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The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Jeanne E. Stewart, Julie Olson, David Madore, Tom Mielke, and Marc Boldt, Chair, present.

PUBLIC HEARING: 2016 COMPREHENSIVE GROWTH MANAGEMENT PLAN UPDATE

The purpose of this hearing is for the County Council to deliberate on and to make a decision on the 2016 Clark County Growth Management Plan update.

Clark County is updating its comprehensive plan to meet the Growth Management Act deadline of June 30, 2016. The update process began in July of 2013. The County Council adopted population and job numbers for the 20-year planning horizon that ends in 2035. The County Council also adopted a public involvement plan that the County has implemented. The environmental review process included the analysis of four alternatives, and a final supplemental environmental impact statement on a preferred alternative was released in April of 2016.

The comprehensive plan update includes the following:

- Changes to the comprehensive plan map;
- Updates to policies and text in the comprehensive plan document;
- Changes to Clark County Code Title 40, the county's unified development code, to implement map and policy changes;
- Changes to the Arterial Atlas;
- Updated Capital Facilities and Capital Facilities

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- Financial Plans; and
- Updated school, parks, and traffic impact fees.

BOLDT: Okay. We will move on to the 2016 comprehensive growth plan update.

Just for the public, we will try and get all of the testimony done before we take a break. We will probably take a break right around 1:00 just to let everybody know to regroup. If you need a break between now and then, let me know. We'll have a short staff presentation. And I will ask, remind everybody again to please talk relatively slow and to spell your last name.

So with that, Oliver, I guess you can take it away.

ORJIAKO: Good morning, Mr. Chair, and members of the Council. For the record, Oliver Orjiako, Community Planning Director.

What I will do this morning, Councilors, is we are here to present to you the recommendation of the Clark County Planning Commission. If the Council recall, you had a joint hearing with the Planning Commission on May 19th and May 24th, 2016. After your joint hearing with the Planning Commission, the Planning Commission on June 2nd deliberated and made their recommendation to the Council which is what is before you. Before I get to the

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recommendations of the Planning Commission, let me quickly address or highlight all the records that the both the Planning Commission and the Council received.

Planning Commission, in making their recommendation to the Council, considered the requirements of the Growth Management Act, specifically the Growth Management Act goals, the statutes and the regulation contained in it. They also considered the analysis as provided in the Final Supplemental Environmental Impact Statement. The document that we provided you, the two binders that we provided you, that is in Binder 2, Tab 5.

They also considered the Preferred Alternative maps, which was the Preferred Alternative map that the Council approved on February 23rd of this year. That is in your hearing Binder 1, Tab 2. They also considered Issue Paper 8.1 which summarizes the proposed updates to the comprehensive plan. We've provided that to you as well in your hearing Binder 1, Tab 1.

The Planning Commission also considered all the comp plan text and policies, which you also received in your Binder 1, Tab 3. They considered the proposed, what I will call limited proposed amendment to Title 40, the sections which is the Unified Development Code of the County, the sections that applied in this update. That was provided to you in your hearing Binder

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No. 1, Tab 4.

They also considered the capital facilities plans which our staff -- my staff put together in consultation and in partnership with all the service providers. The capital facilities plan is provided in your Binder No. 2, Tab 1. They also considered the County capital facilities financial plan prepared internally and reviewed by our various department heads. That was provided to you in Binder 2, Tab 2. Associated with the capital facilities plan are the impact fees which the Planning Commission also considered. That is in your Binder 2, Tab 4. And all the public comments we received to the date also provided in Binder 2, Tab 6.

And then Department of Commerce checklist, which we prepared internally as required by the statute, that was provided also in Binder 2, Tab 7. And all the adopted resolution that have led up to today's hearing, we've provided that to you in Binder 2, Tab 8.

So in considering all those documents, the Planning Commission made their recommendation that is provided, if my staff can pull it up. It is the Decision Table which was helpful to the Planning Commission. So what we will do this morning, Councilors, is share with you how the Planning Commission voted.

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We have a column for the Board when you make -- you consider the recommendation of the Planning Commission, if you agree or make changes, we will fill those in, so it does here and those watching at home will see how you voted on the recommendation of the Planning Commission. This Decision Table is structured and you, Councilors, can take each of these as a group or you can pull any particular item that you want to consider or ask questions as you deliberate.

We first started with the Rural maps and the recommendations associated with those from a through g. You can see how the Planning Commission voted. What I will also add is that you did receive verbatim minutes of the Planning Commission, and in that minutes, you can also glean from their discussion in some cases where they grouped their recommendation together, you can see how they voted and why they voted the way they did.

So if you leave the Rural area, you then you get into the urban growth areas of each of the cities. You can also see starting with Battle Ground, how the Planning Commission voted and what the City was requesting and the internal changes within the Battle Ground UGA. And moving on to La Center UGA, you can also see how the Planning Commission voted. The majority of these votes, as you can see in some cases, are 6/1, 5/2. I'm not

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going to go in details in my remarks until you begin to your deliberation. In Ridgefield they also voted 6/1, I believe, in approving the request from the City of Ridgefield.

When you get into the Vancouver UGA, you can also see how they voted pretty much 7/0 unanimous except in the case of Item d on Vancouver UGA. Item d refers to the testimony that you received dealing with Holt Homes property. Two of the Planning Commission recused themselves and the five that heard that matter voted unanimously to approve the recommendation or the request as was made by Holt Homes and their representatives. We will get to that and show you the map on that when you begin to deliberate on Item d under Vancouver UGA.

Similarly in Washougal, they did on a 7 to 0 vote made recommendation for you to approve the changes as recommended within the Washougal UGA. When we get to the plan text, you can see that why they did not take the first item, they jumped to 7.a and downwards. In any case, when you look at all the items that dealt with under 7, you will agree that they already approved the Item No. 7 unanimously or in the case of 6/1. When you get to Item b under the comp plan text, you can see that b.i under the Goals we've highlighted on a 6/1 the Planning Commission recommended that you make the changes to eliminate the last sentence under b.i. The rest of the plan text from

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Page 5 through I will say 6, they made a recommendation under 6.i for you to approve all the plan text associated with that chapter.

Similarly in Chapter 6, you can see where we've highlighted the changes that they would like the Board to make. These are strategies dealing with the -- before I go to Chapter 6, let me come back to the Transportation chapter. This will be Policy 5.6.5. The Planning Commission, in a motion of -- in a motion to approve this, failed 4/3 and I may dialogue with the Council as to why they make that motion, why it failed, the discussion and you may pick that up from their minutes as well.

When you get to Chapter 6, Councilors, under Strategies from the Aging Readiness Plan, the Planning Commission on a 6/1 recommended that you make an amendment that put the language or the strategies encourage and consider rather than promote for example (inaudible) that those appear to be described as mandatory, but if you then they made a recommendation to the Board or to the Council to amend the language in more of encourage and consider and on a 6 to 1 vote all that passed.

The Chapter 8 is the Historical, Archeological and Cultural Preservation Element. They approved all the policies as presented to them on a 7 to 0 vote and that goes all the way to

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page, I believe Page, 9.

On the Chapter 11, which is the Community Design Element, they also recommended approval of the policies as written or drafted on a 5 to 2 vote.

On the Unified Development Code, which is our Title 40, they voted on a 7 to 0 vote to approve Item g.i and b and c. In a sense this vote b and c is related to their previous action on item in the Rural area b, c and d, so that is consistent with their previous vote. With that previous vote, it makes it moot for them to act on the code change relating to clustering, so they voted 7/0 on that.

Title 40.230.010, you can see all those ii, iii, iv, v, vi, vii, viii all was 6/1 in their recommendation and also ix and x. And similarly on the Arterial Atlas, the Arterial Atlas they voted that as a whole. The Arterial Atlas is what supports our comp plan and land use in terms of transportation. The Arterial Atlas amendment in some cases were just reclassification, Remove, Addition, Revisions from rural road that goes to urban growth classification. You can see their vote was unanimous 7/0.

And that gets us to the Impact Fees which they also, because



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they have seen the school impact fees particularly for all the nine school district with the exception of Woodland, when they discussed Woodland they also approved Woodland School District capital facilities plan and their associated impact fees on a 7 to 0 vote. You can see their previous vote back in October.

And on the Parks Impact Fee, the vote was 4/3 to recommend to the Council to follow their recommendation as was provided by the Parks Advisory Board. And then on the Traffic Impact Fee, they also voted 6/1 for your approval.

Councilors, that in a summary is what is before you. We've provided you the opportunity to take public comment on the recommendation of the Planning Commission. If you'll recall, you had at your joint hearing with the Planning Commission, you both took public testimony jointly. So the public comment today will be focused on the recommendation of the Planning Commission.

We are very hopeful that you will begin your deliberation today and make a final decision on the 2016 growth plan update so that we can come back on consent that reflects with adopting ordinance that reflects your action and then we will advise the Clerk of the Board to issue a notice of adoption. A notice of adoption goes for 60 days. Within that 60 days, anyone with

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standing can appeal the plan. If no one appeals the plan, your action will be final. So that, in a sense, summarizes my remarks to you, Councilors, this morning.

BOLDT: Okay. Is there any questions?

MADORE: Yes, I have a question. When I looked at The Grid to indicate what was noticeable to the Councilors as well as to the public, it just simply pointed to the County website with thousands of pages of information. There was nothing on there that would allow anybody to focus on anything specific.

I understand there's been a long process. There's been thousands and thousands of pages that have -- and many, many meetings, yet there was nothing tangible for us to be able to actually take action on this morning other than just approve a library of documents. In fact, this document that you just went through, we didn't have that in our hands either. It was just about an hour ago or so or maybe two hours ago that I asked our staff, do you have anything specific and they had to go search and finally they came up with this form that basically has two blank columns on it for Planning Commission recommendations.

I don't believe that this was posted in a way that would allow it to be -- the agenda item that was provided to the citizens

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and -- in other words, the ability for us and for the citizens to know what are we doing and what specific is, I think, we failed in that. And for that reason, this is being the most formal process that we have, we need to be very clear about what it is, what action we are about to take and we want to make sure that we include the public, the citizens that this affects. This is supposed to be their plan that they understand as well.

So for that reason, I don't believe it's appropriate for us to be able to move forward on this today because what was noticed was the library of all the stuff on our County website.

ORJIAKO: Councilor, maybe other Councilors will chime in, we, through the Board office, issued a legal notice for your hearing. We, also in that legal notice, did indicate that we reserve tomorrow for you to continue your deliberation and that your deliberation is on the recommendation of the Planning Commission. So the legal was dually noticed and published. We were required to provide to the Board office what materials would be considered by the Council and typically that is posted on The Grid.

You, Councilor Madore, make sure that perhaps on Thursday or Friday before the hearing that things are posted on The Grid, we did that. If you look on The Grid, it says here citizen can

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also provide oral testimony on the recommendation of the Planning Commission at the joint at the June 21st hearing. View hearing materials below. June 21st, Board of County Councilors' hearing. June 2nd, 2016, Planning Commission recommendations. There you'll find the Decision Table which is what is before you. We are not coming to you with any new documents or any new materials.

What is before you now is the recommendation of the Planning Commission and that is what is before you for your consideration. The other items that are there includes the Planning Commission minutes which we had a work session with you and you requested that you would like to see that. So I think this website is as complete as it can be. There is no document there that the public -- that we have not provided to the public.

All the Issue Paper 8.1, which we have referenced and also mentioned at our work session with you, provide a clear summary of what is being proposed. The Council have had this Issue Paper 8.1 before your work session and you've received your binders as we were sending them to the Planning Commission. You received Binder 1 and Binder 2. You received the approved or the issued Final Environmental Impact Statement which the Planning Commission considered. I just went through all the

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documents that the Planning Commission considered in making their recommendation.

We also did use the Peak Democracy as an online survey to itemize each of the element and each of the comp plan document that is being proposed and asked the public also to weigh in.

So I commend my staff and I also commend our GIS staff, all of them have worked very hard to get us to where we are now. The map representing the recommendation of the Planning Commission have been on our web page since the Planning Commission made their recommendation. We asked if anyone wants to see it, come to my shop, ask for it. It's also out there, I believe my staff put it out there. The day you had your work session we had the map out there. The map have been posted on our grid for quite some time now. So I'm not sure what the excuse is or what we have done wrong. I think the legal for this hearing was properly noticed and published in the newspaper of record, put in the Columbian and the Reflector. So unless I hear something that we've done wrong, I'm not sure what that is.

What is before you is the recommendation of the Planning Commission and that is what is before you. I did not come to you with any recommendation or any new materials. And throughout this process, Councilors, I have not gone to the

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Planning Commission with a recommendation to deny or to approve anything. I've presented them all the information that they need to know and answer their questions. So let me know what is missing and what is before you.

MADORE: Sure. And just to make sure that I make my -- so I leave no confusion, make myself clear. What's the problem? What's wrong? That if you see what I see here, the action going forward, what's before the citizens, what's before the community is a website of thousands of documents. It is not an agenda item. It's not a specific items. We can pull out lots of those different things and elaborate on them.

The problem is that were the definitions. Data is everything thrown into a library issue box or a dumpster. It's just simply it's all there. Information is when you can bring ordered presentation of that intelligence is what we can derive from that orderly, sequenced, highlighted information and we are asked today to approve the lowest form of that which is data which is what we're looking at here. Thank you.

BOLDT: Okay. Is there any questions? This isn't deliberation. Is there any questions for Oliver?

STEWART: Mr. Chair, I want to indicate that if you look

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at -- can we --

BOLDT: Please, these are questions. If we start going into that, it's not going to be pretty.

STEWART: Well, I'm a little concerned that the idea that we're all just seeing this just now is being stated as fact, and my concern is I've had it for more than a week in its final form which is based on --

BOLDT: Okay. We'll have time to hear them differences.

STEWART: Thank you.

BOLDT: Believe me, we will.

So we will move on to public testimony about the Planning Commission. We will start off with the City of Vancouver, Bryan Snodgrass. And I'm not too sure right now if there's any elected or people from other cities, but I'll call that pretty soon. Thank you very much, sir.

SNODGRASS: Morning, Councilors. Thank you very much for the opportunity to comment both today and throughout this lengthy process.

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As you know, the City of Vancouver supports the Planning Commission recommendation. We believe it provides, based on the data, ample growth both population and employment. We won't rehash that here. We did want to address a couple of increasing rather legal concerns based on the Planning Commission recommendation and the record since about the Preferred Alternative and suggest a couple of options to consider if that is your choice.

The part of the concern stems from a recent entry into the record indicating that grant ineligibility problems which you discussed at your work session we hope you discuss further at your deliberations, would not likely be limited to the County. Correspondence in the record 778105 from County staff relaying discussions with the State Transportation Improvement Board indicates that staff, from that board, indicated they thought County noncompliance might result in city grant ineligibility for at least TIB. So this certainly this obviously raised concerns with the City of Vancouver both legal and planning staff. And what I'm summarizing from is a letter that you received today from Assistant City Attorney Brent Boger as well as Community & Economic Development Director Chad Eiken. So that is obviously an area of concern.



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There was some also concern in the work session discussion regarding the probability of a finding of noncompliance. I believe there was some discussion that it was somewhat unlikely because the plans are presumed compliant on adoption and would require a court order. In fact, it only requires a Hearings Board decision to find a plan noncompliant, and certainly my recollection and understanding and discussion of past County history is once that finding is made, it often takes several hearings before the Hearings Board to reverse it. So certainly in our view, an appeal is likely in this process from many of the conservation groups that you've heard from and we're obviously very concerned about the consequences.

And so in terms of suggestions, if it is - again, we don't favor the Preferred Alternative - but if that is the direction that the Council wishes to go, a couple of things to consider. One is to take whatever time you need to make sure that you are satisfied and have received advice that it is legally defensible. No plan is perfect, but at least it should be reasonably defensible. We have not heard that offered yet that the plan is from County staff or Council.

Second, consider if you need more time, you are not obligated to adopt rural zone changes by June 30th as part of the Growth Management Act, you could defer that to the next year. I know

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that's not advisable. It is a possibility to get it right given the stakes.

Third, if you feel compelled to adopt the Preferred Alternative this year, consider doing so through separate ordinance from the other portions that are required under the Growth Management Act. Although the intent may have been different, you're taking somewhat of a similar approach with the rural industrial land bank where you've separated out the process a little bit even though there's overlapping geography and issues and so forth. If you do have to adopt the Preferred Alternative this year, we would suggest doing it the rural upzoning as a separate ordinance from the other portions. Thank you very much.

BOLDT: Thank you very much. I do have one question since you've been here since the framework for good or bad, you know. The question is, 20 years framework has been around and it's probably kind of time that we at least open it up and look at it, but it has to be done in a respectful manner to the cities, especially because you're really the main person, that the cities are the main part of it.

The question I would have, really in our text as I believe we had a work session and you were in that, how can we open that up? What's a good way of doing it? We just don't want to open

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it up and change the world, you know. It took a long time to do it, but I think it's time that we kind of look at it, but we really don't have any way in our comp plan to do that. I would be interested in, since you were here from the beginning, just maybe to give us, think about it, give us some ways of opening that up and taking a look at it in the next couple of years and so we go from there. Does that make sense?

SNODGRASS: Sure. No, I think it does. You're obligated to do another round, as you know, of urban growth boundary expansion -- or considerations and new forecast in eight years time, and so it may make sense as that date approaches to consider revisiting some of the tenets of the framework plan bearing in mind that it's a big undertaking -- as you know, it's a big undertaking and so it in itself is a large planning process.

MIELKE: So I have a comment. I really appreciate the things you brought out today, because you said that the complexity of everything coming together adds to that problem and that the County -- the County is more responsible designating from the State and the city all play their own role, but we've seemed to mush this all together, which makes it kind of complicated.

We put a County comp plan together at the requirement of the State. That's our duty individually and the cities also, and

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then we put them together. But I think what's happened here is that we have put so much into it that we've complicated the issue and we've been running down this thing like it's a race to the end, and I really appreciate you saying that there's really not a race. We don't have to do it as long as we have something in progress along the way.

SNODGRASS: Well, no, to clarify my remarks, you don't have to adopt the rural upzoning now; you do have to adopt the other portions now or face significant consequences.

MIELKE: Yes. But when we piled everything else on to it, it makes it hard to adopt something good if you put it all together because you overlook so many things that need more attention, so... Anyway, I really appreciate your comments.

BOLDT: Okay. Thank you very much.

Is there anyone else from the cities or I'm going to lump the school districts in, any school districts wishing to testify?

Okay. Seeing none, I will start off with Gus, Mr. Harb. I used to sign up on the wrong sheet, I'm sorry, but...

HARB: Good morning, Council Chair, Councilors and staff. My

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name is Gus Harb, Harb Engineering located at 701 Columbia Street, Suite 111 --

HOLLEY: Is it p or b?

HARB: B as in boy. H-a-r-b as in boy. 701 Columbia Street, Suite 111, Vancouver, 98660.

I'm here simply to remind you of our previous request to keep the comp plan zoning on the Saddle Club property as mixed use and have the zoning match the comp plan and not the other way around, especially that this is a property that is already located surrounded by residential, surrounded by mixed use. And also the recommendation originally from the staff is to have the two zoning match, the comp plan and the zoning, was based on a survey done with the property owners about a year and a half ago.

In our case, the property owners do want this as mixed use and not industrial. And in front of you, I've asked the staff on Page 7, which is the document that Mr. Oliver had presented, there are two items on that list that contradict each other and I would like to point those out.

Page 7 towards the bottom, the Planning Commission voted 6 to 1

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on a policy that says - and I'll read it real quick - "Change zoning to allow more areas to support diverse housing types, including small lot single-family, multifamily, duplexes, Accessory dwelling units, cottages and co-housing." That is exactly what the mixed use does. The mixed use zoning code requires a minimum of three different types of housing which is similar to what this is. And if the staff could point please to Page 3 and I'll show you the contradiction.

On Page 3, which is under Vancouver housing which is 5.f and f, it has the mixed use. These are parcels that already have a comp plan of mixed use and the recommendation is to change it to industrial. So we're totally -- these two statements between f and the other statement, they totally contradict each other.

And what I would like to kindly request that keep the comp plan as mixed use for the parcels for the Saddle Club, and I have the parcel numbers here and this will be -- this will comply with Title 40. It will be in compliance with the statement that the Planning Commission voted 6 to 1. It will also comply with the staff recommendation, which the two zoning have to match. The only difference is rather than matching and being industrial, it needs to be mixed use.

Again, a reminder, the location for industrial, it has a very

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limited access and it's all surrounded by residential and you have a person that is already ready to develop this property in compliance with this policy.

BOLDT: Okay. And thank you. And, Oliver, that's pretty clear, isn't it?

ORJIAKO: Councilors, that's very clear. I don't see any contradiction and Gus may disagree. I think if the Council were to grant Gus his request, it will be consistent with the f policy as the Planning Commission recommended.

In having conversation with him and the Saddle Club owners, we concur that if this property is also designated or zoned as mixed use, it will be consistent with what we recommended that be done because, yes, we did reach out to all the property owners whose properties were zoned mixed use and solicited input from them, and following that, we made that recommendation that we did. I won't go into details what happened at the time, but we will recommend that the Council grant their request.

BOLDT: Yeah. We'll handle that in deliberation.

ORJIAKO: It is inside the UGB. When you deliberate, you can make that -- you can flag that and make that recommendation.

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BOLDT: Very good. Okay.

HARB: Thank you very, very much. Appreciate it.

BOLDT: Thank you.

Barbara Anderson.

ANDERSON: Barbara Anderson. 105 N.E. 150th Street, Vancouver,  
98685. Good morning.

BOLDT: Oh, and what?

HOLLEY: They need to spell their last names.

BOLDT: And spell your last name, please.

ANDERSON: Oh, spell. A-n-d-e-r-s-o-n. Sorry.

BOLDT: Thank you.

ANDERSON: Great. Usually you look at this face and you think  
parks and I have come and spoke on behalf of the PAB the last  
two times.



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I want to take this morning's turn for me as a resident, and I want to make that clear, that is my personal position. I'm talking about the park impact fee that has been proposed. I know that the jump is an uncomfortable one for many people when you look at the dollar amount. I'm retired. I'm certainly on a fixed income, have a lot of concerns about expenditures; however, when I built my house up here in 2004, one of the primary reasons I picked where I did is because there was a big sign there that says future home of your neighborhood park. Parks were very important to me then; they are now.

Park impact fees were a lot less back then and we look at the big jump, a lot of that dollar increase comes from the limitations of lands, so like in Park District 9, it jumped quite a bit. That's because there's very little land left there. I'm in Park District 10, and I know one of the greatest griefs I feel is that we added over 3,000 homes right down 149th Street, but we can't put a park there because we can't find land. Even though we've got the money in our PIF, we can't find land to buy there.

Okay. Now you might say I'm supporting this big jump as a resident because I just built a house, you know, and I'm going to stay. No. I now find that I need a single-story house so I

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will be building a home in the near future and it likely will be in either 9 or 10 because that's where my grandkids are, where those are the biggest jumps we're going to see.

Despite that fact and my limited income, I strongly encourage you to restore as quickly as you can. We've not seen an increase since 2003 in the PIF and my greatest concern is that if we stage it over a very long period, yeah, it's like tearing the Band-Aid off slowly, you know, but we'll end up five years from now in the same position we are now. Thank you for your consideration of that.

BOLDT: Thank you. Good point.

Garrett Hoyt. Good morning.

HOYT: Good morning. So my name is Garrett Hoyt, H-o-y-t, and I'm here on behalf of the Clark County Food System Council, and we are a group of a community organization represented by various interests. Our recruiting is very deliberate to get people who represent various aspects of our community and especially the food is what we're interested in.

And I'm looking through, you know, what the Planning Commission advised and whatnot and there is very little reference to food.

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We're planning for roads. We're planning for zoning. We're planning for all these things, and we're going to end up being asphalt. We need to plan for food, and I think that it is crucial for the future going forward. It's crucial for my children who will be growing up in this county is planning for food.

And so the few references to food that I'm seeing, you know, in 7.ii, the Agricultural Lands that the Planning Commission, I believe, appropriately denied by not allowing clustering of parcels. I believe that it's appropriate, you know, the food council believes that it is appropriate to maintain to conserve agricultural lands for the production of agriculture, agricultural products.

And if I could also make a brief comment more of on a personal note, reading through this and looking at, you know, the especially the Growing Healthier Report which provides a lot of good things, I pursued a Ph.D. in health promotion at one of the most conservative university's in the country and it completely supported everything said in the Growing Healthier Report. Mixed use zoning and, you know, multimodal transportation, access to multimodal transportation, access to local food, that's the way you grow community. That's the way you prevent isolation and depression. That's the way you promote health

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with active transportation, and I just wanted to support the inclusion of the Growing Healthier Report in the comprehensive plan. Thank you.

BOLDT: Thank you. Good comment.

David McDonald. Morning, sir.

MCDONALD: Good morning, Council. Morning, Mr. Chair. David McDonald, M-c capital D-o-n-a-l-d, Ridgefield.

First, I didn't intend to speak on this, but I'm pretty stunned at Councilor Madore's remarks at the beginning of this. I've been involved in growth management since 1990 and I have no doubt what's before the Council today. I have been clear on it since earlier this year and completely clear since the Planning Commission's meetings. The effectiveness with which our staff has given the documents to the community has left no doubt in my mind exactly what you are to be considering and what documents support the recommendations that came out of the Planning Commission.

So, that aside, as a citizen, I am thankful that this has been the most effective way to do this and is much clearer than the process was in October and November when it was not clear

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exactly what the Council was going to vote on.

I'm here to urge the Council to reject the further divisions of resource lands in Rural 1.a through 1.d and 7.a. My urging is grounded in multiple legal constraints that should guide this Council, which I want to highlight two. First, there are currently more developable lots in the rural area than necessary to accommodate the projected growth that we have adopted. We say X amount of growth goes in there. We already have more than enough lots to accommodate that growth. By allowing these additional divisions as well as the clusters, you've increased that without any justification.

Second, there are two directives that came out of the last Karpinski versus Clark County decision, two quotes that I'd like to give you. One, Washington's limited irreplaceable agricultural lands are at the forefront of the mandate to protect and conserve resource lands. Cities' and counties' discretionary planning choices are confined so as to prevent the further demise of the State's ability to provide food for its citizens. You're specifically constrained and confined.

Secondly, the legislature hoped to preserve agricultural land near our urban centers so that freshly grown food would be readily available to urban residents and the next generation

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could see food production and be disabused of the notion that food grows on supermarket shelves. That's the quote.

If you feel compelled to do these land divisions in contravention of three votes by the Planning Commission rejecting them, then I would ask that you make any effective date of them 240 days away so that the Growth Board could view them and determine whether or not they're compliant. You have the ability to do that. Thank you.

BOLDT: Thank you. Thank you for your comments.

Sydney Reisbick.

REISBICK: I'm Sydney Reisbick, R-e-i-s as in Sam, b as in boy, i-c-k.

Friends of Clark County would like to note that the Planning Commission did not specifically consider whether the division of resource lands was necessary to provide the amount of housing or needed for the estimated population. Consider that the rural area has not been frozen. The graph that I just gave you, ask about multiple housing units in the rural area, ask staff about housing units in the rural area, ask about the multiple housing in the rural area, ask about ADUs in the rural area, ask for

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data for the urban growth areas and for the rural centers.

Further, Judge Poyfair threw out over 30,000 acres of proposed resource land into rural land, ask how much of that is still available, conforming or nonconforming for a legally buildable housing in the rural area. Is it necessary to divide resource lands in order to provide adequate parcels for the estimated population? Thank you.

BOLDT: Thank you. Very good.

