

BOARD OF COUNTY COUNCILORS
MINUTES OF JUNE 20, 2017

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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, John Blom, Eileen Quiring, and Marc Boldt, Chair, present.

PUBLIC HEARING: 2016 COMPREHENSIVE GROWTH MANAGEMENT PLAN UPDATE REMAND; and INTERIM ORDINANCE ON LAND DIVISIONS ON RURAL AND RESOURCE LANDS

BOLDT: Okay. Moving on to the public hearing. Good morning, sir, and, ma'am.

ORJIAKO: Good morning, Councilors. For the record, Oliver Orjiako, Community Planning Director.

This hearing before you, Councilors, is for staff to present to you the recommendation of the Planning Commission as the County's going through the process of coming in compliance on certain issues that was appealed to the Growth Management Hearings Board. The Council will recall that the growth plan was adopted June 28, 2016 - it's almost a year now - and the update took effect July 8 of 2016. Following that, the plan was appealed to the Western Washington Growth Management Hearings Board by Friends of Clark County and Futurewise and also Clark County Citizens United.

The growth board heard oral argument from the proponents or those that appealed on February 8 of 2017, and following that, the growth board issued their final decision and order on March 23rd, 2017. The County has 180 days to come in compliance and that will run from now

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until September 19th, 2017, and the compliance hearing by the Growth Management Hearings Board is slated for November 7th, 2017. Next slide.

Here are some of the issues that the growth board found that the County is not in compliance or violated the Growth Management Act. One is the need to expand the urban growth boundaries of Battle Ground, Ridgefield and La Center, as well as the de-designation of the ag in both La Center and Ridgefield from ag to urban use. They also found that the de-designation of a little bit over 600 acres from agriculture to light industrial - this is where the County applied to have rural industrial land bank be located - they found that that action also violated GMA in addition to the de-designation of that property.

The growth board also found that the County did not specify or have in our code a comp plan document, a maximum size for the rural industrial land bank designation. And in terms of the urban reserve overlay, I think the issue there was more on the uses allowed in the urban reserve. As the Council know, the urban reserve areas are outside the urban growth boundary and the issue there is that the uses should be rural in nature.

They also, the growth board, found that the single designation of rural also violated the Growth Management Act and calls for the County

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to have a variety of rural designation in our comp plan. And also that the, if you call it upzoning, but the change from AG-10, AG-20 to 10 and Forest 40 to Forest 20 also violated the Growth Management Act.

Here are the three issues that the County is not appealing or is appealing. The need for the UGA expansion in Ridgefield and La Center. The Board, and Chris could speak to this, the growth board found invalidity on the expansion of Ridgefield, La Center and Battle Ground urban growth boundary, as well as the de-designation of those properties with the exception of Battle Ground from agriculture to nonagricultural use. The Council directed that we also appealed the rural industrial land bank designation. So those are the three issues that the County is appealing.

What we are proposing and we took to the Planning Commission is consistent with several discussions that we had with the Council on what the County will be proposing to come into compliance, and that is to change the AG-10 to and the ag -- and the Forest 20 back to AG-20 and Forest 40, eliminating the voluntary cluster provision as well as the newly zoned Rural 10, reverting that back to the Rural 20. That particular issue Chris could speak to it, but the proponents argue that they appealed that issue. The growth board was silent on that issue. The only reason staff recommended that to the Council last year was the fact that we were also recommending

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to reduce the minimum parcel size in agriculture and forest and thereby also reducing the Rural 20 that abut them as buffering to Rural 10.

Now that the County's asking that we not appeal that decision and go back to AG-20 and Forest 40, staff is also recommending that the Council also revert back to AG-20, particularly those that abut the resource land. And we also are recommending that the County have comp plan designations of Rural 5, Rural 10 and Rural 20 and that will be implemented by the current underlying zoning of Rural 5, 10 and 20. What this will do is individual property owners can still apply for a zone change from Rural 10 to Rural 5 or Rural 20, either way, but they have to go through the Type IV legislative process rather than going straight to a quasi-judicial process to the hearing examiner. They have to go through the Planning Commission and back to the Council. That's what this will do. It will not prevent any future plan amendment or zone change made by individual property owners.

The urban reserve overlay, we are proposing that it be left alone. Right now we will use the underlying use that is allowed in Rural 5 or AG-20 to be the underlying use that will apply, but we will apply the urban reserve as an overlay. We also are recommending that we establish - we just picked a number - 700 acres, that's the maximum number for rural industrial land bank.

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We are also recommending that the 17 parcels brought into the Battle Ground UGB be reverted back to Rural 5. The City have recommended that the Council apply an urban reserve overlay on that property. You may hear from representative of the City of Battle Ground. They have done some outreach to the property owners and they can speak to that more than I can. Next slide.

BOLDT: Hey, Oliver, before we -- can you go -- so is the clustering option tied to the AG-10s and FR-20s or are they --

ORJIAKO: Yes.

BOLDT: I thought they were separate?

ORJIAKO: No, it was part of the action that the Council took --

BOLDT: I know it was part of the action.

ORJIAKO: Yes.

BOLDT: But --

ORJIAKO: You made it voluntary in your action last year.

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BOLDT: But do we have a clustering provision for the FR-40s and the AG-20s?

ORJIAKO: No. We only allow clustering now in Rural 5, Rural 10 and Rural 20.

BOLDT: So was the clustering provision appealed, is that in noncompliance or just the AG-10s and FR-20s?

COOK: When you say was it appealed, I am not sure that that was specifically noted in an issue. It was certainly discussed before the growth board, so the growth board was aware of the clustering provision. As to whether they said specifically this clustering provision violates GMA, I don't believe that they did, but I know there was discussion of what the growth board and the petitioners viewed as the problem of having, you know, small one-acre clusters of lots in the midst of a resource zone.

BOLDT: So I'm just wondering, I know it's late, but so the FR-40s or even especially the FR-40s, back from 1994, the forest, our Clark County forest people have said all I want is one or two small lots to have the kids move there and own 3, 400 acres or whatever, you know. I'm just wondering if we left the clustering in there, would that help that or do we have to get rid of it or do we have to look at this?

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COOK: Well, I certainly can't speak for Friends of Clark County and Futurewise, I know they had some of their members are present (inaudible) --

(EVERYBODY TALKING AT THE SAME TIME)

BOLDT: I'm talking about the (inaudible) --

QUIRING: Actually, maybe the State law would address that better than other entities --

COOK: I can --

QUIRING: -- that are appealing Clark County's uses, and I think that would be a more appropriate question, does State law prohibit us from having clustering on R-40s, and if it doesn't, would that help to solve the problem?

COOK: Okay. Two thoughts on that. If there is, in fact, a problem, it might solve the problem immediately. My question is, okay, so now the 30- or 40-year-old second generation can have their one-acre lots, what about the generation after them and the generation after them? You know, there's a point at which --

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BOLDT: Well, I realize that.

COOK: So that's -- well, I was asked would that help solve the problem. In my view, not really.

QUIRING: I think a more important part of the question, however, was does State law allow that?

COOK: Does State law allow that? I would -- first of all, I will note that the clustering in resource lands was eliminated from the comp plan with the very first GMA comp plan that this County did. Second, although I've gotten a ton of questions about this, this is the first time I have received this question from any of you, and so I can't say that I've done extensive research on whether State law would permit the situation of, say, 10 one-acre lots in the midst of an R-20 -- I'm sorry -- an AG-20 zone or a Forest 40 zone if there were landowners who had that much in the way of contiguous property in those zones. So, you know, you can't -- you would not be able if you had, say, 60 acres --

BOLDT: No.

COOK: -- in a Forest 40 to do two cluster lots. It's got to be consistent with the density designations. So you would need 200 acres to put five residences on it in a Forest 40. That's the way

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clusters work. And anything that would increase that density I can say would not be compliant with State law.

BLOM: Was the majority of the reason --

COOK: But otherwise, as to whether it would be compliant in general, I would just be speaking kind of extemporaneously here.

BLOM: So the reason for the noncompliance, as I understand, was primarily because they were not doing enough to preserve agriculture. Is that a fair, broad generalization on this particular issue?

COOK: Not doing enough to preserve agriculture. Well, the overall holding with respect to the ag and forest lands - it wasn't just ag. It was forest - was that the County was not looking at it in an area-wide or countywide view to determine that the impact of what the County, of the changes that the County had made to determine what the impact would be on the agricultural or forest economy in the county as a whole.

So the first problem was that we weren't looking at the right things according to the growth board. So once we figure out what the right things are that we're supposed to look at and do that look, then the next question is having reached a conclusion about that, did we reach the right conclusion? That's a step we haven't even gotten to yet.

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So that is pretty much where we are.

BLOM: Okay. So we've heard a lot about the Agriculture Preservation Strategy Report from 2009, and I would just throw out that in their part of the strategy for agriculture preservation is exactly clustering in these resource lands, so we have done that study at a certain point, so...

OLSON: Well, and one point about clustering, I think, that is that remainder piece, so if it solves a problem short-term, there's going to be a long-term --

QUIRING: Yeah, it's going to be in perpetuity.

OLSON: Yeah. So that remainder piece is what's going to trip up folks, you know --

QUIRING: Yes.

OLSON: -- potentially if they're going to want to continue to --

QUIRING: If, yeah, if we maintain the --

OLSON: Which people just need to know that ahead of time, that that's part of that provision.

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QUIRING: Yes. Well, is that State law? I have a question actually of Mr. Orjiako about a comment he made going down these bullet points, the established 700 acres as a maximum rural industrial land bank, and the statement you made was we just picked a number. That probably isn't completely true. Can you tell us why you did that.

ORJIAKO: Councilor, if you recall that the application that was submitted was a little bit over 600. No one that I -- no county that I'm aware of have done rural industrial land bank, so I couldn't look for any precedent. That's why I said we just chose a number.

QUIRING: But, I mean, you chose it with respect to the application that was before us with 602 acres, so you're expanding it slightly, but... so I just wanted to clarify because that kind of piqued my ear, whoops.

ORJIAKO: Yes. And when you read the legislature, it didn't say what that maximum number should be, so...

QUIRING: Yes. Right.

ORJIAKO: But at least we are now establishing a maximum number.

QUIRING: Right. Yes. Thank you.

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BOLDT: And am I correct that rural industrial land bank legislation goes away or does it continue?

