

**Development and Engineering Advisory Board Meeting**  
**January 5, 2023**  
**2:30pm - 4:30pm**  
**Public Service Center**  
**Meeting held by Microsoft Teams**

**Board members in attendance:** Eric Golemo, Mike Odren, Dan Wisner, Ryan Wilson, Andrew Gunther, Terry Wollam, Seth Halling, James Howsley, Sherrie Jones, Jeff Wriston, Nick Flagg

**Board members not in attendance:**

**County Staff:** Brent Davis, April Furth, Oliver Orjiako, Dianna Nutt, Rod Swanson, Ted Vanegas, Jennifer Reynolds, Kylah Bergen, Diana Schotanus, Jose Alvarez, Victoria Abram, Max Booth, Shannon Nashif, Megan Fletcher, Stephen Archer, Melissa Tracy, Maureen Patronaggio, Glen Yung

**Public:** Noelle Lovern, Justin Wood, Houston Aho, Jackie Lane, Glen Yung

**Call to Order:** 2:28 pm

- **Administrative Actions:**
- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB website.
- Review/adopt last month's minutes (adopted)
- Review upcoming events:
  - Public Hearings:
    - TBA
  - COUNTY COUNCIL Work Sessions every Wednesday:
    - TBA
  - COUNTY COUNCIL Hearings first and third Tuesdays:
    - TBA
  - DEAB MEETING:
    - February 2nd
- DEAB member announcements:
  - Megan Fletcher is the new DEAB coordinator starting in February.
  - Seth Halling nominated as DEAB chair for 2023 - passed
  - Sherrie Jones nominated as DEAB co-chair for 2023 - passed

**Wetland and Habitat Code Updates**

*Presenters: Davis*

- Planning Commission (PC) recommended approval of the proposed amendments as presented in their November meeting.
- Work session with Council is scheduled for week after next, hoping to have it at the hearing on Feb. 3<sup>rd</sup>.
- No substantial changes since the draft DEAB was provided.
- Public comments:

- Concern regarding the effects that changes to riparian habitat could have on buildable lands.
- Friends of CC are concerned that CC is not strictly following the Best Available Science recommendations from WDFW with non-fish bearing streams.
  - WDFW is in support of the standards CC has proposed. They will make a comment to that effect for the record.

### **Mixed-Use Code:**

*Presenter: Odren*

- Mr. Odren would like to start a discussion with DEAB and staff regarding mixed-use projects and code to bring up concerns, issues, and proposed solutions to get this onto the next biannual code amendments.
- There are some unintended consequences resulting from conflicts between the code and other standards associated with mixed-use.
  - Ex: Fee simple townhome lots and the floor area ratio of 0.5 essentially restricts to a single story.
  - Mr. Halling has a list of those types of cleanup items. Coming up with the proposed changes and outlining what the impacts are is still needed.
- Question: Mr. Halling, will you be able to bring the list of discussion items to the February meeting?
  - Answer: I can bring the discussion, but don't know if we'd have all the proposed changes yet.
  - That would be a good starting point to follow up with some proposed solutions, or code language for staff, in March.
  - CC code will be compared with city of Vancouver's code, to help make recommendations that are in line.

### **Landscape/Recreation Space Standards Status:**

*Presenter: Odren & Furth*

- Council decided to pull this code clarification from the biannual code amendments at yesterday's workshop, aided by testimony against the proposed amendment. Council feels it is a policy issue that requires it to be a standalone and wants to discuss it in the workshops.
- Question: Mrs. Furth, will this go back to the Planning Commission if it's a policy item?
  - Answer: We are trying to work out those details. We public noticed for the 17<sup>th</sup>. There could be the possibility that it still needs to be on there, and they need to rescind it at that point. We will let you know when we've worked through it.
- If this clarification moves forward, Council wants to review again.

