COMMISSIONERS PROCEEDINGS
JUNE 13, 2006
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Morris and Boldt, Chair, present. Commissioner Stuart absent.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

The Board of Commissioners adjourned and convened as the Board of Health

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Morris to approve items 1 through 5. Board members Boldt and Morris voted aye. Motion carried. (See Tape 282)

BOARD OF HEALTH COMMUNICATIONS

There were no comments.

Adjourned and reconvened as the Board of Commissioners

BID AWARD CRP360622

Reconvened a public hearing for Bid Award CRP360622 – 2006 County-wide Overlays (Hot Mix). Allyson Anderson, General Services, read a memo recommending that Bid CRP360622 be awarded to the lowest responsive bidder.

Boldt inquired about the details regarding City of Battle Ground.

Pete Capell, Director, Department of Public Works, explained that the project provides improvements for various roads in Clark County, including work for the City of Battle Ground, by planning, pavement repair, over-excavation, cleaning, sweeping, pre-leveling, applying paving fabric, applying tack coat, hot mix asphalt overlays. He said the City of Battle Ground has identified the streets in their system that need to be overlaid, which the county pools together for better prices.

There being no public comment, **MOVED** by Morris to award Bid CRP360622 to Western States Paving Company of Vancouver, Washington, in the total bid amount of $2,272,529.90, and grant authority to the County Administrator to sign all bid-related contracts. Commissioners Boldt and Morris voted aye. Motion carried. (See Tape 282)

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

Boldt commented on consent item 1 (Purchase of Foley Park), stating it was 5 acres for over a million dollars.

Morris added that it was over $200,000 per acre.

There being no public comment, **MOVED** by Morris to approve items 1 through 6. Commissioners Boldt and Morris voted aye. Motion carried. (See Tape 282)

PUBLIC HEARING: TIMBERLAND/OPEN SPACE

Held a public hearing to consider the Clark County Planning Commission's recommendation for approval or denial of Timberland or Open Spaces applications for Current Use Assessment pursuant to Chapter 84.34 of the RCW.

Jim Vandling, Department of Community Development, stated it was the 19th year reviewing Current Use Assessment applications. He stated that the county received 56 requests. He said that 41 requests were for the Timberland classification and 15 were for Open Space designation. He also stated that 7 of the Open Space requests were asking for historic preservation classification making it a benchmark for the year. He referenced an amended Exhibit 'A' to be cited in the resolution. Vandling stated that of the applications were approved.

Boldt inquired about the requirements to be eligible for open space historic.

Vandling explained to be approved for open space historic the applicant would need to be on one of the local, state or federal registers. He stated 78 parcels being approved this year increase the total number to 4,813 parcels for the program on a county level. He also stated he prepared a resolution for the board.

Morris asked for further information about the soils listed in the requests.

Vandling confirmed that quite a few parcels were in open space soil conservation and qualifying factors includes that the parcel must be in Class I & Class II soils, which are the most productive soils, and be in at least 65% agriculture production.

Morris asked if there was a financial threshold they have to cross.

Vandling said it wasn't a financial threshold; the landowner has to be producing an agriculture commodity product and the parcel has to be in the Class I or Class II soil series.

Morris inquired about an example of a landowner with 5 acres who primarily had wild hay on his property.

Vandling said that would work.

Morris asked about the maintenance of it.

Vandling stated it would have to be in commodity production, meaning they have to be selling the product.

Boldt wanted to know if they have to meet the income threshold.

Vandling responded that the income threshold applies to farm and agriculture destinations, which are identified under a separate RCW. He said in those cases if the parcels are less than twenty acres then they would have to show an annual income of $200 or more.

Morris asked for further detail regarding the zoning of agriculture and the different soil types.

[Brief discussion continued; Rich Lowry's response inaudible.]

Vandling responded that the minimum acreage for the open space soils is 10 acres and he provided an example of someone in the field of farming and agriculture with a 20-acre parcel, who short platted it creating two 10-acre parcels. He stated that one of the parcels would fall below the 20-acre minimum and under the open space soils. Therefore, they would not have to be show a revenue product.

[Public testimony opened.]

Ted Reavey (File Number 06-0017) inquired about the zoning MF-10.

Vandling responded that MF means Multi-Family. He stated that a lot of the requests they received were out of the typical rural residential zoning districts and fall into various urban zoning destinations, mostly in the historic category.