Is it Mike Copley. I might have that wrong. Friends of Clark County. Oh, okay. Thank you very much. Good morning.

COPPEDGE: Thank you. Mike Coppedge, C-o-p-p-e-d-g-e. I live in Washougal, 767 West F Street.

BOLDT: Morning.

COPPEDGE: Morning. I've been to many of these meetings and I've stayed away from the last few because it was getting redundant every time.

Specifically I have a 55-acre parcel about four miles east of the City of La Center on Landerholm Road and I'm surrounded by

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on the east side by fives, twos and actually one nine-tenths of one acre adjacent to my property. I'm surrounded on the north side of Landerholm with probably eight or ten five-acre parcels. On the west side from N.E. 40th Street, turn left on Landerholm, there's about eight hobby farms five acres, probably \$800,000 homes have the vinyl fencing all the way around it, very nice parcels.

And then just adjacent to me on the west side there was a person that owned about 20 acres, and sometime in the last 10 years, he's divided them into three fives and a six and I think the sixth one that's got six acres, he told me that he took it from adverse possession because there was a fence built and nobody could figure out who built the fence or when it was built, and he said that he had a surveyor come out and said, well, we know it's about 45 feet on the wrong place over on Mr. Coppedge's property, but we're taking it by adverse possession.

I've done some legal work since then and they said he didn't do it properly. You just can't go and have a surveyor tell you it's the wrong place. We know it's the wrong place, but you've had it for seven years or longer and it wasn't done properly anyway because you have to go through the legal process and everybody involved has to be notified by the courts and come to a court of appearance and state your case and that was never

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done.

So, anyway, that's a -- I've used up my three minutes and that's why I don't like these things, but... My 55 acres in '08 was a 65-acre piece of property. The person that I ended up from, the property from, from not being able to pay me, I lent him money on it, he got a 10-acre parcel, a 20-acre parcel and a 35-acre parcel, that makes 65. I end up with 55. It's zoned 10, well, the 10 was taken off, now mine is a 20 and a 35 surrounded by fives or less and the person that ended up taking the adverse possession property from me in the last year and a half, well, I don't know when he started the process, but he divided his 20 acres into three fives and a six, like I told you, and in probably the last six months got building permits and occupancy permits for two of them on five acres.

Now mine is 20 and 35 and I've been told in the past, I've had three meetings with Mr. Oliver Orjiako and I've had a meeting with Martin Snell and another lady that's on your commission, an attorney - I can't remember her name - anyway I was told that my arguments are very good that because I'm surrounded by fives and sometimes less that - and remember I'm rural. I'm not agriculture and I'm not forestry - that I have a lot of good arguments.

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I've got attorney friends and I've got a judge that's a brother-in-law in Spokane so I run this stuff by him. I might not speak the very best, even though I'm educated, I get nervous about these kinds of things, especially when you want to restrict my 55 acres, not just mine but the general public the right to have say over their land that they own.

I've got City water coming off of Landerholm down to my property about 1,000 yards. I've got water, City water down to my property off of Landerholm, and then the only other thing is getting septic permits. I've got two or three people interested in five acres.

I understand from Oliver and other people that it was probably going to go to -- the last time of the meeting was it was going to go to February 23rd, No. 2.d was rural lands from parcels R-20 to 10 acres in some areas, that's a nebulous thing, in some areas. Who's determining that?

BOLDT: Okay.

COPPEDGE: But anyway, if this is true, then I can live with the ten acres because then I talked to legal people and people on the commission that says if you get the ten, Mike, just be calm and cool for a little while. Let the ten acres go. That's what

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you guys are suggesting, and then if you want to go to fives, go to lot line adjustment -- not lot line adjustment. What's the word?

ALVAREZ: Zone change.

COPPEDGE: Zone change. Go to a zone change down to fives and I do have two or three people that want to build probably \$800,000 houses on those properties, lots of money coming in from taxes, lots of money coming in from people building these houses. And so I guess --

BOLDT: Okay.

COPPEDGE: I'm just asking for your -- if not, then I got to go to the different route and that's the legal route then, you know.

The one thing I don't like that I heard way back when was that on June 30th, we have to come up with this or we lose our money coming from the State in the -- now I'm hearing that that's not really that important --

BOLDT: Okay.

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COPPEDGE: -- and there's not that deadline.

BOLDT: Okay. Thank you.

MADORE: Mr. Coppedge, I'd like to know, you have two parcels?

COPPEDGE: I have a 20 and a 35, correct.

MADORE: Do you know what the parcel ID numbers are?

COPPEDGE: Oh, boy. I left a lot of stuff in my car because I thought the meeting --

MADORE: So you're zoned right now R-20 and your request would be to go smaller because you're --

COPPEDGE: Well, I'd like to go fives, but if ten is the next step that the Councilors have said they're going to go to, then I could go the other way and say fives but I'll do it by a zone change.

MADORE: So we would know, I'd like to know what those parcel ID numbers are.

COPPEDGE: I could get those for you when I --

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MADORE: If you don't have them now, then I would invite you to before we -- when we get to this, that we would invite those numbers. So right now we'll refer to them as the 20 and a 35-acre parcels owned by Mike Coppedge.

COPPEDGE: Yeah. And it's on about 5705 Landerholm Road.

BOLDT: Okay. Very good. Thank you.

MADORE: Thank you.

COPPEDGE: Okay. Thank you.

BOLDT: Dave Alt.

ALT: I'll pass.

BOLDT: Oh, okay.

Carolyn Crain.

PUBLIC: She left.

BOLDT: I guess she went home.

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Joe Levesque. No? Do you have something to say on the Planning Commission.

LEVESQUE: I missed that. What?

BOLDT: Do you have something to add on the Planning Commission recommendation?

LEVESQUE: Yeah. Yeah, you darn right I do.

BOLDT: Okay. Morning.

LEVESQUE: Yeah. Joe Levesque, Camas.

From what I see on the Planning Commission, from what I see of their recommendation, if they vote the way they're talking about voting, I think, you know, it's just my own opinion, but I think there's a personal conflict of interest there because I think they all benefit from that decision, because if their home value goes up in value, if it goes to comp 4, the market controls the product. If it goes the way it is right now and the way they're recommending, I think there's a conflict of interest.

Anyhow, that's what's going on right now is everything -- I gave

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you some paperwork earlier on the United Nations Agenda 21. Please take the time to read that. A lot of work went into that. I study that stuff. It's been around for a long time. We're being lied to. We're being cheated. We're being deceived out of millions of dollars, and nobody is even talking about it and people are acting like nothing's going on. Anyhow, I've been down here for ten years, the worst ten years of my life. I know how to make things happen, but you guys don't, I can't seem to make it happen.

BOLDT: Okay. Thank you.

LEVESQUE: Thank you. I believe in freedom, but it's not free like it used to be.

BOLDT: Carol Levanen.

LEVANEN: Carol Levanen for Clark County Citizens United. Do you want me to spell it? L-e-v-a-n-e-n.

The rural and resource landowners of Clark County have watched county government destroy the character and culture of first, second, third and fourth generations using growth management planning and large lot zoning. Locking up their land for cities and preservation and preventing them from living there is

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discrimination. Many of these folks are of a certain religion and have experienced an even greater impact to their way of life.

For the 2016 comprehensive plan update, the November 24, 2015, Preferred Alternative was a composite of Alt 1, 2, 3 and 4 that gave something to everyone while complying with the GMA. The Clallam County court actions, the Poyfair orders, the Court of Appeals Division II published opinion and many other similar court decisions support the content of this alternative.

Alternative 4 was a composite of opinions from the public over rural and resource lands densities. For Clark County Citizens United representing approximately 6,000 people, Alternative 4 zoning designations was a substantial compromise from what was originally requested and substantiated at the onset of the 2016 comp plan update. The courts awarded CCCU, Inc., with a mandate to the County to comply with court orders in the update. This would have allowed for the original request from CCCU for particular zoning in the rural and resource lands. CCCU believes the rural and resource zoning contained in the November 24, 2015, Preferred Alternative for the 2016 comp plan update must be the choice the Councilors should be obligated to make.

CCCU, Inc., continues to believe all the resource land



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designations was erroneously created in 1994 and have been kept in that erroneous state until today. The record confirms that very little of those lands meet the definitional criteria for resource land under the mandates of the GMA. CCCU, Inc., will not subscribe to the current erroneous resource lands designation. Those lands were arbitrarily created, capricious in the manner they were designated and do not legally comply with the directives and mandates set forth by the GMA.

Clark County should be compelled to revisit all the resource lands and correct the erroneous designations created and perpetuated in the plan since 1994. The arbitrary and capricious manner in which staff on behalf of Clark County manipulated the policies in the 2016 comprehensive plan update is erroneous. To, once again, use a biased unauthorized formula to create a plan that was not a prescription of the citizens it will serve is again clearly erroneous.

History is repeating itself as Clark County plans for the future. Clark County Citizens United urges the Board of Councilors to not go down that road again as it will have a very different ending. Thank you.

BOLDT: Thank you. Very good. Susan Rasmussen. Morning.

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RASMUSSEN: Good morning again, Councilors. Susan Rasmussen, R-a-s-m-u-s-s-e-n, for CCCU.

On July 15, 2015, the Board of Councilors rejected adoption of the Growing Healthier Report and the mechanism planning staff proposed in amending the County comprehensive plan policies. The entire Board of Councilors rejected adoption. Furthermore, planning staff were clearly directed not to present these items before the Planning Commission during the work session the following day.

Councilor Stewart was most clear in her direction to staff adding that the proposals resemble the latest fad from a planning school. She was right. The Clark County Food Systems Council under the guidance of the planning and Public Health Departments has been busy working behind the scenes. A campaign was designed to lobby the county legislative body for specific land use zoning issues. The campaign's central agenda supports, defends and even expands upon the unauthorized formula.

There are recommendations for ag production districts. The zoning district or overlays will not require pertinent physical qualities and capabilities such as the inclusion of prime ag or forestry soils. These reports, the committees, the sponsoring agencies and the funding all need to be scrutinized.

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I ask this Board to examine the true motives and the depth of involvement by the planning and health departments for funding the campaign. It is really alarming that these county agencies have ventured outside the standard process and apparently come up with their own planning solutions.

These engineered reports have somehow been blessed by a Board of Councilors, been adopted as policy and even elevated in stature without benefit of any public review. Their rank of importance is evidenced in the new policies woven throughout the two volumes of data for this comp plan update. Yet you as Board members voted not to adopt. Maybe because of politics, I don't know, but all of you know it was theoretical mumbo-jumbo.

Back in June 2012, Chair Boldt and Commissioners Mielke and Steve Stuart did not approve the reports. July 15, 2015, the entire Board did not approve them and gave directions not to present before the Planning Commission, yet here they are throughout this comp plan. Staff assured the Board last July they would not present. The action should have ended the campaign but it remains.

My e-mails between Oliver and myself demonstrate the Board's action to not advance was ignored by staff and their goal of

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changing policies remained. The records form a complete picture of what happened and how the Board's authority was diminished. Somehow staff were able to assume legislative authority. The plan is more directed by the Board in 2014 to meet with CCCU members to consider policies that address rural issues.

We had at least four such meetings that were met with much contention. For example, during one of the work sessions, a member of legal staff threw up her arms and declared I will not defend an AG-5. That wasn't her call to make. A planner later declared red-faced and spitting mad, what difference do nonconforming lots make. You clearly see in this comp plan none of CCCU's recommendations are present. Thank you for your time and your work on this.

BOLDT: Thank you.

George Espinosa. Morning.

ESPINOSA: Good morning. I'm George Espinosa, Ridgefield, E-s-p-i-n-o-s-a. Did I hear Mr. Orjiako say that all the public comment is in a binder? Didn't I hear him say that?

BOLDT: No.

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MIELKE: It's on the website.

ESPINOSA: I swear I heard him say that.

OLSON: Part of it's in there.

ESPINOSA: Because I've harped on this public comment and where does it go and what affect does it have on the decisions made, and I never received an answer on that other than it's all recorded. Because I've attended most all of the public meetings on this matter and yet when the work sessions follow, what comes out of those work sessions seems to be totally opposite of the input that we heard at the preceding public gathering.

And so it just I can't help but harp on that, that, you know, we're supposed to have a representative government, but yet when we speak, those who represented us seem to have no power over the bureaucracy that underlies those who we put here to represent us, and now it seems that we have been deceived in those that we elected because what the basis for our support was betrayed once we put them in position. I'm just, you know, I feel terrible about this.

And a special place in my heart for you, Mr. Mielke, because, you know, I mean, I realize that, you know, your supply of

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ammunition is limited and you wonder if, you know, the support that you need is ever going to come, but a Marine never gives up the fight even when he knows he's outnumbered, so I really hate to see you go because the citizens really needs to have some kind of representation on this council, and you and Mr. Madore, in my opinion, are the only two that are making any attempt at all to make honest representation of the citizens of this county. Thank you.

BOLDT: Thank you.

Dr. Milada Allen. Morning.

ALLEN: Good morning. Almost afternoon.

BOLDT: Yeah, close.

ALLEN: I'm Milada Allen, Post Office Box 61552, Vancouver, Wash, but I live in Felida Neighborhood Association which is about 17,000 people. And my first item is representing basically the Felida Neighborhood Association Board's opinion about parks impact fees as proposed by the Parks Department and that's, of course, the last item, next to the last item on Page 14.

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And, of course, the Felida Neighborhood Association Board supports the Planning Commission recommendation to approve the PIFs; however, we hope that you do not stretch those over a long period of time because we're already behind by about 13, almost 15 years on getting an increase in those. And, of course, as a former Planning Commissioner, I had sat through the DEAB's presentation as to the hardship that it causes to the developers. In fact, parks are value added and they are the first item cited in livability of areas where the developers develop and realtors sell. And, of course, under this particular proposal, that would be probably just enough to very quickly act on some of the diminishing resources, like lands available for parks, not wetlands, parks.

And as you know, Felida Neighborhood Association has been very active with the parks. We have been fundraising. We have been involved with the grants, so... but it would be good to have a grant writer out there as well and I know that you cannot do that this year, but maybe next year that would be Item No. 1 because just one grant that they would write and get would basically justify their salary because they could also do a lot of other grants, and grants require a lot of monitoring, reporting and so you really need a full-time person to do that.

My second half is as a resident. So please support the Planning

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Commission recommendations for the comp plan and adopt the comp plan on time. I agree with everything that was written in the support for the Planning Commission recommendation by Friends of Clark County and by Futurewise.

And, of course, I had testified previously that a growth has a growth county projections as well as the capital facilities plan and infrastructures that has to go with it are inadequate. They're, by my calculations, they're about three-quarter of a billion short, some say 150 to 700,000, but to me, that's three-quarters of a billion. So please adopt the Planning Commission's recommendations in that particular effort. Thank you so very much.

BOLDT: Thank you very much.

Heidi Owens. Morning.

OWENS: Good morning. So I'm Heidi Owens, O-w-e-n-s, from Vancouver. And I'm here this morning again to testify on (inaudible) of Friends of Clark County -- on behalf of Friends of Clark County regarding the Planning Commission recommendation. These comments that I give you are in addition to the ones that I submitted last week. I only have four copies for today, but they're kind of more highlights.

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The first thing I want to say is that I too found that the information was well organized on the community planning website and I think that staff did an amazing job getting that information out there and making it easy to track through their plan adoption phase, so I appreciate their efforts.

I'm here because I also want to make sure and -- or encourage this Board to adopt the Planning Commission's recommendation and leave the resource lands intact in the current AG-40 or AG-20 and Forest 40. So that's along the lines of what was in 1.b, c and d which also encompasses the rural and then leaving the clusters alone. Further division of this will create a win/lose proposal. So some landowners might divide, they might profit from it, but there will be others who will be negatively impacted because of increased taxes and also those potential conflicts.

Citizens in this county support the conservation of resource lands and the right to farm and they want access to local foods. If this Council strongly believes that allowing further division of resource lands is the best thing for all citizens of this county and that is the policy and that that policy would be GMA compliant, if you believe that, then I recommend that you consider specifying in Title 40 to wait until February 1st,

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2017, to allow those types of divisions.

This will have two benefits. One, it protects the resource land from possible divisions that may not be found compliant under GMA; and, two, it will give a window, a time period for the Growth Management Hearing Board to hear that appeal and require adjustments to be made. I recommend that the Board talks with their legal counsel about that window and how it protects the County regarding compliance issues.

The second thing is that I would like to encourage that this Council also deny the going to the big R in the rural zone and getting rid of the three smaller designations of the R-5, R-10 and R-20. This is a direct violation of WAC 365-196-425(3)(a) because it does not allow for a variety of rural densities and it introduces that quasi-judicial process that will not protect GMA.

And then finally what I want to say is I encourage you to look again at the Futurewise testimony regarding some specific language. There's a few typos in the plan, and also regarding water rights and water availability, which is not adequately addressed in the capital facilities plan, and I would appreciate you giving that some attention as well.

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Thank you very much for your time and I appreciate all the effort that you guys put into it because I know it takes a lot of your time too.

BOLDT: Thank you very much.

Bridget McLeman.

MCLEMAN: Bridget McLeman.

BOLDT: Morning.

MCLEMAN: Good morning. M-c-L-e-m-a-n. I want to thank the Planning Commission for the work they've done. It's been an amazing job over a significant length of time and that material that they have produced has been balanced. They've listened to testimony, and I've read a lot of the testimony. It has been accessible and easy to find and then you can draw your own conclusions.

I also want to commend Clark County Citizens United and Friends of Clark County for their involvement over time in this process, both sides - if I can call them sides - have worked so hard to explain their point of view and that too is on the record so the citizens can decide.

And that brings me back to the point that the Planning Commission are the ones who have listened to that. They have read it. They have agonized for hours over what to do and what not to do. They are not government bureaucrats. We don't pay them a big salary. They're not elected. They're appointed and they invest hours of time and I believe that they have voted in favor of their recommendations three or four times.

It's time the Council accepted the advice of the citizens that have put in the time and energy and work to achieve a good growth management plan moving forward and I hope that's your conclusion. There are things to fix around the size. We've got time to do that. But we could adopt this Alternative 1, I think it is - I'm so confused about numbers - but the first Board recommendation and then we could move ahead and then we can address some of these quirky oddities that really do impact a lot of people. Thanks very much.

BOLDT: Thank you. Thank you very much. Is there anyone else wishing to testify? Okay. Going once, twice. Okay. Thank you everyone for testifying.

It brings us now to the deliberation. What I would like to do is if there's -- now that we've had testimony, if there is any

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general questions to the staff, you're welcome to ask them to the staff to get them figured out. Then we will take a short time of general comments, three to five minutes apiece, and then we will have deliberation generally after we get done. But then if there's any general comments, then I would like to go down through the Planning Commission recommendations and at least try and get through the rural section before we take a break at 1:00 or around there, so I think that will be the most time involved in that, then we will after break we will take it up from there.

So with that, is there any general comments to or general questions?

MADORE: I'd like to take a five-minute break, if we could.

BOLDT: Okay. You sure can. Okay. We'll be adjourned, at ease for five minutes which will probably be ten. Okay.

(Pause in proceedings.)

BOLDT: Thank you very much. I call us back into session.

So if there is any general comments to start us off, I would entertain that, then we will go into the Rural part of the plan and at least try and get that done one way or the other before

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break. So is there any general comments before we start?

MADORE: This is our opportunity to speak up?

BOLDT: Yes, it is. There will be other opportunities for general at the very end, but this is a first part.

MIELKE: I would, Mr. Chair.

BOLDT: Yeah.

MIELKE: I would like to make a comment as where I feel personally somewhat.

BOLDT: Okay.

MIELKE: The whole process when we started way back when, we hit a lot of bumps and grinds and it got pretty serious along the way, but then all of a sudden, it seemed like we weren't part of it anymore. We had given some direction, and every time it came back to us, it was the same thing with including things that we did not want to be there. But I'll tell you how important it is that I came in from a vacation so I could be here today because I think my vote and my opinion is very important.

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In my travels, we traveled nearly 5,000 miles in the last few weeks, there was literally thousands of miles of feral properties, feral land. When you see where they came in and irrigated, it was very, very prosperous in providing all kinds of crop. I guess that you could see how that so much of the land has not been improved, has not been used, but yet when people come up and testify, they testify as if we are running out of land and yet we're pretty naive to think that all of our food comes from Clark County, very little maybe at the Farmers Market you might see that.

We talked about affordable housing a whole lot, but yet we didn't really have the big deep discussion on the impact fees and yet they're before us today to bless. It seemed like the everything went before the PC board with what appears to be at the direction of our staff in moving forward with the comp plan and it comes back with everything added that we kept saying don't do it, that we don't need to do it, we're not required to do it, we can still do it, but it doesn't have to be part of the comp plan.

We continue to make it more complicated. We added healthier living. We've added transportation. They're all important plans, but it does not have to be part or attached to the growth management plan. It can be -- it needs to be referenced that we

have that plan. It doesn't have to be -- that way anything that we put in that plan is engraved in stone until which time that we go back and change it, it makes it very difficult for this Board to make changes and adjustments as we go along. And you know in our life things change every day and you compensate one way or the other.

We've heard the testimony of the complexity of the rural landowner who's basically property rights have been taken from him. We see other counties in the state of Washington doing things that we want to do and yet Clark County seems to have chains on it and we seem to be lacking and moving forward providing jobs and creating affordable housing. The lack of homes and the lack of building sites is what is artificially inflated the value of your property. Your living there does you no good. If you sell it, you still have to buy another house. The government loves it because we get the advantage of that tax dollar of that inflated value.

The problem is our children cannot afford to buy homes. We have about a two percent vacancy rate and you hear it from here to Portland to Spokane that the rent rates are going through the ceiling. Those people on fixed income who have not purchased their home, I don't know how they pay their rent and eat, I don't.



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I think the things that we have and all the different plans that we have are good things. It just doesn't belong in our comp plan. It complicates it and makes it more confusing and harder to finish. Sometimes I look back and I look at it as to how we just -- all these papers, I mean, piles and piles of paper. Are we trying to dazzle everybody with our brilliance or just baffle them with the bull? Thank you, Mr. Chair.

BOLDT: Okay. Thank you. Anyone else?

MADORE: Yes. I see this as a sad day for the citizens, especially the rural citizens of Clark County, those citizens that have been here long before I think most of us have been here. People look back and I expect they'll say, what happened to grandpa's farm? How come we have to move away? Why can't we live here? And it's because those citizens thought they elected citizen representatives and the citizen and those individuals didn't represent the rural citizens or the citizens in general. Whose plan is this? Very few of us can claim that this is the citizens plan. It's supposed to be the citizens plan and yet it ends up being the government's plan to subjugate the citizens.

What this plan does is it unnecessarily imposes burdensome restrictions upon the citizens. It adds extra regulation, extra

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red tape. It strips citizens of the private property rights they thought they had. It's a disaster. This is not right. The Growth Management Act is there, it's not the problem. It's there to help us to plan for a realistic future. That future needs to be realistic, our planning needs to be realistic. The assumptions that went into this, to me, I equate that to planning for the most unlikely future. It's as though we were planning for an asteroid to hit the rural area and because it's theoretically possible, we're going to make that the basis for our plan. It's not realistic. Realistic planning assumptions, realistic futures that accommodates the foreseeable growth, that's what we're supposed to be doing here.

Clark County has grown by two percent on average year after year after year after year and yet this plan accommodates for one percent. So right off the bat, the foreseeable growth is not anywhere's near realistic. In addition, the ability for the rural area to accommodate even that foreseeable growth has been greatly exaggerated in ways that have been declared in court to be erroneous. It's certainly not realistic. So why are we doing this? Certainly the cities are getting everything they want, but the rural citizens we're taking everything away from them and it's just not right.

This plan, I believe, will continue in court and it really has

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to do with the County being on what side of the aisle in court. Is this county, are the citizens, the citizen representatives of this county, are they going to be on the side with the citizens or on the side against the citizens? It's going to be one or the other. And the path that we're on right now says we're going to use your tax dollars to fight against you to take away your private property rights, but like 1994 through 1997 the citizens sued the County and the County lost on every count and the citizens won. And the citizens trusted the County when the County said we'll make it right. We'll follow through and they didn't.

That repeating history is happening yet again today and the County will see the citizens in court. The citizens, I believe, will win. Only this time, the citizens will apply that lesson and say, you know, you're going to do what the court orders you to do. You're going to restore the private property rights. The problem is not the law; the problem is our implementation of the law. There's much I could say about this.

One of the Planning Commission members said it well right at the very beginning the first time she spoke on June 2nd, Eileen Quiring said, the information that is just too voluminous, too much for us to comprehend and actually even to know what's in it. It's like Obama Care. You got to pass it to know what's in

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it.

It impacts a lot of people in Clark County negatively. I think a lot of people, Clark County's people, don't understand what's in it and they haven't had the opportunity to agree or approve it. We've gone through so many motions and so many of those comments have been stored in a file and ignored.

So I certainly cannot support this plan because it's not the citizens plan. It's the bureaucracy's plan against the citizens and I believe it will be corrected with time, be encouraged with time. You don't lose your rights; you forfeit your rights. If you want them back, fight for them. You have at least a couple of citizen representatives here who will join with you to help you get those rights back. Thank you.

BOLDT: Okay. Thank you.

Any other general comments before we start.

STEWART: Well --

BOLDT: Yes.

STEWART: -- just briefly, and I think we're going to have more

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comments from the Council at the end.

Private property rights were significantly constrained by, especially for people that have rural lands -- well, all lands actually, in the early 1990s by the Growth Management Act. And the Growth Management Act was a response to what was too much, too quick development in areas that had no appropriate infrastructure, roads, sewer systems, water systems and that was in the greatest of financial times. The State said we can't -- we need to create some restriction on that to diminish sprawl, and although some constraint might have been sensible, many people feel the GMA laws have gone too far and they've gone far enough that they actually -- this GMA planning and updating is part of that law and the counties and the cities must do it and we, therefore, have some constraint under those same laws.

It's unfortunate that they did not look more county-by-county so that counties would have an opportunity to more customize their own plan, but that's not how the law was written. And as Clark County has done plans, what has happened is if it appears under the law that the county's been too far-reaching, then numerous lawsuits get filed. It goes to -- or protest to the Growth Management Hearing's Board and then the counties are kind of frozen in their decision-making.

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So what most of the counties do is the same thing we're trying to do is find appropriate incremental conversion of land from its current use or nonuse to some kind of use as a community grows, and we do that because we want to accommodate appropriate growth, appropriate jobs, housing and economic development. So the cure for this is not all and at the Clark County level. I think we need to look some to the State level as well.

So with that just in the big picture -- and it doesn't do any of our residents any good if they have property that they would like to be able to divide if all of our decisions are frozen in court about everything to do with our land development codes and our growth management update because we're in the process of a challenge which can take months or years and be an expensive process, that doesn't help move the ball forward to being able to effectively accommodate growth, jobs, housing and economic development. So I just wanted to offer that umbrella, and I'm going to have some specific comments when we get to the end.

BOLDT: Thank you very much. Anyone else?

OLSON: No.

BOLDT: Okay. Moving forward then to the Rural concept of the plan, 1.a, Comprehensive Map Plan Legend. We'll probably take

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the Rural individually and then maybe as we get further down from there, we can collectively vote on the aspect, but I think most of these will be individually talked about.

First of all, the comprehensive plan legend to move them from three comp plans to one designation, Is there any -- first of all, is there a motion to accept 1.a and then we will go for direction from then on?

OLSON: Mr. Chair, I move that we approve Item 1.a on the Comprehensive Plan Map Legend.

BOLDT: Okay. Second? I will second that.