ORJIAKO: I think the section that goes away or sunset, I believe, is the 367. I have to be certain before about that. I think the 365, if you have a user, I think that is still in effect, but I have to research the 367.

BOLDT: I thought every county can have two industrial land banks up to 500 acres apiece?

ORJIAKO: Again, I don't think that there is a number.

BOLDT: There's a number there somewhere.

ORJIAKO: I don't recall a number in the legislation and we can look it up, but it said two.

BOLDT: I wrote the legislation, so...

ORJIAKO: Right.

OLSON: Well, you should remember it.

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ORJIAKO: Okay. Moving on to the next slide.

STEWART: Excuse me. Before we go on to that, after all the conversation about AG-20 and Forest 40 and whether clustering could be done in any or all of those, what was the final answer?

COOK: The final answer is this is the first I've heard that that's an issue for you and I haven't researched whether there is any circumstance under which in or on resource lands designated for long-term commercial significance clustering with small acreage residential lots would be permitted, so... I believe that was Councilor Quiring's fundamental question, and I apologize, I can't answer that right now.

STEWART: And I think one of the things that I see occurring here today is where there's -- where we are trying to satisfy the Growth Management Hearings Board with solutions. A lot of the testimony that came to us during the GMA, and I specifically remember, Mr. Boldt, the discussions from people who had forest land wanted to maintain the forest land but did want to be able to locate maybe a couple of family homes --

BOLDT: Yeah.

STEWART: -- and in some kind of a cluster. So I think our

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recollections of that testimony are kind of coming back today as we're working through the resolutions.

BOLDT: Okay. Carry on.

ORJIAKO: Okay. In terms of process, Councilors, what we've done so far is send our report and the proposal to Commerce to start the 60-day review process. We notice to adopt the 2007 EIS and the 2016 Supplemental EIS that was issued May 2017. We had a Council work session June 7th and we're having this public hearing today for the Council to take action on these issues to bring us closer to our compliance.

You also had a limited moratorium that you adopted April 25th and the effective date of the action that you will take today if you adopt the adopting resolution will take effect June 30th.

BOLDT: Oliver, when does this have to be adopted?

ORJIAKO: You mean the action?

BOLDT: To be in compliance, yeah.

ORJIAKO: We are anticipating that you will adopt it today. We haven't --

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BOLDT: But if we don't?

COOK: Compliance is due, according to the growth board order, by September 19th.

ORJIAKO: September 19th.

COOK: And so that is their drop-dead date.

BOLDT: Okay. That's good to know, so... If we get into a squeeze, I just want to know that we could have a couple of more weeks to change the ordinance maybe a little and go from there.

STEWART: And that was my point of talking about some of the new questions from the Council coming up today is that we're going to have to consider what if we are going to recommend changes today.

BOLDT: Okay.

ORJIAKO: Okay. When we, as part of this process, we went to the Planning Commission, did a work session with them on May 4th and then their public hearing was May 18th. On this slide shows you how the Planning Commission voted and what they recommended item-by-item. We'll go through that. It is in the Planning Commission minutes that

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we submitted as part of your record. The only thing I will add is that the Planning Commission voted 4/2 on the recommendation or request from the City of Battle Ground to apply urban reserve on the 17 acres that are recommended for removal from the Battle Ground UGA, that was 4/2. On all other items, it was unanimous 6/0.

So what we are proposing to the Council is to -- in considering the Planning Commission is to uphold the recommendation of the Planning Commission. The changes proposed would include the changes to the comp plan map text and changes that are made to certain section of the County Unified Development Code which is Title 40. If you reviewed the staff report that staff put in your packet, you will see all the highlighted areas that your action will reflect going forward.

So that really summarizes my staff comment. I know that all the comment that came after the Planning Commission hearing, we made those available to the Council.

BOLDT: Yeah. Oliver, if when it comes down to voting, I would like to vote just like the Planning Commission does, did, the different items so we know exactly what we're voting on.

OLSON: Like that prior slide.

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BOLDT: Yeah.

ORJIAKO: Okay. We can put that PowerPoint up.

BOLDT: Yeah. Anything else?

ORJIAKO: No, that's it from staff.

COOK: If you have further questions, I am happy to answer them.

BOLDT: Any other questions?

QUIRING: Actually, I do have another question. I'm thinking in terms of this whole clustering question that just came up in ag or forest areas. Is there any other way, aside from clustering, that we could make a policy that would comply in various ways with State law but also allow us to have a little bit of flexibility when circumstances, such as we heard in testimony and today referred to, for instance, in an 80 forest with an individual who's retired and aging and his son has to come there, the forest doesn't give them enough income for his son to actually be there full-time, so his son has a full-time job, comes there in the evening and on the weekends and, you know, to be able to bifurcate a portion of that to put another dwelling?

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And I wouldn't want to dictate it so much that, you know, we've got to go through this process of, well, is it a family member or a -- you know, but I'm just wondering, is there anything that would allow us to be able to be a little more flexible than creating, you know, clustering zones in all of these places?

COOK: Well, flexibility in density is not one of the hallmarks of GMA, and hardship dwellings are certainly permitted in the resource zones. Those are available and allowed under State law and under current Clark County code, so that would certainly allow a family member to live on the same property as the parent. What it would not allow is it would not allow building a permanent dwelling on that property --

QUIRING: That is separate.

COOK: -- which can then be sold off or the parents' property can be sold off separate from that when one of those people decides to move on or is deceased and that is -- there is not flexibility on that, as I read the law.

If you are going to put two dwellings on 80 acres, you need to split the 80 acres into two parcels and so they have to be compliant then, the two different parcels with zoning as well as platting. I don't know how else to answer what I think your question is.

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QUIRING: Okay. And the hardship designation, though, this is that's really temporary.

COOK: It is temporary.

QUIRING: As I understand it, it's temporary, I mean. So why would you -- I mean, you'd have to have basically a modular or a manufactured home so it could be moved off of there at some point.

COOK: That's correct.

QUIRING: So that doesn't -- that isn't going to answer the issue.

BOLDT: And in, I think it was 1999, us, Lonnie Moss, Clark County Citizens, we had -- we did four bills in Olympia. We tried it. We called it everything in the world --

QUIRING: Yeah. I see.

BOLDT: -- and the governor vetoed every one of them, so...

QUIRING: Yeah. Was that Gregoire or before that?

BOLDT: No, that was Locke.

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QUIRING: Locke.

BOLDT: Yeah. Okay. Thank you.

Jason Joner. Morning, sir.

JONER: Morning, Councilors. I am Jason Joner and I represent Martin and Cherie Nye, actually filling in today for LeAnne Bremer who unfortunately couldn't be here today. LeAnne --

BOLDT: We got her letter and everything.

JONER: Excellent. Yeah. I was going to confirm that. She provided, yes, a memo, I believe, on June 7th to the Council.

The Nyes own six parcels that are currently zoned R-10. Those parcels are approximately 219 acres. They are northwest of 219th Street and south of NW 51st Avenue. One of the goals of the GMA is to protect the private property rights against arbitrary action, and the rezone here from going from R-10 to R-20 would be just that. The prior Board did zone appropriately, the property, as R-10 just last year. This wasn't challenged on appeal and so it's still valid. The growth board did not order it to be rezoned back to what it was previously and the County does not have to take the action for these

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parcels of zoning it back to R-20, especially here in this case against the property owners wishes.

The Nye property is not surrounded completely by natural resource lands. There is some parcelization around the property, so there would be a mix of R-5s, R-10s and R-20s in the area. GMA encourages having a variety of rural densities and, therefore, we would urge the Council here to keep the zoning the same there for these parcels, the R-10.

BOLDT: Okay. Thank you very much.

JONER: Thank you.

HOLLEY: How do you spell your last name?

JONER: Joner, J-o-n-e-r.

BOLDT: Okay. And for the record, please come up, speak slowly and spell your name.

STEWART: And move the microphone toward your mouth.

BOLDT: Gretchen Starke. Good morning, ma'am.

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STARKE: Good morning. I just want to say I've lived in the county for a long time. Okay. For the record, my name is Gretchen Starke and I live in Vancouver.

BOLDT: And spell your last name, please.

STARKE: S-t-a-r-k-e. And, in fact, we've lived here almost 50 years and have seen the county sprawl and sprawl and sprawl. I just wanted to say that I support changing, support the AG-20 and the Forest 40 and eliminating the clustering option. Your counsel pointed out that what works then for the upcoming generation would not work for the third and fourth generations.

See, you got to look way ahead and not just react to what one person right now wants because that would not work for the long run. So I just wanted to emphasize, again, the AG-20 and the Forest 40 and changing the R-10s back to R-20s. Thank you.

BOLDT: Thank you very much.

QUIRING: Ms. Starke, would you mind telling us where in Vancouver you live?

STARKE: East Vancouver. I live in East Vancouver. I live east about a half mile east of I-205 north of Mill Plain three and a half

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blocks. When we moved out here, Mill Plain was a two-lane road --

QUIRING: Yes.

STARKE: -- and it sprawled and we got strip zoning along Mill Plain and it just it turned into an absolute mess, was not happy at all. And then we finally got annexed by the City, so the City came to me; I didn't go to the City.

BOLDT: Okay. Very good. Thank you very much.

QUIRING: Thank you.

BOLDT: Good job.

Carol Levanen. Good morning.

LEVANEN: Good morning. Carol Levanen for Clark County Citizens United for the record.

The GMA is a bottoms-up process. The November 2015 adoption of Alt 1, 2, 3 and 4 gave something for every citizens of Clark County. The hearing board does not decide what the people want. The hearing board was set up to be arbi- -- or excuse me -- someone who is -- would have been a go-between to assure that everyone is satisfied with the

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comprehensive plan. But what we've seen is that the hearings board has gone outside their jurisdictional bounds and has been writing law, and when it's gone to the courts, those laws have been reversed.

To answer your question regarding clustering and industrial land banks, RCW 36.70A.367 discusses a major industrial developments in master planned locations. It talks about a planned process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth boundaries. It also talks about final approval of an industrial land bank area, under this section must be an amendment to the comprehensive plan. Also talks about in order to identify and approve locations for industrial land banks, the County shall take action to designate one or more industrial land banks and adopt conforming regulations.

