

BEFORE THE WESTERN WASHINGTON  
GROWTH MANAGEMENT HEARINGS BOARD

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	)	
CLARK COUNTY CITIZENS UNITED,	)	No. 16-2-0005c
INC., a Washington nonprofit	)	
corporation,	)	
	)	
Petitioners,	)	
	)	
vs.	)	
	)	
CLARK COUNTY,	)	
	)	
Respondent.	)	

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VERBATIM REPORT OF BOARD OF COUNTY COUNCILORS MEETING  
(FROM TAPED PROCEEDINGS)

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Meeting date: July 15, 2015

Participants: Councilor David Madore, Councilor Tom Mielke,  
Councilor Jeanne Stewart, County Manager Mark McCauley, Gordy  
Euler, Bryan Snodgrass, Eric Eisemann, Sam Crummett, Deputy  
Prosecuting Attorney Chris Cook

(Proceedings transcribed by: Adrienne Kuehl)

WHEREUPON, the following proceedings were had and done,  
to wit;

1 COUNCILOR MADORE: Okay. Who wants to lead? Gordy?

2 MR. EULER: Good morning, Councilors. There we go.  
3 Thank you. Good morning, Councilors. Gordy Euler, Clark  
4 County Community Planning for the record. And just so we  
5 know who's at the table, I'd like to welcome our city  
6 partners and just introduce yourselves for the record.

7 MR. SNODGRASS: Bryan Snodgrass, City of Vancouver.

8 MR. EISEMANN: Eric Eisemann, City of La Center.

9 MR. CRUMMETT: Sam Crummett, City of Battleground.

10 COUNCILOR STEWART: Jeanne Stewart, Councilor.

11 COUNCILOR MADORE: David Madore, Clark County  
12 Councilor.

13 MR. MCCAULEY: Mark McCauley, acting County Manager.

14 MS. COOK: Chris Cook, Deputy Prosecuting Attorney.

15 MR. EULER: Good. All right. Thank you. So we want  
16 to do two things today. We don't really have any --  
17 necessarily anything we're asking for direction on. But  
18 the two things are, one is to explain the countywide  
19 planning policies, and what they are and what their purpose  
20 is. And then we'll -- at the end of this presentation,  
21 there's kind of an update in terms of where we are with the  
22 comprehensive plan in general, so.

23 COUNCILOR STEWART: So just a quick question. Can you  
24 hear me okay? Um, we have three city representatives here  
25 today for this. Were all the cities notified that they had

1 an opportunity to be here?

2 MR. EULER: Yes.

3 COUNCILOR STEWART: I'm seeing heads nod.

4 MR. EULER: We had our monthly county cities meeting  
5 on Friday. And -- last Friday and let everybody know that  
6 the work session would be today at 11:00.

7 COUNCILOR STEWART: Thank you.

8 MR. EULER: So -- and other folks may come in as we're  
9 -- so Councilor?

10 COUNCILOR MADORE: Go ahead.

11 MR. EULER: All right. So our purpose is to give you  
12 progress to date. And then you should have the PowerPoint  
13 with you. And also Issue Paper 6, which talks about the  
14 countywide planning policy. So I guess I've got a clicker  
15 here. I'll see if this works. Hey, look at that.

16 So here's our progress to date. You've seen this  
17 chart many times. We've put it into every PowerPoint  
18 presentation. We've done the Commerce Checklist, the 20-  
19 year Population Range. A number of these things are  
20 already behind us. We're working down the -- in that green  
21 column -- the left-hand side of the green column, we're  
22 working on the -- some comprehensive plan policy language,  
23 the cleanup and the technical reports, which is updating  
24 the housing information, transportation information, air  
25 quality, employment data, that sort of thing that we put

1 into -- it's our background information that goes into the  
2 comprehensive plan.

3 And in progress there on the right-hand side are the  
4 plan development, SEPA Analysis and public review. That's,  
5 of course, where we're at right now. We're awaiting the  
6 completion of the -- and then issuance of the draft  
7 supplemental. So we'll talk more about that in a bit. So  
8 that's kind of where we are in what we have behind us.

9 This is just a slide to show what the mandatory  
10 elements are in a comprehensive plan. Again, we've seen  
11 this before. What we start with the process is we submit a  
12 checklist to Commerce. It's about 25 pages or so. And it  
13 lists all the things you have to have in a com plan. And  
14 we go through that and say we've -- we have this, we have  
15 this, we have this. These three things we need to change  
16 because the law has changed, for example, since the last  
17 time we did an update. And so we've prepared that.

18 We have to provide for a 20-year urban growth area  
19 land supply. The Board has already adopted population and  
20 employment numbers. And we've -- we've figured out what  
21 that process is going to be. There's the mandatory  
22 elements that are listed. We have to have land use,  
23 housing, a capital facilities plan element, utilities,  
24 rural elements, transportation, economic development, parks  
25 and recreation.

1 Public participation plan is required. You adopted  
2 that -- it's been almost two years now that we put that  
3 together. In fact, I think it was July of 2013.

4 We have to designate natural resource lands and  
5 critical areas. That's done.

6 We have critical area regulations that comply with  
7 Best Available Science requirements. That's done.

8 We have a Shoreline Master Program that was adopted in  
9 2012 at the County level. We have a few places where we  
10 need to update Title 40 regulations. And we'll be bringing  
11 those to you as the time gets closer. And depending on  
12 which preferred -- which alternative we end up with for a  
13 preferred alternative, we may have several changes to make  
14 in terms of the County Code.

15 And the last one is the important one. Ensure that  
16 county's and city's' comprehensive plans are consistent  
17 with each other. And that's really part of the topic of  
18 today's work session, so.

19 So what is a countywide planning policy? Here's the  
20 RCW. It describes a countywide planning policy is a  
21 written policy or statement used for establishing  
22 countywide framework from which county and city  
23 comprehensive plans are developed and adopted pursuant to  
24 this chapter. So this is the -- this is statutory  
25 language. The framework shall ensure that city and county

1 comprehensive plans are consistent. And that is a GMA  
2 requirement. So the plans need to be consistent.