And for the members and for to figure this out, when we vote, we'll vote a voice vote starting with Councilor Stewart and then down the list so we will know for the record exactly every vote we will do will be the same so it will make it easier for our minutes.

With that, is there any discussion on 1.a?

MADORE: Mr. Chair --

BOLDT: Yes.

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MADORE: -- on the column where it says PC Recommendations, on almost all of our pages are blank.

BOLDT: Well, mine isn't.

MADORE: Mine is.

OLSON: Mine isn't.

STEWART: No they're not.

OLSON: I have an extra one, Councilor Madore.

BOLDT: Do we have an extra?

OLSON: My sheet's actually from our work session we did two or three weeks ago.

MADORE: This is the one that was handed to us this morning.

BOLDT: Oh, there's another one.

MIELKE: I'll take that.



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MADORE: Thank you. I'll hand that back. Thank you.

BOLDT: Okay. Is there any discussion on this?

STEWART: I'd like to look at this in the big picture if we could.

Some people are concerned that by going to one rural designation that it will allow for too much development too quickly and others are believe that by having it be one it eliminates complication and confusion and other complications. So looking at the comp plan map, so these would be comp plan designations, can we just kind of get some pros and cons on this because we have a lot of people lobbying us on both sides of this issue.

ORJIAKO: Some of my staffs are here, Councilors, to help us as you deliberate to answer your questions. This is actually how it is today on our comp plan and our zoning to our comp plan to zoning matrix. What this will do is on the comprehensive plan, it will have one rural comprehensive plan designation. On the zoning map, it will have the distinction of three rural zones except as you will find in the rural centers. So in the comprehensive plan map, you will have one color that represent rural designation. On the zoning you will have that be implemented by Rural 5, 10 and 20. If the Board approve this as

the Planning Commission recommended, it will be consistent in terms of what is today, how it is today.

I think the concern that others are expressing through their testimony is that if you have one plan designation, theoretically you will remove the variety of zoning as required by GMA in the rural area. I don't have that same concern unless there are - and our legal counsel may jump in - unless there are challenge and ruling that says that is wrong or that have been upheld by the Growth Board or the courts.

So the advantage of this is that currently, we have through the annual once-a-year, site-specific plan amendment and zone change also as provided by the Growth Management Act, we have to come -- it will be a legislative Type IV process where we go to the Planning Commission and then come back to the Council for you to take a final action. This action will permit a straight zone change to the Hearing Examiner, so you don't have to come -- we don't have to go before the Planning Commission. It will be quasi-judicial in nature, so that's the only advantage that I see. It would not remove the distinction in having three separate zoning the rural area.

BOLDT: But it still would require the specific facts to be involved coming to the Hearing's Examiner just like it is now.

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ORJIAKO: Yes. There will be criteria as to anyone making an application to go from Rural 5 or Rural 10 to Rural 5 or Rural 20 to Rural 5 or 10, whichever one, there will still be criteria that the Hearing Examiner or staff will use in reviewing such application.

STEWART: So is the effect of this that it gives people who have rural zoning a little more flexibility in process to request changes?

ALVAREZ: Jose Alvarez, Clark County for the record.

I just wanted to clarify that currently we have a discrepancy between the comprehensive plan map which shows each of the designations individually R-5, R-10 and R-20; however, in our comp plan matrix, we show one rural comp plan designation with an implementing zone of R-5, R-10 and R-20. We, in practice, have been treating it as one comprehensive plan designation with the three distinctions. And so right now, if you want to do a zone change or if you want to change the zoning from R-20 to R-10 or R-10 to R-5, we follow the quasi-judicial process. It's not treated as a comprehensive plan. So the proposal is just to sync those and make the change to the map to reflect what's in the matrix.

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STEWART: And what's the net effect of that, not us as the bureaucrats, but if you own that property, what does it mean to you?

ALVAREZ: You have to go through a process through the Hearing's Examiner, a Type III process and it's a process that doesn't come to the Board, so it can occur more than once a year. The timing for doing that is not as restrictive. If it was a comprehensive plan change, it could only be amended once a year and it would come before the Planning Commission and the Board.

OLSON: So it adds some --

ALVAREZ: Correct.

OLSON: -- more direct access and may offer more immediate access --

ALVAREZ: Yes.

OLSON: -- to having those concerns --

ALVAREZ: Considered.

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OLSON: -- looked at. Okay.

STEWART: So it offers flexibility and process.

ORJIAKO: And it's quicker and it's cheaper. I don't know. I don't have the costs or numbers in front of me, but to for the plan amendment and zone change, I think it's a little bit more than \$10,000.

Am I correct, Jose?

ALVAREZ: The comp plan and zone change, yes.

ORJIAKO: The comp plan and zone change. So this action you can go to the Hearing Examiner at any time, as Jose indicated, you don't have to wait for the once a year.

DIJULIO: I liken this to a technical correction. What you're doing is making sure that your comp plan map is consistent with your comp plan text.

BOLDT: Okay. Thank you very much.

Okay. With that, we are ready for our first vote. Councilor, how do you vote?

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: I just want to preface one comment regarding this and the votes I'm going to make, and that is even though we don't have the choices here that I believe ought to be here, of the choices that are before us, my intent is to choose the most flexible option for the citizens as we itemize these. So I vote AYE. YES.

BOLDT: Okay. Motion carried. Very good.

1.b, changing the minimum lot size for AG-20 to from 20 acres to 10 acres. Is there a motion to approve 1.b?

STEWART: I have a question about this. Do I have to wait until the motion is made?

OLSON: I move we approve Item 1.b, zoning map changes to reduce the minimum lot sizes for parcels zoned AG-20 from 20 to AG-10.

BOLDT: Second? I'll second that.

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STEWART: To approve?

OLSON: To approve.

BOLDT: To approve.

STEWART: To not support the Planning Commission decision?

OLSON: Correct.

BOLDT: Correct.

STEWART: Thank you.

OLSON: To support our previous decision.

BOLDT: Yes.

STEWART: Thank you. That would have an AYE.

BOLDT: Is there any discussion on this going from AG-20s to  
AG-10?

MIELKE: I guess short of where I would like to be, it's better  
than what I have today. My personal preference would probably

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be AG-20 to AG-5, but not having that choice, I'll support what's before me.

BOLDT: Okay.

MADORE: And vote AYE.

BOLDT: I think this will be probably contentious. I believe for the record, and I'll let anyone else comment on this also because this is going to have to be a provable point one way or the other to back up going from AG-20 to an AG-10, I believe, and I think I believe we have enough points and enough facts within the plan whether it be from the BERK Report, whether it would be our work on Heritage Farm and the rural lands task force, some of their agreements, a multiple sources, from me personally, we have gone from a commodity-based agriculture in the county to a more of a point-of-sales, small market approach in the county. Regardless of what you think, I believe that's where we are.

As you look at the average number of farms and average acreage, we are going to a totally different commodity that we sell in our county versus 20, 30, 40 years ago when the most commodity was essentially dairy. Now we've gone to a lot of berries and a lot of fresh market capacity. Regardless what happens, in my



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opinion of the underlying zone, I believe you can still provide enough crops to the county on 10 acres really than you can 20.

I realize it's, in a way, it's a two-edge sword because it makes that ten acres a little more expensive. On the other hand, a small farmer, a brand-new farmer coming, you have to find the land whether it's rental land or something else, so you have to get into that market, and I believe it really helps the young farmer, the person trying to get there is that, all right, I can find my ten acres. I can find a niche crop that will work, whether it's a hoop house or anything like that, whether it's good soil, bad soil, you still need that underlying amount of land, and I think with our retail, with the people looking for local food, that really helps that.

It is, and it's really what we're doing, I think, as it's been brought up from Friends of Clark County very good that we really need to concentrate on food security in our county, which I completely agree on that.

The underlying, though, problem with that is, and I may be spending too much time, it might be my soap box, I'm not sure, but you wouldn't have this problem if farmers could make money. So the question is is how can we make farmers on 10 acres or 20 acres or 40 acres enough to make money and that's supplies,

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that's equipment, that's how to have a better way of getting your product to the community, that is one thing I think we need to work on with the Food Systems Council, things like this.

This will be an ongoing conversation if we really believe that food security is really important to the county, then we have to work on a lot of areas. I think that we do have to do that.

So with that, that's really why I am in favor of this with a lot more work to come, but for that.

DIJULIO: A point of information, Mr. Chair, members of the Council, as a just a reminder as you work through these recommendations from the Planning Commission regarding the comprehensive plan update, your decisions today influence the preparation of the enabling ordinance that will be prepared following today.

In conjunction with that, and I think we've made reference to this earlier, the 2012 BERK Report is in the process of being updated with current census data regarding and certain of that information includes the emphasis on family farms and the need to, frankly, put people on that land and a smaller lot ag as has been approved in King and Pierce Counties as examples is an example of that, and so that report will be available prior to your final deliberations and decision.

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BOLDT: Very good.

DIJULIO: Thank you for the input.

OLSON: If I might just add to --

BOLD: Yes.

OLSON: Yeah, just to maybe add a little bit of structure and detail to Councilor Boldt's points. You know, this process that we're looking at here with the rural lands and the resource lands didn't just start with this plan update. It actually started after the last plan update when the County put together the rural lands task force in 2008 and in 2009, the agricultural preservation advisory committee was formed.

In 2010, the rural lands task force recommendations came through. This was also in conjunction with the ag preservation committee. They joined this group and came up with the recommendations to the County in 2010.

In 2012 the rural lands study was available to us, the first BERK Report. It was actually a phenomenal report. And then in 2013, the County did a rural census survey.

So all of this in this rural section here is not brand-new. It's been building over the last eight years. Specifically from the rural lands task force, its purpose, its mission was to develop a rural vision of the county and define what the GMA calls rural character.

Out of that report, some of the recommendations include due to the high cost of land, review cluster development ordinance and its potential use in resource lands. Develop a transfer of development rights program. And to enhance and protect the production of ag land, encourage small ag wherever it occurs. Facilitate the production and sales of agricultural products in Clark County. And a minimum parcel size should be adequate to allow reasonable ag use.

Specifically from the Ag Preservation Strategies Report, its purpose was to develop a draft farm preservation plan that recommends actions to protect the opportunity and pursue and enhance commercial and noncommercial agriculture in the county.

Again, they talk about cluster development. They talk about transfer of development rights program. And they also state in there with regard to commercial viability that members of the committee suggest that a well managed, high value ag,

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agricultural producers are capable of grossing 8 to \$10,000 per acre. It also states local ag trends include direct marketing to local consumers and market similar to what Councilor Boldt was just mentioning, Agri-tourism, farmers markets and direct contracts with producers for regularly scheduled deliveries of produce.

So this local ag opportunity is local farming and smaller farming is history in Clark County, and it is something I think with even with AG-10, we can preserve and protect and encourage agricultural uses on AG-10 lands. The rural, this, the BERK Report actually really gets into the details of what's happening in Clark County, and I'll be looking forward to seeing the update of that report actually.

So it says that agriculture in Clark County is in the midst of a decade's long transition from large scale farming to more intensive value-added, urban-oriented farming. There's a substantial growth in the number of very small farms. Farms of 50 acres or less make up almost 85 percent of the total farms in Clark County. All farm growth from 1997 to 2000 was in small or very small farm categories and the 2012 ag census also supports that. Most farms in Clark County are individually or family owned and are most commonly residential life-style farms.

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So the last piece, again, this is a little bit -- it's just the details that matter and we've got a pile of them here, the 2013 Rural Census Report was to gauge the interest in smaller minimum parcel sizes in the AG-20 and Forest 40 zones. There was 72 percent response rate. AG-20 property owners favored a smaller minimum parcel size by 72 percent to 28 percent. And Forest 40 property owners favored a smaller minimum parcel size by a margin of 82 percent. And both property owners, both property owners in both zones also preferred flexibility of clustering.

So I think there's plenty here with regard to small ag farming and small lot farming here in Clark County especially. And I agree with Councilor Boldt. I think as we move forward, we need to have these conversations about how we support that, support the Food Systems Council, support our market, support, you know, farm-to-market, farm-to-restaurant, farm-to-table, but that this hasn't just happened recently. It's been an ongoing multiyear process. So with that, I think we're headed in the right direction.

MADORE: Mr. Chair, I have a question for Steve DiJulio. Mr. DiJulio, do any other counties allow for AG-5s?

DIJULIO: I am not aware of a county that has an approved R-5 designate- --

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MADORE: AG-5.

DIJULIO: -- AG-5 designation. Excuse me.

MADORE: I thought there were several.

DIJULIO: I'll report back to the Council on that, but I'm not aware of one. I would note that going to an AG-5 may trigger supplemental environmental review requirement as the report was done with the Preferred Alternative for AG-10, but we certainly can get back to you on the AG-5. Can you think of a county with an AG-5?

ORJIAKO: I'm not positive. I thought it was Snohomish, but the AG-5 would not allow a home site. We can check on that, but I recall that maybe Snohomish, they allow AG-5 but no home site, but we will check on that and make sure that our information is accurate.

MADORE: Because this is right exactly on this particular item, I move that we allow for AG-5 --

BOLDT: There's a motion on the table.

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MADORE: This is an amendment to the motion. -- that we allow for AG-5s with the condition that at least one other county also allows AG-5. If that AG-5 is not anywhere else in the state, then, of course, that then the motion would or the action would fail.

BOLDT: Is there a second?

MIELKE: Yeah, I'll second that. It seems reasonable when you look to see if other counties are doing it to kind of put it in perspective.

STEWART: So just a point of order, Mr. Chair. Are we on Item b?

BOLDT: Yes, we are.

STEWART: Okay. And we previously had no motion on that?

OLSON: We have a motion.

BOLDT: Yeah, we do.

STEWART: There is a motion. And the motion was seconded and Mr. Madore is recommending an amendment to that?



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BOLDT: Yes.

STEWART: Okay. Thank you. I just want to make sure I'm tracking on this.

BOLDT: And I would encourage the Board to vote no. First of all, I think it's been -- there's enough evidence that if there was one county or two that had an AG-5, there's no residence on it and it's extremely late in the game to go on R-5s, so...

STEWART: So our first vote will be on the amendment; correct?

BOLDT: The amendment, yeah.

STEWART: Thank you.

OLSON: And I would agree with Councilor Boldt. The issue with AG-5 right now is that it hasn't been studied as any part of our plan and we have no record and no documentation to be able to support it in front of the Hearing's Board, so...

MIELKE: I'm not sure, Mr. Chair, what study we refer to. I can't remember.

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OLSON: The Supplemental Environmental Impact Study.

MIELKE: Well, I thought way back when last year that we had looked into that and I don't remember what the answer was, but I thought it was looked into at the time, so... And more importantly is that why would we not allow that? And I guess I still have the same concern. I'm not looking for another EIS. I'm saying if we don't have to do another EIS, that's just work-in-progress, this isn't definite, this is not engraved in stone, but I mention when I said I will support what's being offered to us, but the Planning Commission didn't offer me any other thing, any other choice.

BOLDT: Okay.

MIELKE: It goes back to show that I'm not making the decision. I'm either blessing or not blessing what the Planning Commission is doing.

MADORE: And I would say also this is consistent with the documentation that Councilor Olson just read.

BOLDT: Okay. With that, let's take a vote on the amendment.

STEWART: NO

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OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

BOLDT: Okay. Motion failed.

STEWART: And back to discussion --

BOLDT: Back to discussion on the --

STEWART: -- on the original.

BOLDT: Yes.

STEWART: The statistics and the backup documentation that Councilor Olson has read from that indicates that these are -- this whole series of considerations here are prudent and appropriate, that has to do with my earlier comments that that's precisely what we're looking for, which are incremental and appropriate conversions of land or divisions of land. And it's -- no one should imagine that we sit here and think, well, these are just going to breeze through. Some of these can end up being controversial because we are making changes. And so what we're willing to do, what we're willing to say is that as a

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Council, we're willing to look at any tools we have to find these incremental changes that are appropriate.

OLSON: And I would add after this process is completed, we still have opportunities to discuss some of those --

STEWART: Details, yeah.

BOLDT: Okay. With that the underlying vote. Start off.

STEWART: I say YES

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: YES

BOLDT: Motion carried. Okay.

MIELKE: I think we had new information from staff on that.

BOLDT: Okay. Very good. It is almost 1:00. I note, would the Council bear with me, if we could try and make this, wrap this together, I would like us to go to Page 4, 7, No. ii, Agriculture Land. And before we go to break, what I would like to do is since we did rezone AG-20 to AG-10, to talk about the

clustering provision on the ag so when people see this, they can kind of get it all within their heads, rather than to go back and forth.

The Planning Commission denied the clustering of ag land specifically because they denied the going from 20 acres to 10 acres which made perfect sense to them. So I'll just start off to get us the discussion going is is a motion to approve Item 7.ii, Agriculture Land Clustering.

STEWART: I move to approve.

BOLDT: Second?

OLSON: I'll second.

BOLDT: Second. I think my - and I'll just start this off - my hope is that we would give this as an option where a person could go either outright zone their land to a ten acres or if they wanted a remanent and wanted another building site, that they could use that option to regain most of their land but still have the extra building site that they wanted so it's, in my opinion, to give them that option.

OLSON: Yeah. And, Mr. Chair, so we have both the Chapter 7

here and then we'll have the actual code language that deals --

BOLDT: Right.

OLSON: -- with the clustering provision as well.

BOLDT: Yes.

OLSON: So I agree with Councilor Boldt on that point. And then I think we can address that down in the code language.

BOLDT: Right.

MIELKE: Mr. Chair, if I might. I think that this was a substitute, you might say, and an effort to reach out to allow family members to live on the farm that they would eventually be taking over. It doesn't really get there, in my opinion, but it's better than nothing. I hate settling for better than nothing every time, but I guess the Planning Commission isn't giving me that choice.

BOLDT: Okay. Any others?

STEWART: I think this is -- we actually must take this step if we agreed with our prior step, so this is just to clean up the

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process --

BOLDT: Right.

STEWART: -- and to complete the process. And as Ms. Olson said, then we'll have the code --

BOLDT: Right.

STEWART: -- language change that will go -- that will be adopted as well.

MADORE: I also, when it comes to the role of the Planning Commission, I appreciate the Planning Commission members. They're volunteers, however. They are not elected. They don't represent the people. They are appointed. We are elected and they are advisory to us, but also a louder voice to us should be the voice of the people.

BOLDT: Okay. Starting the vote off.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

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MADORE: AYE

BOLDT: Okay. And then to wrap this, go to Page 10 -- am I right on this, Oliver?

OLSON: Yep. Go to Page 11.

BOLDT: -- go to Page 10 and I believe it's g, am I right? It's g.i or is it --

ORJIAKO: It's on Page 10, it is g. Oh, it's A on Page 11.

OLSON: Yeah.

BOLDT: Oh, okay.

OLSON: A or B; right?

ORJIAKO: A and B, right.

OLSON: Mr. Chair, I move that we approve. Now we can talk, well, we can discuss this, but I move that we approve Item g.B which includes proposed land division for resource lands to include clustering as an option.



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BOLDT: Okay. Second. Any discussion? With that, starting the vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Motion approved. Okay. With that, we have the ag. We will go for a 30, come back at 1:40 and we will start with the forest zones from FR-40 to FR-20s. We are at ease for 30 minutes. Thank you.

(Pause in proceedings.)

BOLDT: The Council is back into session. Thank you very much everyone.

Oliver, do we have some information that you want to bring to us or do you want to wait for that?

ORJIAKO: I think it's more of when the question was what other counties has AG-5, and I think I said I believe it was Thurston -- no, Snohomish County. I think during the recess we

did additional research. It wasn't indeed Snohomish County. I believe it was Thurston County and our legal counsel can go over that quickly.

DIJULIO: There are a number of variations, I guess is the way to describe it. For example, in Thurston County the ag, basic ag zone designation is 20, 20 acres; however, it does allow a 5-acre ag parcel without a dwelling unit, below five acres is only allowed in LAMIRD's.

MADORE: What county was that?

MIELKE: Thurston.

DIJULIO: That's Thurston. Snohomish has a ten-acre ag and similarly, as I understand it, Snohomish will allow a lot of less than ten acres if exclusively ag use.

ORJIAKO: No home site.

DIJULIO: No home site. There are similar provisions. Lewis County has a basic 20 acre but allows a 5-acre ag parcel under certain conditions. And, again, we can provide this data. So there are options out there, but at least we can't seem to find one that allows for development other than through clustering.

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MADORE: Okay. Mr. Chairman --

DIJULIO: Oh, and I'm sorry, Councilor Madore, at the break, Citizens -- Clark County Citizens also said that they had provided at some time, perhaps a couple of years ago, an inventory of county ag designations and we'll look for that and pull that out as well.

MADORE: Okay. So with that information knowing that we've got at least some more flexibility in three other counties that are more flexible than we are allowing, now that we know that, and also I'd like to correct one other error that was made here and the statement was made that the AG-5 was not analyzed and that was in error, AG-5 was analyzed in the DSEIS. So for those two reasons, I would like to revisit that item and to allow for the similar flexibility as we find in other counties because the other counties have succeeded in that flexibility and we have already analyzed it. So we've removed our objection for not allowing that flexibility.

So what would be the process to put that back on the table to add that flexibility? I guess I can make that as a separate option right now.

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MIELKE: Option on the prevailing side.

MADORE: Yes. Okay. Then I move that we add the flexibility of AG-5 consistent with the most flexible options available from other counties.

BOLDT: Okay. Is there a second?

MIELKE: I'll second that. With a question from staff and that is this is pending further information from staff which makes sense.

OLSON: I'd actually like to get a process and legal opinion on adding AG-5 at this point in the current process we're in, please.

DIJULIO: Yeah. I do want to thank you, Councilor Madore. I did also at break go back and look at the description of Alternative 4 that included a proposal for AG-5, but I have not read the Draft Environmental Impact Statement in which that was discussed. So I can not -- I mean, I know what the Final Environmental Impact Statement says, but I have not read the draft to see what was the analysis that was done there. So I can't answer Council member Stewart's question about that until I go back and look at that to see whether or not there is more

needed.

MIELKE: So I think our intent or direction is that we're going to have staff look at that. We're not adopting it. We're saying we want the staff to look at that to see if that's possible. Is that what I understand?

BOLDT: You just voted to adopt it. He made the motion.

OLSON: Seconded the motion.

MIELKE: He made the motion and I seconded, but we didn't vote, and I just want a clarification that we're not putting this in stone. We're giving direction as we move forward.

BOLDT: And I would concur with that, that we don't need this motion and we will look at it later. So I would be against this motion.

OLSON: I just think from a process standpoint, we're asking for a significant amount of trouble if we do this at this point in the process. I think -- I just -- I think that it would expose us to potential failure in front of the Growth Management Hearing's Board if we do this right now at this point in time.

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MIELKE: Well, I think when you say that you're predicting the outcome and that's not what it is. The point was that it was addressed. It was included in the EIS. We're looking for additional information. To shut it out is not the right thing to do. It can't go -- you can't move forward with a closed mind, and that's I just want to leave it open.

BOLDT: Okay.

MADORE: In other words, the specific implementation, the exact language, that's still to be defined. This basically says we've already analyzed it. I know that Councilor Mielke and I read and are very familiar with the DSEIS, it was included in there and I assume that my fellow, the rest of my colleagues, also are familiar with that document, that it was analyzed. So the specific implementation still can be defined going forward. This opens that door and it says allow for that, allow for that process.

BOLDT: Okay. I'm still voting against it, but, okay. With that, let's vote, Council.

STEWART: NO

OLSON: NO

BOLDT: NO

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MIELKE: AYE

MADORE: YES

BOLDT: Okay. Motion fails.

Moving on with 1.c, change the minimum lot size for parcels zoned FR-40s to FR-20s. First of all, is there a motion to approve 1.c?

MADORE: I move that we approve.

MIELKE: I'll second.

BOLDT: Okay.

MADORE: And I also would like to offer an amendment. First let me ask our legal counsel here, are there any other counties that allow for FR-10s?

BOLDT: FR-10s?

MADORE: Yes, Forest 10 acres.

OLSON: And I'm not -- did we study FR-10s in the --

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MADORE: Yes, we did. It was part of the Alternative 4 that was fully analyzed in the DSEIS. And I would ask also, Mr. Oliver Orjiako and our Steve DiJulio, if any of us make any mistakes in making statements, please catch us because we want to make sure that we welcome the truth wherever it leads. Okay?

ORJIAKO: We will certainly do that. I think Councilor Olson raised the issue of process and I think our counsel raised that as well. From staff perspective, I think the Council did vacate Alternative 4 on February 23rd. That's the only thing I will add.

OLSON: So as a result of that, the AG-5 and Forest 10s are not in the Final Environmental Impact Statement.

ORJIAKO: That's correct. And that was not before the PC as well because of your vacation or your Preferred Alternative that you made a motion on February 23rd.

MADORE: However, I'd like to point out also that we did fully adopt Alternative 4 as the Preferred Alternative on November 24, we did complete the process.

MCCAULEY: Yeah. And then the planning assumptions that were used as a basis for that Preferred Alternative were proven to be



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invalid by Thorpe & Associates.

MADORE: Mr. Manager, I'd like to be able to correct that. They were not proven to be invalid. They were proven to be -- it was a popularity contest. Validity is not equal to popularity. Validity has to do with --

MCCAULEY: I'm just using the words out of his report, sir, that's all.

MADORE: Yes. And I just want to make sure that we use what is the lawful definition.

OLSON: So I'd like to vote on it.

MADORE: If it's legal, then it's valid.

OLSON: Do we have a second on the motion for --

BOLDT: Is there a second?

OLSON: I don't know if there is or not.

MADORE: We're waiting for the answer.

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DIJULIO: I can't answer the question with respect to all 39 of Washington counties or those that are subject to Growth Management Act planning requirement. I do see that Thurston County allows for legal lots from 10 to 39.99 acres if the parcel is under the same ownership since August 23rd, 1993, and such a parcel may be subdivided one time into a maximum of two lots with a maximum lot size of five acres. That's the only, at least based upon a quick look at Thurston, Whatcom, Snohomish, King, Pierce, Lewis and Clark, that I can locate that's less.

MADORE: Are you done? Thank you. I don't want to interrupt you. Sorry.

So I would make a -- I move that we allow for FR-10s to the same degree as the most flexible combination of options that are out there from other counties.

MIELKE: Those two examples.

BOLDT: Second?

MIELKE: I'll second.

STEWART: Once, again, just to be clear where we are, this is an amendment to the original motion; correct?

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MADORE: Yes.

BOLDT: Yes.

STEWART: Thank you.

BOLDT: And I would be against that because the Planning Commission, we're talking about the Planning Commission today, and we can definitely look at that further. So with that, let's vote.

STEWART: NO

OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

BOLDT: Okay. The underlying motion is going from FR-40 to FR-20. Vote starting with --

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

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MADORE: AYE

BOLDT: Okay. Motion carried.

Okay. To move this to Page 4, the underlying would be No. 7.a, Forest Land, clustering of parcels is allowed consistent with platting and zoning requirements. First of all, is there a motion, before we go yes or no, is there a motion to adopt Section 7, Subsection a.i.?

MIELKE: I make a motion, Mr. Chair.

BOLDT: Opposed?

OLSON: Second.

BOLDT: Second. Sorry. Very good.

MIELKE: Only because I made the motion, you're going to oppose it. That figures, yeah.

BOLDT: Right. And I'll start us off on this. We have, I think, unlike the ag zoning - and this is probably personal more than anything - I don't see us having as much in the record of having a straight 20 forest zone to defend it. And from my

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experience and my talking to a lot of the testimony from a lot of forest owners is that they would simply like the flexibility to have some of their kids to be able to live on their land in a small lot, the one acre, and so I think going to an FR-20s with the provision that they have to cluster makes sense to me and it makes sense that unlike the ag where we give them the option, until we have some really good proof that you can be economically feasible on a 20-acre forest, I'm comfortable for now as going with the clustering in the forest.