As regards clusters, RCW 36.70A.177, agricultural land - innovative zoning techniques - accessory uses. That talks about the cluster zoning is in (b) which allows new development on one portion of the land leaving the remainder of agriculture to open space uses. Clearly the GMA -- and there's another portion of the GMA that talks about encouraging these cluster-type developments to preserve the lands that have the prime agricultural soils, but the problem is we really have very little prime agricultural soils because the land has been designated by an aerial photo and staff interpretation back in 1993. So this comprehensive plan has been faulty since 1994

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adoption and the hearings board has been perpetuating that ever since.

I think it's time this Council and this county and the rest of us reject those hearings board's decisions and adopt a comprehensive plan that meets all of our economic and community needs in Clark County. Thank you.

BOLDT: Thank you.

Sue Marshall. Morning.

MARSHALL: Good morning. Thank you. For the record, my name is Sue Marshall, 4316 NW 169th Street in Ridgefield. I am here today on behalf of Friends of Clark County in support of the proposed zone change as described in the staff report.

We believe that adoption of the zone changes is a proactive and positive step toward bringing the County's comprehensive plan into compliance with the final decision and order issued by the Growth Management Hearing Board on March 23rd, 2017. We greatly appreciate the leadership of County Council in taking the necessary steps to initiate this process and the staff in preparation of these amendments.

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Protecting farm and forest lands and the buffers that protect them from further subdivisions is critical for the long-term economic viability of these resources. Both Friends of Clark County and Futurewise argued and the Growth Management Hearing Board supported in their opinion and record that 40 acres was the minimum to protect farmland from sprawl. The hearing board agreed and so indicated in their opinion and the record.

Additionally, as David McDonald previously submitted in his letter of June 19th, the R-20 minimums as a buffer for ag lands, and I quote here, have been a stable, constant and necessary for compliance part of our growth, our comprehensive plan since 1998.

Friends of Clark County and our members have been active participants in this comprehensive plan update planning process. Throughout the past several years, we have supported many of the County's decisions and tried to provide staff and elected officials with detailed and thorough analysis of potential impacts of the various options. We have supported some of the decisions both during the planning process and during the appeal. When we felt it was necessary and legally supportable, we have detailed our concerns.

Friends of Clark County's overarching goal has been and remains to ensure that the comp plan as adopted will not undermine long-term commercial viability of agriculture and forest lands or impose

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additional development pressures on natural resource lands in this county.

On a personal note, and I think I've mentioned this to some of you, that we have 20 acres. We plan to plant Hazelnuts this fall. We did -- we were hoping to -- part of our plan was to, through the lot re-allocation process, acquire 9 acres to join with our agricultural land. Because of the AG-10 zoning designations, we're no longer able to do that and at about \$3,000 per acre at maturity, this will have an impact on our bottom line and our ability to recoup our initial investment.

So thank you very much for your consideration and I hope you adopt these amendments. We'd be happy to at another time talk in more detail about clustering and some of these other issues that you've raised. So thank you.

BOLDT: Okay. Thank you.

STEWART: Mr. Chair, I'd like to ask a question.

MARSHALL: Sure.

STEWART: So you have a 20-acre farm?

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MARSHALL: Well, actually we have, as it's parceled now, we have a 9 acre and a 10 acre and a 1 acre because we just accomplished a short plat because we had two houses that were historically there, and to protect them, like, if there was a fire or something, we couldn't rebuild it, so we did a short plat, so it's 10, 9 and 1.

STEWART: So I'm trying to understand, because I think what you're saying here is something that we've already demonstrated an interest in, and that is if it was AG-20 and was converted to AG-10 and you don't -- and you want it reconverted back to R-20 --

MARSHALL: Well, AG-20.

STEWART: Pardon me?

MARSHALL: We would want it reconverted to AG-20.

STEWART: Yes. So, but, can you do the same operation? What would prohibit you from doing your same operation on two 10s?

MARSHALL: We could do it on the two 10s, but what is at issue for us was that our plan was to do the lot reconfiguration where we could get a neighboring 9 acres because there's an AG-10 property adjacent to our property and there is this reconfiguration process through the County where you can, as long as the lot remaining is at least

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an acre, you can adjoin that to resource land, so it's a way to aggregate resource lands.

And if we were planting wheat, you know, maybe we could get a lease and do that, but with Hazelnuts, they're really, you know, 50, you know, there's 100-year-old Hazelnut orchards and it's quite a large up-front investment and we wouldn't want to do that on land that we didn't own, and I don't think the landowner would be interested in, say, a 50-year lease agreement.

STEWART: So you based on how the comp plan was going, you've made some plans --

MARSHALL: Yes, we did.

STEWART: -- about how that could be useful to you?

MARSHALL: Right. Right.

STEWART: Thank you.

MARSHALL: Thank you.

OLSON: Can I just clear -- I'm sorry. So the extra parcel you have not purchased yet?

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MARSHALL: No, we're not able to, because right now, it's conforming and so this re-allocation applies to properties that are nonconforming. So you made that property conforming when you made the AG-10.

OLSON: But it's still purchasable.

MARSHALL: They can't -- there's no dividing an AG-10 lot. No, there's no way we can purchase it.

QUIRING: So it's more than -- it's 10. It's 9 acres, you're saying?

MARSHALL: No. Their property, the adjacent property is 10 acres, AG-10, so it's compliant with the current zoning, and because it's compliant, it's no longer nonconforming. The lot re-allocation process only applies in nonconforming situations with a purpose to aggregate resource land. So it was our objective to aggregate our farming operation to the largest parcel that we can because it would be more economically feasible for us to make this big investment.

QUIRING: But you could buy the 10 acres --

MARSHALL: We could buy the 10 acres, but --

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QUIRING: -- and put these Hazelnut trees on it and it would be too expensive if he wants to sell it now?

BLOM: No. No. He wants to keep 1 acre and sell 9.

QUIRING: I see. Okay. So that's why that 9-acre question came up.

MARSHALL: Right. But you're correct that we could buy 10 acres, but it has a new home on it and it would be prohibitively expensive.

OLSON: That's the piece I was missing too, so thank you.

MARSHALL: Right. Right. Thank you. It's complicated. I appreciate your questions.

BOLDT: Very good. Thank you.

STEWART: Thank you.

BOLDT: Sam Crummett. Heidi Owens. Oh, sorry, Sam.

CRUMMETT: Good morning, Councilors. Thank you for --

BOLDT: Morning.

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CRUMMETT: Thank you for the opportunity to testify this morning. My name is Sam Crummett, the last name is spelled C-r-u-m-m-e-t-t, and I'm with the City's Community Development Department here to speak to our portion of this decision.

BLOM: Which City? Sorry. Battle Ground?

CRUMMETT: City of Battle Ground --

BLOM: Okay. Thank you.

CRUMMETT: -- correct. So we are requesting that we remove our 82 acres or 17 parcels from our urban growth boundary in an effort to be in compliance, and we are requesting an urban reserve 20 be placed over these properties. Our intent for that is to prevent further subdivision of these parcels.

I know most of the parcels are currently 5 acres. The zoning is going to be 5 acres so it seems like somewhat of a moot point, but for us, it would be an extra layer to prevent something that might be possible, such as a cluster subdivision or some creative zoning device that could potentially compromise that area.

The City does have a long-term interest of expanding jobs in that direction towards Dollars Corner and this is an effort to kind of

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preserve that area. Any questions?

OLSON: So the purpose of Battle Ground's request is to preserve that area for future job growth --

CRUMMETT: That's correct.

OLSON: -- plan for jobs, that's the intent?

CRUMMETT: Yes.

OLSON: And Mr. Orjiako mentioned that you had reached out to the neighbors and you have done some outreach there. Can you talk to that.

CRUMMETT: Yes, we did. In the fall of 2016, there's a total of, I believe, 17 property owners, 17 parcels, 16 property owners. We reached out to all of them with a letter specifying our intent with the UR overlay and we heard back from 8 of those property owners. We didn't receive any comments that were in opposition to that. They were either neutral on the matter or they were either in support.

BOLDT: Okay. And I don't think anybody come to the Planning Commission about it, did it -- did they?

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CRUMMETT: No.

ORJIAKO: No.

BOLDT: I don't think they did.

COOK: Aside from Mr. Crummett.

BOLDT: Right. Okay. Very good.

CRUMMETT: Thank you.

BOLDT: Good job. Heidi Owens, Val Alexander. Okay. Good morning.

OWENS: Good morning. I'm Heidi Owens and I'm going to read for Val and then also testify for myself.

QUIRING: Do you want to put your microphone a little bit closer so we can hear you?

ORJIAKO: Use the other one.

OWENS: Oh, is it the other one?

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ORJIAKO: Yes.

OWENS: Oh, I'm sorry. I had the wrong one. Can you hear me now?

BOLDT: Yeah.

OWENS: Okay. All right. I'm Heidi Owens and I would like to reverse the order of the testimony and I'd like to do Val first and then do me.

ALEXANDER: So on behalf of Val Alexander, A-l-e-x-a-n-d-e-r, Coyote Ridge Ranch in La Center, Washington.

Val has written a memo that she wants me to read that shows that she supports this comprehensive growth management update. I know you have endless comments and criticism from people representing special interests. Those people want to develop more areas in rural Clark County, destroy the agricultural and resource lands forever just to see their own financial gains. Friends of Clark County also represent special interests, the taxpayers. The residents who value quality of life like open spaces, wildlife, fresh food, clean air and water and who pay for our infrastructure like roads, power, water, safety, fire departments, et cetera.

The Clark County Council has spent a lot of the taxpayers money over

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the past two years by trying to please the other special interests by allowing more houses in rural areas where the infrastructure costs so much more. The water supply is running out and our ability to grow our own food locally is becoming increasingly difficult. I am hoping that at this point in the process, you on the Council will place the concerns of the citizens of this county who live in the area and love it at the forefront. Please abide by the Growth Management Hearing Board's decision and let us move on to addressing the more important issues like safety, mental health, education and a clean environment. These are concerns of most of your constituents.

By the way of Ann Foster -- oh, excuse me (inaudible) -- I also, she also wanted to comment that she has a problem with clustering since it adds to rural densities, and without public water, it further drains the aquifer which is so critical to existing landowners. In addition, it affects the roads and then increases the amount that we need to support those roads.

