



## Clark County Planning Commission

Karl Johnson, Chair  
Ron Barca, Vice Chair  
Aldo Lampson Veranzo  
Bryant Enge  
Steve Morasch  
Bryan Halbert  
Matt Swindell

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### PLANNING COMMISSION MINUTES THURSDAY, OCTOBER 21, 2021

Public Service Center  
Council Hearing Room, 6<sup>th</sup> Floor  
1300 Franklin Street  
Vancouver, Washington

6:30 p.m.

#### I. CALL TO ORDER

WISER: We are ready to start the hearing, Karl.

#### Planning Commission Rules of Procedure

JOHNSON: Okay. Good evening gentlemen, members of the public and staff members. I would like to call this online public hearing to order for Thursday, October 21st, 2021. My name is Karl Johnson and I'm the Chairman of the Clark County Planning Commission.

The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process including holding hearings during which the public has an opportunity to provide additional perspectives and information. In legislative matters, the role of the Planning Commission is advisory. The County Council will hold separate hearings, consider our recommendations, and make a final determination.

The Planning Commission will conduct a public hearing tonight to take testimony regarding the matters being considered. If any public comments were received before tonight's hearing, they have been sent to the PC members and entered into the public record.

Our staff -- excuse me -- our staff will go first tonight and present information on the agenda items to the Planning Commission. The Planning Commission can then ask questions of staff. Next, we will invite the applicant to speak. Then members of the public who wish to provide comment.

Now, when we get to the public comment portion of our agenda, we will provide more detailed information at that time. You will have three minutes to speak and remarks should be directed to the Planning Commission only. Please do not repeat testimony that has already been provided.

At the conclusion of public testimony, the applicant may take up to three minutes to respond and the public portion of the hearing will then be closed. Staff may respond to the testimony from the applicant and public. The Planning Commission will then deliberate and make recommendations to the County Councilors.

Before we begin tonight's hearing, for virtual members of the Planning Commission and staff, please ensure that your microphones are turned off and muted unless you are speaking. Also remember to turn your video camera on throughout tonight's hearing. For virtual audience members, you are all muted. You will be only unmuted if you wish to speak during the public comment period.

If any PC members have questions, I will call on each of you individually stating your first and last name and you can respond with your questions. I will do the same during the discussion time. When you make a motion, please state your first and last name and then make your motion. Also, when you second the motion, please state your first and last name and then second the motion. Conflicts of interest, is there anybody here on the Planning Commission who would like to disclose any conflicts of interest before we begin tonight's hearing? Hearing none, we will begin with the roll call of Planning Commission members. Please say I am here after Sonja calls your name. Sonja, can you please take roll.

## II. ROLL CALL

BARCA: I am here.

ENGE: I'm here.

HALBERT: I'm here.

VERANZO: I'm here.

MORASCH: I am here.

SWINDELL: Here.

JOHNSON: I'm here.

## Staff Present

Christine Cook, Sr. Deputy Prosecuting Attorney; Oliver Orjiako, Community Planning Director; Jacqui Kamp, Program Manager II; Rob Klug, Public Works Division Manager; Eva Haney, Public Works Division Manager; Susan Wilson, Public Works Program Manager; Christopher Carley, Capital Program Engineer II; Rocky Houston, Parks Program Manager; Kevin Tyler, Engineering Services Manager III; Susan Ellinger, Planner III; Michael Sallis, Planner III; Brent Davis, Wetland & Habitat Review Manager; Sonja Wisner, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

## III. GENERAL & NEW BUSINESS

JOHNSON: Approval for the agenda for October 21st, 2021. May I have a **motion** for the

approval of the agenda for October 21st, 2021. Please raise your hand.

BARCA: This is Ron Barca --

JOHNSON: Go ahead, Ron. Sorry about that.

BARCA: I make a **motion** for approval.

JOHNSON: May I have a second, please.

SWINDELL: This is Matt Swindell. I'll **second** that.

JOHNSON: We've heard a motion and a second. Sonja, can you please take roll.

#### **ROLL CALL VOTE**

ENGE: AYE

BARCA: AYE

HALBERT: AYE

VERANZO: AYE

MORASCH: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: 7 to 0.

JOHNSON: 7/0, motion passes.

#### **B. Approval of Minutes for September 16, 2021**

JOHNSON: Next, we'll take a motion on the approval of the minutes for September 16th, 2021. I'll take a motion.

SWINDELL: Matt Swindell. I **move** we approve the minutes from September 16th.

JOHNSON: Can I get a second.

BARCA: Ron Barca. **Second.**

JOHNSON: We have a motion and a second. Sonja, will you once again take roll for the motion.

### **ROLL CALL VOTE**

BARCA: AYE

ENGE: AYE

HALBERT: AYE

VERANZO: AYE

MORASCH: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: 7/0.

JOHNSON: 7/0, motion passes.

### **C. Communications from the Public**

JOHNSON: We're now going to take communications from the public. This is for communications for those items that are not, I repeat, not on tonight's hearing agenda. Sonja, it's your turn to speak.

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you would like to speak, please utilize the raised-hand icon. You can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen.

Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon. When you are acknowledged, you will be unmuted. If you wish to retain the ability to be a party of record on this matter or to challenge or defend any decision made on this matter, please state, and spell your name and provide your address for the record.

For attendees using the telephone, which is the audio only option, you need to press star 3 on your phone's number panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you. When you are acknowledged, you will be unmuted and you will hear a message that says you have been unmuted.

When you have finished your comments, please press star 3 to lower your hand. You will hear a message that says you have lowered your hand. Comments are limited to three minutes per person. Again, this portion of the hearing is only for items not listed on tonight's agenda.

Larisa, are there any members of the public wishing to make public comment on items not related to tonight's hearing agenda?

SIDOROV: There are not, Sonja.

WISER: Karl, there are no callers. We can now go into the public hearing items.

JOHNSON: We will now close the public comment and go to the hearing items. The first item on tonight's agenda is the Transportation Improvement Program. Our staff tonight is Susan Wilson and Christopher Carle. Susan, is it you? It's all yours, staff.

#### IV. PUBLIC HEARING ITEMS

##### A. **2022-2027 Transportation Improvement Program (TIP)**

Review proposed **2022-2027 Transportation Improvement Program (TIP)**. The TIP identifies public works capital projects including new construction, reconstruction, bridges, bicycle and pedestrian, safety, hot mix preservation improvements, signalization construction to maintain and enhance Clark County's transportation system in unincorporated Clark County.

**Staff Contact: Susan Wilson, Program Manager** Susan.Wilson@clark.wa.gov **or (564)397-4330**

WILSON: That is correct, it is Susan Wilson and Chris Carle. So, thanks for allowing us to come to your hearing tonight, Planning Commission. So, my name is Susan Wilson, I am the Capital Program Manager for the Clark County Public Works Transportation Group and here with me is Chris Carle, he is the Capital Programs Engineer. I also have Clark County Engineer Rob Klug with us tonight for any questions you guys may have. Next slide, please.

So, about two weeks ago we were, we had met with you in regard to the Transportation Improvement Program following a work session. And just a reminder, the Transportation Improvement Program is a State mandated program set by the Washington Advisory Code and the Revised Code of Washington. Tonight, we're going to talk about the purpose of the hearing, the Capital Facilities Plan versus the Transportation Improvement Program and a little bit about schedule and the steps we go through and then a request for (inaudible) Planning Commission. Next slide, please.