And with that, I have a question, Oliver. This -- or the text behind it, we need to implement the clustering provisions like in January, do we cover it in this one or the other one?

ORJIAKO: Councilors, I think this is the policy. You can cover this when you get to 10, I believe 10 --

OLSON: A or b.

ORJIAKO: -- a or b, yes, you can cover it the specific when you get to 10.a that you will want require clustering for the purposes for Forest 40 going to 20.

BOLDT: Any other comments?

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MADORE: I have a question for Mr. DiJulio. Do other counties with Forest 20 allow the flexibility of clusters? And I would assume that if other counties allow the flexibility, that we have no reason to restrict and require a more stringent burden upon our own citizens. It says that it's legal. Why would we prevent them that freedom to the citizens private property rights?

MIELKE: While we're waiting, Mr. Chair, can I make a comment?

BOLDT: Uh-huh.

MIELKE: One of the things I think that short of not getting what I would really prefer, that's somewhere between one and five acres for family members on forest land, I think this is probably more important than the ag section because it is a larger piece of property and there is more and more care. And, once again, it's really hard to get family members interested in ag or forestry when the minimal return is not as rewarding as it should be. So this is one way to definitely see that it could be carried forward and that we maintain our forest.

MADORE: Yeah. I'd also like to add another fact, and this is that the State Department of Revenue has several years ago amended the current use law that would allow five acre trees to

qualify for current use which means they would do that if it was viable, commercially viable and it would be applicable for real tree farming.

Steve, if it's going to take a while, we can make the --

DIJULIO: No. I'm doing some survey work here as you're talking. You asked the question about whether a county allows for clustering in forest designated areas.

MADORE: As an option.

DIJULIO: Chelan County appears to allow in its 20-acre commercial forest land minimum lot size one time for a cluster subdivision, fractional lot not less than five acres within a plat and fractional lot for boundary line adjustment and lot size reduction for existing dwellings through a short plat. So there may be some out there.

MADORE: Okay. So basically we know that it's legal. We know that other counties are doing it. We know that Department of Revenue allows for the current use to be there. So we, at this point if our goal is to allow for the flexibility, then we would allow that option and not add the burden of a requirement.

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BOLDT: So there's a motion on the table for the requirement of cluster- --

OLSON: Well, I think if I can clarify the motion. We're under 7, Chapter 2, Forest Lands, this is just the policy, not the code language.

BOLDT: Right.

OLSON: So this would be to allow clustering --

BOLDT: To allow clustering.

OLSON: -- consistent with platting and zoning.

MIELKE: And that's 7.i --

BOLDT: Right.

MIELKE: -- not ii.

OLSON: Chapter 2. Sorry. Yeah, 7.a.i, Forest Lands.

BOLDT: A.i. And then we will do the policy next.



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OLSON: We'll do the code language next.

BOLDT: The code language next.

MIELKE: It's just kind of funny we're allowing for the requirement, so... Okay.

BOLDT: Yeah. Okay. With a vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Motion carried.

Okay. Now with the policy on Page 10.

OLSON: Page 11.

BOLDT: Is it Page 11?

OLSON: Yeah.

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BOLDT: Oh, you're right.

STEWART: Doesn't it go over to Page 11?

BOLDT: Yes, you're right. And it is A; right, Oliver?

ORJIAKO: Yes.

BOLDT: Okay. So to start off, is there a motion to approve g.1.A?

STEWART: So moved.

MIELKE: Second.

MADORE: And specify what that means so that the citizens who can decode what we're saying what that means.

BOLDT: That is to mandate the proposed clustering of forest land 20s.

MADORE: Mandate.

BOLDT: Yes.

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MADORE: I would -- I think the goal here is to allow, have the option.

MIELKE: Oh, yeah. In fact, what I'm looking at, Mr. Chair, is that there's an A and a B, and I guess that's the difference is one's option -- one is option, one is mandatory.

OLSON: It's a requirement, right.

MIELKE: I'm not quite sure why we would mandatory.

STEWART: I don't see that it says mandate.

OLSON: It says require. It says requirements.

MADORE: So I move that we allow for the option to cluster in the forest zones.

OLSON: But we have a motion and a second.

BOLDT: We have a motion and a second on A for the requirement.

MADORE: Who made the motion and who seconded it?

MIELKE: So, Mr. Chair --

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BOLDT: Julie.

MIELKE: -- I withdraw my motion to second until we have a clarification on which one we're going to vote for. If we're going to have a choice between the mandate and an option, I truly would support the option. I'm not quite understanding -- I'm not understanding why we would make that mandated.

BOLDT: Well, I just said that.

OLSON: I think did Councilor Stewart make the original motion?

BOLDT: Yes.

STEWART: I did and I withdraw my motion.

MADORE: Okay. I move that we allow the option to cluster in the forest zones.

MIELKE: So that would be --

MADORE: Is there a second to that motion?

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MIELKE: I'll second that. So that is Page 11.B.

STEWART: So I need a clarification, Mr. Chair. I'm looking on Page 11, so Item A includes proposed clustering requirements for resource lands, that doesn't speak just to timber.

ORJIAKO: Councilors, sorry. My staff mentioned that as well, so we will change that resource to read for forest lands.

STEWART: Thank you.

ORJIAKO: Yes. The B will be applicable to ag lands, which you've already voted on. So A will be for forest lands.

STEWART: And so when we get to B, includes proposed land division for resource lands to include clustering as an option.

ORJIAKO: That resource should change to agriculture lands.

OLSON: But I think the motion we have on the table is to use option B for Forest 20.

MADORE: Yes.

BOLDT: Yes.

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MIELKE: That's the desire, I believe.

OLSON: I guess -- oh, go ahead.

STEWART: So we want to get this right and it's a little confusing at this point. So for -- Oliver, I thought you said that the intent of Item B was a reference to ag land?

ORJIAKO: Yes.

STEWART: And, Ms. Olson, I think what I hear you suggesting is that that would be forest land and where clustering is an option?

OLSON: I think that's the motion that's on the table. I think if I could just clarify as well, A and B, options A and B refer to both ag and forest; correct?

MCCAULEY: Which are resource lands.

OLSON: Yes.

ORJIAKO: Which are resource land. I make the distinction, because in B, you wanted to make the clustering option in the

agricultural zone. When you were discussing A, I wanted to change that resource to forest if you make any requirement.

OLSON: So I think so we have the options for both -- well, we had both options for ag. Now we have both options for forest, and I think once we get to whatever that decision is, we can reference the resource land specifically.

BOLDT: Right. So on the table right now is the motion to have B, which is the optional provision of clustering for forest.

MADORE: Yes.

BOLDT: As I just stated before, I'm still against that because I don't believe we have enough on the record to justify straight 20s and I think we do have enough to justify FR-20s, if they have clustering provisions, because you must specifically show to the Growth Management Board how you are saving land, so that's why I'm against this one.

MADORE: So, Mr. DiJulio, I assume we have counties that have -- some have cluster options for forest and some don't have cluster options for forest for 20; is that correct?

DIJULIO: That's correct.

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MADORE: So we know that it's legal.

BOLDT: Okay. Any others?

OLSON: I have a question with regard to what is in the record and maybe that's not a very good question because it's a deep record. Either Mr. DiJulio or Mr. Orjiako, do you have a sense of what is in the record to support FR-20 without required clustering?

ORJIAKO: I don't think there is anything in our record to support reducing the minimum parcel size from Forest 40 to 20. We indicated that we will ask our consultant, BERK & Associate, to see if they can supplement our record. They're in the process of completing that and having us review that. Other than that, you have substantial information in the record as it relates to ag; nothing in the record as it relates to forest.

OLSON: And so the purpose of the clustering provision would be to preserve, protect and encourage forest resource lands?

ORJIAKO: That's my understanding, Councilor.

MADORE: Mr. Chair, I'd like to make a point and that is is that



the DSEIS included the option for clustering but not the requirement and it was fully analyzed both for Forest 20. So it was fully analyzed with and without option or with the option, not the requirement, and it was fully adopted and it had gone to the Planning Commission twice, so we have followed sufficient process to adopt it at this point.

BOLDT: And I would say we have not followed sufficient practices. There's one thing about being analyzed versus capital facilities and things like that, but it hasn't been analyzed for economic viability, and I believe when we -- it's ample evidence today that we have given justification that we can go support AG-10s, but there is really no evidence in the record that we can really protect forest land in the 20 acres. That may come about in the future, but I think there's a lot of work to be done for that. So when that happens, you know, we might be able to go there. That's my opinion, so...

MIELKE: So we have the same issue here as to encourage a younger family members to take over the forestry program for the family and to, like ag, if you don't allow them onto the property to work that, and it's an option, so maybe if they feel that the 20 is too small, they don't have to do it, but it gives them that option and it would give them the option if the heirs are still alive too, so I think it's very important that we

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allow it.

BOLDT: Okay. Motion's on the table.

MADORE: With the amendment to --

BOLDT: For the amendment to have the flexibility --

MADORE: Actually --

OLSON: No, it's not an amendment.

MADORE: -- it's not an amendment. It's already a motion.

BOLDT: The motion to get the flexibility of a cluster which would, in effect, leave an outright Forest 20 zone.

STEWART: It would do what with Forest 20? We don't have a Forest 20.

BOLDT: It would allow a Forest 20 without a cluster.

OLSON: With an option for clustering.

MADORE: We just adopted Forest 20 in 1.c. This motion is to

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allow the cluster option.

MIELKE: That's correct.

OLSON: Without the requirement.

BOLDT: Is that clear?

STEWART: No.

DIJULIO: Let me suggest that --

STEWART: Sorry. It's not clear to me.

DIJULIO: -- in terms of the sequence of consideration, and I appreciate the effort for economy and efficiency in considering these matters, but under Sub g, Title 40, which are the code provisions, that you've done the plan aspect of this. Now you're jumping to the code provisions, the zoning code provisions. Item g.i at the top of page -- at the bottom of Page 10 and going over onto Page 11 is the action to authorize the designation in the zoning code for AG-10 and FR-20, so you haven't voted on that yet.

So, I mean, I understand everybody's supportive of that because

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you've already voted on that for the plan aspect, so... but you haven't adopted that with respect to the code recommendations. So in terms of getting that out of the way before you deal with clustering, you might want to vote on Item g.i before you get to Sub A.

BOLDT: Sub A.

OLSON: So with that, why don't I'd like to make a motion that we table the motion on the table now and then approve g.i.

MADORE: What page is that?

OLSON: 10.

DIJULIO: Bottom of Page 10, top of Page 11.

BOLDT: I second that. Is that clear?

MADORE: This allows us for a more orderly process?

OLSON: Yes.

MADORE: Okay. I'm good with an orderly process.

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BOLDT: Okay. Vote.

STEWART: YES

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Now we're back to either the requirement --

OLSON: So, no, that was just to table the motion; right?

BOLDT: Right.

OLSON: All right. So then I would like to -- I move that we approve --

MADORE: Well, table is probably the wrong term. It's to --

OLSON: Well, or set aside or put aside for a moment.

MADORE: To me there's a proper (inaudible) of order term. We understand what it means at this point.

OLSON: All right. Then I'd like to move that we approve Item

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g.i --

BOLDT: We just did that.

OLSON: -- which is -- no, I thought we just --

MCCAULEY: G.i. You approved g.i.

OLSON: We did approve g.i?

DIJULIO: Yeah. It was a compound motion --

OLSON: Okay. Sorry.

DIJULIO: -- and while, you know, we try to discourage compound motions, nevertheless the intent of the Council was clear that --

OLSON: Okay. Yeah. I'm caught up.

STEWART: So does that include part A and part B?

DIJULIO: It does not. Part B has already been adopted by the Council with respect to ag -- you're now -- or part B with respect to ag. You're now talking about part A with respect to

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forest.

STEWART: Forest.

ORJIAKO: Yes.

BOLDT: So we're back to the original motion of -- and I am still against B because I said a few times that I don't believe we have enough in the record to go with a straight FR-20 without a, so I'm against the motion.

OLSON: And one more time to clarify the motion, it is to allow FR-20 with clustering as an option?

BOLDT: Yes.

MIELKE: Yes.

MCCAULEY: No. You're proposing to change the language of g.i.A because B pertains to ag land.

ORJIAKO: Which they already did.

BOLDT: We're trying --

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STEWART: Oh, if A is related to only to forest --

MCCAULEY: That's right.

STEWART: -- it doesn't say --

OLSON: Well, it wasn't originally.

STEWART: Well, that's the confusion.

MADORE: The g.i.A is the intent there is to include the clustering option for forest, not a requirement.

STEWART: So can we simply change the language? This is just attorney question here, please. We know what we want to do with that. We want it to be related to forest and we want it to provide an option rather than a requirement.

BOLDT: Okay. This is what we'll do --

STEWART: That was a question for Mr. DiJulio. First of all, we know it's intended to refer to forest.

DIJULIO: Yeah.



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STEWART: Secondly, can we change the wording here now?

DIJULIO: If that's the consensus of the Council, yes, or the majority of the Council, yes. What is at issue here and isn't on this page is the actual language from 40.210.010, which is the draft of that section with the edits that were made following your discussion regarding option for clustering some six weeks ago that has been sent out again that the Planning Commission voted on and that provision currently states in draft form, and I'm talking about Clark County Code 40.210.010 says, available options for land division are authorized; one, pursuant to Chapter 40.50 and 40.210 or -- I'm sorry -- let's restate that.

The provisions of this subsection shall apply to all land divisions in the AG-10 and FR-20 zoning districts after July 1st, 2016. Available options for land divisions -- division are authorized. Available options for land division are authorized pursuant to Chapter 40.540 and Section 40.210.010 or pursuant to Chapter 40.54 and by using the cluster subdivisions in referring to 40.210.010. So that's the language that you have before you which you'll, of course, see again in ordinance form at some point. So that's what this is authorizing.

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BOLDT: So can we -- so we have g.i.A that's in front of us. Can we move and second the motion to require clustering for Forest 20, at that time we can have amendment to change the requirement from requirement to optional and go from there just like we did before?

DIJULIO: Well, it would be simpler simply to move to approve g.i.A with the language to read 210 includes proposed clustering option for forest lands and save a step.

BOLDT: Okay.

MIELKE: Okay.

BOLDT: Is there a motion?

MIELKE: So moved.

STEWART: Second.

BOLDT: Okay. I'm still against that, so... I am for the requirement; not the option. So we can vote.

STEWART: AYE

OLSON: AYE

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BOLDT: NO

MIELKE: AYE

MADORE: AYE

BOLDT: Motion carried. Okay. Very good. Oh, and then we are -- is that it for the -- that's it for that one.

ORJIAKO: Yes.

BOLDT: Okay. 1.d.

OLSON: Mr. Chair, I move that we approve Item 1.d which states, Zoning Map: For some parcels zoned R-20, from 20 acres to 10 acres.

BOLDT: Second?

STEWART: Second.

MIELKE: Mr. Chair, I'd like to make a motion.

BOLDT: There's a motion on the table.

MIELKE: On the amendment. I'd like to make an amendment to that to parcels R-20 to R-5.

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BOLDT: Okay.

MADORE: I second that motion. And, Mr. DiJulio, similar question, do other counties allow for R-5s? In other words, is it legal under the GMA?

OLSON: We have R-5.

ORJIAKO: The County currently has R-5, R-10 and R-20, so you already have R-5.

MIELKE: So my amendment is really moot, then, if we already have it. Then I withdraw my amendment.

MADORE: I have an amendment, a particular amendment, that is we've had a number of citizens that have asked for the correction of the dominant parcel sizes to be applied to their lot. So my amendment is to, or should I say, I move that we allow Parcel 222542-000 and 222594-000 which is the parcel from that we heard earlier from Mr. Coppedge to allow that zone to go from R-20 to R-5.

STEWART: Mr. Madore --

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MADORE: Yes, ma'am.

STEWART: -- did you withdraw your second to Mr. Mielke's proposal? He withdrew his motion.

MIELKE: I withdrew my proposal.

STEWART: Are you withdrawing your second?

MADORE: Yes.

STEWART: Well, you didn't. But are you now?

MADORE: Yes, ma'am.

MIELKE: I don't think he has to. I removed it.

STEWART: So I don't understand. I know that the gentleman is here and he has a specific issue and we need to talk to him and figure that out, but I don't think we do that in the course of the comp plan by going into general categories and adding specific serial numbers or parcel numbers to correct problems that we need to find another way to do.

So I'm not -- I won't support that motion, but it doesn't mean

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that I don't support trying to find a way to help individual citizens who have individual issues on their parcels because all of us collectively, I don't think we've put a file together, but I have probably a dozen other cases of individuals coming to me to talk to me about property problems they have and the comp plan isn't the place to sort that out, those are going to require individual attention.

OLSON: I concur with Councilor Stewart so I will not be supporting that either for the same reasons.

MIELKE: I noticed that earlier today for Mr. Harb that we kept the zoning there so we kind of set a precedent there with Mr. Harb, so... It seemed like where this is unclear because it refers to the zoning map, where we're unclear we could be more specific in the one incident that we do know about.

BOLDT: That was inside the urban growth boundary, so...

MIELKE: Oh, it was inside the urban growth boundary? So that's probably even more of a reason to allow it to.

ORJIAKO: Mr. Harb property, Gus Harb property is inside the urban growth boundary.

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MIELKE: Oh, okay. And it's too mixed up.

ORJIAKO: Yes.

MIELKE: And the other one is not?

ORJIAKO: That's correct.

STEWART: But each of the people who have property have unique -- some unique circumstances that are not related necessarily to the comp plan but may be related to other codes and so on and so forth. So I hope we're not going to try to incorporate all those into here.

Staff is making notes and we need to give staff the notes we have from folks we've talked to and we need to systematically go through those issues of those properties, staff does, and give let the Council know what the issues are collectively, all of us so we're all on the same page.

So, Mr. Madore, did you have a motion on board?

MADORE: Yes.

STEWART: And has it been seconded?

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MADORE: Has it been seconded, Tom?

MIELKE: Yes, I seconded it.

BOLDT: It was seconded.

MADORE: And I'd like to weigh in on this as well, and it is -- it's true that, especially in the joint work session or hearing session with the Planning Commission, that we've heard a number of individuals and we've received a number of individuals via e-mails and other means that have said I have a particular case where I need to have that solved because it all my neighbors are smaller than I am.

In this case, this lot owner, this landowner came to us, participated today, pointed out that we do have the discretion here and now to be able to incorporate this, went through that effort to appear here today so that we can ensure that this appropriate correction can be made. And, yes, there are. There are many other opportunities for many others, but they didn't show up here today and ask particularly for that. So for that reason, I think it would be appropriate. I do see the map here. It does look like he's stating the facts as they are.



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BOLDT: So, Oliver, I have a question. The underlying intent of this from some parcels zoned R-20s, R-20 from 20s to 10, what is the intent, original intent of that?

ORJIAKO: Councilors, the original intent of this the R-10 and R-20 came as a compromise, if I may, between the County and the Growth Board when the County resolved the 35,000 ag/forest issue through remand, there were about 3500 acres left through that remand and subsequently I think we send to the Council the adopting resolution that resolved that 3500 acres left. What the outcome of that was to use 10 acres and 20s to buffer the resource. That was the outcome of the Rural 10 and Rural 20.

Now that the Council is considering reducing the minimum parcel size in ag from 20 to 10 and Forest 40 to 20, where those Rural 20 abuts AG-10, it makes sense to reduce the Rural 20 to 10, so that's really why this proposal is before you. So it will make no more sense to buffer 20 with a 10, so that's the intent of this. The buffering will still be less, but it will still be on a much smaller parcel size.

BOLDT: Right. Yeah. Not the intent of going site-specific.

ORJIAKO: That's correct.

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BOLDT: Yeah. And that is why I'm against that. I mean, there's no one, so...

MADORE: Although we defined intent and we have discretion, we can certainly welcome the Council and advise, the discretion is ours.

BOLDT: Yeah. Okay. Still against it. Okay. The motion.

STEWART: This is Mr. Madore's amendment that we're voting on?

MADORE: Yes.

BOLDT: Right.

STEWART: NO

OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

MADORE: I'd like to offer another amendment and that would be to change the word "some" to "all" so the l.d would read, "For all parcels zoned R-20, from 20 acres to 10 acres."

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MIELKE: I'll second that.

STEWART: Explanation of why it says some.

ORJIAKO: As I indicated, the Rural 10 and Rural 20 were used to buffer resource, and the Growth Board upheld that action by the County. So if you have AG-10 and now buffering it with Rural 5, I think we will run -- we will be compromising the previous decision that the Growth Board and the County have ruled and is consistent with GMA. So I wouldn't be asking the Board to support that. We are recommending where applicable. In this case where we still have to buffer resource, ag and forest we will retain the appropriate minimum parcel size given your previous decision on b and c.

STEWART: So when you say "some," you have a criteria in mind, it's not just arbitrary?

ORJIAKO: That's correct.

STEWART: You have certain conditions that you would look at which would equal a criteria.

ORJIAKO: Yes. We will maintain the buffering as required by GMA that you buffer resource land. And, again, the resolution

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that we sent to the Council was the remaining 3500 acres that came out of the ag/forest zoning.

MADORE: Mr. -- oh, okay. That went away.

ORJIAKO: So if you look at our map, you will see where we buffer resource with 10 and 20. Now that you're reducing the minimum parcel size for ag to 20 to 10 and Forest 40 to 20, we would like to use the same criteria to buffer those resources and maintaining the appropriate minimum size for those.

MIELKE: So one of the things I see, Oliver, that by changing that from "some" to "all," it gives something more specific is one of the things that we always hear about is that we change our rules along the way or we have different criterias along the way. By being more specific, by saying "all parcels" then that leaves it up to the landowner to make that choice and not us.

ORJIAKO: If the Council would like, we can put up our map here and show you how this is presented on our map so you see that it should not be applicable to all, and I'm glad that our GIS staff are here. Take a look at our map.

Jose, can you help us quickly explain what we are really talking about because the darker green is our Forest 80, DNR, warehouses

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and so forth. If you look at the ages of the forest and ag, you can see that it is ag is Rural 10 and Rural 20 that were used to buffer those resource areas. Jose, take it if you can.

ALVAREZ: So the areas outlined in blue are the R-20 that's proposed to go to R-10. And so typically if the AG-20 is adjacent to it and it's going to go to AG-10, then those areas that are currently R-20 are proposed to go to R-10 to be consistent. So if there's areas that are currently AG-20 but have R-20 next to them, the proposal is to go from AG-20 to AG-10 and the corresponding R-20 is going to go to R-10.

MADORE: So, Mr. DiJulio, on each of these questions, it really comes down to three basic, each of these options comes down to three basic questions: One, is it legal? Two, does it comply with GMA? Three, do other counties do it? I assume that if other counties do it, then that gives a yes to the first two answers.

So the question is, do other counties allow 10 acres, 10-acre R zones to be next to resource lands? If they do, then we know it's within our discretion to allow it here.

DIJULIO: You're also -- yes. The answer to your question is it may be a reasonable choice for Clark County conditions. As I

think we've talked about numerous times, we try to maintain the unique status of each of the counties and Clark County likes to think of itself in not necessarily the same way as the other counties, but, yes, I mean, that is an option that may be considered.

The difficulty as I see it is that that proposal that you have before you and the mapping that you have before you is the mapping and the consideration that was given by the Planning Commission. If the Council wants to consider something differently, then I will say it this way. There may be a risk that the Council's action would be found not to have been properly informed through the Planning Commission process. I'm not going to say yes or no to that question because I don't want to give ammunition to opponents who may challenge the County's action, but there may be a risk in that regard.

MADORE: Okay. And just to inform that risk a little bit, Alternative 4 included ag -- I'm sorry -- ten-acre parcels right next to very large forest and ag parcels that was already analyzed, it was already approved, we adopted it as the Preferred Alternative. So in this case, if we know that other counties are doing it, then, to me, Clark County's uniqueness should not be one that we restrict private property rights just simply to be unique. I would rather be unique in respecting

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private property rights better than other counties.

We know they are already respecting other county -- other -- that freedom in other counties. These are not resource lands; these are residential lands. This is an opportunity for us to be able to allow the residential lot owners, landowners that same flexibility respected by other counties.

BOLDT: Okay. Any other comments?

MIELKE: One question of staff. Is there a danger or reason why we couldn't allow that?

ORJIAKO: I think our legal counsel have provided some caution. What I will add again is that the AG-10 and ag, or the Rural 10 -- excuse me -- and Rural 20 was the action that the County took in resolving remand from the ag/forest dispute. During that effort, 3500 acres were left not knowing what it ought to be and the County resolving that because buffering is required for resource, so that 3500 acres was used to buffer resource thereby making it not resource but buffering resource designating them equivalent parcel size that they abut. In this case, Rural 10 and Rural 20 and the Growth Board found that to be in compliance with the Growth Management Act to buffer

resource.

Again, what you have is areas that are currently abutting ag and forest that we reduced the minimum parcel size accordingly. That's what is before you or that is what is before the Planning Commission, that is also what has been analyzed up until this moment throughout the process. So asking for a blanket let's change it now, I think you heard from the legal counsel that you run the risk.

MIELKE: But there's no danger to the forestry is what I was getting at.

STEWART: Well, I'm not sure that's true. It really protects both uses to follow the GMA recommendation, well, the GMA mandate which is to provide buffering, that really does provide protection for both uses. So I see it more as a protection than a prohibition, but I do -- I am glad to hear that there are conditions and criteria so that it won't be a simply arbitrary decision because it's when municipalities or organizations get into not being able to defend their action because they don't really have criteria or conditions and they haven't outlined it, that's when it seems arbitrary and arbitrary is not fair, so we're trying to look for a most reasonable and fair solution on this. So I don't support that amendment.



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MIELKE: Well, these conditions exist throughout other counties and so I'm not sure what that danger would be. If it wasn't accepted by the GMA or by the Hearings Board, it wouldn't be accepted. Well, it's already accepted.

MADORE: Yeah.

DIJULIO: No. But just to be precise in answer to Council member Madore's question, yes, but the question is in that county as in the case of Clark County is the designation of those lands properly identified and designated for buffering purposes. It's not just the designation of the density. It's how it relates to the adjacent properties. And I'm not here to say that it doesn't work in Clark County. I'm just saying that the process that has been considered up to this point focused on the buffering element of that, and, you know, if you want to send it back for further work, you can send it back for further work, advance it to next year's docket for the comprehensive plan annual update. But I'm saying today, based upon the record that we have now, this record is based upon the evaluation of the buffering issues. What that analysis is in another county, I can't tell you.

MADORE: And I'd like to just address that. The definition of

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buffering is appropriate for us to designate ten acres is sufficient buffering. R-10 is sufficient buffering. It is sufficient buffering in other counties. Why wouldn't it be the same definition for Clark County?

OLSON: That's what we're doing. That's what the --

MADORE: That's why I thought the motion is to allow it like other counties do; in other words, ten-acre R zones provide sufficient buffering.

OLSON: You say for everything. But you said for every --

MADORE: Yes.

OLSON: Yeah. Well, we're talking about specifically parcels studied and located and identified here on the map.

MADORE: When they're located next to the resource lands, yes, then the ten acres are designated as buffered.

BOLDT: Okay. So the motion or the amendment is to go from some to everything.

MADORE: And all.

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BOLDT: All. So vote.

STEWART: NO

OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

BOLDT: Okay. The underlying now motion is to go for some parcels zoned R-20 from 20 to 10. The vote.