Reavey said that it is downtown, zoned in CX and is a single-family house.

Morris acknowledged it may indicate what it is used for, but it doesn't necessary indicate the zoning.

There being no further comment, **MOVED** by Morris to approve the Planning Commission's recommendations for designations of current use taxation as summarized in Exhibit 'A', Resolution 2006-06-04. Commissioners Boldt and Morris voted aye. Motion carried. (See Tape 282)

PUBLIC HEARNIG: URBAN HOLDING

Held a public hearing to consider a resolution rezoning for subarea G-I and K-M and establishing a framework for rezoning properties in portions of the northern Vancouver Urban Growth Area with the Urban Holding overlay to the underlying zoning district. Continued from April 25, 2006; May 9, 2006; May 23, 2006.

*****VERBATIM TRANSCRIPT*****

Boldt: Moving on to the public hearing of urban holding.

Marty Snell: Morning Commissioners. Two quick comments: one is point of order and the other is...Marty Snell with Community Development. One comment is on the agenda this is an error that actually the resolution is to consider rezoning subareas G through I and K through M. The board previous lifted ...adopted a resolution for subarea J so the title of the resolution is correct and the other comment is subsidence change to this resolution really occurs in section four, subsection 1 and maybe Mr. Lowry can go over that.

Rich Lowry: Actually subsection 4 has become simplified if you will, particularly because of the board direction that this resolution be generic available for any properties within the subareas that are covered. The two requirements for lifting urban holding are as follows; First the Battle Ground School District must acquire a appropriate site for the needed schools in that area and then second, any property owner who wants to be taken out urban holding pending adoption by the board of new impacts for the school districts has to agree to pay what the resolution calls "enhanced impact fees" which is really a reference to the anticipated new impact fees that the district will be adopting and then forwarding for the Board consideration for adopting as part as the capital facilities plan.

So those are the two conditions to get the urban holding designation overlay lifted and again this would be available to any property owner within the urban holding area. In subsection 6, there is a provision under sub 1 indicating the Board's intent once new impact fees have been adopted to fully lift urban holding on all properties within the subareas. So those are the changes that specifically address the school issues that have been identified and we're available to answer questions.

Morris: I have a question on the new language in Section 4, number 1. I don't recall seeing the words that the district can acquire for market value on line 8 in past versions.

Lowry: That was language that was in a... recommended by the district itself which we just lifted, so it came, that language came from the district.

Morris: I would like to hear the district speak to that then when it's their turn to speak if there speaking today, but quite bluntly we've seen a full range of market values expressed here in the last couple of weeks that go from $150,000 an acre to $200,000 an acre and I understand that some of the developers who are in the urban holding are wanting $350,000 an acre for theirs and so there is an issue over what you mean by fair market value. Now if we want to say…if we wanted to find a process used to determine what that fair market value is, that's an approach. If we want to talk about assessed value, that's an approach, but simply saying full market value could also mean get every penny out of the school district that you could possible squeeze under the circumstances and of course the school district has these words to hold them firmly in place because they're not required to buy a piece and I know they want to but I guess I just a little troubled by that language.

Lowry: My assumption, not speaking for the district, is that the intent is to indicate the mere fact that there is some piece of property that is on the market and could be bought

does not satisfy this condition, that the acquisition costs must be consistent with appraised value.

Morris: Okay, so does our articulation of that in the record firm the position or does it need to be in written form?

Lowry: Well, since this language is perhaps not even necessary any longer, the early version to the ordinance provided for identifying a site which the district could buy, this provision actually requires acquisition. So the details of that aren't really critical in as much as urban holding could not be lifted until the district actually acquires so it may be rather than trying to define market value, we could simply strike the reference to it, but again you may want to hear from the district on that.

Morris: Ok, that's fine. Thank you.

Boldt: Marty, after if this is approved, what's the time line or what's the next step?

Snell: Well there are some transportation studies that are ongoing, I would ask Steve Schulte to maybe comment to that effect, he has been working with a consultant in the private sector, has a consultant on board so I believe they were commencing work, maybe a month ago. I'll ask Steve to address that question.