HOLLEY: I can't understand her.

WISER: Susan, can you speak into the mic.

WILSON: Yes, I will. So, what we're going to talk about tonight is the purpose of this hearing. We had met with the Planning Commission on the 7th for a work session and then we're going to talk about the Capital Facilities Plan and the Transportation Improvement Program consistency and then also the steps that we go through to adopt our Transportation Improvement Program and then the request of the Planning Commission. Can you hear me much better now?

JOHNSON: Yes. Thank you.

WILSON: Okay. I think I just lost Internet connection, so I do apologize here, so I restarted my Wi-Fi there. Next slide, please.

So, the Transportation Improvement Program is a State mandated document set by the Revised Codes of Washington and the Washington Advisory Code and any time we make a change, we have another compliance that we must go through per the County Code and that is meeting with the Planning Commission so that is why we're here today. Next slide today, I mean next slide, please.

I'm going to go ahead and hand it over to the Capital Engineer, Chris Carle, so he can talk a little bit about the projects and the consistency between the Capital Facilities Plan and the Transportation Improvement Program.

CARLE: Thank you, Susan. Hello, Commission, and public. Can you hear me okay?

JOHNSON: Yes, we can hear you, Chris.

CARLE: Chris Carle here, Capital Program Engineer under Susan Wilson of Clark County. Susan spoke earlier about the Capital Facilities Plan which is where we get our projects from either direct capital program capacity and one-to-one on the Capital Facilities Plan or via our ongoing managed programs, bridge, culvert, ADA, preservation various programs.

What this map is showing here in purple color with the legend on the right bottom left, bottom left legend the right side of it, that's the Capital Facilities Plan currently 2015 to 2035, always a 20-year projection planning where our TIP pulls in these projects from the Capital Facilities Plan undergoes an evaluation system with criteria, ranks those projects and bring those into our 6-year active Transportation Improvement Program.

What you see on the legend in the bottom left and on the left side, the red projects and the blue projects are direct projects that are taken from the Capital Facilities Plan, evaluated, and ranked as far as projects that we put into our 6-year program.

The blue are currently ranked projects and then once they spend 30 percent of their estimated budgets, they become the red section there, they lose their ranking, they're no longer ranked, but they're projects that are obligated in terms of committing -- committing and, you know, projects that are going to be on the Transportation Improvement Program.

The green projects on the bottom of that legend on the left side are ongoing program projects and they are again are direct from the Capital Facilities Program plan, but they're pulled in underneath that those programs and then they become individual projects in our Transportation Improvement Program. So that's the overlay between the CFP and our 2022/2027 Transportation Improvement

Program. And with that I'll hand it back to Susan.

WILSON: Next slide, please. So, every year we adopt a 6-year Transportation Improvement Program that's consistent with the 20-year Capital Facilities Plan, that is our box, we must follow the Capital Facilities Plan. We evaluate all the projects from the Capital Facilities Plan and then we prioritize them, and that's what you just saw that Chris had displayed for you.

We typically start the process quite early, it's a big time process. Once we evaluate the projects, prioritize the projects and closeout the completed projects, we meet with our County Council to come up with a new set of projects for the next, for the remaining six years.

So, this year we did start in August, but long before that we were updating cost estimates, updating grants, we were overseeing grant compliance for all of our capital transportation projects and then we kick that off with meeting with our County Council.

And then we had prepared a lot of documents so we can meet with the -- we can have open houses, meet with the neighborhood associations and we had social media campaigns, Facebook, Twitter NextDoor, and then we also had a TIP Public Open House in consultation with the Regional Transportation Counsel and the City of Vancouver to receive more public education and involvement and we are here tonight with the Planning Commission at the hearing. We also met with the Development Engineering Advisory Board on the 7th of this month.

And then once we go through this process, we will seek approval for the 2022/2027 transportation Improvement Program through our County Council for final adoption. And the TIP needs to be adopted before the budget's adopted, that's actually an RCW requirement.

So that's the typical process we go through and we will be starting the process earlier next year to update our evaluation and our ranking and so we will be coming back to the Planning Commission to tell you, to talk a little bit about just some of the changes we've encountered with the new standards, that type of stuff. The next slide, please.

So, this is the reason why we're here tonight. We are requesting Planning Commission support of the 2022/2027 Transportation Improvement Program and this is for consistency of the 20-year Capital Facilities Plan. Are there any questions or comments for us?

JOHNSON: I'm going to walk through each of you to see if you have a comment so we don't get everybody speaking at once. Ron Barca.

BARCA: Yeah. Thank you, Karl. I do have a question concerning the idea of your presentation to the DEAB and what feedback that they had for you and also are we on track to meet our developer -- Development Agreements we had with the developers out in the fairgrounds area?

WILSON: Actually, when we met with DEAB surprisingly, they did not have any comments and that is atypical. And in regard to the Development Agreements, I think I want to defer that question to our County Engineer. Rob, do you mind taking that question?

KLUG: So, we're actually working on delivering those projects as quickly as we can. It's fair to say that the original estimate of the delivery was optimistic, and we are looking at what we can do to deliver the projects as close to the schedule as possible.

KLUG: We could -- go ahead.

BARCA: -- just to clarify then. Does that mean that some of the projects are slipping because of funding? You said that they, the estimates were optimistic.

KLUG: The estimates for the delivery were optimistic. There was a lot of work to put into a very tight timeline, so we are working to deliver as closely as we can. As far as the funding, we're also looking at what we can do to keep the projects as a whole within the overall budget and making good decisions as to how we're going to deliver on those to meet the requirements.

BARCA: Okay. Thank you.

JOHNSON: Bryant Enge, do you have anything?

ENGE: I just wanted to follow up on Commissioner Barca's question. The Development Agreement preceded me in terms of before my getting on the commission. So, the question I have is how did the slippage and does it impact the 2022/2027 Transportation Improvement Program, does something in there change as a result of the issues facing the project?

KLUG: So, let me - that's a very complex question you asked even though it's a very good question and the information is that there's information about projects to be delivered associated with the DAs and the lifting of urban holding, that was supposed to occur within six years of the lifting of urban holding.

You will find if you look at the TIP that is being presented, it is showing that we are proposing to deliver projects outside of that six years that was shown to the Council and others in the prospect of the urban holding being lifted and that is related to the fact that we are looking at our ability to deliver those projects from those projects, but primarily being able to design them and get them out to construction.

And one of the challenges I've seen with these projects is the intent originally was for example, to build the intersections at 29th and 179th and 50th and 179th at the exact same time which could be a problem because we're raising and lowering intersections and the approaches massively, and that leaves a lot of people in between the two that have no way around.

So, it's not a doable, reasonable project for us to try to move forward on the timelines that were provided because it would cause such an undue burden to the people out there. We really need to change some of that perspective.

JOHNSON: Someone, we're getting someone talking in the background. Let me, Bryan Halbert, do you have any comments or questions?

ENGE: My question wasn't I think, at least for me, wasn't fully accurate. So, Rob, are you telling me then that the TIP accounts for those changes?

KLUG: The TIP as it's being presented is showing a different extended timeline from what was shown to the Council in 2019 with the urban lift holding lift.

ENGE: Okay. But it's accounted for. Okay.