STEWART: Has that motion been made?

BOLDT: Yeah.

STEWART: Thank you.

MIELKE: It was just made.

STEWART: I vote AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

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BOLDT: Okay. Motion carries. Okay.

Moving on. I think l.e, Rural e. Is there a motion to approve that?

STEWART: I move for approval.

BOLDT: Second?

MIELKE: Second. I have a question of staff. The difference between a CR-2 and a CR-1, more restrictive, less restrictive?

ORJIAKO: One is inside the rural center and one is outside the rural center. That's just the distinction. The use list may be a little bit -- what is allowed may be a little bit different, but the only distinction is that one is inside a rural center and the other is outside.

I'll give you an example. If you look at the Duluth area, all that is rural commercial outside of a rural center. You look at the commercial that are designated within Dollars Corner inside the boundary, that is rural commercial inside of a rural center. That's just the distinction.

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MIELKE: When we talk about combining these, how does that affect it?

ORJIAKO: It will not affect it. The only thing that you will see is very similar to the decision you made in 1.a, you will have one rural designation when you look at our comp plan map. When you look at the zoning, it shows you the distinction that one is inside the rural center and one is outside the rural center. That's all.

MIELKE: Thank you.

BOLDT: Okay.

MADORE: So the 1 is the more flexible? Is there any difference?

MIELKE: They're both the same.

ORJIAKO: There is a difference in terms of uses allowed.

MADORE: Which one's more flexible?

ORJIAKO: The one inside the rural center.

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MADORE: So we're adding flexibility if we vote yes on this?

ALVAREZ: Not necessarily. Jose Alvarez for the record.

The commercial outside of the rural center is specifically to recognize existing commercial that existed when the comp plan was adopted, essentially a grandfather commercial uses outside of rural centers and that's how we distinguish them.

MADORE: So what's the practical effect if we vote for or against this and knowing that at least in my interest, it's to add flexibility, what do we do if we want to add or maximize the flexibility for both of these CR-1 and CR-2?

ALVAREZ: There's no change in the zoning. This is just the comp plan designation that instead of having two separate comp plan designations, you have one comp plan designation.

MADORE: So there's no difference --

ALVAREZ: Not really.

MADORE: -- that that's going to make?

ALVAREZ: Correct.

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OLSON: And I'd like to -- yeah. The Planning Commission had a nice deliberation on this. I have the minutes here and watched it a couple of times, so...

ORJIAKO: If the Board wants to consider some flexibility in uses, as the Councilor said, you can add it on our to-do list to look at the use list in both CR-1 and CR-2 and see if you want to make any changes to the use list. That's where you bring flexibility, but this action doesn't change anything.

BOLDT: Okay. The vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Very good. Motion for 1.f, comprehensive making urban reserve becoming a true overlay. Is there a motion to approve 1.f?

OLSON: So moved.

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BOLDT: Second? I'll second that. Discussion?

MIELKE: Mr. Chair, I've always had a problem with the urban reserve because we've always had a tendency to tie the hands of the property owners by putting that into a reserve and I've always been more in favor of a more specific designation. We went through that there on 10th Avenue and we've tied them up for a long, long time.

MADORE: Yes.

MIELKE: And we've heard from Mr. Espinosa now for the last eight years representing his neighborhood and the difficulty of what they've been able to do with their property for improvements or division or anything else. So I wish that we wouldn't put anything in reserve; designate it as one or the other.

BOLDT: Well, the difference there is, I believe, is between the difference of urban holding and urban reserve; right?

ORJIAKO: That's correct.

BOLDT: 179th has urban holding on it. Urban reserve is where we intend to go to the urban growth boundary next. It's just



essentially saying you're next in line, but that's not urban holding.

MADORE: My concern with any of these holdings is - and correct me if I misunderstand - basically it amounts to a moratorium until some significant steps are taken; is that correct?

ORJIAKO: Councilor, I wouldn't call it a moratorium. There are still some uses allowed. When you put a moratorium, just like the County did as an example on 134th, it literally stopped development until certain infrastructure improvement were made in the case of 134th interchange area.

Urban holding is you still have the urban zoning in place. You're putting the urban holding which the County Councilors can remove at the request of the property owner if certain conditions are met. So I wouldn't call it a moratorium. You have lifted urban holding, for example, in the Fifth Plain Creek area. You lifted urban holding for Smith-Root. So you have the legislative authority to lift urban holding at any time or during the once-a-year annual review when certain conditions are met.

You heard me often say that the urban holding is used as a planning tool to phase development and it's also a tool for us

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to acknowledge that the infrastructure is not in place. So it is your legislative obligation when the property owners comes to you and said we have met the requirement to lift urban holding, you review that, the Planning Commission reviews that and lift urban holding. That's the process we use now. I would not characterize it as a moratorium.

Yes, other areas have been in urban holding for quite some time. A good example will be the 179th corridor. We know what the issues are. We are making effort. We partnership with the private sector to see what can happen to lift the urban holding on 179th. Some areas outside that as Councilor, the Chair explained is in the urban reserve. It is not a moratorium. Urban reserve are areas outside the urban growth boundary. The only thing you're doing there is putting the property owners on notice that when we expand the boundary, you are the likely candidate areas to come in.

MADORE: Okay. So it's not a stop development until some significant threshold is passed; right?

ORJIAKO: No.

MADORE: On any of these, and I just want to make sure that whatever we -- each of these line-by-lines, if you can please

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let us know, let me know whether or not we're moving toward rigidity or flexibility, I really want to know that. So on this one it sounds like it does not change, so with that I can support it.

MIELKE: Another question.

STEWART: I have a question about -- I'm sorry. Mr. Mielke, were you in for a question?

MIELKE: I am. Go ahead.

STEWART: Thank you. When we say urban reserve becomes a true overlay, what kind of an overlay? An urban overlay? Urban, is it residential? Is it -- what does that mean?

ORJIAKO: We have two types of urban reserve: One is Urban Reserve 10 and one is Urban Reserve 20. The Urban Reserve 10 is areas that we will -- it's predominantly -- you may have -- it's predominantly areas that are developing residentially that if come into the urban growth boundary is going to develop residentially, that is Urban Reserve 10. The Urban Reserve 20 is an area that if it comes into the urban growth boundary can be commercial or industrial or land for jobs, that's the true distinction.

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STEWART: So why -- and is that a standard process?

ORJIAKO: It is how the County have used that tool in our planning process and it have been applauded statewide as a good planning tool. The distinction is that in some areas, you have urban reserve as a zone. There is -- there shouldn't be urban reserve zone. We're trying to use it as an overlay.

So the underlining zone is going to tell the property owner what they can and cannot do with their property until that area comes into the urban growth boundary. You still allow some uses to occur. But it's very similar to using an overlay, for example, other cities and other counties use mixed use as an overlay, not a zone, others use to, other counties make it a zone. So I'm not sure how much more I can explain the distinction, but that's how we use it in Clark County.

STEWART: Well, yeah, and I think my questions are more simple than that. So an Urban Reserve 10 we will the zoning will revert to the underlying zoning?

ORJIAKO: It could be Rural 5 and you still apply. It could be Rural 5, 5-acre lot minimum and you still apply urban reserve to it.

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STEWART: But the zoning will remain the underlying zoning?

ORJIAKO: Correct.

STEWART: And the same is true with the 20?

ORJIAKO: Correct. So there will be use of the property by the property owner until such a time that it comes in.

STEWART: So whatever you purchase the property as, if you've held it a while, whatever the zoning was at that time will remain. So it's not like, well, what I was worrying about were conversions where somebody has a business and --

ORJIAKO: It wouldn't change.

STEWART: -- we put some kind of an overlay on there that makes their business be nonconforming.

ORJIAKO: No.

STEWART: So we're not talking about any of that?

ORJIAKO: That's correct.

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STEWART: Okay. Great. Thank you very much.

MIELKE: Oliver, I was trying to separate in my own mind the difference between an urban growth boundary and an urban reserve.

ORJIAKO: Yes. Urban growth boundaries, well, is a line that you draw to distinguish what is urban and what is rural. So the urban reserve area are outside the urban growth boundary line. We can put up a map and show you, give you an example so you'll see.

MIELKE: Yeah. So I guess we're creating one more line outside the city limits where you have the city limits, then we have an urban growth boundary, which is the future of many of our cities and communities have not grown into. Now we're going to also have an urban reserve outside of that, and it seems like we're planning and planning and planning to where anything within the city is going to be somewhat tied up until which time even before the urban growth boundary is filled.

ORJIAKO: Councilor, I would not characterize it as such.

Let me give you an example here. See, this is Ridgefield urban

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growth boundary. You can see the white areas as their city limits. Okay. If you go I-5 north, okay, all that area is in urban reserve. In this case, it's Urban Reserve 20. The underlining zoning is still Agriculture 20, but we said in the future, if Ridgefield wants to expand their boundary land for job, this is the likely area we would like them to look at and propose for you to draw the boundary for them, but in the interim we already put the property owners out here on notice that until that time comes, this is an area that Ridgefield may have or may consider for land for jobs. But in this case, this is a good example of urban reserve, this area is outside the urban growth boundary, just as an example.

You will find similar areas around our other urban growth boundaries. So that's just a distinction.

MIELKE: So in that reserve area, they still have limitations of what they can do (inaudible).

ORJIAKO: It is ag. They will continue to farm it. They will continue to use it as ag property. You're not changing the zoning. You're not changing the use at all.

MIELKE: Okay. So in my mind was Mr. Brown's property that we added to Ridgefield. What was that zoned as? It was five-acre

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parcels.

ORJIAKO: No. It's zoned agriculture and it's outlined here.

MIELKE: Oh, he was also zoned ag. Okay.

ORJIAKO: He's also zoned ag. If you add that in the urban growth boundary of Ridgefield, the line will change.

MIELKE: Okay. I remember their concern was because he had divided that into five-acre parcels, they were afraid that they would lose control of that if they were all sold as individual parcels.

ORJIAKO: That's the testimony that they put into the record.

BOLDT: Okay. Vote.

OLSON: Yeah, please.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO



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BOLDT: Okay. Approved.

Let's see. 1.g, remove comprehensive plan urban reserve,  
replace with R-5. Is there a motion for 1.g?

OLSON: So moved.

BOLDT: Second?

STEWART: Second.

MADORE: Explanation, please.

OLSON: Okay. You know, we've had this material for a  
significant period of time. We've had staff at our disposal for  
months. To sit here and go through every single one of these  
things like it was the first time we've seen it, is a bit  
offensive.

MIELKE: Actually, I think this is the third time we've already  
approved the comp -- the Planning Commission's ideas.

MADORE: I would like to be able to ensure that the final  
process here is clear when it comes to the flexibility versus

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the rigidity.

OLSON: You had plenty of time to ask these questions before today.

BOLDT: Is it flexible, Oliver?

MIELKE: You don't lose that privilege, do you?

ORJIAKO: Yes, it is very flexible. I think this one is the point that Councilor Madore made earlier. We've looked at some of these areas and said, you know, they have been in urban reserve for quite some time, maybe given the parcelization and other things that we know or how the area have developed, it makes sense to return these areas to Rural 5 and agriculture as they were originally designated and that's what this will accomplish.

BOLDT: Give them what they want. Very good.

MADORE: Okay. So it moves toward flexibility --

BOLDT: Yes.

MADORE: -- if we approve; correct?

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OLSON: Yes.

MADORE: Okay. I just wanted to confirm that.

MIELKE: Oliver, that's kind of what we were just talking about except you said that there were larger parcels and I mentioned Mr. Brown's five-acre property.

ORJIAKO: This will not apply to Mr. Brown. This will be --

MIELKE: I know. He's already five.

ORJIAKO: Yes, it will not apply. But this in this case, we're saying, you know, it makes no sense to retain these areas as urban reserve and we've been asking the cities some of my counterparts here when you propose a boundary to the County, make sure the candidate areas are the urban reserve areas.

BOLDT: Okay. Very good.

MIELKE: Just what I was waiting for.

BOLDT: Okay. Vote.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Very good.

Let's see. The last one on the Rural, 1 -- no. Is that the last one on the rural? There's no letter. I don't know what to do.

ORJIAKO: You can still take the last one. We didn't give it any letter, but it will be applicable to what you did on g.

BOLDT: So we'll make it h, 1.h. Is there a motion?

OLSON: So moved.

BOLDT: Is there a second?

STEWART: Second.

MADORE: And the question on this is the -- I assume when it says "replace with Agriculture," it returns it to agriculture.

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It doesn't change it; right?

ORJIAKO: It doesn't change it. We return it to the current zoning.

MADORE: All right. That's fine.

MIELKE: Is it specific only to Washougal?

ORJIAKO: In the Washougal UGA, yes, Councilor.

BOLDT: Okay. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Moving on.

MADORE: Okay. Mr. Chair, I'd like to add one more motion and that would be for we'll call this letter i, and that would be to reinstate Alternative 4 as analyzed in the adopted November 24.

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BOLDT: Is there a second?

MIELKE: Second.

BOLDT: Okay. Vote.

STEWART: NO

OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

BOLDT: Okay. Motion failed. Okay. Very good.

Okay. Moving on to the UGAs. I think this has been covered in two or three, so what I'm going to do is, unless somebody has one to pull out, I'd like a motion to approve 2.a through e.

OLSON: So moved.

STEWART: Second.

MADORE: And a question on this, on each one of these, I just want to make sure that staff has the opportunity to indicate, are any of these moving out toward rigidity and away from

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flexibility if we approve them?

ORJIAKO: This will make it more flexible. It includes the request by the City of Battle Ground to the Council to approve their request to expand their urban growth boundary by 80 acres, and then to make some changes within their existing UGA that are consistent with what the City would like to see and in some cases correct split zoning, so this will make it more flexible for the City of Battle Ground and the County.

MADORE: All right. Thank you.

STEWART: And these are requests from the City of Battle Ground which we have reviewed numerous times --

ORJIAKO: That's correct.

STEWART: -- and we are accommodating them because their requests are reasonable.

MADORE: Yes.

STEWART: Thank you.

MIELKE: I want to make sure that we have addressed these

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several times. There's been no change in these or the latest change as of what date?

ORJIAKO: This is consistent with what the Council have seen throughout this process in Alternative 3 as the cities proposed and you made this, even though you made this, you agreed with these changes even in Alternative 4 that was later repealed and the Preferred Alternative that the Council approved on February 23rd, so this is all consistent with what you've seen before.

MIELKE: Okay. From February 23rd.

BOLDT: Okay. Vote.

MADORE: I just want to have one clarification. When we first approved some of these UGA expansions, we added the note that the city asking for that would be the one to defend that rather than the expense of the County. That was a condition upon the previous ones. I assume that if we -- well, the question is, we'd like to be able to have that same condition understood with these expansions.

ORJIAKO: That was only applicable to Ridgefield and La Center.



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MADORE: Okay. And so when we -- well, when we go to these others, I'd like to be able to reinstate that same condition.

BOLDT: Okay. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. La Center UGA, 3.a through c. Is there a motion?

MIELKE: So moved.

BOLDT: Second?

OLSON: Second.

MADORE: And so which one of these were conditional?

ORJIAKO: The condition to have them defend their plan if appealed will apply to La Center and Ridgefield.

MADORE: Is there a, b or c or just simply in general?

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ORJIAKO: You can include that in your motion that, if the expansion of the La Center UGA resulted in an appeal, because of the ag property that they're bringing in that they be the one defending it, you can include that in your motion, Councilors.

MADORE: Actually I'm okay with La Center. It's the Ridgefield one I'm concerned about.

MIELKE: Since I made the motion, it should be there.

STEWART: I want to ask a question. The agreement that we have with La Center, is that agreement that they defend themselves in case of a legal challenge on --

ORJIAKO: That was the motion.

STEWART: -- on all three?

ORJIAKO: No. On the 56 acres that is zoned for agriculture, that if that is challenged, that --

STEWART: Which item is that?

ORJIAKO: It would have been --

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OLSON: A.

ORJIAKO: -- a.

OLSON: A.

STEWART: Item a?

ORJIAKO: Yes.

STEWART: So it's only expand the urban growth area to include three parcels from AG-20 and UIR to commercial --

ORJIAKO: Yes.

STEWART: -- which is looks like community or general commercial and UH-20?

ORJIAKO: That's correct. That will be only applicable to that particular item. And when you get to Ridgefield, it will only be 4.a.

STEWART: 4.a?

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ORJIAKO: Yes, in Ridgefield.

STEWART: Thank you.

MIELKE: Oliver.

STEWART: So we're going to handle these individually.

And, Mr. Madore, I think your question was were we going to require them to defend themselves on all items and I think the clarification is that's just Item a. So is your amendment isolated to Item a?

MADORE: Actually, I don't have an amendment for La Center. I'm good with La Center. It was Ridgefield's when we get to that.

STEWART: So are you saying that --

MADORE: I'm okay with it.

STEWART: -- what had been the agreement they would defend themselves on Item a for La Center that you do not want to see that included?

MADORE: No. They're a small city and I want to make sure that

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they have our County support.

MIELKE: So I would --

STEWART: So how is it fair that we ask one city to defend themselves but another city which could have an equal challenge you're changing the standard? That doesn't seem fair.

MADORE: It has to do with the degree of risk and the degree of extension. Early on the 102 acres or whatever, 106 acres, whatever it was for Ridgefield, our Prosecuting Attorneys recommended that we do not approve it because of the higher risk, and that was identified as higher, and we said, yes, we can accommodate, but you guys are responsible for the defense of that one because you're to the degree of extending out.

ORJIAKO: Councilor, if I may jump in. I think both La Center and Ridgefield has similar risk, because the property in question, it was designated agriculture in the case of La Center. This agriculture designated property was included in '07, and through that challenge, it was removed from the La Center UGA. They're coming back with that, except that they're asking for a much smaller footprint, because in '07 what they asked for was a little bit over 300 acres at the La Center Junction. If you'll recall, all of that came out, including the

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land now that is in reservation. So when you first made this motion, if you go back, you included La Center, that they defend themselves as well as Ridgefield.

OLSON: And we confirmed that in our February meeting as well.

ORJIAKO: You confirmed that in your February decision.

MADORE: The thing that I see with La Center, La Center is boxed in. They are landlocked. They are really in a pickle, and they need the expansion for their jobs base, their businesses, someplace to be able to grow their businesses and this supports that.

STEWART: But that's La Center's business. We don't dictate to the cities nor do we jump in to an extremely high level risk at our expense.

So I'm just trying to figure out how we universally, you know, not being arbitrary on picking winners and losers, like we're kind of sore with Ridgefield, so they're going to have to defend themselves, but we kind of like La Center because they're in a pinch so they won't have to defend themselves.

MADORE: Well --

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STEWART: I think we should --

MADORE: Were you done?

STEWART: -- it's all or both. It's all or neither.

OLSON: Both or none.

MADORE: I would like to -- just because I owe an explanation of some reasoning behind it, the jobs and the economy for a small city is their life blood.

STEWART: We all know that.

MADORE: Yes. And so we're not dictating to them at all. We're supporting them.

In the case of that ag extension into Ridgefield, that's not jobs. That's more residences and Ridgefield has a huge UGA already and so we're not supporting more jobs in Ridgefield with allowing them to be able to have more residential. So this is supporting jobs. This is supporting the economy of a small city that needs that base for La Center.

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OLSON: In both cases we're talking about ag, conversion of ag land which carries the same risk, in my view. So I guess my question would be how do we make sure we include this language?

BOLDT: Why don't we --

STEWART: Actually, I have a broader question - and I saw your pen go down - I just have an important question. Thank you. Would we have engaged and would staff have recommended these changes, us approving these changes in La Center Item a and in Ridgefield Item a if we knew it was risky as far as a legal case is and would you still have recommended our approval of these? Would the planning staff, would it have changed your opinion who's financially at risk in the case of a lawsuit?

ORJIAKO: No. I think when this issue first came to us, we asked the individual cities to prepare a documentation on de-designation of the ag land, which they submitted into the record. Our legal at the time was not in support of their proposals because of the history we've had with the litigation of recent ag designation. What we said was we cannot, as staff, attest to whether the de-designation report is sufficient or not.

If you recall the recommendation of the Planning Commission,



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they said no. I believe it was 3/3 on La Center and said no on Ridgefield. So when it came to you, I believe in Alt 4, November 24th, the Councilors did include then with that caveat that the cities defend themselves if challenged, and when you vacated Alternative 4 and went to your February 23rd, you included the same language that the cities defend themselves if challenged because this property is designated agriculture. There was no distinction. So I hope that answered your question.

Would we have recommended it knowing what we know? We would not expose the County to that risk, because when in '07 it was the County and the City of La Center that defended the '07 plan and finally it took seven years to remove those parcels.

OLSON: So do we need, considering that it's been approved with that caveat, with that language twice before, do we need to make sure it's included or is it just included because that's what was already adopted before?

ORJIAKO: I will recommend that you include it, if you so choose. That's going to be your choice that you maintain, so you don't work back your previous decision on that.

OLSON: So we have a motion that does not include the language.

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Who made the motion? Do you remember who made the motion?

STEWART: I think I seconded it, so... Are you --

OLSON: Did I make it? Okay. Then --

ORJIAKO: I think so.

OLSON: I can't remember. So my question is then can I reframe the motion or do we -- okay. So I remove the first motion.

STEWART: I remove the second.

OLSON: And then I would like to move that we approve No. 3, La Center UGA, with the conditions that La Center defend themselves if were challenged. I'm sorry. Let's go Items a through c.

STEWART: On Item a?

OLSON: A through c.

STEWART: On all items?

ORJIAKO: Only a.

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STEWART: Only a is what we're looking for.

OLSON: Okay. So let me rephrase.

MIELKE: So, Councilor, I have a question before making that.

OLSON: I move that we approve La Center UGA Item a with the condition that they defend themselves if challenged.

STEWART: I think we're still not quite there. We want to approve them all but with the caveat that Item a --

OLSON: Okay. One more time. I move that we approve Item No. 3, La Center UGA, a through c, with the caveat that if they get challenged on Item a, that they defend themselves.

BOLDT: Is there a second?

STEWART: Second.

MIELKE: I have a question of staff then. Do we have to do this through each one or shouldn't this be a standard with all communities who chose to move their urban growth boundary? We can bless it or agree or put it on our plan, but it's still their plan. It should be their responsibility. Wouldn't that

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be a standard thing whether it be Vancouver, Ridgefield or La Center?

ORJIAKO: You can. In the case of Battle Ground, for example, which you just approved, Battle Ground, the piece that they requested is zoned Rural 5, so they will not face that challenge. It's not resource.

OLSON: Okay.

BOLDT: Well, moving on. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Ridgefield UGA, a and b. Is there a motion? And probably since we're in it, a motion would include that Ridgefield would defend itself on --

ORJIAKO: 4.a.

STEWART: Item a.

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BOLDT: -- on Item a. Is there a motion?

STEWART: So moved.

MIELKE: Second.

BOLDT: Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay.

Moving on. Vancouver UGA, 5.a through h.

OLSON: Mr. Chair, I do have a question. I want to make sure that we clarify Item d and Item f with regard to the Saddle Club that came up earlier.

ORJIAKO: Yes. If I may, Councilors. Item d is the testimony and request from Jamie Howsley that represent Holt Homes that

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you retain the current single-family zoning of Holt Homes, and you can see the vote there. I think when we had our work session with the Council, we did identify that there are other properties in there, if my staff can refer to the maps, that we will the Council in your action to also retain those five, four parcels becoming single-family comp plan designation and all zoned R1-7.5. That's what we recommend to the Council.

BOLDT: And that's d?

ORJIAKO: That's Item d, yes.

OLSON: And that's what's represented on the zoning map --

ORJIAKO: Yes.

OLSON: -- that we're talking about that's here?

ORJIAKO: Yes.

BOLDT: And what is the one for the Saddle Club or is that --

ORJIAKO: The Saddle Club, if you give them mixed use comp plan and mixed use zoning, that will be proper.

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BOLDT: Can that be in a different motion?

ORJIAKO: You can make that -- you can include that in f.

BOLDT: In f?

ORJIAKO: Yes, that the Saddle Club be also zoned as mixed use.

OLSON: So would you recommend we approve that separately?

ORJIAKO: You can include it in. You can make it.

STEWART: Let's -- can we just change the language in f or add something?

ORJIAKO: You can add that the Saddle Club be included to make sure that the request made by Mr. Gus be accepted by the Council and by staff. We will make that change.

BOLDT: Okay. We're going to pull two of them out. So the motion will be for Vancouver UGA a, b, c, e, g and h.

OLSON: So moved.

BOLDT: Second?

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STEWART: Second.

BOLDT: Clear? Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Vancouver UGA 5.d with the addition of the five other parcels; is that right?

ORJIAKO: Is it five or --

OLSON: Or per the zoning map changes.

ORJIAKO: Yeah. Bring up the map so we know what the Council are voting on, please.

Councilors, I don't know if you have the memo that staff presented to you following your work session, if you have it, please, it was dated June 9th, if you have that memo, on Page 1 of 3, Bullet Item 2 has all the serial parcels numbers on them,



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so there are one, two, three, four, five, six, seven, eight, nine.

BOLDT: Okay. Nine parcels?

ORJIAKO: Yeah, nine parcels. If you include that, that will do it.

BOLDT: Is there a motion for that?

OLSON: So moved.

BOLDT: Second?

STEWART: Second.

BOLDT: Okay. Everyone clear of that, the nine parcels? Vote.

OLSON: AYE

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

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BOLDT: Okay.

Let's see. Vancouver UGA, 5.f, mixed use with the addition of the Saddle Club for mixed use. Is that correct, Oliver?

ORJIAKO: That's correct.

OLSON: So moved.

BOLDT: Second? Second. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Very good.

Washougal UGA, 6.a through c. Is there a motion?

OLSON: Mr. Chair, I move that we adopt No. 6, Washougal UGA, a through c.

BOLDT: Second?

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STEWART: Second.

BOLDT: Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Very good. Motion approved. Okay.

We have 7.i and ii already done.

MADORE: Can we take a five-minute break?

BOLDT: Okay. We'll have a five-minute break. We will come back on the Environmental Element.

(Pause in proceedings.)

BOLDT: Thank you everyone for staying with us. We're back in session. We are on Item No. 7.

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First of all, sorry, the general policy of the adoption on the updated comprehensive plan text, we need to approve what it says, "Approve the comprehensive plan text as whole, including the Community Framework, Countywide Planning Policies, County 20-Year Policies, CFFP, CFP, and all appendices." Is that right?

ORJIAKO: That's correct. For some reason, the Planning Commission, I think, inadvertently omitted that and I think the Council has to take action on that.

I will also add - and I made that in my opening remarks - that by the actions that the subsequent action that the Planning Commission made covered that, but you still need to take action on, make a vote on re-adoption of, for example, the countywide planning policies.

BOLDT: Right.

ORJIAKO: Yeah. And other --

BOLDT: Mostly bookkeeping?

ORJIAKO: Yes.

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BOLDT: Okay. Is there a motion for that?

ORJIAKO: So we'd like the Council to make a -- yes.

OLSON: So moved.

BOLDT: Second? Second.

STEWART: What item?

BOLDT: Item No. 7, the text right behind it.

STEWART: Thank you.

BOLDT: Right below it. I'm sorry. That's mostly bookkeeping,  
but it has to be in our plan.

Vote.

HOLLEY: Who seconded?

BOLDT: I did. Sorry. A vote.

STEWART: So I need a confirmation on something. Have we  
approved under Chapter 2 of this rural and natural element, have  
we approved the forest lands and the agricultural sections? I

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have it marked that we have.

ORJIAKO: Yes.