3 And then of course, then the language, it says,  
4 "Nothing in this section shall be construed to alter the  
5 land use powers of the cities", which is true. So we have  
6 land use jurisdiction in the County. The cities have land  
7 use jurisdiction within the city limits.

8 Um, here's the primary purpose. Again, these are --  
9 this is not statutory language. But this is Washington  
10 Administrative Code language. The primary purpose of the  
11 policies is to ensure consistency between the plans of  
12 counties and cities sharing a common border or related  
13 regional issues to facilitate the transformation of local  
14 governments in the urban growth area, typically through  
15 annexation or incorporation of a city. As we all know,  
16 land use isn't static. Cities grow -- want to add lands to  
17 their urban growth areas that they ultimately annex and  
18 urbanize. So there's -- countywide framework policies  
19 guide that.

20 And then the last one there says, "interjurisdictional  
21 consistency should be met by the adoption of plans and  
22 subsequent amendments which are consistent with and carry  
23 out the relevant countywide planning policies, and where  
24 required, multicounty planning policies. Adopted  
25 countywide planning policies are designed to ensure that

1 county and city comprehensive plans are consistent." And  
2 that's the exclamation point. That's really what the --  
3 why we develop them and what they're for.

4 But one of the things we've discovered over the years  
5 is we don't have a process in the countywide planning  
6 policies to amend the countywide planning policies. And  
7 the discussion has turned recently to do we need a process  
8 to do that.

9 And one of the issues that's come up, and I don't know  
10 whether the statutory language is here. Chris may have it  
11 in front of her. Is the County is given the role of the  
12 guiding, if you will -- the completion of its comprehensive  
13 plan.

14 It also says -- the statute says -- I'm paraphrasing  
15 now, that the County needs to collaborate and reach out to  
16 the cities in terms of their desires and interests. And  
17 again, this is all laid out through the countywide planning  
18 policies. But we're required to do that, to plan with the  
19 cities.

20 So the question is, if there are countywide planning  
21 policies that are outdated, or that we need to add to or  
22 change somehow, what process do we go through. And that's  
23 one of the topics of discussion we've had with the cities  
24 at our joint meetings the last county of months.

25 And that's -- that -- a proposal -- I won't say "the

1 proposal". But a proposal is presented at the end of Issue  
2 Paper 6, which talks in a little bit more detail about the  
3 same information -- the history of the countywide planning  
4 policies. And that's one of the things we wanted to  
5 present to you today, and discuss if you so choose, and to  
6 have the cities weigh in on what their feelings were, which  
7 is why they're at the table with us. So --

8 Is there anything you wanted to add to the discussion  
9 so far?

10 MS. COOK: No.

11 MR. EULER: Do you want to put up Issue Paper 6? So  
12 here's -- this is what's being proposed. It's highlighting  
13 -- this is new language, show the ideas that -- underlined  
14 is new language. The idea here is if there's something we  
15 wanted to change, the proposal was to take it to the --  
16 first to the city/county -- the city/county group of  
17 planners that have been meeting as kind of a first stop.  
18 Talk about it, why it's good, what the language should be.  
19 And then the goal here was to recommend it to the Board.  
20 And if the Board was -- the Board will make recommendation.  
21 It will be forwarded to jurisdictions within 120 days of  
22 whether or not the -- what the policy language should be.

23 And then down here, it talks about the -- this is  
24 where we're having some discussion. It says, "Clark  
25 County, the majority of other jurisdictions casting a



1 vote." The reason it's worded that way is there are some  
2 countywide planning policies that are just jurisdiction  
3 specific. So for example, we have a countywide planning  
4 policy for La Center. So the City of Battleground, and the  
5 City of Camas, and the City of Washougal wouldn't  
6 necessarily want to vote -- need to vote on whether or not  
7 that should be changed. It doesn't affect their  
8 jurisdiction.

9 So again, this is just a draft. It's just a concept.  
10 We're sort of throwing it out there. Then again, it says  
11 once -- whatever the decision is made from the Board, we  
12 would send that out then for ratification to the cities.  
13 And that would -- if that was -- if everybody agreed and we  
14 have to decide on what is everybody, that would become then  
15 an amendment to the comprehensive plan for that year going  
16 forward.

17 So Councilor?

18 COUNCILOR MADORE: Question, Gordy. We had adopted  
19 the original plan in 1994. And we amended it -- or we  
20 updated it in each -- can you specify each of the years  
21 since then?

22 MR. EULER: 2004, and then again in 2007.

23 MS. COOK: Well, it was also amended in 1998, was it  
24 not?

25 MR. EULER: Well, the --

1 MS. COOK: Yes.

2 MR. EULER: -- the updates were in those years. The  
3 plan's been amended every year since then. We do an annual  
4 update. But in terms of the Growth Management Act required  
5 plan updates, the big ones were in '04 and '07.

6 COUNCILOR MADORE: The CPP, that is a single written  
7 document, right?

8 MR. EULER: I'm sorry, what was the first --

9 COUNCILOR MADORE: The County Planning Policy. It was  
10 defined as a written document. So we must have that  
11 document here.

12 MR. EULER: It's in the -- this is the comprehensive  
13 plan. And the countywide planning policies are basically  
14 the first chapter in this document.

15 COUNCILOR MADORE: Okay, so it's included in the  
16 larger book.

17 MR. EULER: Correct.

18 COUNCILOR MADORE: The question is, the planning  
19 document is a concise document that's much smaller than  
20 that book, and we don't have a -- do we have a copy of it  
21 here at this, other than what's embedded in that book?

22 MR. EULER: You mean the planning policies by  
23 themselves?

24 COUNCILOR MADORE: The CPP.

25 MS. COOK: It's on the website.

1 COUNCILOR MADORE: Okay. But we don't have it here?

2 MR. EULER: No. You don't have a copy of the actual  
3 countywide planning policies in front of you.

4 COUNCILOR MADORE: Okay. Do we know the history of  
5 when -- this document says that modest updates were made in  
6 each comprehensive -- countywide comprehensive plan update.  
7 Do we have the history of how and what, and those updates  
8 to the CPP were done thus far?