JOHNSON: Bryan Halbert, do you have any questions?

HALBERT: No. Rob, no questions at this time. Thank you.

JOHNSON: Steve Morasch.

MORASCH: I have no questions at this time. Thanks.

JOHNSON: Matt Swindell.

SWINDELL: No. No questions at this time.

JOHNSON: Okay. Hearing no questions, we are now opening the hearing for public testimony.

WISER: Karl. Did you call Aldo's name?

JOHNSON: Yes, I did.

WISER: Okay.

JOHNSON: I called Aldo, Steve, yeah, I did. Thanks.

VERANZO: I didn't hear it called, but I have no questions.

JOHNSON: I thought I did call you, Aldo. I'm sorry. Did you have any questions?

VERANZO: No. No. No questions.

JOHNSON: I apologize. All right.

### **Public Testimony**

JOHNSON: We will now open the hearing for public testimony. I will begin with the summary of the public's participation process for the public to understand how to participate in tonight's hearing.

To be the party of record, you must submit written testimony before, during or prior to the close of tonight's hearing, provide oral testimony at the public hearing, request in writing to be a party of the record and no person shall be a party of record who does not furnish their full name, e-mail address or Post Office mailing address. If written comments were received prior to October 21st, 2021, they were submitted to the PC members and posted on the Planning Commission website.

We will now take oral public testimony as we did earlier this evening. Sonja, it is your turn to speak.

WISER: Larisa, are there any members of the public wishing to speak on the Transportation Improvement Program?

SIDOROV: No, there are not.

WISER: Okay. Karl, there's no public comments. There are no attendees shown as present at this virtual hearing for the Transportation Improvement Program.

### **Return to Planning Commission**

JOHNSON: We will now close the public testimony portion of the hearing and return to the Planning Commission. The Planning Commission will now deliberate and make any recommendations to the County Council. Does the Planning Commission have any comments? I will now call each PC member one at a time to state your comments. Bryant Enge.

ENGE: I have no comments.

JOHNSON: Bryan Halbert.

HALBERT: I have no comment.

JOHNSON: Aldo Lampson Veranzo.

VERANZO: No comments.

JOHNSON: Steve Morasch.

MORASCH: No comments.

JOHNSON: Matt Swindell.

SWINDELL: No comment.

JOHNSON: Ron Barca.

BARCA: Wow, everybody was without comment, and here I am willing to say something different again. I guess under the circumstances of bringing forward the idea that the performance agreement that we had with the developers that this Planning Commission bought into and now seeing the slippage, I think it's worth noting that we were talked to about how sporty the projects were going to be on the onset, and with that in mind, I think it's really going to be a good discussion with the Council themselves about the ability to hold up to the Development Agreement, or not.

I would like us just to think about this in terms of when we see the Development Agreement come forward in the future and saying that we're hanging our hat on a Capital Facilities Plan that goes 20 years out.

I have no reason to change the thought process of us accepting the revised TIP and handing it off to the County Council, but I do wish that we would take these Developer Agreements when we see them a little bit more seriously about whether we're going to be able to perform to the standards that we commit to when we see them. Thank you.

JOHNSON: I do have concerns. This is Karl Johnson. I do have concerns regarding this, but at the same time we've got to be realists that any project is going to have slippage, and in this economy probably a lot of slippage.

And so, Ron, I'm a realist. I understand what you're saying, but the reality from 6 years out or 20 years out, things will look a lot different, and when I did discuss that, I baked that into my thoughts. And so, I'll be curious to see this, but right now this doesn't surprise me and I wouldn't think it would surprise you. So that's all I got to say. Any other questions?

SWINDELL: Karl, this is Matt Swindell.

JOHNSON: Yeah, go ahead, Matt.

SWINDELL: I want to just quickly just make a comment about what Ron was talking about. And

it's my understanding there's no one here at this hearing that's the developers from those Development Agreements. It seems to me that if they're not here, it doesn't seem that -- either they're on board with their understanding of it, or they're not concerned enough to be here to say, hey, wait a minute, this is what we agreed to, why aren't we following through with it.

So, I'm kind of taking it from that standpoint, they don't seem to be concerned about it. They're not here, you know, and I hope that's the accurate way to think in that they're not here. So, they're not concerned about it, so I'm not going to be concerned about it.

And they may, might be happy that it is falling back a little bit because of the economy right now as well, but I don't know. They're not here to give us their comments, so that's all I want to say, Ron.

JOHNSON: Yeah. We're in the very infant stages of this. Karl Johnson again here, and we're in the very infant stages of this, so we'll see how it plays out. Any other comments? Okay. With that said, Sonja -- oh, excuse me, gentlemen, could I get a motion and a second. Please state your name.

ENGE: This is Bryant Enge. I make a **MOTION** that we support staff's not recommendation, but support staff 2022/2027 Transportation Improvement Program.

JOHNSON: Can I have a second.

HALBERT: Yeah. Bryan Halbert here, and I **Second** that motion.

JOHNSON: Sonja, would you please take roll call vote by calling each PC members name after which you will vote yes or no to the motion.

**ROLL CALL VOTE**

BARCA: AYE

ENGE: AYE

HALBERT: AYE

VERANZO: AYE

MORASCH: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: 7 to 0.

JOHNSON: Motion passes.

JOHNSON: Next up, public hearing items, the Parks Plan Update. The next item on our agenda is the Parks Plan Update and our staff is Rocky Houston. Rocky, can you hear us okay?

**PUBLIC HEARING ITEMS**, continued

**B. Parks Plan Update**

The Clark County Parks, Recreation, and Open Space Plan (PROS) represents the guiding document for the Greater Clark Parks District regarding provision of parks, recreational facilities, open space, and trails. Per the State of Washington Growth Management Act (GMA) 36.70A requirements, this parks master plan contains the following elements: designation of the general location and extent of land uses including recreation and open space lands; identification of useful lands for recreation, including wildlife habitat, trails, and connection of critical areas; estimation of park and recreation demand for at least a 10-year period; and both a six-year and 20-year capital facilities plan.

**Staff Contact: Rocky Houston, Program Manager** or Rocky.Houston@clark.wa.gov  
**or (564) 397-1676**

HOUSTON: Yes, sir.

JOHNSON: Okay. It's all yours.

HOUSTON: Thank you. For the record, Rocky Houston, Division Manager for Parks and Lands here in Public Works, Clark County. Thank you Chair, members of the Planning Commission. In front of you today -- with me I should say I have Kevin Tyler who's the Lands Manager here in the Parks and Lands Division to assist in any questions potentially later on from yourselves or the public.

So, the purpose is so much of the TIP planning in regards that we have mandates with the Growth Management Act that require us to develop a Capital Facilities Plan that is integrated into the County Comprehensive Plan. Clark County Code instructs us to present our plan to you and to seek your support prior to moving forward to County Council.

In addition, the Recreation Conservation Office requires a 6-year strategic plan for park operators like me. We do that in the form of the parks recreation and open space plan, the item of tonight. Again, we're requesting your support of the PROS Plan and moving it forward to County Council.

No review really as we're going to go again like we did two weeks ago in the workshop over our planning process and refinement of the plan in front of you, our public engagement model, review of our policy concepts and then a high level review over 6 year and 20-year Capital Facilities Plan summary. Slide two, please.