By way of Ann Foster who couldn't be here to speak today in support of the moratorium and protecting agricultural lands because she and 6 farmers and 18 small businesses who farm or produce food locally that feed us are at a farmers market in Clark County contributing to the local economy and building a healthy food system in Southwest Washington. With no farms we have no food. Thank you.

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BOLDT: Thank you.

OWENS: Okay. Now, I'm Heidi Owens, O-w-e-n-s. I am a resident of the City of Vancouver.

And first I want to begin by thanking Sue Marshall and Val Alexander who are actual farmers in this community who know the impact of the comprehensive plan on their actual operations for testifying today. As Val has testified many times before, she has had personal issues with the aquifer in the county and the impact that it has had on her farming operations.

In addition, I want to say \$158 million, I want the residents of Clark County to remember that number, that's the deficit in the 2016 plan for roads, services and other infrastructure needed to implement that current plan. That's the public cost and it falls on the taxpayers, all of the taxpayers, not just those in the rural areas, those who live in the city as well. So be prepared, tax increases are coming your way.

Also I want to point out that when GMA was passed by the Washington legislature in the 1990s, it wasn't passed to stop land divisions. The legislature did it to take control of the growth management because the voters of this state were dissatisfied with the sprawl

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and the uneven growth that was affecting communities. As the matter of states rights, residents have a say in what happens in their states and the Washington legislature responded to what the voters wanted in a way that they felt would protect rural areas and rural landowners.

GMA allows for a lot of flexibility with an underlying principle to protect resource lands. It is about preserving these lands for future generations and our communities heritage. Money talks, and without the laws of GMA, we would see devastating development across our state that would eventually decimate our productive rural areas.

By bringing this county's plan into compliance, you are showing commitment to the residents of Clark County that you support both the urban and rural areas, that you believe in agriculture in this county and that you want to promote growth in this county that both preserves ag and supports the community on a greater whole with jobs and affordable housing.

The notion that we need to divide our lands to provide -- to promote affordable housing is a fallacy. Just go on Google and look at what it costs to get land outside the urban growth area and the number of homes that are above \$600,000 up to over \$2 million on this land, and a lot of this, it's not -- they're not using it as resource land.

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So in conclusion, I just want to say that we are in support of the changes, and particularly it's important, I want to make the comment, to take the R-10 back to R-20, though it was put in place originally as a buffer and to respond to the -- if I just have a few more seconds -- to respond to the notion of what happened in 1994 with the ag/forest issue. So if that is taken away, it isn't arbitrary, that this would have to be reversed. It was something that was done to remediate a problem that was found in an earlier appeal. It will come up again, I'm sure, the growth management board will have something to say about it. Thank you.

BOLDT: Okay. Thank you very much.

Susan Rasmussen. Good morning.

RASMUSSEN: Hello. Susan Rasmussen for Clark County Citizens United.

The sentiment I'm hearing is that it's time to protect property rights and your constituents' ability to use their property, not what future designs the cities may have for them. If there is a demand for rural lifestyles, what justifies planners stopping that?

Our family dairy farm was a casualty in the 1994 land use zoning laws. We went from 5-acre rural residential to 20-acre agriculture in 1994.

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Thousands of properties suffered this same fate. This created a billion dollar down zone, all done without any cost analysis. Who made up the lost taxes? Who made up the lost property values? What were the human consequences that have never been acknowledged? Between 80 and 83 percent of the AG-20 parcels fail conformity. Between 90 to 93 percent of Forest 40 parcels fail conformity.

There's a tragic disconnection between the County's land use zoning regulations and the rural character on the ground. Judge Poyfair recognized that and drove to reference this fact in his Superior Court orders, quote, the result is a plan that gives little regard for the realities of existing rural development in direct contradiction of the terms of the GMA.

In considering this, please ask, where did the idea originate that percentages so far above the norm are advisable? You don't see these huge percentages, this huge disconnection between the rural character in other counties. We are unique in that fact. Whatcom County is used in Issue Paper 9 as a reference; however, Whatcom County doesn't have the population base Clark has and doesn't experience Portland metros regional influence. Whatcom's economic base is very different in that ag is truly an influential commercial industry there. Whatcom has the most dairy farms in this state and is the largest raspberry producer in the country.

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Whatcom has a report contained in their database for their 2016 comp plan update that contains language about recombining parcels. Even the proposal -- even though the proposal would have resulted in a net increase in resource land in a county whose economy is dominated by ag, the controversial proposal never advanced out of the agricultural advisory committee.

Conversely, written in the Clark County Agricultural Preservation Strategies Report is direct language concerning recombining parcels. Clustering is a tool that allows people to use land that otherwise might not be able to develop. It enables us to minimize roads serving rural plats and allows us to build to the topography providing environmental benefits. Clustering should be encouraged or incentivized, not penalized by excessive reserve track requirements.

Also, please consider the State's current forest use taxation that was amended a few years ago. The State's program allows a minimum of 5 acres of trees and a management program. This is critical for Clark County because the majority of our family forests are family forest in R-5 acre lots. Thank you.

BOLDT: Thank you.

Sydney Reisbick.

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REISBICK: Good morning. I'm Sydney Reisbick, R-e-i-s-b-i-c-k, Ridgefield.

Thank you for the actions for coming into compliance with the State's growth management plans. Compliance helps -- excuse me -- helps to grow more in a fiscally responsible way, like preventing sprawl and citizens help pay for growth and pay for scattered growth.

You have in your hand FICO credit score range and population percent table. This was interesting to me because it's not a bell-shaped curve with a few people out on the two ends. It's almost flat. The one before that that I presented to the Planning Commission, the first two categories were over 40 percent of us fiscally responsible holding household, paying our bills and living within our means. We consider ourselves citizens and 40 percent of us is more citizens than there are in a rural area and, therefore, we feel like we're citizens too and responsible ones. This one has only a third of us in the top two categories, but it changes. Okay.

We're living within our means. Democrats, Republicans, Progressives, Libertarians and fiscal conservatives of all kinds, personal fiscal conservatives, living within our means includes paying all of the bills. The bills include taxes, sales on property, bonds, utility rates, and utility rates include charges for the development and extension of infrastructure. The utility that I

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talked about last time a couple of years ago about this that was transparent about what they charged for development is now not transparent. That's not in the bill. I was going to bring the bill. It's not transparent anymore. I guess I got them in too much trouble. Okay.

All of these bills are larger when scattered all over the county and we've talked about sprawl; therefore, thank you for considering those of us who like to live within our means by complying with the GMA, making it easier for the county to live within its own means and please remember the capital facility plan and the fiscal basis for judging the comprehensive plan. Thank you.

BOLDT: Thank you. Very good.

Anyone else wishing to testify on this? Seeing none, I will return it to the Board. Would you like to, the members, would you like to vote on these individually and then we will comment on them?

OLSON: You mean individually?

BOLDT: Yeah, from the top down.

BLOM: Maybe comment then vote, I think that's what you meant. Talk about it before we vote.

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BOLDT: I think it's faster the other way.

STEWART: So, Mr. Chair, how are we going to do this because I do think there are going to be some comments and maybe some new ideas that are raised?

BOLDT: Yeah. We'll just go through them one at a time.

STEWART: Great. Thank you.

BOLDT: So let's split the first one up. A motion to change AG-10s and FR-20 zoning back to the AG-20 and FR-40. Is there a motion?

BLOM: So moved.

BOLDT: You want to do that? Second? I'll second that. Comments?

BLOM: Well, I would say on this one, we were found noncompliant and we made a decision as a Council to not challenge it, so to not move forward with making the correction when we've already decided we're not going to challenge it, I think that's -- I don't understand why we wouldn't do that. We may not like this. We may prefer to keep it as it is, but the hearings board said, no, and we said, okay, we're accepting that. We're not challenging it, so we've already made this

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decision, in my mind.

BOLDT: Yeah. And I would say that it is, for me, it is an interesting statement from the hearings board about the area study that we must go through; however, that is in the WAC. I am researching how that WAC came about, which I've not been able to figure out that. I did find the RCW where that is, but I'm trying to find out how that bill came about to change that RCW. I think it was 2010; right?

COOK: The RCW has been around. It's the same RCW, and what happened was a series of growth board to Court of Appeals to Supreme Court decisions that kind of reiterated that language. Finally, that language was put into the WAC in 2010, so that's where it happened.

What I think the growth board is saying currently is not a critique of the Globalwise report or the Berk report or any of the other studies that we actually do have of agriculture in Clark County, but it's a requirement that we look at the particular comp plan change proposal with a view of how that will affect whether we're talking about the area, whatever that area might be, or the county.

And I think that their perturbation, not so much with the 10 to 20 but maybe with the UGBs, is that instead of looking at the area or the county as a whole and where we would be able to find land that

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could come out of resource land and not defeat their view of agriculture in the county as we started with the land that was proposed to come into the UGB, it's a little less clear to me what their view of a right answer is on the upzoning, downzoning issue, except I know they said this was the wrong answer.

BOLDT: Yeah. So I would think that that in 2007, the last plan when we zoned or de-designated quite a bit of ag land and we used site-specific studies --

COOK: Right.

BOLDT: -- essentially we didn't have that WAC --

COOK: That is correct.

BOLDT: -- at that time.

ORJIAKO: That's correct.

COOK: That is absolutely correct.

QUIRING: So, Mr. Chair, to Councilor Blom's statement that because we did this before and we aren't challenging it, if this council determined that we were not going to make these changes back, wouldn't

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that in itself be a challenge? Wouldn't that mean that we would be challenging it?

ORJIAKO: Chris can speak to this, but I think we are -- the challenge would have been done by April 23rd. Or is it 23rd or 24th?

COOK: It was in that general area. In any event, it was a couple of months ago, so...

In the current set of appeals, which, by the way, it looks like they are going to go directly to the Court of Appeals and skip Superior Court, that came in from -- that came in yesterday, so in the current set of appeals, no, we cannot raise this as an appeal issue. However, if the County, whatever the County adopts, whatever you adopt before the compliance due date will be before the growth board on a compliance hearing, at which point, the growth board can say you do comply, this does comply and it will do so with each particular issue, I think. It does comply is one option; it doesn't comply is a second option; and a third option is it doesn't comply and is invalid. So the growth board can impose invalidity as to issues that it didn't previously.

QUIRING: And at that point, could the Council do what was necessary to comply?

