT All opposed?

STEWART NAY

OLSON NAY

BOLDT: NAY

BOLDT: Okay. What's the Policy 1 and 2?

OLSON Those are gone; right?

COOK: Yeah. Those were repealed by your initial vote

BOLDT: So what do we do now, Oliver?

MADORE: Mr. Chair, I move that we accept, just for the record, the unfinished business of approving the staff's recommendations to that layer of the map recommended by staff

ORJIAKO. Councilors, you asked --

MADORE. We're not approving the Alternative 4 We're just saying before you put it to rest, finish it up, you already recommended it. Is there a second to that motion?

MIELKE: Yeah, I'll second that. So our effort is to finish what we've started, which really helped us to recognize different parts of the county that's been ignored in the past.

MADORE There is a motion and a second.

OLSON: Mr. Chair, if I'm clear, when we repealed the first Alternative 4B, Preferred Alternative, with that went the map that we needed to correct as a result of Alternative 4B; am I correct?

ORJIAKO: That's correct.

OLSON: So finishing that, there's really nothing to finish since it doesn't really apply anymore Is that accurate?

ORJIAKO Yes

OLSON: Thank you

ORJIAKO. Councilor Chair, you asked what is next. What I will recommend, Councilors, is --

BOLDT Wait a minute Wait, before we do that, there's a motion

ORJIAKO There's a motion Okay.

BOLDT Yeah

MADORE: And I want to say that these are public records and the map is a document that is left in an almost unfinished state, and yet we won't even -- even if we're not embracing it at this point, if the Board just voted against it, but at least if you're going to put it to bed, put it to bed complete Just accept whatever, that before you close that record to accept those changes, that's what the motion is It doesn't bring it back It just simply says before you put the record away, let it rest wholly.

BOLDT Okay All in favor raise your hands.

MADORE: AYE

MIELKE: AYE

BOLDT: Opposed?

STEWART NAY

OLSON: NAY

BOLDT: NAY

BOLDT Now where do we go?

ORJIAKO Councilors, what I will recommend, there are what I will call some -- we have to substitute the numbers that are in the DEIS in Table 1-1 You don't have a copy of the DEIS, but I can make sure that I am referencing that correctly. It is Table 1-1 on Page 1-1 with the numbers that are in Resolution 215-04-05 Those numbers specifically gets to total population number and the growth rate I may give you --

STEWART Can we hold on just a second I need to -- Resolution 2015-04-05?

ORJIAKO Yes

STEWART Thank you.

ORJIAKO And if I can find the table, I can give you what those numbers should be

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MIELKE· So, Oliver, I found it in the book here. It's under the yellow tab about three pages back.

ORJIAKO I'm not sure that we included that in your packet I'm referring to Table 1-1 on Page 1-2 in the DEIS. It says that the -- correctly stated that the total population projection should be 577,431

STEWART Would you say again, please.

ORJIAKO 577,431 And the projected new residential read 125,616. And then the growth rate shall be --

BOLDT Now, Oliver, doesn't that say 129?

ORJIAKO: That's why it's wrong.

OLSON It needs to be corrected

ORJIAKO· It needs to be corrected, yes

BOLDT· Okay.

ORJIAKO: And then the growth rate should read 1 26 assumed per year, those are the only three

OLSON: All right. Mr Chair, I'd like to make a motion that we readopt --

ORJIAKO· Yeah. 128,616, new population, yes.

MIELKE Now, Oliver, I noticed that you're changing these numbers to reference the third item down there that shows a 90/10 split, and way back when we started, you said that that was always a number of target as we planned but we were never there and it didn't really mean a whole lot, but now we find out that it is very important. But as I'm looking at this chart that goes from 1995 to 2014, it shows our split has always been in the vicinity of 86/14.

COOK: Councilor, that is not measuring the same thing to summarize correctly. The 86/14 split talks about the number of people who live in one side of the urban growth line as opposed to the number of people who live on the other side of

the urban growth boundary The 90/10 split refers to the growth that is expected.

So what we would be talking about there would be that planned population growth number, which is 128,616, that approximately 90 percent of those people should be expected to move into the urban area. And the reason that that exists is, in order for the urban capital facilities planning to be adequate, they have to have a number that they assume will be living in their area so that they can do transportation planning and school planning and law enforcement planning That is what that is for. It does not refer to the number of people who live on one side or the other.