The PROS Plan followed a standard planning model where we started with a data collection. We

hired a consultant to assist us in doing the survey and the first steps of the plan. We completed that survey and went out and looked at the data that we had out there from the State, other local plans, looking at recreational needs, trends and State, local and other regional information to help influence and guide the plan.

We started our kickoff process which is really the beginning of the public outreach process. Unfortunately, due to COVID-19, this was done virtual much like we are here today. We really made a strong emphasis to make it as robust as we could to get out and connect with groups and get as much information as we could of what the community wanted and/or needed recreationally. As part of that, we completed a second survey to really refine that process that we wouldn't be able to do in person and to gather that information.

Things we have identified are we've got 95 parks that are operating out there for the county right now in natural areas. That's almost 10,500 acres, 69 of those are urban focus within the metropolitan park area, and we have 41 regionally focused sites. The residents are using our parks. 91 percent in the survey identified that they're visiting our parks at least one time per month, and 89 percent said that we're doing a good job, excellent work in our upkeep.

We've also identified that the county is changing. The population is growing as we all know and diversity is increasing as well. We identified a 38 percent increase in communities of color from the last PROS Plan. Next slide, please.

So, a plan is being presented to you and refined. We've presented initially to our Parks Advisory Board, and we'll be going back to them in two weeks and then looking for their recommendation and yours to bring it forth to County Council. Once it is adopted, we can then submit it to the RCO and come back for the comp plan amendment, I guess is the right term through everyone here, you know.

This plan is really held up by these three sort of balls in the funnel, kind of look at balancing our resources, our needs, and interests to look at what our operational capacity is, enter that lens. You know, there's going to be some placeholders in the plan that we may not be able to achieve given that operational capacity. But again, we want to make sure that we identified and what we're working towards. Slide four, please.

So, we had a robust engagement process utilizing a lot of social media and a lot of virtual means to ensure, you know, searched every tool out of the tool bag to engage with citizens especially here in the middle of the pandemic. We used everything that's shown here to kind of get us to where we're at today. Slide five.

Policy concepts. The concepts listed here and in the following slides are just that, concepts. Each item is going to require a significant engagement with the community and Council. Again, we want to make sure that we're capturing these items and bringing them up through planning and here's a

quick summary.

We need to make sure that we're looking at our operation maintenance capacity and having that consideration as we continue to move forward to capital development. Essentially, we need to make sure we know what it's going to take to operate that new park or that new asset that we're bringing on board. We're planning for it and budgeting for that as we make those decisions because we want to make sure that same level of enjoyment and engagement is still there as we move forward with our park system.

The Park Impact Fee Program, we heard a lot of information about PIF credit and other elements, and so that's currently not allowed. In order for us to do that, we have to go back out and do the information and do the work to get that changed. So, again, we're looking at that as a potential thing to look at over the next six years. Slide six, please.

The greater Clark Parks District Boundary Realignment was something that has been brought up through the planning process. Currently that boundary is set, but the urban growth boundary, urban area boundary moves and the intent of the GCPD is to meet the urban population for recreational needs. So, again, it would be looking at an idea of getting engagement to see of having that urban growth boundary connected with the Greater Clark Park District is beneficial to continue to meet those needs for the community.

And park funding. So, you know, our county and park system has been changing, and we need to continue to discuss our current and future operational needs and how we will be working to meet those capital needs. Again, we need to take that information to make very informed decisions as we continue to look at our level-of-service, look on our standards and developing future parks. It's just making sure that we're using a systematic approach and that maintenance management planning element that we talked about earlier to make decisions and move forward. Next slide, please.

So, level-of-service are one of the park standards that had been identified in looking at making a change. Currently, the model is 6 acres per 10,000 residents and really looking at a walkability or distance from a park to meet those operational needs and also looking at the size of a park acreage and size consideration. So, again, to try to look at meeting the needs as the population gets denser, making sure that we can still have those park amenities and adjusting as communities are adjusting. Next slide, please.

To kind of look at that and to address some of the questions that came out of the workshop is currently in 2020, these were our level-of-service models and how we were meeting those standards. So, you can look here for our UUA Population for Acquisition within Community, Neighborhood and Natural Areas, total of 6 acres is our level-of-service. Now, you can see where currently we're at, 5.33 acres, so about 89 percent of the standard total.

Community parks we're overachieving and we're under in the other two areas. If you look at the Development which is another standard, it's not just acquiring the property but developing those assets. You can see that the lower level of course of development is being met and that's based off of dollars and cents, the economy, all those elements. You can see we're at a 60 to 50 percent of the standard there. Next slide.

So, what we did through the planning process is look at the heat map. We can look at the numbers that really spatially looking out. So, what we did is we plotted where all those parks are. Then we looked at where housing units where people actually live, took out those commercial or industrial areas. We then looked at how far for a community park here being shown, how far, you know, three miles is the metric being utilized here is, where are those areas that we're not meeting that walkability or that distance from. You can see here we've got a couple of areas identified.

This helps me and our team in honing in on trying to look at meeting that level-of-service in those areas where there's color versus just looking for wherever we can find property within the area. Next slide, please.

When you combine, the last slide was just community parks and this is community and neighborhood parks within the GCPD. And, again, this is a much smaller walkability, one-quarter mile, and you can see definitely there's a lot of different colors here. Again, when you look at that development element, this again is helping us look at -- what I will note is this heat map that we have here doesn't take into consideration parks that are not owned by the county or other classifications of parks. We have regional parks and other classifications that aren't showing up here.

Case in point is, and you probably can't see my cursor, but there's that big red blotch at the bottom of Section 10, there's a park called H.B. Fuller. It's a community park that we, I have a partnership with that would change the color of that area. But, again, this is again showing us and helping us as we're planning for parks that we're ready to have those assets to meet those community needs. So, these are just ways of kind of helping us show our level-of-service and maybe another way of looking at that same situation. Next slide, please.

Now if we took a comparison between that level-of-service model we currently have of acreage per capita versus that walkability, and we turn it into a letter grade, you can see that that walkability isn't going to all of a sudden give us A pluses across the board. There's still a lot of work for us to continue to move towards, but it does show some differences in regard to District 10. We have a lot of acreage out there, but there's not a lot of walkability to it, and so again, that shows how just having acres per number of residents doesn't -- isn't always a true reflection of that recreational capacity or how it's meeting that need. Next standard, or next standard, next slide, please.

The other thing is trail standards. So, trails are identified as one of the high needed items and recommended items throughout the survey process and the planning process. However, we don't have a standard for trails, and this is something that's carried forward from prior years but looking at working on developing a standard to be adopted so then we could use PIF funds to develop trails and meet again that recreational need. Next slide, please.

So, again, this slide is from before is a high level summary of our capital programming on our CFP facilities plan based off of categories. So, we've implemented a new category in regard to just doing capital repairs and development but really looking at preventative maintenance, trying to extend the use of the life of existing assets, major maintenance repairing, replacing existing assets, development, building new assets to meet the need and acquisition.

The acquisition includes our Legacy Lands Program as well as the recreational properties we acquire. So, that's why there's such a robust number there given the dedicated funding through that program. You can see we're trying to continue to develop to meet those needs of those properties we already own, but to move forward and get those developed to where they are operational for the community. And next slide, please.