Steve Schulte: Good Morning Commissioners, Steve Schulte of Public Works. We have done the internal start up work for the efforts that started about two or three weeks ago. At this point in time we're actually waiting for the developer's side of the work to commence and they do the initial steps and then our consultant takes over after those initial steps are done. I think possibly based on some action today by the Board the developers could initiate their work, but the county, we've done as much as we can until those first two steps are done by the developer side.

Boldt: Ok. So the homeowner that is sitting out here, anxiously awaiting something to happen, what can they expect out of this resolution?

Lowry: As the title indicates this resolution sets forth a framework for lifting urban holding, it does not itself lift urban holding, that framework involves a couple of steps; one of which is entering into a development agreement that would spell out essentially the details in terms of how the conditions in this resolution will be met. That developer agreement could be concluded in fairly short order. Then second, it contemplates some fairly significant analysis in two areas dealing with roads; one, regional issues which involve more than the impact from these subareas, this is work that would be ultimately folded into a updated of the entire TIF program and would result in adding projects to perhaps several different impact fee districts and then second as to roads it involves the requirement that the local road infrastructure be analyzed to insure that it is capable of handling traffic from urban development in the area and to the extent it's not a commitment to put in necessary links or intersection improvements so it will. On the school side, again it requires acquisition by the district, what (*inaudible*) encourages the property owners and development interest in the area to do whatever they can to ensure that that acquisition does occur and then second a commitment to pay new impact fees. My understanding is the district will be coming forward with those new impact fees within…..

Snell: I am looking at Battle Ground School District folks, but within the new month or two, sounds good, month or two.

Lowry: So that essentially…the work that needs to be done in order to result in the Board actually adopting a resolution lifting urban holding. The Board's already held a hearing, so a hearing technically would not be required for that resolution; however a public

hearing is required for the development agreement that is contemplated by this resolution so the Board will be having one more public hearing before this is concluded.

Boldt: Ok. Do you have anything?

Morris: I frankly believe that the school acquisition will move forward as quickly as possible. They do have a process that's spelled out and they have to do some feasibility studies and to the extent that they can make that happen quickly I think we deal with the acquisition issue. There are a variety of ways to define acquisition as well.

Lowry: I might add that to the extent that the development community actually participates in acquiring a site -- that is either finds a site and donates it to the district or contributes financially to it, that investment by the development community would be subject to traffic impact fees.

Morris: School impact fees.

Lowry: Excuse me?

Morris: School impact fees.

Lowry: Yes, school impact fees.

Morris: School impact fee credits.

Lowry: School impact fee credits, so there may be the potential, or is the potential for really a win/win situation here.

Boldt: And I may be kind of jumping off board, but how does this conservation, the resolution we are doing now and the developer agreements affect the EIS or does it affect the EIS in any way that as we are developing for the new plan.

Lowry: It may, this gets a bit convoluted; one of the requirements under the regulations that are applicable to the State Environmental Policy Act is that the EIS conclude discussion of the delayed alternative, delayed action alternative. So the EIS will have discussion in it that will suggest one tool available to the county if we are financially pinched in terms of ability to provide capital facilities, is to stage those capital facilities in some fashion with utilization of either urban holding or some other technique which would allow the county to use it's limited funds to prioritize where initial development will occur rather than simply chasing private development with county dollars, that's a discussion of course that the Board has had generically but until we see much more detail in the EIS in terms of where the choke points are, I am not sure the Board can have more meaningful discussion. Once you get a better idea of where the limitations are then I think some very fruitful discussion can occur.

Morris: But it will impact capital facilities because we will have figured out some of the capital facilities already –

Boldt: Right.

Morris: – for these particular streets and interchanges so it will make a difference in the capital facilities plan

Boldt: Yeah.

Lowry: Yes.

Boldt: I think it will help us. It's my opinion.

Morris: Yes, I do too.

Boldt: It would be honest.

Morris: I think so.

Boldt: Okay, what's your…..

Morris: That was all my comments.

Boldt: Ok, are you ready move forward?

Morris: Don't we have public…do we have public testimony today?

Boldt: No, we do not, no.

Lowry: I think you have closed…(inaudible)...this is a legislative process. The Board can request testimony even after closure [of] hearing and you previously indicated the desire to hear from the district.

Boldt: Ok.

Morris: I would like to hear from the district, and do the home builders have anything this morning? I think the home builders have something

Boldt: Is the district prepared to say anything?

Audience: Comments inaudible

Boldt: Ok, come on up, thank you.