BOLDT: Yes.

OLSON: We have, yes.

STEWART: Thank you.

OLSON: So the Planning Commission inadvertently --

STEWART: Yes. So is there a motion on board?

OLSON: Yeah, there's a motion. Actually --

STEWART: Second.

OLSON: There's a second.

BOLDT: Yeah. We're just voting.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

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MIELKE: I have a question, Mr. Chair, if I might. We're adopting all of 7?

BOLDT: No. We're just adopting this language right here.

MIELKE: Oh, the language. AYE

MADORE: NO. That's item 7.

BOLDT: Okay. Motion carries.

Okay. Moving on to 7.b, Item i. And are we making the motion as what the Planning Commission suggested taking out the last line?

ORJIAKO: That is what is before you and that's what they recommended, so you can agree with them. If you agree with them, then you make the motion to accept as they recommended. They ask for that amendment, the last thing, be struck out, so that's their recommendation.

BOLDT: So adopt a motion for 7.b.i as presented by the Planning Commission.

STEWART: I have a question. My copy has the last sentence "as

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well as actions to mitigate and adapt to climate change"  
highlighted in yellow and then omitted by being crossed out.

BOLDT: Right.

STEWART: Is that the same thing?

OLSON: Yes.

ORJIAKO: Yes.

BOLDT: Yes.

STEWART: Thank you.

OLSON: So moved.

BOLDT: Second?

STEWART: I second.

MADORE: Question?

MIELKE: Mr. Chair, if I might. These are all good ideas in  
their individual places, and I briefly just got done talking to



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Oliver. I just don't think they belong in our comp plan. I think they should be individually handled and acknowledged in our comp plan, but we're unable to change them or more difficult to change them when we put them in our comp plan, and any of these that we have in there to complicate the comp plan that I continuously talk about that we do when we add these things, I cannot support any of these.

OLSON: So just for clarification, this is the environmental element which is required under the GMA and this is just language as it relates to the goal; am I correct?

ORJIAKO: Yes.

OLSON: So this is not an optional item.

MIELKE: So I'd like to ask legal staff, is this part required, this environmental part as part of our growth management plan or can we acknowledge it as being of -- having the plan but not necessarily be in the comp plan?

ANDERSON: That's our sustainability policy.

ORJIAKO: Councilor, I think this goal is consistent with the adopted sustainability policy that the Board have already

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approved, so this language will be consistent with that, if you so approve, unless you now see it differently, but this is consistent with the sustainability policy of the County.

MIELKE: Had we already voted on that?

ORJIAKO: The County already, yeah, the Commissioners at the time voted on the sustainability policy.

MIELKE: Oh, not today, though?

ORJIAKO: Not today. But we are putting it into the comp plan and we believe that it is appropriate to be in the County comprehensive plan, not rather than having it be a standalone, so this is, yeah, consistent with the sustainability policy of the County.

MIELKE: So this could mean that my building code is going to be in my comp plan and I can't change my building code.

BOLDT: No, it doesn't.

MIELKE: It says build green building, waste reduction, things of that nature, I can't make adjustments. So I'd ask the legal counsel, do we have to have it in my comp plan? Whether we did

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before or not, it doesn't matter. We've made mistakes before too. I don't want to go back and make those same mistakes.

BOLDT: It's a goal; it's not a mandate.

MIELKE: It's a what?

OLSON: It's a goal.

BOLDT: It's a goal; not a mandate.

MIELKE: Well, it's the same thing. I mean, you have a goal and reference to it.

MADORE: So regarding this, I share Councilor Mielke's concern, and that is certainly this is consistent and this is recommended and these are good policies. We got all that part. So we want to make sure we don't come across as being opposed to good things.

So the question is, just like I had a guiding principle in the earlier votes to support flexibility, so it is -- I want to support simplicity in our comp plan, only include what is necessary to fulfill the law. I don't want to add extra stuff in there. So the question is, is this required to be in the

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comp plan?

DIJULIO: So for purposes of this precise question, 36.70A.080 provides as optional elements in a comprehensive plan items such as conservation, solar energy and recreation. Reading 7.b.i could be seen as an optional element as it relates to conservation and solar energy.

MADORE: Okay.

MIELKE: Thank you.

MADORE: All right. So my guiding principle on these would be not that I'm opposed to these things, but I'm opposed to burying these things into a very rigid comp plan. So my goal is going to be to support them elsewhere but not encapsulated in our comp plan. Thank you.

MIELKE: I support those things also.

BOLDT: Okay. There's a motion. Okay. Vote.

STEWART: Move to approve.

BOLDT: There's already a motion.

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STEWART: Is it seconded?

BOLDT: Yeah.

STEWART: Then I want to comment on it. So the environmental element - and I'll keep this brief - our goal is to promote, not require. So what we've done is say promote and how we do that will be based on policies of the Clark County Commissioners or Councilors. The next statement, I have no comment on. When we get to iii, Strategies --

BOLDT: We're just voting on b.i.

STEWART: On?

ORJIAKO: B.i.

STEWART: On b.i?

ORJIAKO: Yes.

STEWART: Okay. So you'll just make me circle back around then.

MIELKE: Page 4.

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STEWART: Are we ready for a vote?

BOLDT: Vote. Yes.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. 7.b.ii and iii. It was 6/1 and 6/1. Is there a motion?

OLSON: So moved.

BOLDT: Second?

STEWART: Second.

MADORE: So, Mr. DiJulio, both ii and iii are optional; correct? To be incorporated into the plan; right? So we could support the --

BOLDT: I would think so.

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MADORE: -- support them but not the embodiment of them included in the comp plan?

DIJULIO: Correct.

MADORE: Okay. Thank you.

BOLDT: Any other comments?

MIELKE: I think that it goes back to the same thing, the more we put in there, the more engraved in stone or puts a direction that may be wanted to be changed later. Anytime we continue down and put this in there, you can't go back and change it that easy. So I'm not going to support it. I support the ideas. It just doesn't belong in here and that's the reason it's an optional.

MADORE: Yeah. Good policy; wrong place.

BOLDT: Any others? Okay. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

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MIELKE: NO

MADORE: NO

BOLDT: Okay. C, Transportation Element.

STEWART: Well, the Strategies, did we just approve that?

BOLDT: Yes, c, Chapter 5, Items i, ii, iii, iv, v, vi, vii, viii and ix. Is there a motion? Wait a minute. We better --

OLSON: iv, vi, v.

BOLDT: i, ii, iii, iv, v, vi, vii and viii, is there a motion for that?

STEWART: I would like to comment on Item iv and I would like to request an amendment. So Item iv, Policy, "Support efforts to fund construction of bicycle and pedestrian improvements in the County Bicycle and Pedestrian Master Plan," and I would like to add the following: Without the loss of street and/or highway lane capacity, vehicular lane capacity.

MADORE: Where is that at?

STEWART: I want to add that.



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MADORE: In what location?

STEWART: It's --

ORJIAKO: 5.2.9.

MIELKE: Are we going to make the motion and then the amendment?

STEWART: At the very bottom of Page 5.

MIELKE: Yeah. I think we have to make the motion and then amend it.

OLSON: So should we take -- should we -- yeah. Should we pull 5.2.9 out and do it separately?

BOLDT: Right. Let's have a motion for i, ii, iii, v, vi, vii and viii.

OLSON: So moved.

MADORE: I want to pull out vii.

BOLDT: Okay. i, ii, iii, v --

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MIELKE: vi.

BOLDT: -- vi and vii --

OLSON: And viii.

BOLDT: -- viii.

MIELKE: You pulled vii; right? You pulled vii?

MADORE: Yes.

OLSON: Okay. So I move that we approve Chapter 5,  
Transportation, i, ii, iii, iv, v. Let's see.

STEWART: I thought we were pulling iv?

OLSON: I'm sorry. Sorry. Sorry. i, ii, iii, v, vi and viii.

BOLDT: Second? Second.

STEWART: Second. Okay.

BOLDT: Not much on this. Vote.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Moving on to, let's see, No. iv. Let's have a motion to approve c.iv and then we can amend it. Is there a motion to approve c.iv?

STEWART: So moved.

BOLDT: Second?

OLSON: Second.

BOLDT: Is there amendment?

STEWART: Amendment as follows that section to read, "Support efforts to fund construction of bicycle and pedestrian improvements in the County Bicycle and Pedestrian Master Plan without the loss of street and/or highway vehicular lane capacity."

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BOLDT: Is there a second?

OLSON: Second.

BOLDT: Vote on the amendment.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: AYE

BOLDT: Okay. Motion as approved. C.iv as approved. Any discussion?

MADORE: As amended?

BOLDT: As amended. Okay. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

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BOLDT: Okay. Let me see. No. vii, I believe.

MADORE: Yes. I'd like to talk about the it specifies, it says, County roadways and intersections shall be designed, when feasible, for all modes and shall provide pedestrian mobility. So feasible means it's possible, it throws out the possibility or the common sense of practicality and removes the flexibility of doing what makes sense in some situations. So I would suggest that we -- I move that we approve that with by changing the shall to - I'm looking for a word - like encourage. Yeah, encourage.

MIELKE: I'll second.

BOLDT: Shall encourage.

MADORE: Uh-huh. Well, no.

MIELKE: No. All arterial streets should provide.

STEWART: Encourage design.

MADORE: Can, something that's positive. I just want to make sure that we don't throw common sense out the window, so...

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MIELKE: That can provide facilities for.

DIJULIO: Instead of feasible when practicable?

MIELKE: Yeah.

MADORE: Yes, practical. Practical, in other words, change the word feasible to practical.

BOLDT: Okay. Let's see. Let's start that off, though, is there a motion to approve first of all c.vii?

OLSON: So moved.

BOLDT: Second?

STEWART: Second.

BOLDT: And the amendments is to change --

MADORE: The word feasible to practical.

BOLDT: Is there a second?

MIELKE: Second.

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STEWART: And was there a second change which was changed from shall to encourage?

MIELKE: No.

ORJIAKO: No.

MIELKE: Just to practical.

STEWART: Or add it?

BOLDT: Just to practical.

MADORE: I'm looking for --

STEWART: Just practical. Okay. Thank you. It's clear.

MADORE: Practical should cover it.

BOLDT: Okay. Vote.

MADORE: On the amendment?

BOLDT: On the amendment.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. The underlying as amended. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. The other one is substantial change. The --

ORJIAKO: 5.6.7.5.

BOLDT: Transportation. Yeah. 5.6 --

ORJIAKO: .5.

BOLDT: -- point --



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ORJIAKO: 5.

OLSON: Yeah.

BOLDT: 5.6.5.

ORJIAKO: Yes.

BOLDT: The Planning Commission voted to deny traffic impact fees. First of all, we'll take this up either pass or fail. Is there a motion to approve 5.6.5?

STEWART: Mr. Chair, I think there's some confusion about what the Planning Commission did.

BOLDT: I know. We'll handle that.

OLSON: To start with. So moved.

BOLDT: Second. Okay. From reading from my view from reading the Planning Commission in which they had probably good reason is that from my understanding in looking at it, they felt that since the fee waiver program, we give a lot, we give traffic impact fee waivers to the commercial and makes the residential pay for everything, until we can figure that out, let's scrap

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the whole program. My feeling is is that I would rather approve that, and when we work on the fee waiver program, we get our TIF fees back in order.

STEWART: So, Mr. Chair, you're suggesting that we approve the statement, "A proportionate share of funding for growth related roadway projects shall be obtained from Traffic Impact Fees"?

BOLDT: Yes.

MADORE: I recommend that we change the word "shall" to "may" because that allows the discretion to determine if what share, how much.

OLSON: Well, the word "proportionate" doesn't define what the proportion is.

MADORE: Well, I'm afraid that the formula driven isn't a formal process. It may be argued that it does require. So I just want to make sure that we don't obligate ourselves and lock ourselves into high impact fees and stagnate the County again.

BOLDT: Well, we don't, but if you were in front of the Transportation Commission just like I were and --

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OLSON: And I was.

BOLDT: -- and whatever it is kicked out of you because we're not collecting enough fees, you would have a different opinion on that trying to get State money.

STEWART: Would we call that getting scoured at best.

MIELKE: It seems like most of our problem isn't in the funding of our roadways. It's in the process of environmental reviews that delays this more than a couple of years or the legislature that funds us out eight years, so truly inappropriate.

MADORE: Yeah. I think they might not be informed. Our monthly collections show that we've collected more fees over the last three years than we have in all previous years, our metrics show that.

BOLDT: And we're collecting them from the residential people --

OLSON: Yeah, not commercial.

BOLDT: -- not the commercial people. I'm tired of residential fitting the bill for everybody.

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MADORE: Yes. And the businesses pay the bills for everybody because they're generating tax revenue every month.

OLSON: Except the ones that haven't been built yet.

STEWART: So I think the --

MADORE: We're getting off target.

STEWART: So I think the question is do we believe that's a fair and just statement --

BOLDT: I believe it is.

STEWART: -- and do we believe it should be included in our comp plan? That's irrespective of the fact that right now we have a fee waiver program and a review and decision about that will be made at some time in the future. So I concur with including this.

BOLDT: Okay. Vote.

STEWART: AYE

MADORE: Well, I move that we amend the word "shall" to "may".

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MIELKE: Second.

BOLDT: I oppose that. A vote.

STEWART: NO

OLSON: NO

BOLDT: NO

MIELKE: YES

MADORE: YES

BOLDT: Okay. The underlying motion. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Very good. Motion approved.

Housing, d, this is another perplexing one. We have several of these changed by the Planning Commission. We can approve them all. Is there any ones that you would like to take out?

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OLSON: If I could, we had discussion at our work session about some of these items, I want to say if I made my notes correctly No. 7, No. 9 and No. 10 that we change that to "consider" rather than "allow" and I think --

STEWART: 7, 9 and 10?

OLSON: 7, 9 and 10.

MADORE: What I would suggest is that you put the motion on the table and then offer that amendment that allows us to vote on the amendment without --

OLSON: Yeah. I just wanted to bring up recapping --

BOLDT: 7, 9 and 10?

OLSON: Yeah, 7, 9 and 10. -- recapping our work session.

MADORE: And I'll have an amendment for 6.

BOLDT: For 6?

MADORE: Yeah, when it comes time.

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STEWART: So right now we'll consider 7, 9 and 10 and with an amendment.

Ms. Olson, do you have a --

OLSON: Yeah. I move that we approve Chapter 6 Housing Items 7, 9 and 10 changing the word "allow" to the word "consider."

BOLDT: Second?

STEWART: Second.

MADORE: Again, you're incorporating the main vote with the amendment. I would recommend that you put the motion on the table and allow the amendment to --

OLSON: All right. I move that we approve items Chapter 6, Housing, Items 7, 9 and 10.

BOLDT: 7, 9 and 10. Second. Vote.

OLSON: Mr. Chair, I'd like to amend --

BOLDT: Oh, amendment, yes.

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OLSON: -- make amendment to that motion. So Items 7, 9 and 10 change the word "allow" to the word "consider."

STEWART: Second.

BOLDT: Second that.

STEWART: Second.

BOLDT: Okay. Vote.

STEWART: YES

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. The underlying. Okay. A vote for 7, 9, and 10.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO



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BOLDT: Okay. Motion carried for 7, 9 and 10.

No. 6, did you have a question?

MADORE: Yes, I would --

BOLDT: Do you want to change that?

MADORE: If somebody could put that on the table, then I'll offer the amendment.

BOLDT: Okay. Is there a motion to approve - I can't remember - d.6?

OLSON: I move we approve d.6.

BOLDT: Second. Okay. Amendment?

MADORE: I move that we strike the "if age restricted to 62 plus."

Mr. DiJulio, I got a question for you. Do other counties allow the ADUs that without the age restriction?

OLSON: This just says consider attempting ADUs -- exempting

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ADUs from TIFs and PIFs at age 62 plus. It doesn't talk about whether it's -- it's just the TIF and the fees at a person who's 62 or older.

MADORE: Yes, which --

STEWART: But the problem is but ADUs might originally be occupied by someone age 62 or older and, therefore, they're exempted from traffic impact fees and park impact fees, but the reality is those almost always get converted to simple rental and so then would another rental unit be exempt from that? There's no way to monitor to see what age is of the person who's living in the house, so or the ADU.

MADORE: I would just like to add to that. Portland, I believe, has the policy that not only do they not collect TIFs on ADUs, but they don't even collect permit fees on ADUs in order to encourage people to help solve the housing crisis.

STEWART: Well, that's so they can get out of their cars, Mr. Madore.

OLSON: Also I'd just like this is about, we're talking about items from the Strategies from the Aging Readiness Plan which is why the age references on Line 6.

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MADORE: Well, if we strike that, if age restricted to 52 [sic], then we just simply can consider and set our own criteria.

BOLDT: So is that the amendment to strike "if age restricted to 62 plus"?

MADORE: Yes.

MIELKE: I'll second.

BOLDT: Is there a second? It's a goal, so...

STEWART: NO

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Underlying as amended. Vote.

STEWART: NO

OLSON: AYE

BOLDT: AYE

MIELKE: NO

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MADORE: NO

BOLDT: Motion fail. So No. 6 as --

MADORE: Excuse me. I'd like to -- give me a moment. I want to reconsider my vote. It's to encourage the development of accessory dwelling units by exempting them from site plan review. Consider exempting ADUs and TIFs and PIFs. So I vote -- I want to change my vote to YES on that.

BOLDT: Okay. Motion carried. Okay. The rest is d.1, 2, 3 -- 1, 2, 3, I'm confused.

MIELKE: Did we do the last one No. 7, Page 7?

STEWART: I have a question on No. 2.

BOLDT: Yeah.

STEWART: So my question on No. 2 is this says "Encourage weatherization of homes to reduce energy costs. Provide information, education and assistance to moderate income households." What is the form of the assistance? When we say "assistance," are we talking monetary assistance? I don't know what that assistance, in general, what are we talking about with

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that?

MADORE: Where are you? Where?

OLSON: 3.2.

MIELKE: Page?

ORJIAKO: 3, 6, it goes over to No. 7.

STEWART: Page 7?

ORJIAKO: Yes. It starts from Page 6. You're reading Item 3.2 that spill over into Item 7. I have one of my staff here who have worked with Clark PUD; is that correct?

ANDERSON: That's correct. Colete Anderson for the record.

As far as monetary goes, we've been partnering --

STEWART: I just define assistance. When we say we're going to provide assistance, I'm trying to find out what kind of assistance that would be.

ANDERSON: At this point, it's been staff time from the County.

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STEWART: I see. So it's not developing a loan program. It's not setting aside general fund money. That's not what we're talking about with that.

ANDERSON: No. It's staff time and partnership with Clark PUD who does everything else.

STEWART: Great. Okay. Thank you.

BOLDT: So we have in front of us the rest of the Housing, Chapter d.i, ii, 3.1, 2, 3 on Page 7, 4, 5, 8, 11 and 12 and Subsection No. iii on Page 7.

MADORE: In other words, you're considering 3 now?

BOLDT: Yeah, all of them.

MADORE: So encourage not-for-profit organizations or community land trust to purchase homes instead of allowing them free market. That doesn't to me sound like I can support that.

BOLDT: We're considering the rest of them.

MIELKE: So we're looking at --

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OLSON: Can we pull out just Item No. iii, can we just separate that one out?

MIELKE: Which page are you talking about here?

BOLDT: 7.

STEWART: Page 7, Item iii.

MIELKE: Item No. 3 up here.

BOLDT: No, iii down here.

MADORE: On Page 6.

BOLDT: Roman Numeral iii.

MIELKE: Roman Numeral. Oh, okay.

OLSON: Roman Numeral iii, New Strategies.

BOLDT: So we're going to pull that out. So in front of us is the motion to approve Housing Chapter Roman Numeral i, Roman Numeral No. ii, 3 Subsection 1, 2 on Page 6, 3, 4, 5, 8, 11 and

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12.

OLSON: So moved.

BOLDT: Second?

STEWART: Did you say that we're pulling Item iii, Page 7?

BOLDT: Yes.

STEWART: Thank you.

BOLDT: I'll second that.

MADORE: For 2.7.3, Policy, principles of universal design,  
what's that?

BOLDT: We just voted on that one.

MADORE: Oh, okay. Skip it, too late. So what you're voting on  
now is you just gave a list of --

BOLDT: Everything else. Roman No. i, Roman Numeral No. ii, 3  
on Page 6, Subsection 1, 2 on 6. 3, 4, 5, 8, 11 and 12.



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MADORE: So No. 3 is to ensure resale-restricted principles?

OLSON: What?

BOLDT: No.

MIELKE: What page are you on?

MADORE: Page 7.

STEWART: So didn't we agree to consider Item iii on Page 7 separately?

BOLDT: Yeah.

STEWART: Are we talking about that one now?

BOLDT: No.

STEWART: So we're just approving those that we know we agree on or assume we're agreeing on.

BOLDT: Right.

MCCAULEY: Well, Councilors, there's two 3s on that page.

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STEWART: Yes, it's very confusing.

MCCAULEY: I think the one that you're pulling is the Roman  
Numeral iii, not the --

OLSON: Correct.

BOLDT: Right.

STEWART: No.

BOLDT: Yeah. The one we're pulling is Roman Numeral No. iii.

MIELKE: Right. Olson pulled it.

STEWART: So regular No. 3 at the top of Page 7, has that been  
separated out?

BOLDT: No.

STEWART: Mr. Madore made some comment about that.

MADORE: Yes.

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BOLDT: No.

STEWART: It's not been separated. I'd ask that that be separated out.

OLSON: Okay. But we have a motion and a second, correct, that includes No. 3?

BOLDT: I believe we do. Is there an amendment for No. 3?

MADORE: I move that we strike the language that says, "Encourage a not-for-profit organization or community land trust to purchase homes." I guess we can leave the word "encourage" so that goes with the next. And also remove the language that says, "employ resale-restricted principles of shared equity ownership." Yeah, the organization or trust. In other words, yeah. So there's two, it ends up with two sentences. The second sentence would say to ensure that homes will remain affordable, period.

BOLDT: Everything after affordable is struck?

MADORE: Uh-huh. And the first sentence would just read encourage and then you would continue after the comma, remodeling or remodel using universal design principles.

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OLSON: That's a separate item.

MADORE: Actually, no. I would strike the whole thing. It's to resell the homes at affordable cost. In other words, this is getting in --

STEWART: Mr. Madore, would you consider striking No. 3 altogether?

MADORE: Yes. Yes. Now that I read it, it's like this is all social engineering doing what the free market can do better.

STEWART: And that's the free market can do it better, I agree.

BOLDT: So the amendment is to strike No. 3?

MADORE: Yes.

STEWART: Yes.

MIELKE: Second.

BOLDT: Vote to strike No. 3.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. So the underlying as amended. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Roman Numeral No. iii, is there a motion to approve - I get these mixed up - d, Roman Numeral No. iii on Page 7, is there a motion?

OLSON: So moved.

BOLDT: Second? Second.

STEWART: I'll second it.

BOLDT: Is there a motion to amend or anything?

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OLSON: I have a motion to amend.

BOLDT: Oh, okay.

OLSON: So I move that we amend the language on Item No. iii to encourage zoning changes to allow more areas to support diverse housing types, et cetera. So take out change zoning and add encourage or consider even, let me change that to consider. Sorry. I move that we change the language to consider zone changes to allow more areas to support diverse housing types, et cetera.

BOLDT: To consider?

OLSON: Consider zone changes.

BOLDT: Oh, instead of allow?

OLSON: Yeah. So consider zone changes to allow more areas --

BOLDT: Oh, I see.

OLSON: -- to support diverse housing types, including small lot, single-family, multi-family, duplexes, et cetera.

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BOLDT: Is that clear?

STEWART: So I have a couple of questions about this New Strategy, and I started asking the questions in the last week here. So what's a cottage and what's co-housing? So when co-housing was explained to me, it's explained to me as two not necessarily related people living in the same house and sharing expenses. Why isn't that called somebody rents an apartment and has a roommate to help them defray cost? So I don't know why we -- the thing about not keeping it simple is I think it opens the door to the kinds of housing that somebody else might call co-housing and we're saying, oh, I don't know if that's what we had in mind.

And for cottages, I mean if you're in Cape Cod and you see a cottage, you know that's a cottage. Some people call my house a cottage. So I think it's a subjective rather than an objective terminology. So, I mean, accessory dwelling units, we have definitions for all that. I would move that we strike cottages and co-housing from this, from the identifiable types of housing.

BOLDT: So we have two amendments?

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STEWART: Yes. To amend it to read as it is with the amendment that Julie just offered and at the very end to strike the words "cottages and co-housing."

BOLDT: Is that clear with everyone?

OLSON: I'll second that. But I do want to -- just there's a definition of co-housing as a residential model in which a cluster of attached and/or single-family homes are built around a common building to share such as meals, childcare, guest rooms, laundry and recreational spaces, so just for the clarification on co-housing.

BOLDT: Okay. Second. Vote on the amendment.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: AYE

BOLDT: Okay. The underlying as amended. Vote.

STEWART: AYE

OLSON: AYE



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BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Moving on, Chapter 8. This was all voted on 7/0. It's been here ever since, you know, creation. So e.i through i through -- i through the last one on Page 9.

OLSON: 8.4.3?

BOLDT: Yeah, 8.4.3. I'm bad on my Roman Numerals. I'll get us past that. Is there a motion to approve that historical and cultural preservation element?

STEWART: I do have a question. 8.4.2, it's a policy, "Expand the variety of incentives available to property owners to encourage historic preservation," that sentence, one of that policy section. And what I'm looking for is, what do we mean by incentives? And if we're talking financial incentives, what is the pool of money that we would use for that?

ORJIAKO: I will welcome our historical preservation manager in my department Jacqui Kamp to give us some interpretation of what we meant by incentive here. It could mean techniques, but I'll let Jacqui jump in.

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KAMP: Sure. Hi. Jacqui Kamp, Clark County Community Planning.

The historic preservation program currently allows a couple of tax incentive programs for designated historic sites. This policy would encourage as we come across maybe some other innovative techniques such as, perhaps, relief from zoning code or building codes for designated historic sites.

OLSON: And those would come before us before we would implement --

KAMP: Of course.

OLSON: -- any of those change in incentives?

ORJIAKO: Yes.

STEWART: And the tax incentives, some of those may be related to Clark County, but some of the venue for those are also State historical preservation; correct?

ORJIAKO: That's correct.

STEWART: So we don't -- are we estimating any out-of-pocket for

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Clark County when we say incentives?

KAMP: On this policy?

STEWART: Yes.

KAMP: As something new?

STEWART: Yes.

KAMP: No.

STEWART: Thank you very much.

MIELKE: I have a question if I might. We have -- a lot of times we have historic barns being converted into wine tasting. Are they going to be exempt?

KAMP: It would depend on if you utilize one of these techniques and if the barn was placed on the register and you decided that you would want to change the code to allow something like that as a relief.

MADORE: So is there a motion on the table --

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OLSON: Not yet.

MADORE: -- to approve all those?

BOLDT: No.

MIELKE: Not yet.

MADORE: Okay. I would encourage whoever puts that on the table to exclude Item xv and -- no. What is --

MIELKE: Which one?

MADORE: Page 9, Roman Numeral, the Goal, devise and implement strategies and incentives.

MIELKE: No. xv.

OLSON: I would disagree with that.

MADORE: And xvii, expand the -- so and exclude that one, expand the variety of incentives.

OLSON: I would disagree with that. I'd like to --

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MADORE: Well, I move that we -- well, actually we haven't put a motion on the table.

OLSON: Let me make the main motion. Mr. Chair, I move that we approve Chapter 8, Historical, Archaeology and Cultural Preservation Element in its entirety.