Again, this is 20-year Capital Facilities Plan, so it's taking a similar number that we've overutilized, not the 6, and expending that out to continue to move forward and meet those operational and recreational needs as we move forward. Much like the TIP, we are looking to try to move to an annual process of meeting that annual budget and revising and updating our capital plan so that we can continue to move forward and as opportunities occur, to meet those recreational needs.

And with that I will turn it over to you for any questions and thank you for your time.

JOHNSON: Gentlemen, are there any questions? I'll go through each of you.

SWINDELL: Yes, I have a question. Are you going to call everybody's name?

JOHNSON: Yeah, we'll start with you. That's fine. Go ahead.

SWINDELL: Oh, sorry. I'll start with just a general question out there to everybody this time.

JOHNSON: Matt Swindell speaking.

SWINDELL: I apologize. Sorry. Matt Swindell. There you go. Hey, you had mentioned the trail standards, developing some trail standards so then you can use the fees to develop the trails, what are your thoughts on timeline of being able to bring that back for those trail standards and actually get that implemented so we can start developing those trails?

HOUSTON: Great question, Matt. You know, I'm the new guy, I've only been here a short time,

so I'm probably going to be very optimistic, and that's why Kevin's here to reel me in and say, nope, no, it's going to take a little longer than that.

You know, I think it's going to take us a couple of years. We're going to have to do that process, get that engagement and then to be able to come back and present something. So, I would say it's at least two years before we would be able to finalize that. I'd like to do it quicker, it's just I'm trying to be optimistically realistic.

SWINDELL: Okay. All right. Thank you.

JOHNSON: Ron Barca, do you have any questions, comments?

BARCA: Thank you, Karl. Ron Barca here. Yeah. I would like the topic expanded a little bit about people that are asking for park input (sic) fee credit and I'm wondering about the potential of that impact being the budget.

HOUSTON: Great question. I think the intent of the credit would be to, it's recommendations that came out of the, I'll get the acronym right here hopefully, the Development and Engineering Board, is that the right term?

BARCA: Yeah.

HOUSTON: So that's something that they came to the Parks Advisory Board and has communicated to us. I think the intent was -- would be that we would be offsetting something we would be paying for and hopefully, they can do it at a lower price and looking at what our cost would be to then fill that credit. So, the goal would be is to hopefully develop that asset or acquire that property and have a lower cost or offset that cost for the community.

BARCA: Okay. Fantastic. Because that feeds into my next question about the lack of neighborhood parks and both the versions of your standard it was easy to see that neighborhood and community parks were suffering from the rapid development that's happened in the urban growth area. Are any particular type of park, neighborhood, or community park, are they more expensive for maintenance than another type of park?

HOUSTON: That's a good question. You know, parks are like snowflakes, it's all snow but they're all unique in regard to their operational needs. I would say it depends. The community parks if they have sports fields, usually there's a much higher per acre cost in regard to operating them versus as well as how much area is irrigated. Those are the key factors.

So those intensive uses, sports fields tend to have a little bit more of a cost, but from a per acre cost I think, and, Kevin, correct me if I'm wrong, I think they come out to be about the same or a community park may be a little less when you look at the aggregate. I don't have that exact data

in front of me right now to answer. These are generalities and I'm probably wrong, but, Kevin, do you have anything to add to that?

TYLER: No, I think you're right. I think with community parks there tends to be a lot less of the developed acreage, but again every park is different, right, so in general I think you're going to see a little bit lower per acreage cost on community park maintenance versus neighborhood park maintenance.

BARCA: Okay. So, is a maintenance a budget constraint for us as opposed to acquisition for our future?

HOUSTON: You know, parks have a lot of colors of money, and so they do come from different pools in regard to how we move forward to get those things accomplished. I think it's always a balance, and I think that's what we're trying to continue to move forward and make sure that we're able to maintain the level that we have as we move forward.

BARCA: So, everything's in balance?

HOUSTON: We're able to meet our maintenance needs today, but as we continue to develop and as the older our assets get, those operational maintenance needs will change, and that's what we're trying to plan for and manage for.

BARCA: Okay. Thank you.

JOHNSON: Bryant Enge, questions?

ENGE: The only comment that I have is I appreciate the additional thought around your service levels to include walkability. I think that's really important.

JOHNSON: Thank you. Bryan Halbert.

HALBERT: Yeah, thanks, Karl. Hey, Rocky, maybe I misheard you, but did you say that you're planning to change the standard like 6 acres per 1,000 or 3 or 2, revise those standard in the future or whether revised to the standard recently?

HOUSTON: Thanks for the question. I think through the process it was a concept that we want to look at. So, we're going to have a lot more process to determine whether we need to change. The 6 acres I believe is the standard that was set back in 2005 when the district was created, and I don't believe that's changed. Kevin; is that correct?

TYLER: Yes. The 6-acre standard is also tied to the comprehensive plan. So, it's in the comprehensive plan and it feeds the parks and recreation and open space plan. And Rocky's right,

the discussion about a different standard was it's like a recommendation for something for us to evaluate moving forward.

HALBERT: Great. Thanks.

JOHNSON: Anything else, Aldo?

VERANZO: Yes. This is Aldo Lampson Veranzo. I want to break a question. It's around a letter that was written to the Planning Commission from Sue Marshall at Bours Corner Farm, and this person is representing a perspective around observing that part of the expansion or development of the parks and recreation responsibility. There are situations in which some of the acquisitions may come up and interact or interface with farming or farm development areas, and as this letter states, there is a community or a group of farmers that are looking for a development of an idea of a conservation easement opportunity. I'm wondering, have you taken that into consideration with your plans that you're identifying here?

HOUSTON: Thank you, Aldo, for that question. You know, I think we do operate a Heritage Farm, and so we have some dirt under our fingernails so to speak in regard to the Parks Department and what we're doing, that's a small, small slice of the agricultural footprint that was here historically and what's trying to be retained.

So, the PROS Plan itself is a composite of other plans. One of those plans that is in process of getting adopted by Council right now is our Natural Areas Acquisition Plan which is our Conservation Futures or Legacy Lands Acquisition Plan. In that, we actually have one of those concepts which is to acquire a farm between Whipple Creek and Ridgefield I think is the subarea that we're looking at, and it would be a conservation easement component. We're working with the name's going to pass me and I'm going to have to ask Kevin for it, but the Farming, oh, Kevin, please help me out.

TYLER: No problem. It's the Washington Farmland Trust.

HOUSTON: Yes. And so, we're working with them to try to see if we can identify some farmers who are willing to do this conservation which essentially is acquiring the development rights into an easement so that it can be stayed as a working farm in the future, again to help preserve some of those areas.

VERANZO: So that's very compatible and in the lines with the idea or vision that this particular farming community has, so that's good news. Thank you both.

JOHNSON: Steve Morasch.

MORASCH: I have no questions. I don't have any questions, just thank staff for all their work on this.

JOHNSON: Thank you. Matt, do you have anything more to say?

SWINDELL: I just needed one more question. Unless you're, Rocky, I don't know if you would know this or not, but do we have a Clark County like Trails Committee like a committee that's just designated to look at all the trails and look and figure out how we can connect them all and make it all walkable?

HOUSTON: That's a great question. I know that there is a plan, a few plans that address this and there has been a group that has come together historically, but I don't know of a specific group. Kevin, do you know?