Lynn Hicks:: I'm Lynn Hicks from the Battle Ground School District and just to answer the question about the market value, the language that is in the resolution I would agree with Mr. Lowry's assessment that it isn't necessary any longer and it was in original draft languages that ended up in the resolution and since then we've further discussion with developers and commissioners and since the language has changed, I think it's appropriate that that is not there any longer. Are there questions? Ok, thank you.

Boldt: Thank you, sir. Mr. Howsley, would you like to…or the homebuilder?

Steve Madsen: Thank you commissioners. My name is Steve Madsen. I'm the Governmental Affairs Director for the Building Industry Association of Clark County and my comments are more in the interest of having all of the information available than they are necessarily about our position on this ordinance. I think, as I have said before, as drafted the interests at stake here are fairly unique and in terms of the developers that have submitted pre-application applications, so a lot of what we are deciding here affects them more than it's going to affect, I think, some of the people down the road in this urban holding area. But what I want say is more a cautionary tale maybe and it has to do with my attendance at the Battle Ground School board meeting last night and while I think, I know I sat in several sessions of the Impact Fee Committee that Battle Ground School District has convened and I find that even though we don't always see eye-to-eye, I've worked quite well with the…I feel like I worked well with both the committee and the school district staff—Ms. Bria, Ms. Hicks, Ms. Allen. Unfortunately, I can't say the same for the school board itself. My experience last night was, and primarily from the chair of the school board, one of virtually naked hostility towards not only the Building Industry Association, but the process and in my mind the impact fee committee itself.

The chair of the superintendent, the chair of school district current position, which may be subject to change at their meeting tomorrow night, is that the impact fee imposed should be on the order of about $13,300. If that's what these gentlemen are willing and their clients are willing to buy into, I find that hard to believe but nevertheless in my mind there's been a breach of that implied duty that we all approaching this with the (inaudible) towards coming to some kind of consensus and in my mind that is clearly not the position of the majority of the school board of the Battle Ground School District. Those are my comments.

Boldt & Morris: Thank you.

Boldt: Anyone else?

James Howsley: For the record, James Howsley, Miller Nash. I guess that Steve and I are so used of coming up together lately, we will do that again.

Boldt: Ok, thank you.

Howsley: My comments are just briefly on the language in section 4, particularly subsection 1. This is the first time I got to see this language was this morning. It seems again that we've come full circle, the basis of the lawsuit that were filed against the 2004 plan on behalf of our clients and the Building Industry were challenging on this concept of the delegation of authority and here again the county seems to be delegating their authority away to require the Battle Ground School District to find a suitable site prior to the release of urban holding. My question is what happens if the school district doesn't find a site, there is no, there is no mechanism here to require them to go out and actually acquire a site and therefore we would be stuck here in the same urban holding potentially for the next 20 years. In discussion with the board and with staff, we on the private side would be willing to assist school district in locating a site and we have forwarded them

several sites to take a look at but we just think that this language here is a little bit too draconian and what it's requiring of in order to get urban holding released.

Boldt: It says that the district can acquire a site?

Howsley: Well it says that the following mitigation, in the top section, it says the following mitigation shall be used to address and then it talks about the acquisition of the site, so it implies that is a requirement prior to the release of the holding.

Boldt: Ok.

Lowry: If I could, again remembering that this resolution provides a framework for lifting urban holding, if over time whatever time that might be, this condition isn't met the board can revisit this issue and reconsider whether or not this framework is the appropriate framework but I think at this point the board has at least informally decided that there has to be a school site that's acquired in this area in order to provide the necessary school infrastructure for new development in these urban holding areas.

Howsley: Ok, that's all I have. Thank you.

Steve Horenstein: Thank you. I just have a couple additional things on the issue of...

Boldt: Can I have your name please?

