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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 expan- -- 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 under- -- 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 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 Coppley. 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 plannings 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.

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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 l.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.