- Mr. Odren provided technical information guidance at the last work session, as public testimony.
  - Members of Friends of CC and an online attendee requested to speak at the work session as well.
  - DEAB acts as an advisory board to the council and should be actively involved in work sessions, to avoid work being misinterpreted.
  - Regarding this item, DEAB would like staff to convey to Council that DEAB needs to be closely involved in work sessions, in conjuncture with staff.
  - It has taken a considerable amount of time from staff and DEAB to address this. Thanks to staff for their past and continued work on this.
  - Mr. Odren would like to clarify: DEAB understands the ramifications and unintended consequences of the current code interpretation. They don't like or dislike things, but rather view through the lens of meeting the zoning code, comprehensive plan, and GMA.
- DEAB has encouraged other groups/individuals (such as the Friends of CC) to attend meetings and testify, bring up their issues, and participate in the business DEAB engages in, to open dialogue and work through issues that may occur.
  - DEAB met with 2 members of the Friends of CC in December to explain their position and understanding, as well as the unintended consequences associated with the current code interpretation.
  - Mr. Odren would like to bring to attention: 2 uncomfortable and hostile personal engagements with members of the Friends of CC directly related to this issue (1 following the PC hearing and 1 following yesterday's workshop) during which he was accused of intimidation and deception. Mr. Odren has built his career of over 25 years on a foundation of honesty, professionalism, integrity, and strong work ethic. Any attack by any organization is unprofessional at best.
  - DEAB's focus is on educating the Council of the impacts of the current code interpretation on future development, construction and housing affordability, meeting the comprehensive plan and GMA density goals, etc.
- Mr. Golemo would like to add onto the misinterpretation earlier mentioned:
  - This item was brought up not because DEAB dislikes it, but because it:
    - Does not meet the intent of the code
    - Is not in line with industry standards
    - Is not in line with how other jurisdictions handle the same thresholds
    - Is not GMA compliant
    - Could possibly change the densities and cause additional environmental impacts and urban sprawl by changing the density to requiring a greater area to fit the same number of units
    - Is inconsistent with past interpretation or application

- DEAB represents clients, tries to come up with the best designs for them, and financially speaking, does not benefit from the decision to this code section.
- Mrs. Furth does not condone harassment or peoples' integrity being put into question.
  - She stands by staff: It is their job to provide, during a work session to the Council, an unbiased presentation of what they will be approving and what will be changing in the code.
  - Mrs. Furth and Mr. Vanegas mentioned how the code had been interpreted and applied historically, what the inconsistencies were, and how they came to be.
  - Mrs. Furth's job is to read and interpret code, without having or inserting any personal opinions about it. Her interpretation is Title 40, so a change to the interpretation does result in a change to the code.
    - Since there was a historical interpretation, it was a policy change and allowed to be in the biannual code updates.
  - Question: What did DEAB think Mrs. Furth misrepresented to the Council in the last work session?
    - Answer: Mr. Odren doesn't believe DEAB takes issue with Mrs. Furth or Mr. Vanegas' presentation, but that the item has been interpreted as more than a simple scrivener's error or clarification by *others*. Policymakers and Planning Commissioners' perspectives on this topic have been impacted greatly, by testimony provided by Friends of CC.
  - Ultimately, there could be a loss of landscaping, but only within the 10% at most.
  - Now that it's become a policy issue, DEAB will again have to provide to the PC and then Council, additional information regarding why nothing will be changing, and that this interpretation has been used most of the time.
    - DEAB will need to explain that with this interpretation, CC runs the risk of not meeting their GMA density goals, because you cannot build out in the higher densities, to the maximum density, if you have a project that is between 35 and 40% landscaping or recreational space, or the 2 combined.
    - Mr. Odren suggests to those in opposition, to prove the current code interpretation is valid for use in every multifamily zone. If it doesn't work, GMA goals are not met, and CC is in noncompliance.
    - He believes the public perception aspect of this issue should be removed from their approach, and information presented should only be based on code, science, and design.
  - Mrs. Furth believes the process is working in the way it was designed to: through the public hearings.

