



# VERBATIM MINUTES OF A PORTION OF THE BOARD OF COUNTY COUNCILORS' PUBLIC HEARING

(From taped proceedings located  
on the Clark County website)

BOCC Grid  
June 28, 2016

## Participants:

### Board of County Councilors:

Marc Boldt, Chair  
Jeanne E. Stewart, Councilor  
Julie Olson, Councilor  
David Madore, Councilor  
Tom Mielke, Councilor

D.P.A. Jane Vetto, Senior Deputy Prosecuting  
Attorney

Oliver Orjiako, Community Planning

Jose Alvarez, Community Planning

Unknown Member of the Public

## Transcriber:

Thelma Kremer, Prosecutor's Office

*Beginning timer at 20 57*

Chair Boldt Moving on to, uh, No 2, it is an update Ollie, you come up and, uh, no Yea, you can come up here, Oliver Yes, come on up (*Motions to member of public*) You had a concern about it?

Unknown Member of Public Well, not much, just a couple of scrivner's errors on the, uh, on the ordinance and the document Page 15, Exhibit 6 on Definitions There's a definition, Lot Area, Urban, where it says, means is, and forgot to delete the is, so it should read just means And, uh, on page 42, which is Exhibit 17, a Table 40 230 050-1, Uses, there's an Item 1E, which refers to, um, Veterinary Silence Lab, and I think it should be Science, s-c-i-e-n-c-e Just scrivner's errors

Chair Boldt Okay, thank you Good catch Okay, Oliver, I think we have, uh, two in front of us First of all, one in our books and then one in front of us, right?

Oliver Orjiako Yes Good morning, Counselors For the record, Oliver Orjiako, Clark County Community Planning, Director What we have for you this morning is Ordinance No 2016-06-02, which, -12, excuse me, which reflects the, your action on June 21<sup>st</sup>. We tried to use your decision on the decision table, our metrics to write this ordinance so that is what is in front of you The latest version that you had was provided to make sure that it captures your vote on the decision table, which is your vote That item is on page 11 of the decision table, uh, where your vote, I believe, understanding of your vote is to approve AG and Forest 20, in terms of the land division, with clustering as an option So, that is our understanding of your vote and what you have this morning updated from page 29 through 32. We believe captured that If it's not how you wanted that to read, you let us know

Chair Boldt A question I would have is, maybe for our, uh, Ms Vetto So what is in front of us now is some changes

Senior Deputy  
Prosecuting Attorney  
Jane Vetto Right.

Chair Boldt Uh, what is on the grid and in our books?

*(Undecipherable conversation)*

Chair Boldt Uh, has the same resolution number as what we have in front of us

D P A. Vetto Right

June 28, 2016 BOCC Proceedings  
Page 2 of 10

Chair Boldt	It's a little confusing
D P A Vetto	So, my understanding is that, um, planning took your votes from last week, wrote this ordinance, and the only question they had with the vote was the material captured on page 29. And so, what today they've provided you is two alternatives on, on your vote. And they'd like you to pick which one actually reflects your intent from last week. So, um, the one that was posted on the Grid, page 29, is initially what they thought, and then I believe they had some one-on-ones and they thought perhaps the intent was something other than that, so they changed, simply Section E, on page 29. And so, they just want you to give some guidance to them as to which one accurately reflects your intent and then that can be adopted today and replaced, if you would like to go with the newer version of Section E. Everything else is identical.
Chair Boldt	So, we adopt, I'm just trying to get it from, uh, a person out there reading the old one, now reading the new one, on the Grid, is this going to say a replacement, or is it going to say as amended, or?
D P A Vetto	As amended
Chair Boldt	As amended
D P A Vetto	As amended
Chair Boldt	Okay
Councilor Olson	And so your, we have to today, to choose between what staff's interpretation of our action was versus what we think what we did last week?
D P A Vetto	So there's two interpretations
Councilor Olson	Okay
D P A. Vetto	and so to just pick the one that's accurate
Councilor Olson.	So, just to clarify then, what's in our book and what's on The Grid is, is, um, lot sizes, when we go from AG-20 to AG-10, that it requires a choice of either a building envelope or clustering.
D P A Vetto	I believe that's correct. Oliver?
Oliver Orjiako	Yes

Councilor Olson Okay, so it's not straight 10, AG-10 or Forest 20 It's a choice of one or the other

Oliver Orjiako Right

Councilor Olson And that would be for both Forest and AG

Oliver Orjiako Right

Councilor Olson And what I believe our vote was last week was what's maybe captured now in the new language is straight 10 with an option for clustering

Oliver Orjiako That's correct

Councilor Olson Is that correct?

Oliver Orjiako Yes

Councilor Olson Okay So, I think we just have to

Councilor Stewart Well, and what about the Forest?

Councilor Olson And Forest, Forest-20, straight Forest-20, with an option for clustering  
Yea

Oliver Orjiako That's correct

Councilor Olson And, so, how do you need us to confirm or clarify that that's what our intention was and that's what we voted, I mean, do we need to vote that this?