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COOK: At any point the Council may do what is necessary to comply.

QUIRING: So it isn't a dead-end street. We aren't dead in the water until we know what the hearings board says.

COOK: Right.

QUIRING: Furthermore, is this being -- is this right now going to the Appeals Court by somebody?

COOK: This?

QUIRING: This particular, the AG-10 and the Forest 20.

COOK: No, the County did not appeal that.

QUIRING: And nobody else did?

COOK: CCCU has appealed just in general, kind of amorphously, the notion that the resource land, I think, and the rural lands have minimum lot sizes that are too large, so you could say that that there's some connection there, but...

BOLDT: Okay. Any other questions or comments?

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OLSON: Yeah, I do. We asked this the other day in the work session. I don't expect an answer because I doubt that you have it, but I do want to get to it at some point, so... Of the AG-20, old AG-20 parcels, do we know how many of those are actually being farmed, what the acreage, what the value, how many parcels are being farmed that we're showing in current use?

ORJIAKO: I don't have information on how many in acreage term or percentage term that are being farmed. I don't have that information. I think --

OLSON: And I would ask the same of the rural parcels as well, because I know we have a lot of farming on rural parcels that are --

ORJIAKO: Yes, and that's what I was going to add, that the County code allows agricultural farming in every zone. So when you consider that the code allows ag everywhere in the county, it will be somehow difficult to say, okay, how much of this ag is real? Do we have information on how much is occurring on ag and how much is occurring to non-ag? I think the Berk report attempts to do that to some instant, but that was also based on, I believe, the 2012 USDA Census. So we can get some -- glean some information from the Assessor's and it might just be in the value of dollar, not so much how many acreage.

OLSON: I would probably -- and we have some current use data --

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ORJIAKO: Yes.

OLSON: -- that we could get to that's not going to be complete. I understand that, because not everybody's probably going to be in current use, but...

COOK: Not everyone will be in current use and not everyone in current use is actually --

ORJIAKO: Farming.

COOK: -- farming.

OLSON: Farming. Right. But they have to show what their current use is, don't they?

COOK: Well, they did when they applied, and as you know, the Assessor is now looking, has been asked to do an audit.

OLSON: And I guess the only other things I would add is that we are looking at generally regrouping this ag commission. We are looking at a broader countywide look at farming in Clark County. The Growth Management Hearings Board clearly said we didn't provide enough information in terms of why we decided to do the upzoning in the ag

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and forest areas, and so I think it's incumbent upon us to do that and I think we should do it right. So as much as maybe many don't like this, many do like it, I think if this is something that we chose to do and we're on to do it, we have to do it right and we have to prove our case, so...

BOLDT: Okay.

STEWART: The other issue is we're really getting to the point after the complex nature of this comp plan, how long it went on, how many different inputs, the nature of the two or three or more transitions, profound transitions that went on during this comp plan, we really need to be decisive so that people know what they can expect for the next few years. And I realize that the Growth Management Hearing Boards may come back with some other remands, but on our end, we need to take action to help end some of the current uncertainty that the citizens have about their property so they can move on in whichever direction.

BOLDT: Very good. With that, motion, all in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

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BOLDT: All opposed?

QUIRING: NO

BOLDT: Motion carried. Okay.

The next part of that, eliminating the clustering options. Yes.

COOK: Looking at a couple of the provisions of the law, especially RCW 36.70A.177, which, of course, Ms. Levanen cited, and that is the law that broadly allows what we call innovative techniques to help preserve agricultural land. She didn't exactly read the whole statute, so there are, for example, provisions that say that clustering has to be limited to land with poor soils or that's otherwise not suitable for agriculture.

There is case law, including case law from Clark County, that says that that provision of law has to be implemented such that adjoining uses to resource land are not incompatible and will not interfere with resource use. So there are a number of provisions about clustering. They aren't all positive. Some are restrictive and the degree of restriction, could we just say clustering on Forest 40 is okay, that is what I can't tell you at this point. But the notion that State law very broadly allows whatever clustering the County

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decides is, I think, a misreading of State law.

BLOM: Is Thurston County, are they a GMA county?

COOK: Yes.

BLOM: Okay. I did just a little bit of quick research on this and they do allow clusters in their agriculture zones, but not that that means we can do it. There may be more to it, but I think there actually is some precedent that it has been through.

COOK: Well, there are lots of counties that allow clustering and there are lots of counties that have different kinds of agricultural zones. Some of them have -- gee, what's the one in Snohomish? It's called suburban agriculture or something like that. Clark County doesn't have that. Clark County has one ag zone. It's agricultural land of long-term commercial significance and so there isn't an in-between ag zone. I think that the rural zones kind of serve that purpose instead, the R-5s, 10s and 20s.

BOLDT: So are you saying if I have an FR, if I have 80 acres of timberland and I want one lot off, that one-acre lot is -- I can do that one-acre lot, but it has to be poor soils?

COOK: Are you in Tier I or Tier II? Are you in the 80 zone or the

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40 zone?

BOLDT: The 40.

COOK: You're in a 40, you can divide your property into two 40s.
Go for it.

BOLDT: But if I wanted a cluster, does that one acre have to be poor
quality soils? I'm just saying that the thing we always run against,
the best soils are always built on is because that's where you can
get your perc, so...

COOK: And that could be. And, you know, I'm familiar with a
development request right now for clusters in which basically the
applicant is choosing between putting it in a cluster, which would
be all on prime ag soils. They actually aren't all developed, and
being on critical areas, that's the kind of choice you make sometimes,
and State law doesn't particularly smile on either of those, so it's
going to be interesting to see how that plays out.

OLSON: So you mentioned, in your reading of the RCW, the poor soils
piece. There's quite a bit more narrative, I would imagine, that's
less restrictive, more restrictive, what could and couldn't or I'm
just trying to get to --

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COOK: Okay. I'm scrolling back with my not very speedy iPad here, if there's another question in between until I get there.

OLSON: Well, I would, yeah. So with regard to this clustering question in particular, if we chose to leave it in today or chose to take it out today, what would be the process for doing something different in the future? If we did more study, if we had more information, if we were clearer on what the options were, what would be the process to make that decision not today?

ORJIAKO: The County Council can direct, maybe as part of the ag advisory committee, to consider a zone provision that they could make a recommendation on how the cluster provision could be developed, and through that process, you can do it as part of that process or you can direct staff to come up with a cluster zoning ordinance that we can present to the Council after we look at all the issues on how other counties have done it that have passed GMA challenge.

OLSON: And would that be only inside the comp plan update process or could that be done separate of the comp plan update process?

ORJIAKO: It could be done separate of the comp plan update. You can come back one year with an implementing ordinance following your plan adoption.

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OLSON: So we could leave the clustering option in today and still try to --

COOK: I'm going to be arguing compliance in September, so that is, I think, a hard deadline within which to think about this.

OLSON: Do you have the final decision and order from the hearings board on this particular --

COOK: Yes, I do. What would you like to know?

OLSON: Just what their language was on the -- you don't have to read through all the narrative, but where they speak to clustering in particular in their decision.

COOK: I don't know that they spoke to clustering. That was certainly part of the argument at the hearing. So let's see. Is this --

OLSON: We don't have that in our books, do we?

ORJIAKO: No.

BOLDT: So I don't know what the Council wants to do. I'm personally willing to risk it. And if I was arguing for it, which I am far,

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far, far from arguing, I realize that, I think I would say leaving a clustering in the FR-40 or something really helps us to maintain that forest, because if I'm a -- if I have 80 or 100 acres and I want my kid to help me, I at least want a chance of getting one spot there to have his house, so... It's up to you.

BLOM: And I think the same --

COOK: And, I'm sorry. I was just going to say at that point, the other 79 acres is locked up in a remainder.

BOLDT: Yeah.

ORJIAKO: As part of it, yeah.

BLOM: And I think that's -- that gets to the goal of preserving agriculture. You've created that one-acre parcel that someone else can use and now you do have -- we've also met that other goal of preserving, so... I'm in support of leaving the clustering in there and making the argument that this actually is better. I mean, it's in the Agricultural Preservation Strategies Report, so I'd be supportive of leaving it in.

QUIRING: I also support clustering, leaving it in.

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STEWART: Yeah.

BOLDT: Okay. Moving on.

OLSON: So do we need to --

QUIRING: Well, we need to have a vote.

BOLDT: No, we don't.

OLSON: We just leave it.

BOLDT: We just leave it.

QUIRING: Leave it.

OLSON: We don't have to take any action on it.

QUIRING: Eliminating a cluster? It says eliminate it.

OLSON: Well, we just voted on the AG-10, Forest 40 piece only. We didn't vote on the clustering piece.

QUIRING: Yes. Correct.

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COOK: If there's not a motion to eliminate the clustering provision, then the clustering provision would stay in.

QUIRING: Okay. Got it.

BOLDT: Okay. The change to R-10 zoning back to R-20. Is there a motion or is there a comment?

OLSON: I'm actually going to make a different motion, if I could.

BOLDT: Well, sure.

OLSON: Oh, actually, I don't need to make a motion.

BOLDT: No, you don't need to make a motion if we don't.

OLSON: Do we have the map that you provided me, Jose? So I just was digging into a little bit of these R-10 parcels. So just with regard to raw numbers, there's 283 parcels that we consider the buffer parcels.

ORJIAKO: That was the ones that the Council changed in 2016.

OLSON: Right. Based on the not need to buffer because we were changing the AG-20s to 10; correct?

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ORJIAKO: That's the ones, yes.

COOK: And that's because the reason that they were R-20 to begin with was somebody mentioned it. It was in response to the task forces that were put together in this county and worked in 1998 and the growth board's ruling that the -- which no one -- which facet no one appealed that the R-5 was inadequate to buffer the resource uses.

OLSON: So just either one, if you don't mind.

STEWART: If you can indicate what the framework is, it's, I think, the dark blue and there are multiple boxes.

ORJIAKO: It is an outline of the parcels that were changed last year from Rural 20 to 10 that the Planning Commission recommended that they revert back to R-20, that's what these -- those parcels that are in blue are showing.

OLSON: So could you just explain, and, Jose, can you scroll down so we can see the rest of the map? And could, Oliver, could you just explain or, Chris, the idea of buffering, what's the purpose per se of these buffer parcels?