- The hypothetical case study was not accepted by certain outside organizations. Mr. Odren can provide an R-30 project that will be submitted before month's end, that will not meet the code as currently interpreted, even without maximizing the density.
  - For this interpretation to work, we would need to resort to 4-story buildings. This does not lend itself to housing affordability due to the increased costs associated with it.
  - There is a current 4-story project that *will* meet code, but it is higher-end, has elevators, and is not conducive to housing affordability.
  - This issue will need to be presented to Council and the Planning Commission. Mr. Odren's testimony to the PC allowed all (except one) to completely understand the issue, and he would like to present at a work session with Council. DEAB would submit information and written testimony in advance, then attend the work session and be present only to answer questions that may arise about the submitted information.
- Mr. Howsley recalls instances in the past where Council and County Commissioners have allowed subject matter experts from the private sector to attend work sessions and provide direct give and take, to help gain understanding of the pragmatic and practical aspects.
  - Issues being filtered through staff and not represented accurately leads to the spinning-off of outside groups, who then accuse DEAB members of nefarious activities.
  - With 3 new Council members being seated, it is important to reiterate the fact that DEAB is here as an advisory body to the Council directly, on development related issues.
  - DEAB has the once-a-year opportunity to discuss work plans with Council and have one-on-one interaction, but there have been additional instances where Councilors have invited DEAB members to participate in work sessions.
  - Councilors and Commissioners have attended various meetings, to understand positions, and DEAB would invite Council again to do that.

**Motions by Mr. Howsley:**

- 1. To make a recommendation to Council, to extend the length of the ordinance until the issue is resolved. – Motion passed.**
  - 2. For DEAB to send a letter to Council, the county manager, and staff to inform of the historical precedence of DEAB having participated in work sessions and being available to in the future. – Motion passed.**
- The parks and open space plans are predicated on certain acreage per person.

- Part of that is an attempt to recognize that not every house is going to be a single-family home with a yard. We need to have more public spaces to accommodate for that.
  - The new interpretation suggesting that to be readily available on site has other implications on a land supply issue.
- The Friends of CC organization, who has vigorously advocated through legal challenges to the hearings board and through the courts about the expansion of growth boundaries, are now fighting to *reduce* density within urban growth areas.
  - There is an internal inconsistency present.
- It is up to the PC and Council to decide whether they want to hear from DEAB directly. If they want to meet in a work session, they can. It is the Councilors' jobs to understand and to *want* to understand.
- It is a technical issue they are struggling with. If DEAB can go in and help the Councilors understand the reality of the impact, then the goal has been achieved and time has been saved doing it.
  - DEAB members are experts in their fields, and there are not many members of the general public that fully understand these complex issues. It is DEAB's role to educate, inform, and advise the Council on these issues.
  - DEAB has always worked collaboratively with staff, sometimes resulting in a compromise or a change in position to help gain balance. With some give and take, they reached a resolution.
  - Staff discovered that the current code language is neither clear nor consistent with past interpretation. A resolution was then created and brought to the board, with an interpretation that clarifies it and brings the code in line with historical interpretation, but it somehow was blown off.
- Mr. Odren's presentation was during public comment.
- Mrs. Furth did not want to present as a group with DEAB, because she did not want staff and DEAB to seem like they were competing with different stances on the issues.
- DEAB's next step is to come up with a work plan to present to the PC and the Council. Mr. Odren does not believe it will be ready by the 17<sup>th</sup>, which is the date of the biannuals' public hearing. They need a legal opinion and additional existing projects. Mr. Odren has been reviewing information provided through a public record request to see when and how the projects were approved, etc.
- For future testimony involving controversial projects, it would be beneficial to have 2 DEAB members attend.
- Mr. Odren will continue to review the project he has that does not meet the current code interpretation, as well as those that do.
  - When reading through the projects, if it states that there are 2 separate requirements, this indicates which projects are approved separately and approved combined.
  - Mr. Odren is requesting that DEAB members provide calculations and information regarding multifamily projects they have accomplished in the last 20 years.

- DEAB will have to present the data to Council, because that is what they have requested specifically.
  - Mr. Odren wants to show through the data, that on any site, you cannot achieve maximum density without doing something else that increases the cost of the project.
    - Example: Going into 4 stories, or 5 stories with elevators, or underground parking. All of these go against housing affordability. These facts are what will make a difference in the eyes of the PC and Council.
    - Mr. Odren will follow up the DEAB members in a week or two to check on progress. If the data could be ready in time for Mr. Odren to attend the hearing, perhaps they will be able to help Council understand.

**Public Comments:**

N/A

**Meeting adjourned:** 3:30 pm  
Meeting minutes prepared by: Diana Schotanus  
Reviewed by: Brent Davis