

## Jenna Kay

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**From:** Jenna Kay  
**Sent:** Tuesday, June 25, 2024 5:26 PM  
**To:** Justin Wood  
**Cc:** Nicole Metildi; Sylvia Ciborowski; Dana Hellman; Tracy Lunsford; Harrison Husting; Amy Koski  
**Subject:** FW: CAG MTG #4- Justin Wood Input

Hi Justin,

Thanks again for following-up with your questions and apologies for our slowness in responding. I know you originally raised these questions a couple months ago. Here's an initial response and glad to do more research if helpful.

- “Public development covenants”
  - Clark County Code defines “Developer Covenants to Clark County” as a “recorded legal document limiting or prohibiting certain uses of property. The Developer Covenants to Clark County may also impose affirmative obligation such as payment of a fee or be used to disseminate information which the county deems is in the public interest.”
  - The word “Public” before development covenant is describing covenants that are public in nature in some way (in contrast to private development covenants that are between individuals where the county has no role or there isn't really a benefit to the general public).
  - We probably have more examples of public covenants that are not housing specific, such as the below excerpt from a covenant related to maintenance of a stormwater facility:
    - c. **Responsibility for Stormwater Facility Maintenance:** “For stormwater which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) owners of the subject property for assumption of maintenance to the Stormwater Facilities Maintenance Manual as adopted by Chapter 10.02. The responsible official prior to county approval of the final stormwater plat shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken.”
  - In the context of the draft resilience policy that lists covenants as an example of a county tool to provide opportunity to site affordable housing types, covenants would be consistent with this policy if they didn't ban affordable housing types or didn't create barriers for the building of affordable housing types like manufactured homes or ADUs. There used to be a common practice of mobile homes being banned on property unless written into the plat note. This also could have been done through a covenant. The term mobile home used to refer to what today we know as manufactured homes and mobile homes. Essentially the default practice was to ban manufactured housing from being allowed on property unless an extra step was taken to allow it. County Code has been updated to change this and I believe state law was changed to no longer allow preventing manufactured housing from being built where stick built housing is allowed. This

type of county code change would be in line with this draft comp plan policy language by removing barriers and providing opportunity for the siting of more affordable housing types like manufactured homes and ADUs. (And the change in code has the impact of affecting covenants written that align with it.)

- "Climate-smart building practices" is language provided by the project team and could be adjusted if desired by the CAG. The phrase potentially encapsulates practices such as using cool materials and including passive cooling in new building design; building with energy efficiency and back-up power in mind (e.g., installing batteries and solar panels on new construction); or incorporating design features that will protect buildings against fire, smoke, or flood risk. The phrase encourages practices that protect development against climate hazards but is not overly prescriptive; there is room for interpretation/discussion about specifics for implementation.
- I think you also raised a question about integrated pest management a few meetings ago. I wanted to follow-up to clarify that that's an approach in which pest prevention is pursued while choosing the least hazardous way to address it. Here's a brief summary: <https://doh.wa.gov/community-and-environment/pests/integrated-pest-management>

Hopefully that helps some. Generally, if you're not comfortable with certain words or think they're unclear in a particular policy, those sound like good things to raise with the group to either more clearly define, scratch, or adjust in some other way.

See you tomorrow!  
Jenna



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**From:** Justin Wood <[ga@ccrealtors.com](mailto:ga@ccrealtors.com)>  
**Sent:** Monday, June 24, 2024 3:41 PM  
**To:** Jenna Kay <[Jenna.Kay@clark.wa.gov](mailto:Jenna.Kay@clark.wa.gov)>  
**Cc:** Nicole Metildi <[nmetildi@kearnswest.com](mailto:nmetildi@kearnswest.com)>; Sylvia Ciborowski <[sciborowski@kearnswest.com](mailto:sciborowski@kearnswest.com)>; Dana Hellman <[dh@capastrategies.com](mailto:dh@capastrategies.com)>; Tracy Lunsford <[TRLunsford@Parametrix.com](mailto:TRLunsford@Parametrix.com)>; Harrison Husting <[Harrison.Husting@clark.wa.gov](mailto:Harrison.Husting@clark.wa.gov)>; Amy Koski <[Amy.Koski@clark.wa.gov](mailto:Amy.Koski@clark.wa.gov)>  
**Subject:** RE: CAG MTG #4- Justin Wood Input

Good Afternoon, Jenna

In preparation for our meeting this Wednesday I did want to loop back around and see if there was any additional information you or the project team could offer regarding “public development covenants” and “climate-smart building practices”.

I still had questions about those terms when I completed the survey. Maybe something was sent out and I missed it? Examples or additional information would be greatly appreciated so the CAG can better understand climate resiliency policy implications.

Looking forward to seeing some of you Wednesday evening!

Best Regards,

*Justin Wood*

AHWD,

Government Affairs Director



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**Sent:** Wednesday, May 29, 2024 2:38 PM

**To:** Justin Wood <[ga@ccrealtors.com](mailto:ga@ccrealtors.com)>

**Cc:** Nicole Metildi <[nmetildi@kearnswest.com](mailto:nmetildi@kearnswest.com)>; Sylvia Ciborowski <[sciborowski@kearnswest.com](mailto:sciborowski@kearnswest.com)>; Dana Hellman <[dh@capastrategies.com](mailto:dh@capastrategies.com)>; Tracy Lunsford <[TRLunsford@Parametrix.com](mailto:TRLunsford@Parametrix.com)>; Harrison Husting <[Harrison.Husting@clark.wa.gov](mailto:Harrison.Husting@clark.wa.gov)>; Amy Koski <[Amy.Koski@clark.wa.gov](mailto:Amy.Koski@clark.wa.gov)>

**Subject:** RE: CAG MTG #4- Justin Wood Input

Thanks for the feedback Justin and confirming receipt.

I'll share your comments and attachments with the rest of the project team to review.

Regards,

Jenna



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