Horenstein: I'm sorry, Steve Horenstein, 500 East Broadway, Suite 500 representing various clients with Miller Nash. I agree with Mr. Howsley, we are full circle here. I think Commissioner Morris and I agreed a couple of hearings ago we would have been better off not to dismiss the appeals in the first place and the primary reason that we think that, is this issue of delegation of authority to the school district that has, is after all the

efforts still there and I think Mr. Lowry's correct but in that you can always change the mechanism, but I think he makes my point to the extent that if the school district doesn't perform under the authority you have given them, you could take it away but our view is that you don't have that authority in the first place and I think what we need to do at this point is two things assuming you adopt the ordinance as is today, one is to continue to work as hard as we can with the school district and the second thing is to go back to the hearings board for guidance for you on whether you can do this. I see already other areas where urban holding might be a useful tool in the current round of planning but we can't have it this way and we honestly believe that you can't do it and we're going to find out if we're right about that. Secondly, I want to address the transportation for a minute, here's the problem as structured by Mr. Schulte and perhaps others we will spend, according to our traffic consultant, tens of thousands dollars on a study that may not get us out of urban holding. The staff is structuring this process in a way that there is no guarantee that we will get out of concurrency when we do this, that problem is now amplified by the fact that all you have is two large commercial projects, that I believe, are now out of urban holding but you won't have the residential folks participating in those traffic studies cause their still mired in the process, there's no reason for them to spend money on traffic studies until the school issue is resolved one way or the other because it doesn't do any good, so we are in a position where nothing will proceed at this point because the economics just don't make any sense to the private side and those are my comments and I would be happy to answer any questions.

Morris: I guess I would just respond on the delegation issue. I see it as far from delegating authority. I see it as using our authority to its fullest extent and to set a threshold and frankly I don't think this is going to take all that long, I think you're going to find the traffic folks needing to hustle to catch up with us. Mel Aho has volunteered to help with this process and I think he'll be very good at helping us define what our reasonable price is for land, he has been an advocate for donation of land for some time, I believe he has spoken to that publicly at the Battle Ground School District meetings. Mr.

Aho came to me, 6 or 7 years ago in hopes of finding a new mechanism to fund schools because he has always taken public schools very seriously, so I think we will move expeditiously ahead. In a phone conversation I had with Mr. Printz last week, he was telling me about an agreement that was reached in the Camas area some time back, which Mr. Snell was very familiar with in which.....

Snell: A year ago.

Morris: This developer included the school in the site plan, they had a larger piece of ground that they were working with but they included it, they actually did all of the application, they funded all of the infrastructure and then the school district purchased it, not at developed prices but at a fair price and I think that there are new techniques that are going to be hopefully developed during this process just as were falling back now on the process that was used in pipeline one many years ago where the developers actually built it. There is also a significant move by the school districts to work collectively I continue to have discussions with Representative Fromhold and others about how we might approach new funding solutions for schools in the legislature this year. I would not like it if I were you either I can totally and completely sympathize with you but what I think we have is sufficient motivation for everyone to participate in help to solve the problem, so those would be my only responses.

Horenstein: Just a couple of thoughts: first of all, we're in the middle of everything you just described moving it forward. The second thought is we still have to make a record here and the third thought is I am sure Mr. Lowry will do an excellent job of articulating your position on the delegation of authority issue before the hearings board.

Morris: And I think you're wise to go to the hearings board to ask for guidance on this because I think, I mean I don't know what their role is in providing guidance because they're not pro-active they're re-active in nature, but it would be fun to find out.

Horenstein: Well, they'll tell you what isn't GMA compliant. We'll see.

Morris: Okay.

Boldt: The question -- I know Marty wants to speak...just a sec...and I have a question maybe you can answer too, or Steve, is that your comment about the transportation study is really relevant and since the major funding players now are scurrying on their own, free and clear, so my question is since this part is essential in our capital facilities plan, of the new plan, can we grab that and put that together some how and try to get that study done? Since we have to study it anyway, whether these people are here or not, you know, we gotta...we still going to build there.

Steve Schulte: Commissioners, Steve Schulte. Let me just describe the partnership that the four developer attorneys in the county have been talking about for the last couple months, there are two transportation related obligations that would be committed to under the developer agreements; one is the payment of an enhanced traffic impact fee and the other is the localized improvements right around the urban holding areas. And the partnership that was setup was the county staff and our consultants would evaluate the regional charts, the impact fee surcharge amount and we would study that, we would model that, we would estimate that—that was our obligation in the partnership. The developers would take the close end improvements, the improvements on 119th Street and we would have these separate roles. I said earlier that the initials steps have to be done by the developers' consultant, then the county would begin to use that in our impact fee evaluation but that was the partnership. We have always anticipated completely that in the next month or so to get the urban holding activities moving and that would proceed on a timeline that the comprehensive plan CFP and those sorts of things. Now the longer this goes, the more we can tie in with the CFP and the comp plan activities but our interest always was to close on these urban holding obligations immediately.