BOLDT: Second. Okay.

MADORE: I offer an amendment to exclude Item xv, the Goal to devise and implement strategies and incentives, and xvii, expand the variety of incentives that agencies can offer.

MIELKE: I'll second.

BOLDT: Okay. I would disagree with that too. I think it's a goal, so... Vote.

STEWART: NO

OLSON: NO

MADORE: Well, the second one is a policy.

BOLDT: NO

MIELKE: YES

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MADORE: YES

BOLDT: Okay. Underlying. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: So, Mr. Chair, this is a perfect example and we've gone so far as including things into the comp plan, this is even putting our policy into a comprehensive plan which is way overbearing and unchangeable for the next eight years and that's just a poor practice and I'm not supporting it. I'm a NO

MADORE: For the same reason I'm a NO

BOLDT: Okay. Motion carried.

Okay. Moving on to Title 40.

ORJIAKO: Councilors, I'm not sure that you dealt with Community Design, f.

BOLDT: Oh, sorry. You're very good, Oliver. Yes.

MIELKE: Which one? What page?

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BOLDT: F, this is Page No. 10, f.i, ii, iii and iv, all approve 5 to 0.

OLSON: 5 to 2. Mr. Chair, I'd like to just -- I'd like to have discussion around Item ii and iii.

STEWART: I'd like to have a discussion around Item i.

BOLDT: Okay. Very good. Okay. Let's do them one at a time. Is there a motion to approve community design Element f.i, 11.2.1, is there a motion?

OLSON: So moved.

BOLDT: Second.

STEWART: So I can --

BOLDT: Okay. Amendment or a change?

OLSON: Discussion?

STEWART: Yes. I would like to amend Item i to delete the following words, "facilitate development." This which, to me, says the County is going to facilitate development and create

standards to achieve increased street front use, visual interest, and I think those are very subjective and I do not -- I would prefer to not have the County determine, first of all, that street front use is a policy that we've already discussed and want implemented and that we have a high criteria for visual interest, because having been here a year and a half, I've never heard those topics come up before. So I would like to have -- well, I'm not sure what it means facilitate development. Who facilitates? What is -- what are we trying to get at here?

So Community Design, I'm all over it and protecting neighborhoods and the integrity of neighborhoods. I completely understand all those needs. So what does it mean when we start with our policy is to facilitate development?

KAMP: Similar to what the County did for the Highway 99 subarea plan. So it could be utilizing those same kind of tools in a different urban area of the county that's under county jurisdiction.

STEWART: So it's to create a separate set of standards for a specific area that are not universal to the entire county, but we subjectively decide this area is going to be different in these ways?



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KAMP: It's similar to the subarea plan.

ORJIAKO: Yes.

OLSON: But that's based on committee --

ORJIAKO: Yes, you can do that and, you know, some -- and this may be editorial on my part, when you look at how the east area develops - when I say the east area I mean 164th, 192nd, the entire east side - you compare that to the west side. It's a huge difference and that is not by accident. That is by code and the value that the community placed on how you want your area to develop.

Jacqui is correct. We've looked at the Highway 99 corridor and I think the previous Board approved that subarea plan and approved the form-based code that are associated with that, and I think without exaggerating, I think you can begin to see the type of development that is occurring on Highway 99 now that the residents out there come to appreciate and the business association there come to appreciate.

Yes, it is not something that will be universal throughout the county, but you can find some areas that you can say this area

should function as an activity center or however you define that and that you like different treatment of that area to be more welcoming pedestrian friendly, whatever you want to, however you want to design your code to treat that area that will be your call.

So that is what this policy in the broader sense of Community Design, what you would like your area to look like. You can be very selective on what areas you want to apply different standards. So that's what this policy is getting to.

STEWART: So my point is that's not our business. That is the business of a developer who buys and owns the property as long as they develop within existing standards and codes and for us to want to have policies where we say we're going to construct this part of the county in a different way because we have this idea in our head, or I just get the sense that we're developing a policy that really takes us out of the realm of what government should be doing and puts us into allowing exceptions and creating these intangible things like visual interest. I think that's a slippery slope for a policy which is a growth management policy.

If a developer comes to us and he says here's my plan, I think it will have visual interest and I think it will make

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appropriate use of street front and it's within the setbacks, that's fine. We should take a look at that. I just I'm uncomfortable this goes too far. So if we can tweak it, part of this sounds great to me, improved pedestrian connections, proximity of uses, enhanced sense of identity and neighborhoods and subareas, all that I completely agree with. It is the first part of that first sentence that I would like to offer an amendment.

OLSON: What would be the process to facilitate development and create standards similar to the Highway 99 subarea, what would be the process in order to get accomplish that?

KAMP: It's a pretty big community-oriented process. Usually it begins with a technical advisory committee that's appointed by the Board. They learn and educate themselves on the kind of the challenges of their area. You do workshops with the community to find out what the community envisions for that area and kind of go from there, so...

OLSON: This is a bottom-up, community-engaged process that we don't sit in a room and say here's how we want the streets to look and the buildings to look.

KAMP: No. Everything goes to the community.

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ORJIAKO: It is community driven and I've seen where this is done in a planning charade, for example, where you give -- you provide the neighborhood with preferences and they will come up and show you what they prefer and you use that process, you know, to come up in writing your code, and if it's acceptable to the Council, eventually you will approve it, but that's how it is done. It is bottom-up approach. We don't dictate, but it is community driven.

When the Highway 99 was done, it was done by Team 99, the business association and property owners. Commissioner Marc Boldt, you were here then. It was finally approved, and like I said, that some segment of Highway 99 is beginning to develop that the business community and the residences out there come to appreciate.

Chuck Produce develop following the form-based code and is one example of the property owner working within the code and developing that the community now values. It's going to be pretty much involve the property owners, the residences and business association to develop a code that you eventually will approve or reject.

OLSON: Or we could just have what we have now on Highway 99.

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MIELKE: No, Councilor Stewart. I need to share with you kind of a Paul Harvey moment because I lived it and that's when we created the Three Creeks Advisory Group and then put it into the comprehensive plan and was unable to change that group.

The business group itself had somewhat backed away with frustration because of the neighborhood association was designing their businesses. They eventually were able to combine them and put them -- they were meeting three months apart and combine them with the -- what Highway 99 business group along with the other community to kind of get a handle on what it was, so we pulled back a whole bunch of that.

But it's a perfect example of when you put something in the comp plan like we're doing today with all this stuff, we couldn't change it and we ended up with all the planning separately far different than everything else in Clark County on Highway 99 and it's going to need to go back and be re-addressed again.

STEWART: Do we have approval for Chapter f except for the items we pulled?

BOLDT: No.

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STEWART: We don't. I'm concerned, frankly, about the whole list and we could go through, we could maybe tweak. We're not necessarily going to get agreement on it. The more I read here, the more I think we're micromanaging and I think it's a mistake and I'm unwilling to support the Community Design Element on this because I don't think we can tweak it enough to fix it.

OLSON: Do we have a motion on the table? I don't remember.

BOLDT: No, we don't.

MIELKE: Mr. Chair, I make a motion that we --

BOLDT: You don't need a motion if you don't want it.

MIELKE: -- remove i, ii, iii and iv.

MADORE: I second that.

OLSON: Isn't that all there is?

BOLDT: Yeah. Vote.

STEWART: AYE

OLSON: AYE

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BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Very good.

Moving on to the Clark County Unified Development or the Code Amendments. Oliver, do we have -- did we do No. i already?

ORJIAKO: Yes.

BOLDT: I know we've done that. So we've done No. i.

ORJIAKO: A and B.

BOLDT: We've already killed A and B. So we're starting with No. ii.

ORJIAKO: Yes.

BOLDT: So is there any questions? It was all 6/1 for the code language specific things. Is there a motion to approve g.ii through x?

STEWART: So moved.

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OLSON: Second.

BOLDT: Second.

MADORE: I'm questioning a number of these. No. iv, "Add language regarding new resorts from the comprehensive plan," what's that?

ORJIAKO: The statute provides for designation of new resort as well as recognition of existing resorts. So this proposal will add a provision in our code to allow for application to be made to the County to designate a new resort area in Clark County. We use this provision, not this particular provision, but the one that recognizes existing resort to designate the Alderbrook as an existing resort for as an example.

MADORE: Okay. All right. That's all. Enough. To me I don't believe it belongs in the comp plan.

BOLDT: Well, this is --

ORJIAKO: It's in the code.

BOLDT: -- in the code.



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MADORE: This is all to go --

BOLDT: It's a code.

MADORE: -- as part of the comp plan. This is all on top of comp plan; right?

BOLDT: This is the code that is backing the comp plan up.

MIELKE: So that's what I -- we don't need to back up our comp plan. We have a comp plan. We don't need to put code in the comp plan. We change --

BOLDT: This isn't in the comp plan.

MIELKE: We adjust and change code all the time, but when you put it in the comp plan, you --

BOLDT: This is not in the comp plan.

MIELKE: Well, what is it here for?

BOLDT: This is code. It's implementing the comp plan.

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STEWART: Well, and these codes --

MIELKE: In other words, you're putting the code into the comp plan.

STEWART: Well, no. It's amending the code to accommodate the changes we just made in the comp plan. And, for example, I think the best example and easiest is Item No. vi, v-i, Urban Reserve Overlay, make it true, make it a true overlay and move it to the overlay section of the development code and because those are decisions that we made earlier and so this is just the code sections that support codifying where there's a comp plan amendment and we need to amend the code to reinforce the comp plan amendment.

BOLDT: Just like we did with the clusters.

STEWART: This is our legal step.

LEBOWSKY: Councilors, for the record Laurie, I'm Laurie Lebowsky with Community Planning.

I just want to give some context about this proposed code language. The language is currently in the comprehensive plan. We were going through and looking at that language and decided

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that or our opinion was that it's more appropriate in the code because it's criteria for an applicant coming in to apply for a new resort.

BOLDT: This helps that applicant.

STEWART: Well, the resort and all of these other matters that we're doing in this section.

ORJIAKO: That's correct.

LEBOWSKY: Right.

MIELKE: One more point of clarification. These are the codes that we have to change to support our comp plan.

ORJIAKO: Yes. These are the code, related code sections in Title 40 that we need to make to support the amendment or the update to the comprehensive plan.

MADORE: Can we, as an alternate, just simply pull the code that's in the comp plan, pull it out and that way we have the flexibility of the normal processes we follow when it comes to adoption and amending our normal code?

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ORJIAKO: Council, you will run into a conflict. Your comprehensive plan and your policy and your development regulation has to be consistent, so what we are doing here is making sure that our development regulations are consistent with our comprehensive plan.

MADORE: Sure. Well, of course.

ORJIAKO: That, in a nutshell, is what we are recommending.

MADORE: Well, I understand the recommendation. We can always make sure that the policies that we adopt are consistent with the comp plan. We have a process to do that. That's why all of our code should be consistent with our comp plan. But burying it inside and/or leaving it buried inside the comp plan as a level of complexity that we're having to wrestle with now --

BOLDT: This is not in the comp plan.

ORJIAKO: Councilor, this will be in Title 40, not in the comp plan.

STEVENS: You're done with the comp plan at this point. You're discussing the code that supports it.

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OLSON: If we don't do it today, we have to do it another day.

MADORE: I thought Laurie's point that --

HOLLEY: Hold on. Hold on. Hold on. I need your name. I don't know your name and I can't get everybody talking at the same time. I'm getting tired.

STEVENS: Robert Stevens.

HOLLEY: Stevens?

STEVENS: Stevens.

HOLLEY: Okay. Go ahead.

MADORE: Laurie, at one point I thought you were making the point that there's code in our comp plan to support this that needs to be changed?

LEBOWSKY: It is currently language that is in the comprehensive plan. The staff recommendation is that it's more appropriate for that to be code language so that you have criteria for when an applicant comes in and should they propose a new resort, so...

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MADORE: So the bottom line there without being specific, there is code in the comp plan?

LEBOWSKY: No. No.

OLSON: There's language.

LEBOWSKY: The issue is there's no code language and this is specific to the resort overlay.

STEVENS: I think the confusion is what you're doing is you're converting comp plan language into code. It's not currently code. Is that correct?

LEBOWSKY: Right. It's currently comp plan language.

STEVENS: So what you're doing is moving comp plan language into Title 40 code.

OLSON: To support the language that's in the comp plan.

STEVENS: To support, correct. And because it's more appropriate as code than a simple planning document.

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STEWART: But isn't that true of this whole section that we're looking at?

ORJIAKO: Yes.

STEWART: That, I mean, we're talking --

STEVENS: That's where we're at right now.

STEWART: Yeah. We're talking about resort overlay, but each of these on this list are Chapter 40 codes that are what we will use to implement the comp plan.

LEBOWSKY: Correct.

ORJIAKO: Correct.

STEWART: Yes.

BOLDT: There's no difference, Oliver, between this and biannual code amendment; correct?

ORJIAKO: Well, technically they're --

BOLDT: Well, similar.

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ORJIAKO: Yeah, that's separate. In conjunction with this effort, it makes sense to adopt your development regulations simultaneously. The statute also provides that you can do it one year later, but often it's recommended that you do it consistently. The previous decisions that you've made, Councilor Stewart is correct, this Title 40 changes will implement those, so it is appropriate because of the previous decisions that you've made on urban reserve and urban holding and mixed use and it happens to be that someone caught the new resort.

What I said earlier is that the Act provides for application of new resort. Property owners can make that application. It's allowed in statute. There is nothing in our code now that allows for that. That's why we're putting this language that is in the plan in the code to make it more consistent. There is no harm. I think it's more flexible when the County approve a new resort. I don't know what will happen in the future, but at least in doing this, we are consistent with what the statute calls for.

BOLDT: Okay.

MADORE: Now, doesn't our code modification normally follow



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within a year after we adopt the comp plan? I would think that it may not be appropriate for us to do this tonight, this afternoon.

OLSON: Why?

BOLDT: There's no problem in this.

MIELKE: Well, we made changes along the way and that's the reason that these may not all be affected.

BOLDT: Well, yeah, that's why we do it because we made changes in other parts of the plan, so...

MIELKE: But you're adopting something that may not have been --

STEWART: And the benefit of doing it as code modifications is if we still -- if for some reason it's not precisely complete for people that come in, we have the option of modifying the code.

MIELKE: No. My concern was that there's a number of items that we pulled or removed. Are we adopting the code on those?

ORJIAKO: No.

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BOLDT: No.

OLSON: We have a motion; right?

BOLDT: Yeah, a motion and second. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Very good.

Moving on. We'll probably go till 5:00. Arterial Atlas is changes of our road because of the map, and as in any comp plan that we have done, we have either removed roads, added roads or revised roads. This has gone through us several times.

First of all, is there a motion to approve Arterial Atlas, 8.a, b and c?

OLSON: So moved.

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BOLDT: Second?

STEWART: Second.

BOLDT: Discussion?

MIELKE: Discussion. My legal staff stepped out for a moment. Once, again, I'm concerned about putting this into our comp plan for adopting as such.

BOLDT: It's not in our comp plan.

MIELKE: What?

BOLDT: This is not in our comp plan.

MIELKE: Well, what is this here for?

BOLDT: It's to implement our comp plan.

HERMAN: Matt Herman, Community Planning.

Some of the changes that are proposed take the urban roads -- or I'm sorry -- the rural roads to make them urban because of the urban growth boundary changes that you previously approved. So

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it's changing the rural status of those roads to urban because that urban growth boundary has expanded as you previously talked about.

MIELKE: So as we moved the urban growth boundary, the changes that we talked about here would be those that are no longer urban that become -- I mean, no longer rural --

HERMAN: No longer rural, correct.

MIELKE: -- and have become urban?

HERMAN: Yes.

MIELKE: And that's all that's here?

HERMAN: That's the revisions. Some of the removals are because either a road is not feasible to be built anymore, some of the additions are just minor revisions. They're adding the 137th Avenue or Street bridge that we built with the Skip [phonetic] project and adding the Salmon Creek road realignment.

MIELKE: All right. Thank you.

STEWART: What does it mean? Let's look at Section a, "Remove

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from Arterial Atlas." What is the effect of that in real simple terms?

HERMAN: There won't be a road built.

STEWART: So these are right-of-ways where there isn't any --

HERMAN: No, they are not right-of-ways. They are proposed. They are lines on a map right now.

STEWART: I see.

HERMAN: They are not right-of-ways. We do not have the right-of-way.

STEWART: So...

ORJIAKO: Councilor, the best way to explain this is we have gone back and looked at working with Public Works. There are some areas where through some previous planning work were identified the need for a road to go through. Upon further revision and working with Public Works identified and we looked at maps and realized that some of these areas are environmentally sensitive, that there may be, the feasibility of building a road is not there, so we're recommending that they

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come off. We may find a different alternative circulation in the future, but that's, in a nutshell, the best way to explain some of this.

STEWART: So tell me a little bit about the La Center bridge.

HERMAN: Sure. The La Center bridge was originally proposed by the City. It's a second bridge that connects basically the northwest quadrant of La Center. They see that as an expensive project and no longer want to pursue it.

STEWART: They're not interested in that.

HERMAN: They're not interested.

STEWART: Okay. And so some of these the County is no longer interested in pursuing. That one La Center is no longer interested in pursuing.

HERMAN: Correct.

STEWART: So we are just truing up the Arterial Atlas to what we know that we intend to do.

HERMAN: What is feasible; what is not feasible.

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STEWART: Feasible. Okay. Thank you.

BOLDT: Okay. With that, vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: AYE

MADORE: AYE

BOLDT: Okay. Moving on to the simple stuff, Impact Fees. I think, first of all, is there a motion -- let's handle the Park Impact Fees and Traffic Impact Fees separate. So is there a motion to, first of all, approve and then we can talk about it quick, 9.a, b, c, d, e, f, g, h, i, j and k, that's all the school districts.

OLSON: So moved.

BOLDT: Second?

STEWART: Are we separating those out to vote on them first?

BOLDT: Yes. Okay. I'll second that.

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OLSON: So I just --

BOLDT: Well, wait a minute. Okay. I messed that up, didn't I, Oliver?

OLSON: Start over.

STEWART: I don't think you messed it up.

ORJIAKO: The Council wants to vote on the school impact fees first.

BOLDT: Right. Yeah. B, c, d, e, f, g, h, i, j, k.

OLSON: So moved.

BOLDT: Not a, because that would adopt everybody.

STEWART: Yes.

BOLDT: Okay. All of these have been approved several times by the Planning Commission. We've done work sessions. I think they've talked to us several times.



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OLSON: I'd also like to add that all the other jurisdictions have adopted these fees and that we're kind of downstream in this process, so... To be outside an urban growth area and have a different impact fee as those inside an urban growth area or a (inaudible) I think would be problematic, so I'll be supporting the recommended school impact fees.

MIELKE: We didn't actually have a work session on impact fees that I attended anyway. A list of those impact fees were brought to us. Did I miss a work session?

BOLDT: Well, they were in the work session that we had.

STEWART: I think maybe you were out that day.

ORJIAKO: You were out, Councilor.

MIELKE: They were probably handed out. I have a real issue with school impact fees having to do with affordable housing. I think the school impact fees differ from high density housing from single home housing. I think that we already have bonds to build schools and - what's the other thing? - we do. We have other funding sources as well as State sources as well as local sources, and I see more of it as soft money and making affordable homes not really affordable. So until we've dealt

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more into it, for myself anyway, I can't support these today. I feel like because what little input we've had that we've become no more than a rubber stamp for the school districts to take advantage of a taxing ability that the legislature has allowed.

OLSON: Well, just for clarification on school impact fees, I don't know how you can call them soft money. They're specifically collected for housing of students and they're used for State match to house students that are unhoused, and there's very strong ties to those impact fees.

In addition, does it seem reasonable for new development not to pay for housing of students and make the existing landowners and homeowners pay for housing of new students? So we can talk about the level of impact fees or how high they are or how low they are, but the purpose of them is so that developers pay as they go for the impacts they have on schools.

MIELKE: I think with that theory, I mean, I'd like to understand why I still pay for schools when I have already built my home. I still pay for schools.

OLSON: Well, and if new development didn't pay at all, you'd be paying more.

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MIELKE: As a senior citizen, I still pay for that also and have no kids in there. So I think that what was explained to me was I support all bonds, all school bonds. I believe in building schools, but we have a habit of building short on schools and then shoring up with the impact fees to pay for those portables outside.

Numerous times we've seen brand-new schools being built, and before that front door opens up, we have two to three portables outside. I think that we have funding available in all sources and this is one that probably should be looked at. I'd like to see an audit through JLARC from the legislature.

BOLDT: That's been done several times.

MIELKE: I sat on it and never did it and I was there for eight years.

BOLDT: Well, the formula has been --

MIELKE: They create their own formula.

BOLDT: -- adopted. The formula -- no, it's a County formula.

MIELKE: No, they create their formula. The school district

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brought it to us.

BOLDT: The County created the formula. You voted on it when you were here with me. So the school districts go by the formula that we created. They just put in the numbers and they pay for that certain amount of the funding.

As you know, when we had the school task force, we went over this year after year and the question is is if we are going to have a growth plan, we have got to have a capital facilities and with that capital facilities, we have got to have schools for our kids, and if you don't want to have schools for the kids --

MIELKE: I support bonds, but this doesn't build schools.

BOLDT: Yes, it does.

OLSON: It does. It's directly used --

MIELKE: It shores it up in between.

OLSON: -- as a match to State funds and there's a 60 percent vote required to pass a bond. It's a high fence.

MIELKE: Okay. Vote for it. And I guess my argument goes back

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to you don't charge the same for a single-family home as you do for high density.

BOLDT: Right. And that's been explained to you several times.

MIELKE: And what number of kids? You still have child per child, house per house, so when you stack them up in one spot, you still have to build schools for the number of kids, so... I think it needs to be reviewed and looked at more closely.

STEWART: So, Mr. Chair, of all the things I've seen in the comp plan, the school district impact fees is one of the most difficult and gut-wrenching of all the decisions that we make.

BOLDT: It is.

STEWART: It's difficult because the multi-family in all the school districts virtually - I can't say every single one - but the majority of the big school districts have such a high impact fee for multi-family at a time where we have people who we can't keep up with the need for multi-family. So it is this crux of difficult situations that come together and these levels of impact fees. In one case, one school district alone raised the per unit in multi-family cost by \$5,000. The increase was \$5,000 per unit.

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So the issue is funding for schools. Our children need to be safe. They need to be educated. They cannot be in overcrowded classrooms. They need portables if the population gets to a certain size, although I'm not a fan at all of portables. I don't think that's an effective long-term solution, but I feel like I'm in a vise grip on this issue because my instinct is to say no because the detrimental impact on multi-family housing is going to further put us behind in Clark County, because a lot of young people, they can't buy a house because the median price of houses increase so much in Clark County.

So young people, even if they try to save between the rent they're currently paying and trying to save money to get into their own home, they can't do it, so they're stuck in multi-family and their rents go up. And for a lot of people, their rents have gone up 25 or 50 percent in the last two years which further puts them behind from saving to buy a house.

So I feel so uncomfortable in this position that we need schools and yet I know the effect of these impact fees is going to be negative toward the housing types that we need to have. And some people have come to me that are in the development industry and quietly said you're right. If I have my choice where I'm going to put the money, I might go to single-family. I might

work on more single-family. People, other people in the community who don't do building came to me and said, oh, it's not relevant, \$5,000 per unit, you know. Let's say you build 20 units. That's not a relevant factor. That's nonsense. Of course, it's a relevant factor in what kind of development you're going to do.

So I feel like I'm in bondage here that I have to vote for the school district impact fees and I don't like being in a position that I have to do it, and yet I don't see any way not to do it.

So the school district impact fees, Mr. Orjiako, how often do these come forward? We're talking about them in the comp plan, but when will we see a review? When will the schools submit their next round? Is it annually?

ORJIAKO: By our code, it will be in the next four years.

STEWART: Within the next four years. So for four years we have to live with this.

ORJIAKO: Yes. Our code previously allowed them to do it once a year, but it is very difficult to get data once a year that is meaningful. We went to two, the same issues, so we amended our code to make it four years and I think four years data will be

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sufficient for them to make their case, so it's once every four years.

STEWART: And when was the last time they were increased?

ORJIAKO: I don't have that information.

STEWART: Approximately. Just approximately.

ORJIAKO: 2012.

STEWART: So four years ago.

ORJIAKO: Yes. And, you know, when I talk with you, Councilor, I share your concerns. These are all coming together and you're seeing it once all together. Before you used to see it like once every two years or once every four years. It happens that we are all doing this and it's all coming together through this comp plan update and the numbers look huge, but it is what is in front of you.

As the Chair indicated, they submitted the CFP and these are their intended impact fees. Similarly, when you get to parks, you did approve the parks plan. You did approve their six-year capital facilities plan. The Park Impact Fee is just a portion



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of how to pay for that, but that's not what is before you, but that's why you're seeing this coming to you.

Similarly for TIF when you get to that, that's why you're seeing it being part of the comp plan. You would have taken action on the TIF before now, but that didn't happen. And as those that testify on the parks has not been reviewed since 2002, you know, if you factor in cost of land inflation, that's why you're seeing the numbers that you're seeing now. We can't defer that any further, but it is your policy call to make, Councilors.

MIELKE: I like to add --

STEWART: So I think one of the other factors is that we're unsettled about how we're going to fund schools and that's not directly something we can cure, although we can have some affirmative influence in the legislature on that, and that is with the new State mandate that was passed, it's very confusing to figure out what the future is for our school system.

ORJIAKO: That's true.

STEWART: So I'm going to support these with the deepest regret and with my conscience is not feeling good about it.

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MIELKE: I would encourage someone watching TV to pull out your tax papers. In some cases, you have more than one levy. You'll probably have a bond for the construction of schools, which I always support the building of. You have your property taxes for schools. You have the harvest of State and forest property that goes to that and you have State taxes and then you have the impact fees. The impact fees are relatively new. All of our impact fees are relatively new, even our transportation impact fees, but when the legislature allows one more fee or tax to be created, government lunges at the idea to take in one more dollar.

So I would think that all these things and all these sources that the schools have that they have a choice of how to fund it and I think that we are surely doing our share.

OLSON: I have one last. When it comes to impact fees, it goes strictly to housing students and it does not show up on your property taxes. And to get to where we are right now, the school boards have voted on these things; they're elected. The city councils have voted on these; they're elected and they're here in front of us now and I share Councilor Stewart's concerns, but to not approve them now, I just think would not be the right thing to do.

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MIELKE: I beg to differ. It does show up on your property taxes every year because it's part of the cost of building the house. All impact fees, traffic impact, parks, schools, all part of the value of a house and will be taxed every year to the house that's there because that was part of the original building.

BOLDT: Okay. With that, vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. Park Impact Fees, 9.1, it was approved 4 to 3. I think the, Oliver, the Planning Commission voted for more of a gradual increase?

ORJIAKO: That's correct, Councilor. That was what was in front of them as recommended by the Parks Advisory Board. And I think, my recollection is that those that voted no probably wanted it to be more -- to have more gradual phasing of the fees. I may be wrong, but that's what I thought they were voting on. They were not really objecting to the impact fees.

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Some members of the PC thought that it should just -- you should just approve them as recommended or as is in front of you.

Those that voted no, I believe, wanted it to be more phased into the future, but the Parks Advisory Board did make a recommendation.

And I know Laurie's still here. What was their recommendation?

LEBOWSKY: The Planning Commission?

ORJIAKO: Right. Maybe it's up here. I believe - you can correct me if I'm wrong - they asked that it be phased in?

LEBOWSKY: Laurie Lebowsky, Community Planning again.