COOK: The purpose is to not have smaller lots right next to resource

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lands as much as possible, because smaller lots tend to be used more residentially than for resource uses, and those, yeah, agricultural zoning itself is one of the innovative techniques that's called out in that RCW section that talks about clustering. The idea is that uses that are not compatible with the resource use should not be allowed to interfere in any way with it and, therefore, the smaller parcel sizes next to the resource uses should be limited and restricted. That is the growth board reasoning.

OLSON: So in our case, could you scroll down a little bit more, Jose, just so we can get a little bit, that light green is R-10, see the dark green, the yellow is R-20 and those would be the ones that we're considering moving back to R-20; correct?

ALVAREZ: Yeah. The ones highlighted and outlined in blue are the ones we're proposing to go back.

OLSON: Right. And yellow are all R-20?

ALVAREZ: Correct.

OLSON: And the light green is R-10; correct?

ALVAREZ: Correct.

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OLSON: Okay. So we've already discussed the fact that we have a lot of farming on rural parcels. And of the 283 parcels that are in those blue outlines, 213 are already under 10 acres, so they're not going to be further divided. They're already small. They're already there. So I don't really understand, given those parcels that we're looking at, why we need R-20 versus R-10, because on all sides of those AG-20s, you have R-10s and in some cases R-5s.

BOLDT: How many are under?

OLSON: 213 parcels are already under 10 acres.

COOK: There is a lot of nonconformity in Clark County.

OLSON: But my point is, if we're trying to establish this buffering, I don't understand how this particular zone really establishes that, given what's already there.

BOLDT: And I would say even if it wasn't enough, if you ask me, 10 acres is a buffer.

OLSON: Is a buffer, yeah.

BLOM: Yeah, I agree.

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QUIRING: Yeah.

OLSON: And you had mentioned R-5 before, but, yeah, we're still talking R-10, so...

COOK: So if you look at the blue outlined area that is right next to the wildlife refuge, it's between the wildlife refuge and the ag property, in between ag properties, so that's where the Nye property is. The Nye property is not surrounded on all sides, but it's right next to ag land. Some of these parcels are quite large and I would say that that is a good example of the buffering function.

OLSON: Well, except on both sides it's R-10. So you have AG-20 on each side and you have R-10 on the north and south.

COOK: Well, there's always going to be something --

OLSON: Understood.

COOK: -- next to something.

OLSON: Understood.

COOK: I mean, there's no place where it's all anything in Clark County much, except for places that are mostly rural and are R-5,

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but you do have this right next to ag land, right in between two actually pretty significant, significantly sized, and I know some of that is very actively farmed ag areas. That is kind of the opposite of what I would call arbitrary in its -- in the decision there and it's certainly not arbitrary for the County when this zoning was established to comply with the Growth Management Hearings Board.

OLSON: So, yeah, so we have one parcel that actually serves as a buffer.

COOK: One, Councilor.

BOLDT: So is there a motion to approve the R-10 to R-20? It's not coming from me. Okay. Let's move on.

So next, back to the chart. Good job, Jose. The three Rural designations. (Inaudible). It's a pretty easy one, so...

BLOM: So moved.

BOLDT: A second?

OLSON: Second.

BOLDT: Any comments? All in favor, say aye.

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STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried. Leave the urban reserve overlay as an overlay.

OLSON: So moved.

BOLDT: Second?

STEWART: Second.

BOLDT: Any comments? All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried.

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The 700 acres for the rural industrial land bank.

BLOM: So moved.

QUIRING: So moved. Second.

BOLDT: Comments? All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried.

Remove the 17 parcels from Battle Ground urban area.

OLSON: So moved.

QUIRING: So moved.

BOLDT: Second?

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STEWART: Second.

BOLDT: All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried.

And the add UR overlay to the 17 parcels removed from Battle Ground UGA.

OLSON: So moved.

BOLDT: Is there a second?

BLOM: Second.

OLSON: And I would just say on this considering the testimony from the City of Battle Ground and that the actual impact to these owners is negligent, I have less concern about this overlay than I might in other situations.

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BLOM: Yeah, I would agree with that.

OLSON: And that the land is for jobs.

BLOM: I think looking through the parcels, seeing what's there, yeah, I agree.

OLSON: And that the purpose is for jobs.

BOLDT: Right. Yeah.

QUIRING: All of that, but it's kind of the principle of the thing. The removing those 17 parcels is good because they're saying, you know, we want to remove those 17 parcels, but then they want to restrict what those 17 parcels can do for future use. So in many ways, it's almost as if that they aren't being removed because they're being restricted and have a new requirement placed upon them. So in principle, it's really not as cut and dried as this particular situation where I think we heard that 8 property owners responded of the 17 that were contacted and it didn't sound like many were actually -- any really spoke against it. Am I -- I see a head nodding yes.

COOK: That's correct, Councilor. I've seen the survey and that it

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shows no one spoke against it, I believe.

STEWART: And then the question is, did they even understand what it meant?

COOK: Well, several of them actually spoke positively in favor of it.

STEWART: Yes. So there are -- but the absence of a comment doesn't mean if they fully understood it, they would have agreed with it. But I, Ms. Quiring, I think your concern is very well stated and both on urban holding and urban reserve. I'm prepared to support this today, but I think we need to start reconsidering how we use those, because it does mean something to the property owners and both urban reserve and urban holding, I think if we want to continue to use those in the future, we should have a discussion about what those are and I think it should be a very limited application.

BLOM: And I would just add that I absolutely agree with your concern over the principles. I think looking at what is on the ground and that it's a minimal impact makes it a little bit easier, in my mind, and also adding, that this -- there is some value to the homeowners and the landowners there in that they've been marked, okay, when Battle Ground expands, the urban reserve is supposed to be the first place where they look, which will make their land much more valuable.

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So I would just say both to Battle Ground and all the other cities, okay, if we're using this overlay, you know, don't leave these people hanging in there for two or three comp plan cycles. Let's look at it next time, if it makes sense, and go there first and really use the urban reserve as it's supposed to be. It's kind of the indicator of this is where we're going next.

QUIRING: Yeah, because this isn't -- Battle Ground isn't the only example of this. We heard during the comp plan hearings other cities wanting to put this overlay over, you know, quite a few acres. It just didn't seem fair, you know. You're really tying the hands of the property owner just in case the city later wants to expand, and so I really think we need to be cautionary. I'm a little unsure when the roll is actually called how I will vote, but it sounds like the Council is moving toward approval of it, so... I may disapprove, as two of the other Planning Commission members did, and I would -- knowing those members, I would think it's probably on principle as well.

OLSON: So I agree with Councilor Quiring. We do need to move in a cautionary way. I think in this particular case, and I respect in everything that you said and I agree with Councilor Blom and Councilor Stewart on this, this is five-acre zones, these are five-acre parcels. I think in this case, again, it's the impact is

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negligible, but to your point when we're having these considerations and conversations, we do need to be cautionary about it.

QUIRING: The urban overlay is 20 acres, though.

OLSON: But it's already zoned five and they're already in five-acre parcels.

BLOM: All the lots are already five acres.

QUIRING: Yes.

OLSON: And it's zoned R-5.

QUIRING: Yes. And so they wouldn't be divided any further at any rate.

OLSON: Correct.

BLOM: Yes.

QUIRING: Okay. I get you.

BLOM: And that's why, yeah, just to clarify, that's why I'm okay with it, that we're not really, in actuality, restricting land

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division.

STEWART: But I just want to circle back and make sure that I also understand from this conversation that we have agreement that we are going to reevaluate and reassess both of those reserve types of reserve land use applications.

BLOM: Yes.

STEWART: Thank you.

BOLDT: And that originally, I think, in 2007 or even before then when urban reserve was started, it was really intended to say, all right, the next comp plan, guess what? You're going to be in it and then it said to the cities is that we're not going to allow a bunch of septic tanks next to you when the city is going to some day annex them fight with all of that, so...

QUIRING: And I think our urban reserve sort of came into -- I mean, we realize a problem for the other thing that we had to vote on here with the uses. So it just can't remain in this situation in limbo for so long.

STEWART: Agreed.

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BOLDT: Okay. All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried. Okay.

So that brings up to a resolution as amended or a new resolution, which one do you want to say? Can we say the resolution as amended?

COOK: I don't think there have been amendments. I could be --

BOLDT: Well, we didn't do the clustering and the R-10 zoning.

OLSON: So is the clustering in the Title 40 language now?

COOK: Yes, clustering is in the Title 40 language, that absolutely would have to be amended in order to keep it effective. So there is nothing you can do today because we, you know, there's been no -- no change to that that's been --

BLOM: So should this come back in a couple of weeks on a consent

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or separate business item?

BOLDT: Is that okay?

COOK: That could work.

BLOM: Is that the best way?

OLSON: And just I think for the record, the rural lands, the R-10 to 20 piece starts on Page 2 at Line 34 when we're talking about the parcels, that's in the ordinance, goes to Line 44, I think.

BOLDT: Oh, it does?

ORJIAKO: Yeah, we will have to come back on a consent after we amend the --

BOLDT: Very good. Okay. Thank you. So does this change then our public hearing for the interim ordinance, how long it goes or --

COOK: It is phrased so that it would remain effective until one day after the effective date of the overall ordinance, so that would not change --

BOLDT: Oh, it doesn't change, so...

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COOK: -- the wording of the ordinance with regard to the limited moratorium which will expire within the next week or so, unless you hold a public hearing on it and adopt findings.

BOLDT: So does this go -- how long does this hearing go then, our interim ordinance?

COOK: The interim ordinance is written so that it would take effect -- so that it would be effective from until the day after the ordinance that you just considered takes effect, so it doesn't have a date certain on it --

BOLDT: It doesn't have a date certain.

COOK: -- it has that day after this other ordinance language.

BOLDT: And, essentially, we're keeping the -- I wish there was a different word.

OLSON: Well, I do want to point out that this also -- the moratorium also includes the R-10 and 20 and I would not want to keep that in this if we were to go forward with it, so... If we already know we're not going to change that back to R-20s, I don't want to, you know, I don't want to have a moratorium on those land divisions. So there

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would be -- need to be a change on this, this particular ordinance, if we go forward with this today.

COOK: So the page so I can scroll, please.

OLSON: On Page 1 where it's first mentioned.

COOK: Okay. I think that this could be amended to --

BOLDT: We're taking out the R-10s?