Horenstein: That's the way we understand it but at the end of the day there is no agreement that we will be provided a concurrency certificate at the end of this time and it just seems very difficult to spend that kind of money, but still it's just like this process, it goes on and on and on and we still aren't at the point where we can develop and it seems like a nice neat package with responsibilities divided very well but if it doesn't allow development to proceed, developers are unwilling to spend the money and Mr. Schulte seems unwilling or unable to guarantee that concurrency finding at the end, so why are we spending the money is the question.

Schulte: And I guess my comment…if urban holding was lifted and there were no developer agreements governing things, they would still be subject to the concurrency ordinance; they would still have to mitigate at whatever cost it turned out to be. So the obligation would still be there.

Lowry: There is a middle ground here, and it's one that doesn't need to be determined today, but that middle ground is that the concurrency ordinance does provide that a developer agreement can reserve trips, that essentially saying there is room on the road now for a proposed development and we are going to allocate some available capacity to these trips so it's not available to anybody else that quid pro quo. The developer agreement that's contemplated by this resolution could as and I think we are talking about the local road infrastructure here, could provide a concurrency reservation that would get put into model so those trips would be dedicated to the pending developments in the urban holding area. Again, that's something that is not currently provided for in this resolution, but could be included in the developer agreement.

Horenstein: To quote a phrase, "now we're talking."

Boldt: Thank you. Yes, anything else? Okay, thank you. Anyone else? Yes.

Hicks: Lynn Hicks, Battle Ground School District, once again. A couple things I wanted to say, first of all I want to thank the developers and the commissioners for helping us, helping Battle Ground School District work its way through this issue, it's very complicated, it has a lot of political pieces to it and to put the whole thing together is taking the efforts of all of us and I want to let you know that we have no intentions of stalling in trying to find land, we are anxious to do that and anxious to uphold our commitment to this process so just once again I want to thank you all and thank the developers too.

Boldt: Thank you very much for your comments. Okay, would you like to proceed?

Morris: I'm ready, but Mr. Chairman I would like to delete on line 8 of page 4, the words "that through value", so line 8 would read, "areas and, if appropriate, that can be incorporated into residential development plans."

Boldt: (inaudible)...okay, I was looking at the wrong "that." Okay, I guess my question on that...does taking that out..."that the district can acquire...," does that put the district in a position then of having land and then putting it off or....

Morris: No, it only...and if we had a better definition of what the mechanism we intended to use to determine what fair market value is that would be appropriate. I think that school districts like that we have a process that they have to use in order to decide what is the fair market value of the piece of property. I don't know for sure.

Boldt: Okay.

Morris: So, it's not a sticking point for me, but I just think that it make negotiations move faster if the language isn't there.

Boldt: Okay.

Lowry: Again, I think this language is a bit of a holdover. It went from when the commitment was to identify rather than acquire the site and so it really isn't...I think removal of it doesn't change the general meaning of subsection 1 at all.

Boldt: Okay. I am ready to move forward. I've talked to some people, you know, and it is...this is a rough discussion for me however it's becoming a little easier, you know just the fact that as I re-read growth management if anything else this is I don't know how many times I think all of us have read the growth management RCWs this year but I am getting very acquainted with it, you know that we are mandated for growth and on the other hand it is the legislature paramount duty to fund education which when I was up there you know I thought that was the phrase, well now it's more than a phrase and we're stuck in the middle as you said many times the hearings board has not said anything, we're stuck trying to figure out what to do with this, on the behalf of a school in that really we don't have to however to do an honest plan, we have to, so I guess I'm moving forward on this resolution. I'm uneasy probably in the most, hopefully things will come together as our work session comes to what the education people, coming to us with their thoughts, but I will come back again and again that my primary concern is to educate kids and also hopefully have a house that them educated kids will be able to live in once they are educated and so I will always put them two together and I don't want to have the best education for kids living in Idaho, with that I am ready to move forward.

Morris: Thank you and Mr. Schulte I would challenge you to finish your work as quickly as I believe Ms. Hicks can finish hers.

Boldt: Thank you. Do we have a motion?

Morris: Okay, now are you alright with removing that language or not?