The PAB's recommendation was to phase in the new fees over a three-year period, so 80 percent the first year, 90 the second and then the full 100 the third year.

ORJIAKO: Okay. I think that's what the Planning Commission voted on.

LEBOWSKY: Yes.

MIELKE: We had the Parks Board come up and give us a work

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session not too long ago and they were recommending replacing a lot of the staff that we did away with when we separated from the Vancouver Parks and Recreation, and we told them at that time that we were holding our own, that we were -- our economy was coming back. We were getting caught up on building, and yet they continued to go to the Planning Commission and sell it to them because they could not sell it to the Board at that time.

So I'm a little bit appalled that the planning -- that the Parks Commission went ahead and took it to the Planning Commission after we already had the discussion here.

MCCAULEY: Councilor Mielke, this is for capital facilities. This is for acquisition and development of parks. This is not for staff or for administration or operations.

MIELKE: I always understood that we had the money to build our parks but we didn't have money to maintain them and, therefore, we were not building them.

MCCAULEY: That was true in the past. We do have a standard to achieve --

MIELKE: I don't know what the future is going to be.

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MCCAULEY: -- acres per thousand, and based on the projected population, we need to acquire land and develop additional parks and that's what this fee will finance.

MIELKE: We have lots of land. I've been identifying it for you.

MCCAULEY: We need to acquire more.

MIELKE: You need to develop it what you have, so...

LEBOWSKY: Councilor, just for clarification, the Park Impact Fees apply only to the unincorporated Vancouver UGA. That's the only area.

MIELKE: You know, I, on the parks thing, I'm having a little bit of a pet peeve there. We renamed some of our parks as Regional Parks. All of the other parks that we have when they're incorporated or annexed into the cities, it goes with the city. Our roads goes with the city. But we have a couple of large parks that the city didn't want to take on the responsibility or the cost, so we rename them as Regional Parks and we continue to maintain those even though they're within the city limits in at least two of our communities.

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BOLDT: So, Oliver, I believe the last Board voted on a parks acres per thousand; right?

ORJIAKO: Yes.

BOLDT: It had nothing to do with this Board, but it's been voted on.

ORJIAKO: That's correct. And they recently adopted parks plan for the unincorporated portion of the Vancouver UGA has also standards that the current Board voted on and passed.

BOLDT: So I would think that the Board must have at least two votes to have so many acres per thousand.

ORJIAKO: Yes.

BOLDT: That's in our capital facilities plan. The State is going to say, all right, somebody voted on these acres per thousand. If you're going to have a comp plan, you have to either reduce the standards, don't have parks, whatever, or justify what you did as a Board action; right?

ORJIAKO: Or find another source for funding it. Find another source if you don't want to use parks impact fees.

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MIELKE: Mr. Chair, I recall that when we was looking at that parks per population that we did not include at the time but we did include it later to include parks, trails and green spaces and we did have an abundance of those spaces and we've been trying to even -- actually we've gone back and looked at utilizing some of the retention areas as park spaces too.

One good example that we have there on 72nd and about 53rd where there's about ten acres of area locking the people out that we have now opened up. So we have other things, other avenues to explore, and to move forward with adopting more taxes without utilizing what you have I think is premature.

BOLDT: Well, it's -- I mean, I can't dream the numbers up. The numbers are created there because of action by the Board, so...

MIELKE: What are they? What are the numbers?

BOLDT: You approved them.

MIELKE: I know we increased them per acre to include green spaces and trails, then we end up with more than that.

BOLDT: That's already figured in, so we're just going what you



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guys have approved.

OLSON: We're required to fund the parks plan as part of this process --

ORJIAKO: Right.

OLSON: -- is that accurate?

ORJIAKO: Yes.

STEWART: I see Mr. DiJulio has a comment.

OLSON: Thank you.

DIJULIO: Well, you know, I always want it to be carefully noted that - and I've mentioned this in prior meetings of the Council - that you have a concurrency obligation under the law and that you have an obligation to assure that the facilities that are identified as necessary to support growth and development are reasonably in place to support that growth and development, and that includes your obviously capital facility planning including parks and the funding in support of that. It isn't necessarily the case that you have to have the funding in place and have everything built on day one, but you have to have

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a plan and a reasonable schedule for doing that to achieve concurrency.

And so as the Director stated, you know, if you don't fund it with Park Impact Fees and you have an adopted standard regarding whatever, roads, parks, schools and if you don't have -- if you're not going to fund them with impact fees or partial with impact fees, then fine, you'll just to have to find another source of funds. Thank you.

STEWART: I have a question about the chart that I'm looking at here. Are the amounts that are shown there the amount of increase or are they the new total?

LEBOWSKY: The new total.

STEWART: Thank you.

MIELKE: Do we have the chart that shows the increase that's being proposed?

LEBOWSKY: It's in your binder. It was in the PIF technical document.

MIELKE: But there is a proposed increase --

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LEBOWSKY: Correct.

MIELKE: -- because that's what was presented before?

LEBOWSKY: Yes.

MIELKE: And, you know, we stopped building those parks during the recession because we couldn't maintain them, and this year we're building two more parks and we've others on schedule. So like I said before, I think we're premature in taxing and we're getting back on line with the amount of taxes coming in and I think that we could properly fund those.

OLSON: How would we fund them?

MIELKE: We already have a impact fee in place. I'm not just not supporting the increase.

OLSON: Correct. I hear what you're saying.

STEWART: When was the last time Park Impact Fees were increased?

LEBOWSKY: They were calculated in 2002 and adopted in 2003,

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Councilor Stewart.

STEWART: And they've been fixed since that time?

MCCAULEY: Unchanged. We had --

STEWART: Pardon me?

ORJIAKO: We haven't changed it since 2003.

STEWART: I see.

MIELKE: We added a METRO. What was that called, a METRO?

MCCAULEY: That was not an impact fee. That was a property tax increment voted in by the voters.

MIELKE: For the parks?

MCCAULEY: For the Metropolitan Parks District, yes.

MIELKE: I think I said that, yeah.

BOLDT: That's not buying parks.

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MADORE: My only comment is that the limitation in building parks has not been the capital, the money to build parks. It's been the money to actually operate and maintain them after they were built. We have been very rich when it comes to the capital to build and design, but very poor when it comes to the operation and maintenance. This only applies to that first category. And I agree with Councilor Mielke that we're putting money in the wrong bank too early. That's all.

OLSON: And this is something that we can address at a future date?

MCCAULEY: Part of the reason that -- yes. But part of the reason you collect money now so you can aggregate funds and buy large parcels big enough to accommodate a park. With in-fill development and housing developments going in all over the county, the supply of land suitable for parks is diminishing rapidly, and if we don't acquire the land now, we will never acquire it or we will acquire it at a much higher cost.

MIELKE: I'm smiling because I'm still waiting for Daybreak to be developed. We have a lot of land that's not developed.

BOLDT: Well, it's interesting that you can brag about parks and then rely on other people to fund them.

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MCCAULEY: And waive park fees.

BOLDT: Yeah.

MIELKE: We've been successful. We have more parks than before. We've added construction on more parks. What's been proposed was we were adding staff and designers and planners. That's what they brought forward for us to do. So it wasn't all about maintaining parks. We are on track with our parks.

MADORE: Commissioner McCauley, I'm not aware of us waiving any park fees.

MCCAULEY: We gave up 330,000 or so a year in parks revenues when we waived the parking fees for the Regional Parks which contributes to the difficulty in maintaining our parks that you've pointed out.

MADORE: Those are -- okay. We're not talking about this apples and oranges. In order to collect those fees, we had to have fee collectors, government collecting \$3 checks, more costly. So that's a different topic we won't get into.

MCCAULEY: Well, we purpose that staff, we're still paying them,

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sir, but they do different functions.

MADORE: I understand. Different topic.

BOLDT: That's always a different topic, but...

ORJIAKO: It's a different topic, yeah.

BOLDT: So we're at a crossroads. We've gone to the wood for school impact fees, which we have to. We'll probably go to the wood -- I don't even know what that term is, but it sure sounds good.

MCCAULEY: Woodshed I think it is.

STEWART: Feels like woodshed, yes.

BOLDT: -- for Traffic Impact Fees, and you can go so far, draw so much blood and still have affordable homes for Park Impact Fees.

STEWART: Exactly.

BOLDT: My question is, I think, in a way I think we need to step back almost and look at maybe some of our service

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deliveries, whether it's instead of how many acres per thousand, it's how many -- I don't know a different -- a different way of figuring parks.

The question I would have is, if we commit to figuring out park funding, giving us a little time to have some work sessions and getting a little more grasp on it, because let's face it, this comp plan has been a fire hose in front of us. We're trying to do as much as we can and get it out. Is there a way we can tell people that we are sincerely trying to work on a funding solution for parks, give us a little while on that? I don't know.

OLSON: And as a part of that, I'd like to see a long-term funding program for parks maintenance so that we've got that in place as we continue to acquire land for purchase and development.

STEWART: Well, we do need to do all of that, but I'm not sure what that means --

BOLDT: I don't know what that means either.

STEWART: -- to this item in front of us right now.



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BOLDT: I don't know.

STEWART: We can't postpone this. Are you asking if we could postpone this?

BOLDT: Right, if we could postpone that. If we can't, at least I'll know.

ORJIAKO: Councilor, that's going to be -- our answer is that that's going to be your call if you want to have a broader discussion on funding for parks. This item before you is consistent with, again, the capital facilities plan that the Board approved when you approved the parks plan and consistent with the previous decisions that you've made on, you know, the future growth in Clark County. There are other issues whether it's the Metropolitan Park District, whether it's acquisition and maintenance issues that you have to discuss, Bill couldn't join us today because he's out, but you can have that broad conversation on funding of parks.

Similarly to, you know, funding for roads. You have just approved the schools. You're going to see the school district coming to you again in the next four years, who knows, the student factor. What I mean by that is the number of students coming from multi-family or single-family may change in the next

four years. You may see a reduction in the Parks Impact Fee given that factor. On parks and traffic, that's going to be your call. In the past you have - I'm not recommending that you do it - but in the past, you have done one percent property tax increase devoted to funding of roads.

Again, this is going to be your call when you have that conversation how you want to fund these capital projects that have to support, you know, the -- it's easy to say we want to grow, but growth costs money. That is what is in front of you. You make your call one way or the other. It's a policy call for you to make, Councilors. I cannot advise you whether to delay or to approve this.

You have a recommendation from the Parks Advisory Board to phase it, given some of the conditions, given some of the consideration based on what they heard from DEAB and others that have weighed in that they would like you to phase this. They're not saying don't collect it, but phase it in so that it is more gradual in terms of the amount. And similarly for when you get to Traffic Impact Fees, the same will be -- you'll have the same conversation. If you don't want to approve this, how do you want to fund?

OLSON: But we can also have a conversation about the phasing

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too.

ORJIAKO: And the Board can also delay the effective date.  
Whatever you want to do, that's going to be your call.

MCCAULEY: Yeah. I would think potentially you could make the effective date 1 January 2017 and then the intervening months we could come back to the Board with ideas about phase-in schedule, long-term financing plan for maintenance or whatever the Council would like to see.

OLSON: Because I've had conversations with developers and builders about a phase, a different, a potential different phasing option rather than 80, 90, 100 that would be palatable for them.

MCCAULEY: Yeah. But the question would be, could once the Board approves this with an effective date and the enacting ordinance of 1 January, could we change --

STEWART: Tweak it.

MCCAULEY: -- rather than a 100 percent all up front, could we come up with a 40, 20, 20, 20, a five-year implementation between now and 1 January?

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ORJIAKO: That could -- yeah, we could engage our staff to have and the Board to have that conversation, sure.

STEWART: And how does that pass legal muster?

DIJULIO: Again, the comprehensive plan identifies a number of funding sources in support of your parks programs, general obligation bond, access levy, sales tax, impact fees, real estate excise tax, so you've got a number of funding sources. It's a menu.

You know, in selecting from that menu, one of the menu selections as recommended by the advisory committee was impact fees at a level that has been recommended to you. You don't have to adopt those levels today, but you can certainly consider those in the future in terms of how you're going to implement that plan through a funding program that supports the comprehensive plan objectives, and if you don't, then, you know, you subject the County to a concurrency suit.

MIELKE: I'd like to recommend that as we move forward, we take a look at because we've had a lot of things changing. We went through some real hard times and our parks got put on hold and they're coming back forward now. We have more revenue than ever

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before. We haven't really identified a need. The last thing that we saw that they wanted to do was add staff and they wanted to have designers. It doesn't make sense to add staff and add designers and planners when you're not building parks. We talked at that time a while back about design bid build. We've had one local contractor that's been building almost all of our parks, he knows what we need, he knows what we want, he can tell us what it is, what it's going to cost and provide everything. We don't need to add staff members to do that.

When we separated from the Vancouver Parks and whatnot, we had a savings of nearly \$700,000 a year. You're shaking your head. So I think what we need to do is go back and take a look at what that was because we also added -- we added lifeguards. We added people to go around and see our parks and whatnot.

BOLDT: That is not buying parks.

OLSON: Yeah, that's acquisition and development.

MIELKE: Well, we usually ask developers to build the parks or donate the land.

MCCAULEY: Let's stay on topic.

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STEWART: I'd like to ask if we can tentatively adopt a phased-in park impact fee with an implementation date of January 2017 with the understanding that this will come back to the Council in a number of meetings where we look at all aspects of park funding, all aspects of the development. We include in that maintenance and operation of the parks so that we can have a more complete picture and be more decisive about what direction this is going in. Would that pass legal muster?

DIJULIO: In my view, it would pass legal muster at this time. As I understand the discussion, you're going to be maintaining a level of Park Impact Fees. You're just not increasing them at this time. You may do so after this further analysis.

STEWART: And that can be done outside of the comp plan?

DIJULIO: Yes. That's an implementation measure.

STEWART: Yes. So...

BOLDT: Okay. Is that a motion?

STEWART: That's a motion.

OLSON: I'll second.

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BOLDT: Okay. Let's vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: I guess I'm not quite understanding the motion. We already have funding taxes in place, so I'm not sure if you're just reinstating them or were you looking at increasing them?

STEWART: We're continuing, the motion indicates we're continuing with existing park fees.

MIELKE: At the level we have?

STEWART: At the level we have now.

MIELKE: AYE

MADORE: Wait. Wait. Wait. And raising them as of January 1st?

STEWART: Well, considering it.

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MCCAULEY: According to a yet to be determined phasing schedule.

STEWART: Yet to be determined.

MIELKE: So we're having work sessions in between.

STEWART: Yes.

MIELKE: So I understand the motion is that we're going to maintain the current level --

STEWART: Yes.

MIELKE: -- and have work sessions to identify the needs for the future.

STEWART: And the revenue sources, how those can be used and, yes.

MADORE: Didn't your motion include the approval of raising the fees January 1st? That's part of your motion; right?

BOLDT: 2017.

STEWART: Well, the motion was that we would tentatively move



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them forward to a January 2017 which indicates our interest in supporting the capital facilities plan for the growth but not fixing on those increases because we need to know, we need more information and we want to look at the whole package.

MADORE: So if we vote no on this, then the current fees automatically continue as they are?

BOLDT: Till 2017.

MADORE: If we vote no on this, then the current impact fee schedule stays like it is. We're not approving any increase tentatively or whatever, if we vote no, then the parks continue to be funded as they are now?

MCCAULEY: Right. If you vote aye --

MADORE: Then we raise them.

MCCAULEY: -- then the rates increase on January 1, but there will be discussions between now and then to determine what the phasing schedule looks like and whether to revisit the increase amounts based on other funding sources.

STEWART: Exactly.

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MADORE: So I'm going to vote NO

BOLDT: Okay. Motion carried.

MADORE: And what was your vote?

MIELKE: NO

BOLDT: Traffic Impact Fees.

MIELKE: So we have a new schedule of impact fees that our staff has been working on for the past year at least.

HERMAN: Yeah.

MIELKE: Thank you.

HERMAN: Again, Matt Herman, Community Planning. So in front of you --

ORJIAKO: Jose, can you put up the Issue Paper 8.1. Matt. Is that okay?

HERMAN: Yeah, that's great. So as you alluded, Councilor

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Mielke, the Planning Commission recommended in January -- or I'm sorry -- July of 2015 to combine the six districts into four districts that is in front of you today. Generally the fees are proposed to decrease with the exception of Rural 2 going from \$52 to the \$264. This separation from the six districts to the four districts is part of our, for lack of a better word, divorce from the City of Vancouver. We used to have a joint TIF fee collection; now we have gone our separate ways. This proposed district system of the four districts implements our own unique TIF fee collection separate than Vancouver.

MIELKE: I know we've given you a pretty tough time on this. We appreciate your work and --

HERMAN: That's why we're here.

MIELKE: -- and I think we can surely support what you've brought to us.

HERMAN: Thank you.

MIELKE: Thank you.

OLSON: Mr. Chair, I move that we approve the Traffic Impact Fees as presented.

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BOLDT: Second?

MADORE: Could you bring that back up.

BOLDT: First of all, is there a second? I second it.

MADORE: I have a problem with Rural 2 going from \$52 to 264.  
Is that \$64?

HERMAN: Yes.

MADORE: That, to me, is a problem because so much of the county is rural and the -- so I like the decrease in the rest, but -- well, let me offer an amendment. I move that we move the rural, continue the Rural 2 fees as they are. I know they're being subsidized, but that's my amendment to keep the \$52 for Rural 2.

MIELKE: I could support that. I'll second the amendment.

HERMAN: So just to clarify, that would be five districts then, two rural districts?

MADORE: It's where it's listed Rural District 2, \$52, I want to

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just keep that the same.

HERMAN: Right. Okay. So there would be Hazel Dell, Mount Vista, Orchards, Rural 1 and Rural 2?

MADORE: Just changing Rural 2.

MCCAULEY: And all of Rural 2 would encompass 1 and 2, there would be one rural district and it would be \$52?

MADORE: I'm looking at the table and it just shows --

HERMAN: There's one proposed rural district. So in order for you to keep Rural 2 at \$52, Rural 2 only, then Rural 1 would be 264. So you'd go from a six district system to a five district system. Is that clear?

MADORE: The simplicity here - I don't want to make it complex. I want to keep it simple - the districts that are defined -- what are you looking at there? Are you looking at the same thing I'm looking at? Okay. What's the simplest way to keep the Rural 2 district as close as we are now for the existing map for Rural 2, what do you suggest? Do you understand what I'm trying to do here?

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HERMAN: Yeah. If you want the four district system to change, the 264 rural amount to \$52, if you want five district system with Rural 1 and Rural 2 separate, then Rural 1 would be \$264 and Rural 2 would be \$52.

MADORE: That second option is fine.

HERMAN: That's what you want. Okay. A five district system with Rural 2, \$52.

MADORE: Yes.

MIELKE: What you're showing then is a three district?

HERMAN: Four district.

MIELKE: Four. Yeah. So we'll go from four to five.

HERMAN: If you see column No. 1 has six districts. Column No. 4 has four districts. Councilor Madore wanted Rural 2 to remain \$52. In order to implement that, you'd have two separate rural districts.

MIELKE: Where would that boundary be?

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HERMAN: Where it currently resides, just it's basically --

MIELKE: Roughly.

HERMAN: -- 502 north is Rural 2. SR-502. Sorry.

OLSON: So why would we arbitrarily have one rural district at a different rate than we have the other? I see we do that now, but...

HERMAN: Yeah. That change for the Rural 2 district in the existing rate was a policy call at that time to rural -- to reduce the rate for the Rural 2.

BOLDT: Okay.

STEWART: And that was toward the end of 2015, was it not?

HERMAN: At the end of 2015, it did not come before the Board. The Rural 2 \$52 when they reduced that was a policy call. That was, I believe, back in 2007.

ORJIAKO: It was before the amendment; right?

HERMAN: Yes.

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MADORE: So to clarify the amendment, motion, it's to go from the four district proposed to the five district and the fifth district would be Rural 2 --

HERMAN: Yeah.

MADORE: -- at \$52.

BOLDT: Is there a second?

MIELKE: Yeah, I seconded it already.

BOLDT: And I will be voting no on that. I mean, Alternative 4, the people said they wanted a chance to split their land up, but yet you don't want to pay a little extra money to fix the roads in north county and east county. So, I mean, that just says that our talks from here on about more rural land is kind of off the table if nobody wants to step up and at least do some roads, so... So with that, I'm against it.

MADORE: Well, Mr. Chairman, I'd like to respond to that. The majority took away Alternative 4. To take away Alternative 4 and still to add to increase their traffic impact fees by hundreds of percent is double jeopardy. I'd rather not do that.



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BOLDT: No, it isn't because they won't pay a traffic impact fee if they're not building a home, so... And the thing is that we've already said that there are ample enough homes that can be built, but we are still, as this Board has said several times, we're still continuing the discussion. So on the amendment.

MIELKE: AYE

MADORE: AYE

STEWART: NO

OLSON: NO

BOLDT: NO

BOLDT: We got that mixed up. Sorry. Can you figure that out. Okay. Motion failed. So on the underlying Traffic Impact Fees. Vote.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

BOLDT: Okay. That, believe it or not, concludes the comprehensive. Is there any --

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STEWART: I have a final request of staff, Mr. Chair. In the process of the comp plan update we had, and we talked about this a little bit earlier, we had a lot of citizens that came to individual Councilors and said, look, I'm confounded by this specific problem with my property and it's like a Catch-22 and, you know, I don't know what I can do here.

So what I would appreciate is if we can get direction to staff that they collect those lists of names or notes from Council members where we've sat down with someone who had a property issue and we can get those submitted to staff whichever, whether it's planning staff and it probably is, and then start to review those and see if we have some consistencies in there that perhaps a code rewrite. It doesn't all have to be comp plan and zoning.

And if we could see consistent problems, we could identify solutions to those possibly so that our citizens don't end up so frustrated and disappointed and confounded, but it would need to have -- all of those would need to come to you; otherwise, people feel like they've communicated with us and there's been no outcome.

A lot of people have thought if they came here, the comp plan

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could accommodate changes they need and this isn't always the proper venue for that in a comp plan. So to do service to these citizens and to be respectful to what they have brought to us with their concerns and worries and upset, if we could get all of that together and get it to staff and make some kind of a, you know, like a matrix of that or whatever and let the Council see it and let us see if there are solutions to some of that. I just think it would be a good thing to do for our citizens and for our staff so that they don't feel like, you know, they're constantly barraged where somebody says I talked to the Council about this and it ran into a dead-end, so...

OLSON: I agree.

ORJIAKO: I agree, Councilor. We used to do something like that and it's called the docket process and I welcome that, and if we do have a list from the Council, we will assemble that, bring it to -- typically what we will do is when you approve our work program, we'll come to you early in the beginning of the year and bring to you all the docket items and share our analysis with you, and then have you agree or not agree and staff pursuing the processing of those. We typically will make a recommendation to you, this item belongs to -- this is a code issue that could be resolved or this is something that could go to the Hearing Examiner. We will analyze that and then bring it

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before you as part of your approving our work program in the beginning of every year. That's what we've done in the past.

So I welcome that and put anything you like, send it down to us. We will analyze it and come back to you for your approval on which of those ones you recommend that we pursue through the docket process or any other avenue that you see fit.

STEWART: And will that come back to us as a whole? Because to have it come back to us individually, then the rest of the Council's left out of the loop.

ORJIAKO: No. If you compile a list, maybe five of you compile a list, send it to us through the County Manager, we will do the analysis and come back to you for your approval on what process should we take to address the issue. In some cases, we will recommend that it goes to the Hearing Examiner or Marty Snell will take care of that through code amendment, so I welcome that.

MIELKE: So there's one last thing I recognized, Mr. Chair, and that is that I had more no votes than I had yes votes. Having voted on the prevailing side, I wish to reconsider the vote on No. 7.

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MADORE: I will second that.

MIELKE: That's the adoption of the updated comprehensive plan text, approve the comprehensive plan text as a whole including the community framework, I'd like to reconsider my vote.

BOLDT: Okay.

OLSON: And I just have one last --

BOLDT: It was approved.

MIELKE: Yeah, I'd like to reconsider my vote.

BOLDT: You didn't vote on the prevailing way. You didn't vote on the prevailing side.

MIELKE: I voted yes on that.

BOLDT: You did?

MIELKE: I did.

OLSON: And I just want to make one final, if I might.

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BOLDT: Let's get this out of the way.

OLSON: Oh, I'm sorry. Yeah.

BOLDT: Okay. Vote on No. 7, the text plan.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

MIELKE: NO

MADORE: NO

MIELKE: Thank you, Mr. Chair.

OLSON: Okay. Sorry. So we're done, we're not done, we're going to be almost done with this process, but it's not going to be the last or the end of the conversation as it relates to rural lands, ag, forest, what have you. Mr. Orjiako and I have already talked and Councilor Boldt and there's some additional things we're going to continue to do as we move forward to address rural concerns: Revitalizing the rural lands task force is an option. Making legal lot determinations faster and cheaper and maybe free. Really looking at the transfer of development right or purchase of development rights as an option. Reviewing our County Code additionally to how we can

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continue to help and make things more flexible and easier for our property owners. Possibly considering a grandfather clause for property owners that have had property before 1994, and we've talked a lot about the ADU ordinance.

So this has been a long process that, you know, at least I've been kind of thrown into here at the end, but it's not going to be the end of the conversations as it relates to our rural landowners and what opportunities we can have to continue to add some flexibility, so... And I want to thank the Planning Commission and staff for all the work they've done in this process.

BOLDT: Yes. Thank you everyone. So it will be coming to us next Tuesday in an ordinance form.

ORJIAKO: Yes.

BOLDT: We will have one last chance probably to give our comments on it. So one thing I would have a request is maybe that will be in an ordinance form, but maybe we could have it in a -- also a different form like what was given here, actually what we voted on today, you know, in a logical way and we'll handle it next Tuesday. I'm going to say from the Board, thank you, Steve, Steve our attorney, thank you very much --

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DIJULIO: You're welcome.

BOLDT: -- for all of your attention and your concern in a long-distance travel, so without you, we couldn't have gotten this far. Thank you very much.

DIJULIO: Thank you, Chair, members of the Board. I am looking at my calendar because you threw me a curve ball by saying you were meeting on the 28th. The earlier agenda schedule had me on for the 29th and I'm not available on the 28th, for what it's worth. So I will certainly work in preparing a draft ordinance.

MADORE: Mr. Chairman, I want to acknowledge the hardest worker here, our stenographer, court recorder. Amazing! I don't know how you do what you've done all these hours. Just amazing. Thank you very, very much. Is it Cindy?

HOLLEY: Yes.

MADORE: Cindy. Thank you very, very much, Cindy.

BOLDT: Cindy, good minutes.

MIELKE: If you talked slower, she would appreciate it.



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MADORE: I try not to talk fast.

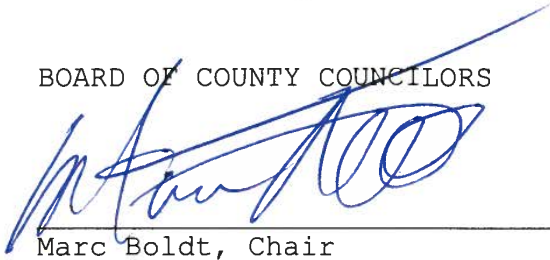
BOLDT: Okay. With that, thank you everybody for lasting it out. Meeting adjourned.

ORJIAKO: Thank you, Councilors.

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Marc Boldt, Chair



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Jeanne E. Stewart, Councilor



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Julie Olson, Councilor

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David Madore, Councilor

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Tom Mielke, Councilor

ATTEST:



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Rebecca Tilton, Clerk of the Board

*Minutes Transcribed by:*

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