9 MR. EULER: We'd have to go back in the record and  
10 find that, if that's of something of interest.

11 COUNCILOR MADORE: Well, I'm comparing -- you said  
12 what process do we need to go through. And this says that  
13 we've gone through that each time. So my process -- my  
14 question is, what process did we go through? Do we know?

15 MR. EULER: I don't know. We'll have to find out.  
16 I'm guessing the Board, as it has in other years, has said  
17 to the cities, we want to be partners. Are there some  
18 things that you like as countywide planning policies,  
19 especially for things that were particular to a  
20 jurisdiction. They came to the Board, the Board agreed to  
21 them, and they were included in the document.

22 COUNCILOR MADORE: So at this point, we're -- the  
23 proposal is to come up with something new. But we don't  
24 know what we're changing. So I would think the first  
25 starting point would be for us to be able to find out how

1 did we do this in the past, and we would draw from that  
2 insight.

3 MR. EULER: Agreed. There --

4 COUNCILOR MADORE: We're amending a document that we  
5 don't have.

6 MR. EULER: There's nothing formal that says that --  
7 how you go about doing this, so.

8 COUNCILOR MADORE: Well we've gone -- although, this  
9 says that we went through it every plan in the past. So  
10 there must have been a formal like -- or at least some  
11 acceptable process in the past.

12 MR. EULER: Go ahead. Go ahead.

13 COUNCILOR MADORE: I assume that was a valid process.  
14 Eric -- sorry.

15 COUNCILOR STEWART: Well, I -- we have the cart way  
16 before the horse on this. Who says our policies need  
17 amendments? Are we getting complaints from the cities that  
18 say the way we implement the County policies are in any way  
19 in conflict with what the cities do? So why are -- why are  
20 we here today is the first thing I need to know. What is  
21 it that we're looking at with the policies that tell us  
22 that we have policies that are inappropriate?

23 And here's why I'm puzzled by it. It almost sounds  
24 like the local jurisdictions are pushing for this and  
25 wanting us to have some new framework for changing out

1 policies. And yet, in the current growth management  
2 update, there's not a single thing any city asked for that  
3 we interfered with, that we did not provide, including  
4 extending deadlines for cities who had issues and re-  
5 extending the deadline for a couple cities that had special  
6 circumstances.

7 So I'm not -- I'm not sure -- who is it that thinks  
8 our current policies need to be amended? It's a separate  
9 question. How would we amend them if we decided it was  
10 necessary.

11 MR. EULER: Good question, Councilor. A couple of  
12 things. One is, we don't believe that the County can make  
13 a change to a countywide planning policy unilaterally.  
14 It's got to be a collaboration with the city. That's an  
15 important concept.

16 COUNCILOR MADORE: Of course.

17 MR. EULER: That's one piece of it. The second piece  
18 of it is --

19 COUNCILOR STEWART: And we have a good reputation for  
20 collaborating with the cities.

21 MR. EULER: Correct. The second thing is, we've got a  
22 couple of proposals to add new policies to the countywide  
23 planning policies which you haven't seen that will be  
24 coming. And the question is what do we want to do -- what  
25 do we want to do with those? Do we want to just present

1 them to the Board, and the Board say fine, wave the wand  
2 over them and they're done?

3 COUNCILOR STEWART: No. I would not want that, but --

4 MR. EULER: Exactly. So --

5 COUNCILOR STEWART: If requests come in, um, I would  
6 sure like to know what those are and --

7 MR. EULER: Yes.

8 COUNCILOR STEWART: -- have a powwow with our planning  
9 staff about do you think it's feasible, do you think it's  
10 necessary, do you -- you know, get feedback from our  
11 professional staff as well.

12 MR. EULER: Correct. Correct. So Councilor, go  
13 ahead.

14 COUNCILOR MADORE: When did the -- these new proposals  
15 come in? I feel like we're in the dark. We have no idea  
16 that new proposals have come in. We want to be in the  
17 loop.

18 MR. EULER: The -- the proposals we've talked about  
19 are one -- if you rewind the clock back to 2009, '10, '11,  
20 '12, we entered into a collaborative process with the  
21 cities to update our -- collectively update our Shoreline  
22 Master Programs. And we hired -- we had a -- what did we  
23 call it, a coalition, or consortium. I've forgotten the  
24 term now. Coalition, I think. The long and the short of  
25 it is, we have one -- basically one plan for the entire

1 county that varies by jurisdiction in terms of what they  
2 wanted their shoreline jurisdiction to be within their  
3 jurisdiction.

4 So in other words, we picked a single set of shoreline  
5 jurisdictions for the county. Anyway, we've -- we are  
6 including a policy that says we need to implement the -- in  
7 the county polices, we need to implement the Shoreline  
8 Master Program, per the 2012 Shoreline Master Program  
9 update.

10 We are proposing that -- because we did this  
11 collaboratively with the cities, we are proposing at some  
12 point a countywide planning policy that also says in  
13 cooperation with the cities, the county will implement its  
14 Shoreline Master Program.

15 COUNCILOR MADORE: Okay. I want to make sure I  
16 understand. I thought that the cities, or a city submitted  
17 a change -- something they wanted us to consider in this  
18 comprehensive plan update just recently. Or since last  
19 time we met. And we haven't seen it yet. Has there been  
20 something over the last couple of months that Planning has  
21 received from one or more of the cities that we haven't  
22 seen yet?

23 COUNCILOR STEWART: I think --

24 MR. EULER: You want to --

25 COUNCILOR MADORE: I can do this.

1 MR. EULER: The second policy that we've talked about  
2 is the County in -- two, three years ago adopted two  
3 documents. One called the Aging Readiness Report, which  
4 has spawned the Council on Aging -- or Commission on Aging.  
5 And the Growing Healthy Report. And we've drafted some  
6 language -- just draft language that we would include that  
7 would recognize those two documents.

8 And again, you haven't seen the language because it's  
9 a -- we're not to the point of making substantive changes.  
10 We're not to that point yet. This issue of how do we go  
11 about making changes at all is one we wanted to have a  
12 discussion about.

13 COUNCILOR MADORE: So can I get a just simply yes/no  
14 answer. Did any of the cities submit a plan, something to  
15 change, the cities to the staff that we haven't received  
16 yet as the -- as the Councilors?