TYLER: We do have and, you know, some of our folks in Community Planning could probably address this better than I can. It's the Bike and Pedestrian Advisory Committee or something like that so, yeah, there is, there is an established committee that advises on bicycle and pedestrian routes generally speaking.

SWINDELL: Okay. I just know here in Ridgefield that we've put together a committee that just looks at everything and all developments. So, when a development comes in, we can figure out how we can connect this development in the future to another development and keep connecting them so eventually you'll be able to walk around the entire city multiple times and multiple trails because they're all going to connect. So, yeah, just throwing that out there and didn't know if we had one. That's great.

HOUSTON: That's a great idea. And I know the City of Bend did something like that about a decade ago when they ballooned up. Or maybe it's two decades ago, where they integrated that into the planning to where developers came in, they had to develop those trail sections or provide the right-of-way for that, so that's a great idea you guys are doing up in Ridgefield.

JOHNSON: Great. I kind of want to echo Steve Morasch's comments. Rocky, good job and, Kevin, thanks for being there to support him. Well done, really nice to hear, this is thought out. So, with that said, any other comments, questions? Okay. Sonja -- I'll accept a motion, gentlemen, if you'd like to make a motion or a second regarding --

WISER: We need to take public testimony.

JOHNSON: Sorry about that. You know what I did, I missed a page.

WISER: Page 8.

JOHNSON: You're laughing at me. I am sorry. I flipped the whole page. Is there any attendee, is anybody present for public testimony? Let me back up here. Hold on.

### **Public Testimony**

JOHNSON: We will now open the hearing for public testimony. I'll begin with a summary of tonight's public participation process for the public to understand how to participate in tonight's hearing.

To be the party of record you must submit written testimony before, during or prior to the close of hearing, provide oral testimony at the public hearing, request in writing to be a party of record and no person shall be a party of record who does not furnish their full name, e-mail, address, or Post Office.

If written comments were received prior to October 21st, they will be submitted to the PC members and posted on the Planning Commissions website. We now take oral public testimony as we did earlier this evening. Sonja, it is now your turn to speak.

WISER: Larisa, are there any members of the public wishing to make comment on the Parks Plan Update?

SIDOROV: There are none.

WISER: There are no attendees showing as present for this virtual hearing for the Parks Plans Update.

JOHNSON: Thank you. If not, we're closing. Gentlemen, there's no response. Planning Commission will now deliberate and make a recommendation to the County Council. Are there any comments, gentlemen? I'll call each member one at a time. Ron Barca.

SWINDELL: Don't we have to make a motion first?

JOHNSON: No, I just want to make sure no one has anything to say.

SWINDELL: Oh, I thought you were calling roll call. Sorry.

JOHNSON: No, I'm sorry. Ron Barca. Ron, do you have anything to say? I guess not. Is Ron still there? Bryant Enge.

ENGE: Nothing.

JOHNSON: Bryan Halbert.

HALBERT: I'm good. Thank you.

JOHNSON: Aldo Lampson Veranzo.

VERANZO: No comment.

JOHNSON: Steve Morasch.

MORASCH: Go ahead. No further comments. Thanks.

JOHNSON: And, of course, Matt Swindell.

SWINDELL: No. No comments.

JOHNSON: All right. Gentlemen, I will now accept a motion. Please raise your hand and state your name if you'd like to make a motion or just do so out loud verbally.

ENGE: I'd like -- Bryant Enge -- I make a **MOTION** that we support staff Parks Plan Update.

JOHNSON: May I have a second.

VERANZO: Aldo Veranzo. I **Second** it.

JOHNSON: Great. Sonja, we now have a motion and a second. Will you please take roll call?

**ROLL CALL VOTE**

HALBERT: AYE

ENGE: AYE

BARCA: NOT PRESENT

VERANZO: AYE

MORASCH: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: And it's 6 to 0 and Ron was not present to vote. (Ron re-entered the meeting and voted AYE)

JOHNSON: The motion passes. Thank you, gentlemen.

**PUBLIC HEARING ITEMS**, continued

**C. Columbia River National Scenic Area**

**CPZ2021-00007 Columbia River Gorge National Scenic Area Code Update:** A proposal to update Clark County's Columbia River Gorge National Scenic Area Code (CCC 40.240). The Columbia River Gorge Commission recently updated its Management Plan. A portion of Clark County is within the National Scenic Area, and Clark County is required to amend its ordinance to be consistent with the Management Plan.

**Staff Contact:** Michael Sallis, Planner or Michael.Sallis@clark.wa.gov or  
**(564) 397-4544**

JOHNSON: Next up in our hearing is the Columbia River Gorge Scenic Area and our staff on this is Michael Sallis. Michael, are you available here still?

SALLIS: Yes, sir, I'm here.

BARCA: This is Ron Barca. I'm doing a mic check. Am I back?

JOHNSON: You're back, Ron.

BARCA: All right. Great.

JOHNSON: You missed the vote.

BARCA: AYE

JOHNSON: It's okay, Ron. We got you.

WISER: I'll write it in.

JOHNSON: Okay. Go ahead, Michael.

SALLIS: Okay. Good evening, Commission members and the public. We're here to discuss the Columbia River Gorge Scenic Area Ordinance update. And so, Susan Ellinger and I are going to give the presentation.

The presentation is not new to you guys since we talked about this two weeks ago during the work session, so most of it will look familiar, but then we also have hopefully some additional slides that will hopefully give some, answer some of the questions that you had during the work session, and then in addition, provide additional information on the draft code update itself as well. Next slide. So, with that said, here's our agenda for tonight.

A quick background on how we got this far with the Gorge Commission and then I'll talk about the Gorge Ordinance updates overview itself and then changes related to the Code 40.240 and also changes to 40.510 and then we'll go into next steps. We also will have as part of those changes to 40.510 we'll have additional information that we'll provide before we get to next steps and that will help you understand where we are and with the code itself. Next slide.

So, first for Background and it's the Columbia River Gorge Commission was established in 1987 by the States of Oregon and Washington. The Commission's mission is to establish, implement and enforce policies and programs that protect the National Scenic Area.

In 1991 the Commission, the Gorge Commission and the Forest Service adopted a Management Plan which helps keep consistent standards and regulations within the Columbia River Gorge National Scenic Area and under Clark County Code 40.240. Next slide.

This is the entire Columbia River Gorge area and you can see it's pretty good sized. The area for Clark County, which is closest to, you can see like the little 14 or Highway 14 and it's just under 8,000 acres in size. Next slide.

Now I kind of switched up this first slide for you just so that this kind of talks about it shows the area that's in Clark County but also, we identified areas of AG-80, AG-40 and then the other small AG area identified in the table that we have later, but I just wanted to be able to use the same slide to show how large the area is and also identify those areas that we'll talk about later. Next slide.

So, here's a quick overview for the Gorge Ordinance. On October 13th, 2020, the Gorge Commission adopted revisions to the Management Plan as part of their three-year update. The Gorge Commission focused on updates to increase protections in the Scenic and Natural Resource chapters as well as Economic Development, Land Uses, Urban Area Boundary revisions and the Recreational chapters.

The County adoption of revisions is mandatory under the National Scenic Area Act of 1986 which protects the Columbia River Gorge Scenic Area along with RCW 43.97.015, the Columbia River Gorge Compact. Variations are allowed if they provide greater protections of Gorge resources. Next slide.