MADORE If I can insert here, the research that was done on that, in particular in the Thorpe report, indicated that a separate King County - we're no King County and I'm glad we're not - we are the tightest, the smallest amount that we allow for rural growth We're talking about the other counties, Pierce, Whatcom, 78/22, 80/20. We are way over in the extreme, so...

And also that same report indicated that this is not just simply math that is dictated by staff, this is a policy call And the Thorpe report indicated that it is well within the freedom and the discretion and the responsibility of this Board to adopt a number that reflects history, like the other counties have done, 86/14 being very appropriate in the Thorpe report; correct?

ORJIAKO. Councilor, I think what the Thorpe report stated is more accurately reflected on Page 21 of the Thorpe report, which you can look up on your own, Councilors, but there it states --

MADORE Can we bring that up, Jose?

MIELKE. So, Chris, the chart that I was talking about refers to the population, and I thought it said that --

COOK. It refers to population but not population growth That's how many people live there now on one side of the urban growth boundary or the other That's not the growth. That's not where we expect the new population to settle

MIELKE· Well, it has the split on here. It has countywide population, rural population and percent to rural population.

COOK: That's not growth That's population

MIELKE It has the numbers for the growth under each one.

COOK: I don't believe so, sir.

MADORE: It was the running split between -- by year between urban population and rural population.

COOK· Right.

MADORE: And I also want to make sure that if you can confirm this, the growth has never been 90/10 for this county; right? Chris, you know what it was Can you state what it was, what it actually was?

COOK: I believe that's correct, that it has not been 90/10. I couldn't say that it has never been 90/10. It's more like a, what, an 11 --

ORJIAKO Yes. And I wanted to --

COOK: -- 11, 12, 88, 89 growth.

MADORE. Which in recent years have become less and approaching 89/11 as a result of the freedom that we took away in 1994. It's a dog chasing its tail. We can force stagnation, and sure enough, it happens

ORJIAKO Councilors, what I was trying to refer to in the Thorpe report, and we were asked to pull it up, is on Page 21 of that report and it has the title Urban/Rural Population Split and it goes on to say that the population growth split has historically averaged 89 urban and 11 percent rural for the past 20 years. That's their findings The 24 and 27 comprehensive plan have used the 90/10 growth projection, which is accurate, so...

And this is Thorpe report What he's referring to agrees with Chris Cook's assessment that the 90/10 or the 89/11 urban/rural split is close to the 90/10 growth projection, so that's what the expert from -- or the consultant Robert Thorpe

is telling us that So I will leave it at that. It's a policy call It's true.

MADORE Yes.

ORJIAKO The current plan and the decision that the Board made this morning will be consistent with the 90/10 split because any change in that will significantly impact the cities.

BOLDT: Very good Okay.

OLSON: Mr. Chair

BOLDT Yes

OLSON: Then I would like to make a motion, if I might, to readopt the existing planning assumptions adopted in Resolution 2015-04-05 with two corrections.

COOK. Three.

OLSON: Three corrections. The assumed annual population growth to be 1.26 percent.

ORJIAKO. Yes

OLSON. The population, the change in population number to be 577,431.

ORJIAKO: Yes

OLSON: And I'm missing one.

ORJIAKO. The new -- the projected new residents

OLSON: The projected new residents to be 125,616.

ORJIAKO No, 128 --

OLSON: I'm sorry 128 --

ORJIAKO -- 616.

OLSON. -- 616 Okay

ORJIAKO Yes

STEWART. I'll second that motion.

BOLDT Okay Discussion?

All in favor raise your hands.

STEWART: AYE

OLSON AYE

BOLDT: AYE

BOLDT All opposed?

MADORE: NO

MIELKE: NO

BOLDT: Motion carries. Is that it for today?

ORJIAKO It is. What we will do, Councilors, is come back with a revised or amended resolution that captured all you did today and we will come to you with that on consent March 3rd. That's what we will do.

BOLDT Okay Everyone we're --

ORJIAKO: Oh, March 1st

BOLDT: March 1st. Anyone with general comments, sorry, we're out of time We're all late for a meeting

MADORE I have one last comment before we close this particular session and that is please do not be discouraged. If you care about your private property rights and you want to defend them, then do so. This is your opportunity; otherwise, you forfeit and you have representatives here, at least more than one, who are committed to defend your private property rights with you.

BOLDT Okay. Wait a minute I just said we don't have time

STEWART: So, Mr Chair

COOK. It's an agenda item

BOLDT Oh, okay. Is there anybody quick that has a public comment, maybe a minute? Public comment? Come on up