17 MR. EULER: Do you want to answer that one?

18 MR. EISEMANN: I'd be glad to. Eric Eisemann, City of  
19 La Center. In July of 2014, the City of La Center Council  
20 sent a request to the County to change two countywide plan  
21 policies. One was at the council's initiative. One was at  
22 the county staff's initiative. These are La Center  
23 specific policies. There are three of them in the  
24 countywide plan policies. I have a whole set of them, if  
25 you'd like to see them.



1           We've withdrawn -- the Council has withdrawn that  
2 request, so there are no La Center proposals before you.  
3 And I'm not aware of any other city having a proposal in  
4 front of you right now.

5           There are two parallel tracks. Gordy is absolutely  
6 correct. There are some countywide proposals -- aging  
7 being one, shoreline being another -- that are out there.  
8 There is no La Center proposal in front of you anymore.

9           COUNCILOR MADORE: So there's no cities that have  
10 submitted anything --

11          MR. EULER: Correct.

12          COUNCILOR MADORE: -- over the last several months?

13          MR. EULER: So the answer to your question would be  
14 no.

15          COUNCILOR MADORE: Okay, thank you.

16          COUNCILOR STEWART: But -- but what the cities are  
17 saying is part of this coalition and this collaboration is  
18 they want to see the County incorporate some additional  
19 aspects to the county plan. For example, taking into  
20 consideration the aging readiness, some shoreline issues.  
21 And what was the other one?

22          MR. EULER: The Growing Healthy report.

23          COUNCILOR STEWART: Growing Healthy.

24          MR. EULER: And those are ones that we as County staff  
25 have drafted.

1 COUNCILOR STEWART: Well --

2 COUNCILOR MADORE: Cities have not (Inaudible).

3 MR. EULER: Those did not come from the cities. They  
4 came from the County.

5 COUNCILOR STEWART: So -- thank you.

6 COUNCILOR MADORE: So there were three documents?  
7 Aging -- or three sources. Aging Readiness, Growing  
8 Healthy Report, and was there something else?

9 MR. EULER: Which would be folded into -- we've  
10 drafted into a single policy. The other is jointly  
11 implementing the Shoreline Master Program.

12 COUNCILOR MADORE: Okay. So Planning has proposed  
13 work -- or documents on each of those. And when is the  
14 timeframe that you plan to share those with the Councilors?

15 MR. EULER: We will -- the idea is when we bring any  
16 other policy changes before you, those will be included in  
17 the -- in the -- in whatever policy changes we're going to  
18 make. Or will be proposed.

19 MR. MCCAULEY: Councilors, we actually had a Board  
20 time -- I think it was Board time. It may have been  
21 executive session on these very countywide planning policy  
22 suggested changes. So we had -- we had a relatively  
23 thorough discussion on those some time ago.

24 COUNCILOR MADORE: Yeah, some time -- quite a long  
25 time ago. So there's nothing recent that's --

1 MR. EULER: That's correct.

2 COUNCILOR MADORE: -- materialized?

3 MR. EULER: That's correct.

4 MS. COOK: I don't -- I don't think that there is, um,  
5 partly to answer your question, Councilor Madore, and to  
6 answer Councilor Stewart's question, I -- I'm not sure,  
7 other than the items that Gordy mentioned, that there is a  
8 particular drive by any party here to adopt a particular  
9 change to countywide planning policies.

10 What's interesting is that our plan does not have a  
11 process for adopting such changes spelled out in it.  
12 Certainly, the County follows its code and its plan and GMA  
13 in terms of amending its comprehensive plan. But there  
14 isn't a -- there isn't a process for doing this  
15 collaborative planning that is spelled out in the plan.

16 And since at this time, the County is undertaking a  
17 global review of its comprehensive plan, it seemed that  
18 this might be something that should be looked at.

19 COUNCILOR MADORE: Chris, I'm puzzled. How in the  
20 world could we get here today and say we don't have a way  
21 to do what the record says was done at each previous -- it  
22 says right here, "Modest updates were made to -- in each  
23 subsequent countywide planning update". How did we do it  
24 if we don't have a way to do it?

25 MS. COOK: Well, Councilor, as Gordy I think

1 explained, and as I believe Bryan and Eric would be willing  
2 to attest to, because they were around when these  
3 amendments -- these overall amendments were made -- even  
4 though there is not a process that says this is how we  
5 shall amend countywide planning policies. There are  
6 processes for amending the comprehensive plan as a whole.  
7 And in 1998, and in 2004 and 2007, the comprehensive plan  
8 as a whole was amended. And so --

9 COUNCILOR MADORE: Okay. So we're trying to solve a  
10 problem that we somehow we can't see that it existed. And  
11 we see that it wasn't a problem in the past.

12 MS. COOK: Well, if you look at, um, RCW 36.78.210,  
13 which is the more detailed statute related to countywide  
14 planning policies. And there is a tiny bit of it quoted  
15 here.

16 COUNCILOR MADORE: Sure. Yes. I printed it out and  
17 read it this morning.

18 MR. EULER: Yeah, so --

19 COUNCILOR MADORE: And I don't see anything like this.

20 MR. EULER: -- it talks about a process that was  
21 established, and so forth and so on. It doesn't mandate  
22 the adoption of a process after the first comprehensive  
23 plan was adopted in -- pursuant to GMA. And that was our  
24 plan in 1994. Sometimes people like to know -- people like  
25 to have the process spelled out. And when the direction is

1 somewhat vague, as it is here, um, they particularly like  
2 to have that process spelled out.

3 So whether you think that's a problem or not is an --  
4 you know, that is your point of view. And I think it's  
5 reasonable that someone else might have a different point  
6 of view on that. Um, just as I think that your point of  
7 view is reasonable as well. It may not be a problem at  
8 all. It may not be needed. And that would be up to the  
9 discretion of the Board.

10 COUNCILOR MADORE: Okay. Chris, I -- it's more than a  
11 point of view in that RCW 36.70A.210, it says here, failure  
12 to adopt a countywide planning policy may result in the  
13 imposition of sanctions or sanction -- basically we fail.