To continue with this, the Columbia River -- I'm sorry. The County has 270 days from March 16th, 2021, to adopt these revisions effective December 11th, 2021. Ordinance amendments go into effect after the Gorge Commission and the Secretary of Agriculture and Forest Service concur with amendments and are consistent with the Management Plan. Next slide.

Here are some of the related Gorge changes that affect 42.40. Update wetland protection policies that require no loss of wetlands rather than the previous standard of no net loss, and we'll explain

that one a little bit later, that was one of the questions that Commission members had previous.

Allow cideries to follow the guidelines established for wineries. Allow fruit and produce stands to sell a broader range of agricultural products. Include all -- excuse me -- include new guidelines in some land use designations for owner-occupied overnight accommodations limited to 90 rooms per -- 90 room nights per year. Exempt buildings that are 1500-square feet or less from a compatibility guideline for scenic resource protection. Next slide.

Update guidelines for recreational development including new recreation setting descriptions for each Recreation Intensity Class. And then lastly, update of Agricultural Income Test for new dwellings on Agricultural Land requiring application, applicants to produce 80,000 in gross agricultural income in 2020 dollars indexed annually to inflation before a dwelling can be permitted. Next slide.

Additional changes would clarify how appeals for final decisions are heard by the Gorge Commission. And throughout 40.240 replace the word "mail" with the word "sent" to be consistent with 40.510 and its procedures. Next slide.

So, there's some additional information we want to provide and I'm going to have Susan provide that information that will give you more of a sense of where we are with the updated, with the code itself. Susan.

ELLINGER: Thanks, Mike. For the record my name is Susan Ellinger and I'm with Community Planning. The proposed code amendments were initially posted on the web at the end of September and we made revisions to the proposed code amendments to fix issues identified by staff and to respond to comments from internal staff and from groups like the Columbia River Gorge Commission staff, Friends of the Columbia Gorge, and the public.

We received a significant number of individual comments throughout the 160 pages of code amendments, and due to the volume of comments, we did not identify each revision that was made in the code that's in front of you today. We did provide a summary table of the revisions. The table similar does not include every change, but it gives examples of the types of revisions that were made, and I'm going to outline a few of those for you now.

In amendments to 40.100 we added definitions for Administrative decision and Examiner's decision. The purpose of these changes was to better differentiate between the types of decisions that are made and the appeal process for each of them. Those definitions relate to modifications made to the language in 40.510 to be consistent with the Management Plan regarding appeals process, the appeals process for development proposals within the Gorge.

Some examples of revisions within Chapter 40.240 we also included the terms Administrative decision and Examiner decision in several places in the text. We made changes for consistency

where there were different terms that referred to the same thing.

We made revisions to the submittal requirements for information that was inconsistent with the plan. We removed some language that was in our code about industrial uses that was no longer in the Management Plan. And we made a lot of updates to incorrect references, renumbering and similar types of changes.

I also wanted to mention quickly that there's one edit that did not get completed in your materials, it's on Page 9 of the document that has changes to 40.100 and 40.510 and we can answer any questions if you have, that you may have about that. I hope that gives you a little bit of an idea of some of the more recent revisions. Mike is now going to finish out the presentation.

SALLIS: Thank you, Susan. Next slide. So, as we talked about before there's certain questions that that members had with regards to how many lots would be affected by the agate, the ag land income issue, and so this is a table that we identified showing the number of parcels that are on the map previously and there's 108 Parcels, it's 2,886 Acres in size, there's 60 Units that are out there at this point and there's 48 Lots without houses on them.

Out of those 48 Lots there's a note at the bottom that identifies the number of ones that are identified that have either State or Federally owned properties or -- and one is County owned property, but those that will be affected there will be 25 parcels without homes that would be affected by the new rule for the ag income test. Next slide.

The other one which was more of an explanation between, the difference between no loss versus no net loss. During the plan review process the Gorge Commission voted to require a no loss of wetlands replacing the former goal of no net loss. Development within a water resource such as a wetland or river has always been fairly restrictive in the National Scenic Area, limited primarily to the modification, expansion, replacement, or reconstruction of serviceable structures.

The Gorge Commission felt that it would be better to protect existing wetlands through the no loss standard rather than allow development and mitigation to achieve a no net loss standard. Although the previous management plan allowed other development within a wetland -- within a wetland, now under the new Management Plan only public entities that can -- that can build within a wetland. Next slide.

Here's our Project steps so far. We've had a Council work session back on the 18th. We also had a virtual public meeting on October 5th. We had a meeting with Development Engineering Advisory Board along with the Planning Commission on October 7th and now we're here with the public hearing on the 21st.

After this public hearing, we'll have a second work session with the Council followed by a Council hearing on December 7th. Once that's done, the County submits approval ordinance to the Gorge

Commission and the Commission approves it and submits it to the Secretary of Agriculture for concurrence and the Secretary concurs of the special management area portion of this.

Lastly, I just want to, we're here to ask for your support to move forward the code revisions. And next slide. And I want to thank you guys for listening to my presentation and open it up for questions and additional comments before you provide a decision.

JOHNSON: Thank you, Michael. Does the Planning Commission have any questions of staff? I'll call each PC member one at a time to ask if you have any questions. Ron Barca.

BARCA: Thank you, Karl. More of a concern going forward, in our relationship with development as individual parcels throughout the county, we have always had the concern of a no loss wetland policy actually putting us in a position of removing the chance for a buildable lot. I'm wondering whether there's been any discussion about the potential of a no loss policy creating a taking inadvertently, that's my question?

SALLIS: Well, we have had some discussion of this and I do have, I have Aiden and Brent here to maybe provide a little bit more insight. Are you guys still around?

DAVIS: Yes. This is Brent Davis, the Wetland and Habitat Review Manager in Community Development. Yeah, we had this conversation because it is a question that I had as well.

One thing to point out is that in the 20 years plus that I've been in the County, I have never seen a case in the Gorge Scenic Area where there has not been the ability to, you know, to avoid wetlands and be able to build a home on a property. We had one case recently where we had to encroach significantly in the wetland buffers, and there are variance provisions in the Gorge standards that allow that if the criteria can be met.

So it is somewhat of a low risk, but it is a risk and essentially our understanding, and Aiden can clarify if I don't explain this correctly, but essentially the recourse currently, and actually I guess historically even with our current version of the ordinance, is if there is a potential for a taking because somebody can't avoid a wetland and the code doesn't allow that encroachment, the recourse is to follow through the appeal process and the Gorge Commission would be the body that would essentially review and make a decision on that takings claim.

SALLIS: Thank you, Brent.

BARCA: Yeah, thanks for the explanation. Just trying to keep set accord.

JOHNSON: Anything else, Ron?

BARCA: Nope, I'm good. Thank you.

JOHNSON: Okay. Bryant Enge.

ENGE: Nothing at this time.

JOHNSON: Bryan Halbert.

HALBERT: Yeah. Thanks. Hey, really following along Ron's question, the line of Ron's question with the wetlands but also requiring that the 25 parcels that are undeveloped for someone coming in wanting to build their home on a property having to prove that they can gain income from that property or that property can support them with an \$80,000 a year agricultural income before they can get a building permit, that also seems right along the same lines as takings.