Boldt: Uh-huh.

Morris: Okay. Then first I would move approval of Resolution 2006-06-05 after having stricken on line 8, page 4, the second, third, fourth, fifth, sixth, seventh, eighth, and ninth words so that section 4, sub 1 reads "Acquisition by the Battle Ground School District of a suitable school site (20 acres of buildable land in an area that can serve students from residential properties in the overlay areas), and if appropriate, that can be incorporated into residential development plans in the overlay areas."

Boldt: Thank you, it's been moved and seconded to approve resolution 2006-06-04 as amended on page 4 line 8…2006-06-05 as amended. All in favor say aye.

Morris: Aye.

Boldt: Aye. All opposed? Motion carried.

Lowry: We're going to make one other, minor, very minor change to the resolution. It calls out in Exhibit A, which is a map of the subareas, but the subarea map that we have is labeled Exhibit 1 so we are going to change Exhibit A to Exhibit 1 in the resolution and should have it to you late this morning or first thing in the afternoon for signature.

Boldt: Okay.

Morris: You know what else we neglected, Mr. Snell, to make any reference to the incorrect subarea letters here. Did we need to do that?

Snell: On the agenda I made that point of order earlier, the title of the resolution is correct.

Morris: Okay.

Boldt: Okay.

Boldt: Now for just some housekeeping we have some developers that may be in the process, but we have a lot of people out there that probably are not in the process of this. Mr. Snell could kind of give us an update. First of all, how they can be in the process, who they can contact and things like that?

Snell: There are a couple of things that we'll have to wait on, quite frankly, that the results of the traffic study and the deposition of property for the school district to acquire. There's no kind of standard simple development agreement that the county has prepared that would be a property owners obligation so I guess in a way they would have to stay tuned and I don't know what else I can offer.

Boldt: Okay, are they calling you to stay tuned or are we telling....

Snell: I have had some emails and phone calls and I just keep folks apprised of the board's action.

Morris: I would expect Mr. Madsen to be helpful with that too.

Madsen: Thank you. Steve Madsen. I guess I don't understand or I would expect that this resolution wouldn't change the process in terms that the public, whoever wanted to would still be welcome to submit the application. They would just be subject to same terms of the ordinance that everyone else is. Is that correct?

Lowry: That's true and unfortunately we can't at this time predict how complex the developer agreement is going to be because that's entirely dependent upon what the analysis of the local road network is, if it identifies a large number of significant projects that need to be put in place up front then we are into a pipeline one agreement. On the other hand if it identifies only a few projects, particularly if there adjacent to stuff that's in works right now development proposals, then it may be a very, very short couple page development agreement and were not going to know until the analysis is complete.

Boldt: Okay.

Madsen: Of course that ambiguity was one of my concerns with this process from the very beginning, but nevertheless just for the purpose of the process I would like to be able at least tell my constituency that you are welcome to go ahead and submit your application for development subject to exactly the terms of the ordinance.

Lowry: The pre-app.

Madsen: The pre-app.

Morris: Do you update your website frequently? If you do, then it might be possible for our staff to write on Friday or Monday morning, either at the end or the beginning of the week…this week…in urban holding.

Madsen: We would be happy to include whatever link you guys would like establish. That's really easy for us to do.

Morris: Okay.

Snell: We've been maintaining our website to keep the resolution that we have current, linked either on the front page or you have to go through the Long Range Planning page and under the latest news, it's in that.

Morris: Okay.

Snell: Actually it's Project of Interests – Urban Holding.

Morris: Sometimes the website isn't as user friendly as we think it's going to be…..

Snell: No, it's not.

Morris: It's posted on the website, yeah, then try to find it after you do and it's sort of the composition of the homepage and what's right there of interest, but I think we can work together with you to make sure that you're…

Madsen: If Mr. Snell would send me the link, then I will make sure it gets posted on our website in a user friendly…

Snell: Will do that.

Morris: Thank you.

Boldt: Thank you. Thank you very much. Anything?

Morris: Nope.

Boldt: Meeting adjourned.

COMMISSIONER COMMUNICATIONS

There were no communications.

BOARD OF COUNTY COMMISSIONERS

Marc Boldt, Chair

Steve Stuart, Commissioner

Betty Sue Morris, Commissioner

ATTEST:

~~Deputy~~ Clerk of the Board

jc