14 What's proposed here today is that in order for us to  
15 succeed in that, each jurisdiction has one vote. That  
16 means the County has one vote, and all the cities get one  
17 vote. And if that -- if the County doesn't agree, we just  
18 fulfilled that. We cannot update -- we cannot adopt that  
19 policy. We can't make any changes to it. To me it's a  
20 recipe for failure.

21 We've never done this in the past. We would basically  
22 -- as the County legislative body, forfeit our  
23 responsibility, the authority that's vested in us, that we  
24 are responsible for making sure that we collaborate with  
25 the city, we consider all those things with the cities.

1 That the -- their policies are consistent with our policies  
2 that this is all workable.

3 But if it requires a vote by the cities and the  
4 County, we get one vote and all the cities get each one  
5 vote, we won't be able to proceed if we ever come to an  
6 impasse, if somehow the County disagrees.

7 MS. COOK: Councilor, I think that is a legitimate  
8 point of view. I think that's a point of view. I may not  
9 read the statute the same way that you do, and I may not  
10 read this proposal the same way that you do.

11 I -- I see it more as the County gets the proposal, as  
12 the County gets one vote, and all the cities together get  
13 one vote. I think that is a correct reading of it.

14 Um, regardless, your conclusion that if the County  
15 wants to do something and all the cities vote against it,  
16 then it can't be done. I think that conclusion --  
17 according to this proposal. I think that conclusion is  
18 absolutely correct. Um --

19 COUNCILOR MADORE: Let me take it one more -- further.

20 MS. COOK: Yeah.

21 COUNCILOR MADORE: If all the cities want it, and the  
22 County with our one vote, say no, it fails and we -- we're  
23 not able to fulfill the state law, right?

24 MS. COOK: Well, actually, we've already fulfilled the  
25 state law. We have countywide planning policies. This

1 doesn't, I think, address a particular countywide planning  
2 policy. So --

3 COUNCILOR MADORE: Well, it stagnates it and it  
4 freezes it so that we cannot update it. This is part of a  
5 comprehensive plan update, which --

6 MS. COOK: And it is --

7 COUNCILOR MADORE: -- means we need to be able to  
8 adapt, fulfil the responsibility, to plan for the future.  
9 We can't be locked into the past with something that has  
10 never happened in the past where somehow we've got this  
11 voting process that says it's -- the train is derailed.

12 MS. COOK: Well, Councilor, if you don't like this, I  
13 think that that is absolutely your prerogative. And it is  
14 your prerogative to, as a policymaker, to, um, bring your -  
15 - your point of view into effect.

16 COUNCILOR STEWART: So, um, is the intent -- I need to  
17 zoom out for a minute here. Is the intent of these  
18 proposed modifications -- is the intent to incorporate  
19 these into the current update?

20 MR. EULER: Yes, if we wanted to change -- if we  
21 wanted to adopt a policy that allowed us to amend the  
22 policies, this would take effect in this comprehensive plan  
23 update cycle.

24 COUNCILOR STEWART: So this is an incorporation?

25 MR. EULER: This -- this would be something new that

1 wouldn't take effect until the update was done. If you  
2 wanted to make the change at all.

3 COUNCILOR STEWART: Say again.

4 MR. EULER: Whatever -- if you wanted to adopt this or  
5 some kind of language to amend the countywide planning  
6 policies, it would take effect when you -- when the  
7 comprehensive plan is updated. In other words, on July 1<sup>st</sup>  
8 of next year.

9 COUNCILOR STEWART: Okay. So then I want to go back  
10 to the specific issues that are causing this to happen in  
11 the first place. So one of those are the cities are asking  
12 for collaboration and joint adoption of shoreline issues.

13 MS. COOK: Gordy, that --

14 MR. EULER: Yeah, that's something the County  
15 proposed. That's not something the cities proposed.

16 The fact is that we joined -- we jointly developed our  
17 shoreline programs together, it seemed -- it seems language  
18 in terms of implementing that we would implement it  
19 together.

20 MS. COOK: So Councilor, can I interject here?

21 COUNCILOR STEWART: Yeah, but then I need to come back  
22 to my point.

23 MS. COOK: Sure. Shorelines -- shoreline protection  
24 has been adopted as another goal of GMA. But the county  
25 and the cities all collaborated together in, was it 2012,



1 to adopt the Shoreline Master Program. That set of  
2 collaborative changes has already occurred. I haven't seen  
3 the proposal that would go into the countywide planning  
4 policies regarding that. But that collaborative effort  
5 occurred and resulted in Shoreline Master Plans for all the  
6 jurisdictions, which have been approved by the Department  
7 of Ecology, and the Department of Commerce, and have not  
8 been appealed, and are in effect right now.

9 COUNCILOR STEWART: And we -- we adopted certain  
10 standards for the unincorporated area. The cities actually  
11 adopted, perhaps, slight variations of that, but all based  
12 on the state law requirements. And I remember when the  
13 City of Vancouver was considering this, they adopted  
14 basically the State with some additional restrictions.  
15 However, a lot of that later got caught up in what I would  
16 call definition of who gets to do what where. And if  
17 that's the right thing to happen.

18 So -- so if that's off the table, then the two things  
19 that are bringing us back are aging readiness and the  
20 growing healthy -- adopting the growing healthy report.  
21 And there may be other of those.

22 So I -- I'm going to characterize aging readiness and  
23 growing healthy philosophies as current fads that are  
24 accumulating in the planning schools and in planning  
25 processes. Any good land use plan should recognize the

1 need that as we have an aging population, there will be  
2 some special needs. And that can all be done through code  
3 development. It doesn't have to be requirements. Um,  
4 making sure that we have land for what are likely to be  
5 multifamily. Making sure we have land for smaller units  
6 for people who want to maintain their independence. And  
7 all the other things that could also affect small families  
8 or families that are just starting out.

9 So aging readiness, um, we know we need medical  
10 facilities. We know we need, in many cases, public  
11 transportation. But that isn't true just for the aging  
12 population. That's -- it's true for them, but it's also  
13 true for the rest of the population. And in a  
14 comprehensive plan, we should be -- we don't need to  
15 earmark certain changes we're doing. We just need to have  
16 the full integrated scope of what needs to be done in our  
17 plan.