D P A Vetto I think you would, um, vote on the ordinance as amended as to, um, Section E, the amendatory language, and it might be good for one of you to read it into the record

Councilor Stewart. And then the other issue is timing because there may be other sections of the ordinance as we go through that people have questions or comments about I don't know

Chair Boldt Yea, I don't think so, but I think this is the main thing is to just read it into the record

D P A Vetto Uh, the amended language the Board is adopting today, from the version that was posted on The Grid

Chair Boldt What page is that?

D P A Vetto It's page 29

Chair Boldt Okay

D P A Vetto Section E

Chair Boldt Section E

Councilor Stewart So, just so that we can be, um Mr Chair, are we going to discuss this now or are we just getting an explanation at this point?

Chair Boldt How much do we have to read into the record? The entire?

D P A Vetto I believe it's, is it, Oliver, it's one, A through F?

Councilor Olson A through F

Oliver Orjiako It's the entire E

Councilor Stewart And I'll have a question before

D P A Vetto Okay, well, then I guess it's the entire Subsection E, which is actually fairly lengthy

Chair Boldt Okay But that, okay

D P A Vetto Okay, so, page 29 through 32 I'm sorry I thought it was just a paragraph, but it's not

Chair Boldt Oh, okay

D P A Vetto Yea

Chair Boldt So, the amendment is on page 29 through 32, uh, E Any comments on this?

Councilor Stewart I have a question about it

Chair Boldt Yes

Councilor Stewart So, from the draft version, we had a lengthy discussion about this and we kind of went back and forth on this issue about how exactly we could implement what we thought would be the best outcome So, from our Planning staff, I'd be interested in knowing that between the two versions, let's take what's proposed to be the amended version, are there negative,

well, are there implications to adopting that? How different will the outcome be?

Oliver Orjiako Councilors, I think this, I'll answer this way. You've made your vote and we tried our best to make sure that we get it right. This updated version does not provide for, you're making cluster an optional. The way these two languages were written was to propose that you require clustering or a building envelope in order to preserve AG and Forest. That was not the vote of the Council. Your vote was to require a straight 10 and 20, with clustering as an option. That is what your vote is. I don't know what the, the effective date of this will remain the same. The effective date of the ordinance calls for 10 days, which is consistent with the Charter. I don't know what the implication of this will be. That will only be determined if we're challenged.

Councilor Stewart So the revised version is more closely related to our final discussion.

Oliver Orjiako That's correct.

Councilor Stewart. Thank you.

Councilor Madore I have a question. On page 30, on the one that was handed to us most recently this morning, Line 2 through 4, it says the density shall be based on 100% of the gross area of the site. The question -- don't we allow for a 10% variance in all other areas? Does this do away with that 10% margin?

Oliver Orjiako Um, what I'm hearing from my staff, nodding today, yes.

Councilor Madore That's a policy change that I don't think we discussed, isn't it? It's important that we go through full public process and reveal those things that are policy changes and I'm not aware that this has gone through any of that.

Jose Alvarez So, are you talking about the 10% variance?

Councilor Madore Yes.

Jose Alvarez on a lot? I don't think this changes it. The only difference is in the cluster that we allow in the Rural Zone, there's 110%, so there's a 10% density bonus and that's not being carried over for the AG and Forest. But the, if you're within 10% of the size of the lot, then that would apply in this case for these clusters on the AG and Forest.

Councilor Madore Okay, so the record should, should show that this does not change the 10% margin or variation and also this is more restrictive than all the other cluster provisions they had in the past, which allowed for 110%.

Jose Alvarez            This provision preserves Resource Land, where the others aren't in Resource Land

Councilor Madore    Understand   Still 110% was the way it was, with the other, with the R Zone, and this is 100%, which means it's more restrictive

Jose Alvarez            There's a density bonus in the R Zone and there isn't that bonus in the AG and Forest

Councilor Madore    Yes, that's what I understand now, thank you

Jose Alvarez            Thank you

Chair Boldt            Very good   Any other questions about this?

Councilor Olson      No   But it needs to be read into the record, though?

Oliver Orjiako        As amended from page 29 through 32

Chair Boldt            Can we just have a motion to approve the amendment from page 29 to 32?

D P A Vetto            That will work

Oliver Orjiako        Yes

Councilor Olson      Okay. So moved

Chair Boldt            Second? I second

Councilor Stewart    Oh, I second that motion.

Chair Boldt            Uh, any questions? All in favor, say Aye

*Joint Voices*        Aye

Chair Boldt            All opposed? Motion carried   Okay, now, general comments on Ordinance 2016-06-02, as amended

Councilor Olson      I move that we adopt Ordinance No 2016-06-12, as amended

Chair Boldt            Second   Any general comments?