OLSON: Yeah. So just it's mentioned two times on page --

COOK: This is not the right ordinance, I think. I could be wrong.

OLSON: Go to page --

COOK: Do you think it was the right one?

ORJIAKO: Yes.

COOK: Yeah. I don't have the current draft with me, which would be nice to have.

STEWART: What page, Julie?

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BLOM: Line 26.

COOK: Do you want to try that again because --

QUIRING: Which tab are you on?

OLSON: Page 16. So just so it's a No. 2 up there is where it's first mentioned and on Line 26 it's mentioned again.

COOK: Whoa. Whoa. Whoa. Not the whole thing. Not all of 10. But that's not -- that hasn't changed.

OLSON: I'm just trying to figure out. Maybe it's Line 25, zone changes in the R-20 and R-10 districts, so Line 25 and 26.

COOK: Right. Right.

BOLDT: Yeah. Is that just it, rural areas and zone changes in the R-20?

OLSON: I'm scrolling down here.

BOLDT: Do we just take out zone changes?

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BLOM: Those are just recitals. Don't we need to make the change to the underlying ordinance? This is just extending the ordinance, the emergency ordinance. So wouldn't the change be made in the emergency ordinance?

COOK: I think that would -- I think that would do it.

OLSON: By taking that out of Line 25 and 26?

COOK: No.

OLSON: Oh, by changing the underlying ordinance?

COOK: By changing down below the resolution. I would say in Section 2, Repealer on Line 2 of Page 3, add language saying except that --

QUIRING: Well, doesn't Line 10 through 17 --

BOLDT: R-10s remain.

QUIRING: -- cover what we're talking about?

ORJIAKO: I think it's limited to Line 2.

COOK: So everything except 36 on Page 2 through 18 on Page 3 is a

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recital.

BOLDT: Right. Yeah.

COOK: So if we're going to do something operative, I think it has to be in that part. So I would say I would add to that Repealer except that lands the zoning for which was changed from R-20 to R-10 in the 2016 plan update shall keep their -- shall keep R-10 designation and zoning. Does that sound like it does what you want it to do?

QUIRING: Where are you placing that?

BLOM: But just to make sure, keep and would allow for the division moving forward with those; right? That's --

COOK: No, there's no -- there's nothing here that would allow them to divide further, because remember that you're changing the R's from being simply zones to being comp plan designation. So if you have an R-10 and you want it to be five acres, you have to go through comp plan.

OLSON: You got 20 and you want to be 10s.

BLOM: That's -- yeah, I'm saying -- I'm not saying you want to change your zone, but saying if you have 20 acres and you want to

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go to two 10s and you're in this R-10, there's no moratorium on that.
That's what I want to make sure this language is saying.

COOK: If you are -- no. What this is saying is that R -- the R-10s
that became R-10s, they're R-10s. You don't have to change anything.
It's changed. They are R-10s.

BLOM: Okay. And they are then excluded from the moratorium?

COOK: There is nothing having to do with the moratorium that I could
see would then affect them.

ORJIAKO: But they will have to take comp plan designation of --

BLOM: -- of R-10. Right. Do you want us to make that motion or
can we just --

QUIRING: Do you want to read that?

COOK: If anybody can read my handwriting, you're welcome to do that.

BLOM: Oh, I scribbled it out here.

COOK: And, yes, it does need a motion.

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COOK: Line 26 and zone changes in the -- well, I think that is talking about applications for zone changes. It is not talking about the change of comprehensive plan designation.

OLSON: All I want to know is when we adopt it, it's going to serve the intent in which we are voting. So I want to just make sure the language is clear.

COOK: Well, I think you're making that crystal clear and I believe that the motion that or the amendment that I wrote out there that's on Mr. Stevens' desk would do that.

BOLDT: Okay. Very good. So we kind of got that figured out. So we'll go in our public hearing for this.

Gretchen Starke.

STEVENS: Just do a motion?

COOK: To amend something? No, I don't believe there is a necessity for public testimony before something is amended. This is part of their deliberations.

BLOM: Is there any public testimony though?

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BOLDT: No.

COOK: Oh, well, that's true. That's true.

STEVENS: You have to open it up for public testimony.

OLSON: That's what we're doing right now.

BOLDT: We just did.

STEWART: I have a legal process question. So are we able to change this ordinance today without it being rewritten and brought back to us next week for a final run through of the final adoption?

COOK: I think if the amendment is within the scope and the subject matter of the ordinance, yes.

STEWART: We should see a final draft.

COOK: No. I'm saying you can change it today if the amendment is within the scope and subject matter. I would argue that it is.

BOLDT: Okay. Good morning, ma'am, or afternoon.

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STARKE: Yeah, it is afternoon. Gretchen Starke, S-t-a-r-k-e. I live in Vancouver.

And I'm here to support the moratorium, congratulate you on it, but there seems to be a little loophole or wiggle room. Did I understand you to say that the moratorium is limited in that it -- right, when it says limited, I thought it was to go until you have adopted the comp plan, but can there still be changes even with this limitation in effect that, Chris, they could change the zoning but not the comp plan, or is it the other way around?

COOK: No. No. This the moratorium that is in effect prohibits the changing of zoning in the rural lands.

STARKE: Right. Yeah, rural lands.

COOK: And as I understand the Board's desire, or at least the desire of certain of the Councilors who have spoken about this, they are not concerned about keeping the moratorium on the zone changes or at least they are not fighting the moratorium on zone changes. What they are fighting is the proposal to change the newly designated R-10s and have them revert to R-20. Those are comprehensive plan designations.

So what the motion that I wrote out would do or what the amendment

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that I wrote out would do would clarify that the moratorium does not change any R-10s back to R-20s temporarily, permanently or otherwise.

STARKE: Yeah, in and of itself.

COOK: Right.

STARKE: But the idea of a moratorium, I think, is just great. In the past when the proposed changes were made or new comp plan drawn up, people would get trampled in the dust of the stampede to the permit counter to get their applications in and vested before the change is there, so this would help prevent that.

BOLDT: Very good. Thank you.

OLSON: I'll just make a comment on that, if I might. 29, we had 29 applications for --

BOLDT: Oh, for ag.

OLSON: -- for ag and resource, yeah.

BOLDT: Okay. Do you need a break?

HOLLEY: How many do we have?

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BOLDT: We have one, two, three, four, five.

HOLLEY: Okay. Go ahead.

BOLDT: Sue Marshall. Afternoon.

MARSHALL: Hello again. Let me just start out by thanking you very much for changing ag back to AG-20, that will be very helpful. So, Chair Boldt, Councilors, my name is Sue Marshall.

As a small family farmer, we were very concerned about the adoption of the rural comp plan last June and the upzoning of ag land, but we were very heartened with the adoption of this temporary and limited moratorium that would stop land divisions on resource lands and rural buffer lands, so thank you for your leadership in that regard. I urge you to continue this ordinance until the Growth Management Hearing Board decides whether the County's actions meet the applicable standards to comply with the Board's March 23rd, 2017, decision that may be in November when they make that determination, so I'd like to see it continue through then.

There are many compelling reasons, just to mention a few, the temporary ordinance only applies to comprehensive plan and zoning amendments that the hearing board found and concluded violated the

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GMA. This part of the hearing board decision was never appealed by any party and there is no possibility that these provisions will ever be found to comply with State law.

The hearing board also directed Clark County to come into compliance with the GMA. The 2016 comp plan has allowed for applications to subdivide resource and rural lands at an alarming rate with many of these applications already vested. Further division of resource land undermines their long-term economic viability. Maintaining the limited and short-term moratorium reduces legal risk to Clark County of possible remediation for the adverse impacts of even additional developments that vest to the illegal provisions.

The hearings board has not determined that the County's 2016 plan update is invalid as it relates to agriculture, forest and rural lands, but it may do so in the future. And with this recent conversation that you had, I do wonder Friends of Clark County, part of their -- a good part of their decision whether or not to appeal was based on this moratorium. If it changes so that applications are allowed in the R-5, R-10, R-20 zones, that would be not what we understood when we made that decision, so I'm not clear on that point.

COOK: It doesn't change --

MARSHALL: It doesn't.

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COOK: -- as regards to that.

MARSHALL: So there would still be no applications for on the rural zones under this moratorium?

COOK: You could not change your comp plan designation by, that's correct. You can't, you cannot do any zone change on rural lands under the moratorium unless you could have done it before the 2016 comp plan update.

MARSHALL: I guess my point would be that the County not receive any more applications on those zones.

COOK: It's not -- that's what the moratorium says.

MARSHALL: All right. Thank you.

BOLDT: Okay. Thank you.

Carol Levanen and Susan Rasmussen.

LEVANEN: Carol Levanen for Clark County Citizens United.

What was this moratorium adopted for in the first place? Basically

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what it did was to stop all rural development in a 5-, 10- and 20-acre zone. That's been in place for 22 years. So now all of a sudden, these people can't do anything with this land. This ordinance, if that's what you call it, moratorium, which I'm sure the public is very confused over what it really does and what it really means, needs to be repealed, because if you've already decided these things for the comprehensive plan, you have no need for this moratorium. This moratorium, if you keep it, continues to prevent the 5-, 10- and 20-acre parcels from being divided. If I'm wrong, please explain to me where I'm wrong --

COOK: I could do that.

LEVANEN: -- but there's no need for this moratorium.

OLSON: Yeah, I think you're not -- I think you're misunderstanding what the impact of the moratorium actually is. So, Chris, wants to --

COOK: So say you have a 10-acre parcel that's in R-5. Okay? Before the 2016 plan update, you could have divided that into two parcels --

LEVANEN: Right.

COOK: -- you can still do that under the moratorium.

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LEVANEN: So it has strictly to do with -- well, you couldn't divide the land if you had another zone if it didn't --

COOK: What I'm saying is here's the pretend set of facts we've got. 10 acres designated R-5, you could divide that into two parcels. You could have divided that before the comp plan update; you can divide that again under the moratorium.

OLSON: So the moratorium only addresses the changes that we made in the resource lands and the rural parcels. So if it was --

LEVANEN: It changes where the 20 to 10 --

OLSON: Correct.

LEVANEN: -- and the --

OLSON: The 40 to 20.

LEVANEN: -- other that you put back again --

OLSON: Correct.

LEVANEN: -- or the one you kept --

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OLSON: Correct.