18 And the same is true of growing healthy report. And I  
19 say that as a gardener, as a person who has my own crops,  
20 all that need watering today, as a person who has rented  
21 garden space, public space for -- in community gardens.  
22 Growing your own food where you have the space, which  
23 mostly for us will be somewhat seasonal, is a wonderful  
24 idea. We should be encouraging it. We do it with all  
25 kinds of programs out of the County extension agency,

1 community services. We just have this entire network of  
2 ways that all these things are already integrated. So we  
3 need -- it's good to recognize that these are current  
4 recognitions. Growing healthy food, eating healthy food  
5 helps keeps us healthy and extends our lives, extends our  
6 community and all of that.

7 But I don't think we need special sections for that.  
8 I think we just need to be very conscientious about  
9 incorporating the whole picture into one thing.

10 So I'm -- and I do think the County has a different  
11 kind of authority than city jurisdictions. And I would not  
12 -- let me tell you what I've seen happen in this community.  
13 What I've seen happen on major boards and commissions, and  
14 I do not want to see happen to the County Commissioners is  
15 you get two or three cities who lobby other cities to get  
16 their interests preserved. And it causes Clark County to  
17 lose its voice for the rest of the citizens.

18 And that's why I don't like the voting structure.  
19 Because I have seen happen so many times where one city  
20 becomes dominant. And that city uses every bit of  
21 influence it has to -- with other people and other  
22 communities to drive their own agenda. And in some cases,  
23 that's left the County high and dry. And I don't intend to  
24 sit here and see that happen again now for our planning  
25 process. The County needs to have its own authority and

1 not usurped by any of the local jurisdictions.

2 Nor do I think we need to be so all powerful that we  
3 usurp what the cities are interested in. It has to be a  
4 balance.

5 COUNCILOR MIELKE: Mr. Chair, if I might?

6 COUNCILOR MADORE: Yes, sir.

7 COUNCILOR MIELKE: Thank you. First, I'd like to  
8 apologize for getting here late. The time just got away  
9 from me.

10 One of the things I recall, and one of the things that  
11 I'm really concerned with where we're going with our comp  
12 plan is that the comp plan is primary land use and planning  
13 for infrastructure. And when we start putting social  
14 policies into that comp plan, we run into problems. And we  
15 had that experience in the last comp plan when we had  
16 social entities in that. We support that policy of aging  
17 in place and all of those things. And we have that policy  
18 already. But to incorporate within the comprehensive plan,  
19 we create problems if we don't get there all the way.

20 So everything you add into that comprehensive plan, if  
21 you don't meet the one part of it, then you're out of  
22 compliance. Or it's another place to -- to have some  
23 opposition or some argument points to that.

24 An example is we can all agree on a certain road to be  
25 built. But if you start debating about the size of the

1 curb and the color of the sidewalk, you have more people  
2 who might oppose the creation of that sidewalk or of that  
3 road.

4 So as we go forward, I think that it's very well  
5 spelled out that we do work collaboratively with but not  
6 equal to the cities. That we have our place established in  
7 the RCWs, and that it's that way for a reason. We have  
8 that responsibility of putting that plan together, along  
9 with the cities. And that's what we have done so far.

10 But when we start bending the rules and leaning one  
11 way, and my colleague Stewart here is right on. You don't  
12 want to start changing the makeup of what we have and  
13 expanding what the true definition, and what the true  
14 meaning or intent of the Growth Management Act had in  
15 place.

16 So when we start down those other policy roads, I'm  
17 going to have some real opposition to it.

18 COUNCILOR MADORE: Yeah. So the bottom line here, it  
19 looks like we're trying to solve a problem that none of us  
20 can -- has any -- any history that it ever existed. We've  
21 amended the CPP each time we've had an update. There is no  
22 city that's opposing an amendment to the CPP at this point.  
23 And we're about to consider something that would have a  
24 major dysfunction -- just completely derail the train. So  
25 I would say we have a -- it appears that we have a

1 consensus here to abandon this push and for us to continue  
2 on the path that we've already established.

3 So far, we've all been good neighbors. We've said  
4 unanimately here as the whole Board yes to every request  
5 from every city. Is that -- is that not correct? And no  
6 one is pushing to somehow change direction. So we're -- I  
7 would say let's not contaminate the process. One of the  
8 things that Thomas Edison learned long ago is you don't  
9 invent something that there's not a need for. You end up  
10 causing problems, setting us up for favor. Do we have a  
11 consensus on that?

12 COUNCILOR STEWART: Yes.

13 COUNCILOR MADORE: Okay. Is there anything else?

14 COUNCILOR STEWART: I do want to say that I -- I -- if  
15 we find that our policies are prohibitive -- our growth  
16 management policies -- Clark County policies cause  
17 difficulties, I would certainly want a heads up about that.  
18 And I don't see from what I -- from the information I have  
19 today that there is good reason to move ahead, rewriting  
20 our policy on how our policies can be amended.

21 So on the other hand, we -- and I believe I'm speaking  
22 for all of us. If not, please speak up. We also don't  
23 want to be ignorant. And by that, I mean, unknowing if the  
24 way that our policies operate, it creates any particular  
25 major complication that we need to take a look at. But I

1 would want to know what those complications are first. And  
2 I'd -- I'd want to understand if there are other ways to  
3 fix that. So -- but I'm leaving this meeting a little bit  
4 uncomfortable that I have frustrated staff and I --

5 MR. EULER: Not at all.

6 COUNCILOR MADORE: Thank you.

7 MR. EULER: Not at all. This is a -- this is a  
8 conversation we wanted to have because of the -- the nature  
9 of -- these are -- these are procedural things, not jumping  
10 in and talking about the substance. We're going to get to  
11 some substantive issues at some point. So I think the  
12 Council has made it clear how they want to proceed. And  
13 we'll follow suit.

14 Just -- just to be clear again, we're talking about  
15 the countywide planning policies here in terms of a  
16 process. These are separate than County policies. This  
17 document is the County's comprehensive plan. Each city has  
18 their own plan. Each city has -- adopts the countywide  
19 planning policies just like we do.