Councilor Madore    Yes

Chair Boldt.            Okay

Councilor Madore All along I think those that have listened to the citizens, especially those negatively impacted in the Rural community, I just want to confirm, my position has not changed I believe that the, that the requirements of the GMA are not being satisfied We have not provided sufficient flexible land for the foreseeable growth for Clark County and this will have to be redone I believe the citizens will win their rights back in court

Chair Boldt Anything else?

Councilor Olson I just want to make

Councilor Madore So, I cannot support this

Councilor Olson I just wanted to make one comment We spent a lot of time on impact fees last week and, um, specifically school impact fees, and I got some data that I had before but I didn't have it last week, just as it relates to school impact fees The fees for Battle Ground, Camas, Evergreen, Green Mountain, La Center, Vancouver and Washougal, uh, all but one, two, three school districts in Clark County are actually lower than they were in 2009, so I just, just to put it all into a broader context of how development impacts schools and, and how these fees work to help offset that impact, I just found it a nice piece of contextual information that they're actually lower than they were in '09, so

Councilor Stewart Well, that's true I don't think that's true in all cases In some cases, um, single-family increased or decreased and multi-family increased or decreased, so, it, um, it is a substantial increase across the board, but we've had lengthy conversations with the school district

Councilor Olson Yup

Councilor Stewart and, um, with other people that are impacted by impact fees

Chair Boldt Yea

Councilor Stewart And it's always a grueling discussion, but we need to take the action that we're taking I, however painful it is, so

Chair Boldt Okay Any other comments?

Councilor Mielke Uh, Mr Chair, thank you Why, I think that the baby steps that we've made to improve what we have, I think we could have done better Still have a big issue with the impact fees and how it affects affordable housing and the rise of the homeless families that we have today So, um, I won't be supporting it in its entirety, while I did support the amendment because it does make improvements



Chair Boldt            Anything? As far as me, Oliver, Gordy, uh, the rest of your crew, I'd just like to thank you so much for everything you've done and the other departments that have come on board that have done a lot of work. You've, we have done a three-year plan that's gone through, becoming a Charter County, three different boards, many different people, uh, County Manager, you name it, there's been enough changes in this plan that really shouldn't have happened, I guess. But you hung in there, all of it. It is a very good plan, as come from the foundational work that was done many years ago about, and it stemmed from the percentage of population increase set by the Board three years ago and everything builds on from that. So my thanks for you. I believe it is within that context, a very good plan. The question, I have gotten several emails about the date, especially with the Rural aspect, and I would say, as far as myself, we put things into the plan with our best feeling that it is legal. So, it is, and it is legal in the Rural aspect, just as much as it is legal within the expanding the boundaries of all of the cities. So to be consistent of that and letting the cities do what they want, we need to do the same aspect on the Rural sections, and that is why it is, has a ten days, just like the cities of the implemental date. We've all said that, so we will go from here and again, thank you, thank you, everyone, for mountains of testimony from us. This will probably be revisited, as Counselor Madore said very soon. All you got to do is look at the people, enough people wanting to buy homes to feel that the population estimate will be right at before us like it was done in 2007, I believe. But, for now, we have a plan and we will keep going. So

Councilor Stewart    Mr. Chair?

Councilor Boldt      Yes

Councilor Stewart    I, too, want to indicate that I believe this is a good plan. I think it's a landmark plan and I've had experience in other jurisdictions with growth management updates. In my estimation, what makes this a landmark plan has been the little bit of healthy tension that has existed between the Planning staff and the policy makers. And that is a normal tension that occurs because the job of electeds is different from the job of staff, but we need to be cohesive and work together to develop the plan. We take a broader picture, much broader picture, and so there are some things staff brought to us. We examined on a policy basis and we agreed by a majority, or in some cases, universally, that we wanted a policy that would take us in a little bit different direction, that we would want to leave more options open and it's across the board in, in this plan. And sometimes a little bit against staff's advice, we saw policies that we thought that were really important to have implemented and staff went back and rewrote it and resubmitted it to us, and I appreciate that, because they are the lifetime professionals for planning, and there is that, we, but we have to do our part,

as well. The other thing this plan does, that's a landmark, is considered more deeply the Rural property rights in a way that no plan before this has and we have tried to make accommodations. We know some of those accommodations may create some challenges to the Plan but we thought it was time to move ahead with some compromise positions and, for that reason, I think it's an outcome of the best plan that I've ever worked on in 15 years of being in jurisdictions. So, I applaud the staff for their patience and their courtesy, and the work and reworking areas that we asked to have reworked. So, I think it's an exceptional plan. I think it's a landmark plan.

Chair Boldt: Okay, thank you. I will call for the vote individually. Councilor Stewart?

Councilor Stewart: Aye.

Chair Boldt: Olson?

Councilor Olson: Aye.

Chair Boldt: I vote Aye. Mielke?

Councilor Mielke: No.

Councilor Madore: No.

Chair Boldt: Okay. Motion passed. Thank you very much. Good job.

*End Time 42:44*