LEVANEN: -- but the other you've put back.

OLSON: Correct.

LEVANEN: So why would you keep this moratorium?

COOK: The other change is that the 2016 plan update changed those R designations 5, 10 and 20 from comp plan designations to zone changes, and what the moratorium says because the County just -- the Board just voted to take them back to designations --

LEVANEN: To the three zones.

COOK: Those three zones are designations again. There's an R-5 designation, an R-10 designation and an R-20 designation. So what the moratorium says is that somebody can't come in who has, say, R-10, they can't come into the permit counter and apply for a zone change and get their R-10 changed to R-5. They would have to go through a comp plan change which is a different process before a different decision-maker.

LEVANEN: So what this moratorium does is prevents a landowner from

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utilizing their land most appropriate to the land because they are unable to if they're an island among two-and-a-half and 5-acre parcels and they're a 10-acre parcel, let's just say, and they're asking for a zone change to a 5-acre parcel, which would be consistent with their area and the GMA clearly says you can't spot zone, you can't just call something in the middle of something else, those people would be unable to make a change to that 10-acre piece of property; is that right?

COOK: They can do so by applying for a comp plan change.

BLOM: The same as they could in May of last year before the plan was adopted.

COOK: Exactly.

LEVANEN: Different than a zone change?

COOK: Yes.

BOLDT: Yeah.

OLSON: We were trying to make it easier and the hearings board said, no, you don't get to make it easier.

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BLOM: And part of the reason too for the why we need to look at this is that the ordinance that will eventually be adopted that made the changes doesn't go into effect right away. There's -- is it ten days? So there's kind of this window in between when the ordinance gets adopted and when it becomes effective where there's, I don't know, uncertainty, I guess, would be there at least.

COOK: I think that's --

BLOM: Discontinuity of the rules. So that's part of the moratorium is the Charter says there's ten days from when we adopt something to when it becomes effective, so now there's this window where, okay, what are the rules?

LEVANEN: But why keep this moratorium? What is a reason or a reasonable reason to keep it now that you've already worked with the comprehensive plan?

BOLDT: Because the ordinance --

QUIRING: For the ten days.

BOLDT: -- hasn't taken effect yet.

QUIRING: For the ten days.

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ORJIAKO: For the ten days.

COOK: Yeah. Well, the ordinance hasn't been adopted yet because it's going to come back to you on remand, and once it is -- or not on remand, on consent, there we go -- and once it is adopted, it won't take effect for ten days during which time only the very savvy will be in to the permit counter. All those folks who said I can't, you know, I don't have the money lying around for an application, I think it's difficult to assume that they would suddenly find that money in a 10- to 20-day period.

LEVANEN: I still see no purpose for this moratorium.

BOLDT: Okay. Thank you.

LEVANEN: I think some of my time has been taken up too with this conversation. I'd like to finish this testimony.

In the RCW 36.70A.177 regarding the cluster that they're saying that they want you to use the lots that are these smaller parcels within the cluster to be the ones that are not the prime ag soil, and then also and the comp- -- and the Growth Management Act was not supported by the voters. I want everyone to know that. It was an 80 percent rejection of the Growth Management Act, and what happened, they went

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around the voters and they instead did an open-ended law that the legislature passed. It was not a voter passed law. Thank you.

BOLDT: Okay. Thank you.

Susan Rasmussen.

RASMUSSEN: I'll pass.

BOLDT: Okay.

Heidi Owens.

PUBLIC: She had to leave.

BOLDT: Okay. We're going good. Yeah.

Sydney Reisbick. Last one. Afternoon.

REISBICK: Okay. Sydney Reisbick, Ridgefield.

Okay. Just clarification. If passed today, if what you said today passes today, will the moratorium stay in effect until the growth management board hearing rules?

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COOK: No. It is written and it's been posted that it would stay in effect until the day after the effective date of the major ordinance, at which point --

REISBICK: Okay. Then the effective date of the major ordinance is?

COOK: Is ten days after it's adopted.

REISBICK: Right. And it doesn't wait for the growth management board hearing?

BOLDT: No.

QUIRING: No.

COOK: No. The idea was to try to come into compliance as soon as possible, rather than waiting for the growth board to rule, and the County is required to act before the growth board rules.

REISBICK: Will clustering still be prohibited under the moratorium?

ORJIAKO: Would what?

COOK: Clustering was never a part of the moratorium. The moratorium addressed the designation changes. It didn't

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address -- well, it addressed land division on AG-10. So land division on AG-10 is still under the moratorium clustering or not.

REISBICK: Okay. Will property zoned R-20 prior to 2016 adoption be prohibited from applying to become R-10 lots until the compliance hearing?

BOLDT: No.

COOK: They don't have to apply. The ones that were made R-10 by the update are R-10. They don't have to apply. It happened.

ORJIAKO: Right. They will remain R-10.

REISBICK: Okay. But new ones?

COOK: An R-20 lot right now going through the annual review process could apply for a comprehensive plan change just like they could have before the plan update. The moratorium does not take away rights that existed before the plan update.

REISBICK: Right. But the moratorium is still in effect for R-20s?

BOLDT: No, just ag.

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COOK: It was never --

REISBICK: Just ag? Okay.

OLSON: Correct. Ag and forest. Ag and forest.

REISBICK: But not rural?

OLSON: Correct.

ORJIAKO: Right.

COOK: What is in effect as to rural is that they can't change their parcel size by a zone change.

REISBICK: Right. Got that.

COOK: Okay. And so they can do so by comprehensive plan.

BOLDT: Okay. Thank you.

So we'll go back now. Is there a motion for 2017-06-04?

BLOM: Move to adopt.

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BOLDT: Is there a second?

STEWART: Second.

BOLDT: And now we have an amendment.

BLOM: Yeah, I'd like to make an amendment on that. Can we bring up that portion of it so I know where to add it, that after Repealed --

COOK: After effect.

ORJIAKO: After effect.

COOK: I'd just put it at the end of the sentence.

BLOM: Okay. After effect, we add except that lands the zoning for which was changed from R-20 to R-10 in the 2016 comp plan update shall keep their R-10 designation.

ORJIAKO: And zoning.

OLSON: Second.

ORJIAKO: And zoning.

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BLOM: And zoning.

ORJIAKO: Yes.

OLSON: Second.

BOLDT: All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

QUIRING: AYE

BOLDT: All opposed? Motion carried. Okay.

A motion now for 2017-06-04. Any comments? Okay.

QUIRING: This is the as amended ordinance?

BOLDT: As amended.

COOK: Yes.

STEWART: Yes, pass the ordinance as amended.

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BLOM: We already have that motion.

OLSON: No, we already have a motion and the amendment.

QUIRING: Yes, as amended. Yes. Now you do the amendment and my comment is since I was a no the last time, I will be a no this time.

BOLDT: Okay. All in favor, say aye.

STEWART: AYE

OLSON: AYE

BOLDT: AYE

BLOM: AYE

BOLDT: All opposed?

QUIRING: NO

BOLDT: Motion carried. Thank you.

Any Councilor communications?

OLSON: 44 days till the Clark County Fair.

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BOLDT: 44 days, very good.

OLSON: Get your concert tickets.

BOLDT: I think for the realtors, there's a housing, I don't know if it's called a summit, but...

BLOM: Candidate forum tonight.

BOLDT: Candidate forum tonight at the Red Cross building at 6:00.

BLOM: 6:00 to 8:00.

BOLDT: 6:00 to 8:00.

BLOM: City council candidates.

COOK: Excuse me, Councilor. I have been asked to remind you that there is a need to adjourn into executive session beginning at 1:30.

BOLDT: And the only thing I have is that kudos to the Building Department. I was here, said hi, I didn't do any work, but I said hi to approximately 20 people from the Building Department that worked all Saturday to start dealing with the backlog on permits, so that was great.

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OLSON: Mr. Chair, actually --

BLOM: You weren't processing permits?

BOLDT: What?

BLOM: You weren't processing permits?

BOLDT: Yeah. No, it was pretty quick when I do them.

OLSON: Mr. Chair, I do have one more thing, since I had the fair on my mind. Last night, actually, yeah, Councilor Stewart, Councilor Boldt and Councilor Blom and I joined the Clark County volunteer celebration and recognition evening last night at the Clark County Fairgrounds and so I just wanted to give a shout-out to those folks. Without them, we would not be able to put on this fair. They put in thousands of hours of volunteer time, so we had a chance to recognize them last night, so...

STEWART: It was a great time.

BOLDT: Five people, six people had over 25 years of service, so that's really amazing, so... With that, we are adjourned until 1:30 -

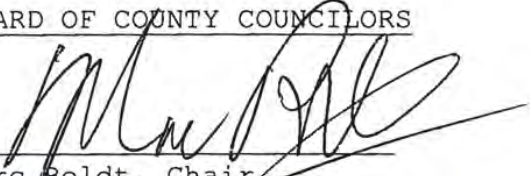
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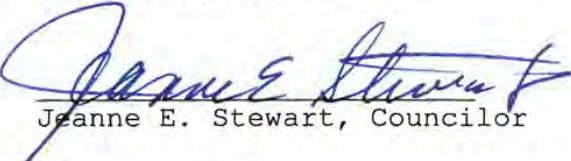
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COOK: At which time we'll go into executive session.

BOLDT: -- at which time we'll go into executive session with possible action afterwards. Okay. We are adjourned.

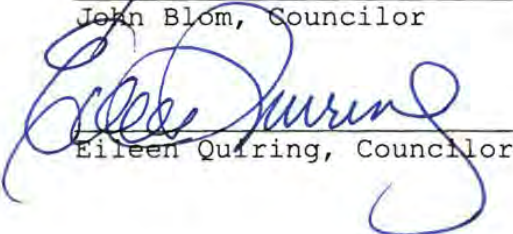
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Marc Boldt, Chair


Jeanne E. Stewart, Councilor

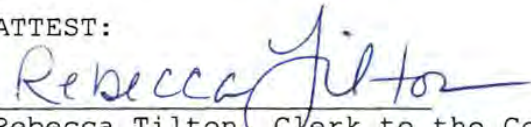

Julie Olson, Councilor


John Blom, Councilor


Eileen Quiring, Councilor



ATTEST:


Rebecca Tilton, Clerk to the Council

Minutes transcribed by:

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