20 There's going to be lots of opportunity for  
21 discussion. And I can see Commissioner Mielke over there.  
22 He's getting ready to say something. Because for example,  
23 Councilor Stewart, you said you want to make sure that we  
24 have access to healthy food and local access -- the Growing  
25 Healthy Report -- the work the Food System Council is

1 doing. This is the current comprehensive plan. You won't  
2 find the word "healthy food" anywhere in here.

3 COUNCILOR STEWART: I don't --

4 MR. EULER: It doesn't -- it doesn't exist. And so  
5 you're going to see some proposals from staff for the  
6 County part of the County's comprehensive plan where we say  
7 this is an important community item that needs to be  
8 discussed. And of course, you get to say number one,  
9 whether it should be here, or number two, how you want to  
10 proceed with it. But that's -- that's a concept that  
11 should be in anybody's comprehensive plan. Planning staff  
12 -- any planning staff will tell you that. You won't find  
13 the word "healthy food" anywhere in this document.

14 So you're going to see some things that we'll bring  
15 forward to you as County policy, even though we're not  
16 going to do anything with the countywide planning policies.  
17 These are things that would just be -- we would say as the  
18 County are appropriate or not appropriate, as the case may  
19 be.

20 So that's -- the end of the conversation stops with  
21 the countywide planning policies. But we haven't started  
22 the conversation yet with the -- with some of the things we  
23 want to include in here. These are reports that have been  
24 -- the County has approved of, if not adopted, since the  
25 last time this was -- was done. And if it's -- if it's



1 been adopted already by the Board as County policy, there  
2 isn't any reason we don't feel as planning staff, why it  
3 shouldn't be reflected in our comprehensive plan. And we  
4 will -- we will -- whatever we propose, we will say this is  
5 where this came from. It's already County policy and  
6 should be reflected in here.

7 So using your example of gardens and healthy food, um,  
8 we did a word search. You won't find the word "healthy  
9 food" anywhere in this -- in the document. So it's a 21<sup>st</sup>  
10 Century issue. We need to make sure it's in the  
11 comprehensive plan as an example. So more to come.

12 COUNCILOR STEWART: Well, I'll -- I'll look forward to  
13 those conversations.

14 MR. EULER: Certainly. We will, too.

15 COUNCILOR MIELKE: I really didn't have anything to  
16 say when you mentioned that. But as you went down further  
17 along the way and you said that we already have policies  
18 that we would incorporate into the comprehensive plan,  
19 that's where I have the problem. I like the idea that we  
20 have policies, and we recognize the needs of the County.  
21 It does not have to be in the comprehensive plan.

22 What it does, it makes it more difficult to change it  
23 if it's in the comp plan. And that's what we experienced  
24 over the last six and a half years that I was here.

25 MR. EULER: The question is, if we've adopted it, why

1 wouldn't we put it in the comprehensive plan?

2 COUNCILOR MIELKE: Why would we?

3 MR. EULER: Because it's County policy.

4 COUNCILOR MIELKE: We already have policies. A  
5 separate policy -- we don't have -- we have a lot more  
6 policies than that.

7 MR. EULER: That's --

8 COUNCILOR MIELKE: We just don't need to incorporate  
9 all of the policies. If we had incorporated all of our  
10 policies in there, it'd be two, three times that thick.

11 MR. EULER: Well, and it perhaps -- maybe it should  
12 be. I don't know. But the -- what we're trying to do --  
13 the point here was we're not trying to create new policy  
14 with the comprehensive plan. We're trying to say what is -  
15 - what has the County -- what has the County already said  
16 is --

17 MR. EULER: More specific. What happened when we had  
18 that in a comprehensive plan and we wanted to change it, we  
19 couldn't change it because it was in the comprehensive  
20 plan. That's exactly what happened.

21 COUNCILOR MADORE: And I'd like to -- I agree with  
22 Councilor Mielke here. We go through a very formal process  
23 to incorporate the -- to create this countywide planning  
24 process and the comprehensive plan update. Anything we put  
25 in there has -- I assume it has consequences for

1 noncompliance because it's part of our state mandated --  
2 you have to do what you said you were going to do in that -  
3 - in that major body of work.

4 That is a -- a formal level of inconvenience. We need  
5 to be able to adapt the County policies to the current need  
6 of our citizens. And we can -- we have that flexibility  
7 through our normal County code that is outside of that  
8 nutshell. We don't want to embody those things -- anything  
9 that's not needed to be in there. The social policies  
10 inside there, I would like to be able to make sure that we  
11 focus on what is required to be in there and don't put  
12 anything else extra in there. We will certainly handle  
13 those things outside of that shell because we do need  
14 policies that will address those. That's the first thing.

15 And what I would like to be able to do is ask staff to  
16 refresh us -- send us a fresh copy of the countywide  
17 planning policy, that document. We haven't focused on it  
18 in quite a while. And please follow up with the amendment  
19 history. It includes the process that we used back then to  
20 amend it.

21 And I want to also thank you for the proactive, always  
22 looking for ways to improve our processes. So I see that  
23 the intention there is good. So I want to express our  
24 appreciation to all the work that everyone has gone through  
25 in order to make this a success.

1 MR. EULER: Thank you, Councilors. If there's nothing  
2 else on this topic, I just want to run through a brief  
3 timeline then of what you can expect. So for what  
4 everybody can expect.

5 We are going to have the same discussion that we had  
6 with you tomorrow night with the Planning Commission about  
7 this topic. So I mean, that was -- that's already on their  
8 radar. But we will convey to them what your feelings are  
9 based on today's work session.

10 In terms of the draft SEIS, we're looking at issuing  
11 that on August 5<sup>th</sup>. That's a Wednesday. I think that's two  
12 weeks from today. Three weeks from today, perhaps.

13 We actually had a hearing -- we have a hearing date  
14 scheduled on this Issue Paper 6 with -- based on today's  
15 hearing, I'm assuming we would cancel that -- cancel that  
16 hearing, which is the upper -- far upper right-hand box.

17 Um, so August 5<sup>th</sup> then is the draft supplemental EIS on  
18 the comp plan. We have scheduled hearings on the 1<sup>st</sup> and  
19 the 3<sup>rd</sup> of September. That's a Tuesday and a Thursday  
20 night. So the 1<sup>st</sup> is your regular first of the -- first  
21 Tuesday of the month evening hearing. And the 3<sup>rd</sup> then is a  
22 -- the Planning Commission's first evening hearing. And so  
23 we put two dates together to make sure we get all the  
24 testimony in on the documents. And if -- we won't need --  
25 we won't use the 3<sup>rd</sup> if we don't need it. But we've got the

1 1<sup>st</sup> is the -- is our primary night. We'll use the 3<sup>rd</sup> to  
2 continue it if we need to.

3 45 day comment period ends on September the 17<sup>th</sup>.  
4 That's also the night that the planning commission will  
5 deliberate in terms of what their thoughts are after  
6 hearing the testimony and make a recommendation -- their  
7 recommendation on the preferred alternative.

8 And at some point then, we'll -- they'll transmit that  
9 to you. We don't have a Board hearing date set for you to  
10 make a -- you to do your deliberation and make your  
11 recommendation on the preferred alternative. But we're  
12 assuming that would be sometime in the first part of  
13 October, so.

14 COUNCILOR MADORE: Okay. Being that this is a very,  
15 very important process -- that this touches every property  
16 in the County. We have a number of citizens that are very  
17 interested to see what we are going to do with their  
18 properties.

19 Please tune us in as you receive any pertinent  
20 documentation. As this notebook has come in, you've given  
21 us the first four chapters of the draft. Have you received  
22 the rest of the document from the DSA (phonetic)?

23 MR. EULER: No. Not yet.

24 COUNCILOR MADORE: So as soon as you receive that, any  
25 other communication there, keep us as much informed as you

1 can so that we can work in parallel and collaboration so  
2 that the process of incorporating the insight that comes  
3 from this draft EIS that we can get our brains engaged, we  
4 can get staff engaged, we can get our community engaged so  
5 that as we pull those particular final ingredients to bake  
6 the cake, that we will have every opportunity to be  
7 informed along the way so we get it as much right as we  
8 can. This is a very important phase of the project. And I  
9 want to make sure that we all have all of the ingredients  
10 at our disposal.

11 So even if it's draft. Even if it's not ready for  
12 release. Please keep us in the loop. Inform us with  
13 whatever you have so we can do our homework and participate  
14 in knowledgeable decisions, okay?

15 MR. EULER: Yes.

16 COUNCILOR MADORE: Thank you.

17 COUNCILOR STEWART: A question about -- is -- is the  
18 1<sup>st</sup> -- I see we have countywide policies at a Planning  
19 Commission hearing on July 30<sup>th</sup>. But I thought I heard you  
20 say next week. Is it July 30<sup>th</sup>?

21 MR. EULER: We do -- we have a work session with the  
22 Planning Commission on this topic tomorrow night, ahead of  
23 their regularly scheduled hearing.

24 COUNCILOR STEWART: And --

25 MR. EULER: And then they have a hearing at 6:30. But

1 if -- if it's the Board's desire not to move on with this,  
2 we need neither the Planning Commission hearing on July 30<sup>th</sup>  
3 or the Board hearing on August 18<sup>th</sup>.

4 COUNCILOR STEWART: My concern is, has this been  
5 published as a public work session where these policies  
6 would be reviewed?

7 MR. EULER: Today's -- today's work session?

8 COUNCILOR STEWART: Yes.

9 MR. EULER: Yes. These are on the Board's grid and  
10 the Planning Commission grid.

11 COUNCILOR STEWART: I would recommend that we don't  
12 schedule ahead for Planning Commission anything until it  
13 comes to us in a work session first. Because now this is -  
14 - they're not going to cancel the work session, are they?

15 I'm afraid the public notice has gone out.

16 MR. EULER: We have -- we have a number of things to  
17 talk about with the Planning Commission tomorrow in work  
18 session.

19 COUNCILOR STEWART: So this isn't the only item?

20 MR. EULER: This is not the only item in work session.  
21 The hearing for the Planning Commission is -- is scheduled  
22 for two weeks from tomorrow. And that we can cancel.

23 COUNCILOR MADORE: I would think that anytime you have  
24 a work session canceled or anything on the agenda, the  
25 freedom is there to pull it at that meeting, correct?

1 MR. EULER: Right. And what we do is we'll correct  
2 the grid and then we'll put out a -- we have an email group  
3 that we can email saying, you know, please check this grid.  
4 Something has changed. And in this case, the change will  
5 be there won't be a hearing on the 30<sup>th</sup> of July.

6 COUNCILOR MADORE: Well, at least this agenda item  
7 won't be on there. I assume that we have consensus here  
8 that we do not want to proceed on this so that would be  
9 pulled.

10 MR. EULER: That's how I'm reading what I've heard  
11 today is that --

12 COUNCILOR MADORE: From their agenda -- the Planning  
13 Commission.

14 MR. EULER: Yes.

15 COUNCILOR MADORE: Okay, thank you.

16 COUNCILOR STEWART: So I'm sorry, I do want to circle  
17 back to the meeting -- the work session at the Planning  
18 Commission. They won't be discussing this item at all; is  
19 that correct?

20 MR. EULER: We will tell them when we get to this item  
21 that we had a work session with you and you're not  
22 interested in proceeding with this.

23 COUNCILOR STEWART: Okay.

24 MS. COOK: Gordy, I think it can be pulled.

25 MR. EULER: Yes.



1 COUNCILOR STEWART: Okay, thank you.

2 COUNCILOR MADORE: Is there anything else?

3 MR. EULER: That's all we have. Any -- any other  
4 questions for you about process or what we're up to?

5 COUNCILOR MADORE: I would just thank you very much  
6 for being as transparent and putting all this out there on  
7 the grid and publishing to make sure that the citizens are  
8 tuned into it. We want to shine as much light on this and  
9 get as much citizen feedback to inform us all so that we  
10 can do the best job possible. So thank you very much for  
11 that.

12 MR. EULER: Thank you, Councilors. That's our --  
13 that's our goal. Thank you for spending time with us  
14 today.

15 COUNCILOR STEWART: Sure. Thank you.

16 (END OF RECORDING)

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