If you have a lot and you're planning to build your retirement home out there to retire, why would you have to prove the income before you can build on the lot? It's almost the same line with the net no loss on the wetlands because my problem with that is the very people making the rules are the ones that are going to be hearing the appeal, there's no other recourse, so I'm really challenged with both of those.

COOK: Might I interject. This is Chris Cook, legal counsel. And first of all, the \$80,000 agricultural income test is for those who are applying to build an agricultural dwelling. In other words, a dwelling that they want to put on that property so that they can farm it.

This is not the kind of question that is asked under Title 40 in Clark County generally, but that is a question that is asked in that other state to the south that's part of the interstate compact and has half of the counties in the Gorge and the Gorge Commission adopted that way of looking at things, if you're going to build an agricultural dwelling on agricultural land, you ought to be doing agriculture.

And I know how some of the income requirements were, how they originated 20 or so years ago, I don't know how they got to that number now, no idea, but that's the number and that is part of the Gorge plan. It (inaudible) rural land because they're retired (inaudible) --

HALBERT: She's cutting out.

COOK: I'm cutting out?

HALBERT: Yeah, Chris, you're cutting out.

JOHNSON: Okay. Thank you. Bryan, did you --

COOK: I do have more to say if I can speak.

JOHNSON: Yeah, you can speak, we just can't hear half the things you're saying. So, go ahead and try again, Christine.

COOK: Okay. What I was saying was that the income test is strictly for folks who are building something that they're calling an agricultural dwelling on land that is zoned for large (inaudible). There are other dwellings that can be built on agricultural land if the criteria are met. So, having \$80,000 worth of farm income is not the only way to get a house on those 25 lots. Did anyone hear that?

VERANZO: The last half. I was just trying to see how you characterized an agricultural dwelling, does that apply to this parcel of land, does that question get asked?

COOK: I'm sorry. Say again.

VERANZO: Does the agricultural dwelling test get asked in Clark County when applying for a home building permit in this tract of land? I'm trying to determine the appropriateness of the question around if it even have any merit, does it need to be considered if a Washington State resident chooses to build a home in this area will they be asked the agricultural dwelling question?

COOK: They will be (inaudible).

VERANZO: I missed the answer because you cut out.

JOHNSON: Christine, you're breaking up again. Can you repeat.

COOK: I'll put it in the chat, how's that.

VERANZO: Oh, in the chat. Okay. Let me check the chat.

COOK: Well, it's not going to be instantaneous.

BARCA: So, this is Ron Barca. Aldo, I think the idea here is that the Gorge Commission supersedes the County's rules and regulations.

VERANZO: Well, that's kind of what I am surmising, but the language doesn't say, while the language says \$80,000 agricultural income, it does not consider a condition around the -- it being an agricultural dwelling, it seems like that consideration is being left out in the language somehow.

COOK: I don't think that is correct. I don't know if you can hear me, but, Susan, you're probably more familiar with the ordinance than I am.

ELLINGER: I can try to answer and we also have Melissa Curtis here who implements the ordinance on a regular basis. So, I would say, yes, the question does get answered. We had a recent case with a decision that related to the ag income test so, yes, I believe it does get asked in the County. Melissa, do you have anything to add to that?

CURTIS: This is Melissa Curtis, Clark County Planning. Can you hear me?

JOHNSON: Yes.

CURTIS: Under the code section, you do have to show proof that you can qualify for the ag income test or you have to meet other dwellings. If you can't meet that ag income test, then you can get there by getting a house by other criteria. So, you have to meet all those criterias as well.

VERANZO: Okay. All right. That's all I was asking.

JOHNSON: Aldo, anything else?

CURTIS: Thank you.

VERANZO: Let's see here. No, no more questions at this time. Thank you.

JOHNSON: Steve Morasch.

MORASCH: Yeah, I have a follow-up question to what Aldo was asking. So, what are the other tests if you can't show the income and you want to build a house on your piece of ag land up in the Gorge, what are the other tests that you could apply for?

CURTIS: Well, this is Melissa again, Clark County Planner. There are, well, you can't force a change in the neighbor, or the neighboring and surroundings. Let's see, I'm kind of going off here, I'm trying to find it in the record here.

Your land can't be predominantly suitable for -- nonsuitable for ag use. So, if it's all in wetlands or all trees or something like that, it may not be able to allow you to have ag use on-site. So, those are a couple of minor things, they're not minor, but those are a few things that may qualify you from getting a home on-site without meeting the ag income test.

ELLINGER: Well, and, Sonja, could you possibly unmute Aiden Forsi or move him over to being a participant so he's able to comment. Aiden Forsi from the Gorge Commission staff is here as well, he may have something more to add.

SIDOROV: Yeah, Susan, I went ahead and --

FORSI: Oh, I'm unmuted. Hi, everyone. Yeah, Melissa commented (inaudible) there on a large scale agricultural parcel, there's two ways to get a dwelling; one is to meet this \$80,000 income tax. So, having a house just incidental to an agricultural use upon the parcel; and the second way is essentially to show that the land cannot be used in any way for agriculture.

So, there are a number of standards that are reflected in your ordinance and in the Management Plan. I don't believe those have changed, but if you can show that those standards are met, then you're allowed to have the dwelling. So, by this, and again, all these standards are put together with the intention of ensuring that these large scale agricultural zones, lands are kept in some way in agricultural use.

SALLIS: Thank you, Aiden. Does anyone have any other questions?

JOHNSON: No. Thank you.

SWINDELL: This is Matt Swindell.

JOHNSON: Sorry, Matt.

SWINDELL: I do. Actually, it's kind of a question maybe to the Planning Commission as well as staff. I'm looking at a letter here that just, I think we can talk about this letter that just came in as a public comment about. It's a letter from Jordan Ramis, I believe it was Jamie Howsley. Did everybody read that letter?

JOHNSON: Matt, can we --

SWINDELL: I want to make sure everybody had a chance to read that thing.

JOHNSON: Matt. Matt. Can we --

SWINDELL: We are asking --

JOHNSON: On that letter, can we hold off just a second on that letter until we get to our discussion and I'll explain why in a second. So, Matt, do you have any questions for Michael Sallis? I'm going to let you address it, but I just want to make sure I'm doing everything correctly, if you wouldn't mind.

SWINDELL: Well, yeah, no problem.

JOHNSON: Any more questions for Michael? Okay. Thank you. At this moment --

COOK: I have a question if you can hear me.

JOHNSON: Yes.

COOK: Sorry. This is a public hearing. Aiden should introduce himself for the record.

FORSI: Of course. Thanks, Christine, for reminding me. My name is Aiden Forsi, I'm a Land Use Planner with the Columbia River Gorge Commission. Do I need any other information for the record?

COOK: I don't believe so. I just wanted to make it clear that you are not County staff.

FORSI: Okay. Thank you, Christine.

JOHNSON: Okay. So, are there any more questions for Michael or our Clark County staff? Okay. So, going forward, we're going to now open the hearing for public testimony.

### **Public Testimony**

JOHNSON: If written comments were received prior to October 21st, 2021, they were submitted to the PC members and posted on the Planning Commission website. We will now take oral public testimony as we did earlier this evening.

I have a question before I do this and, Chris, can you intervene here and just to make sure I'm doing the right thing. From what I understand we received that document that you were talking about, Matt, today and every other item that I've dealt with I've read this October 21st.

Christine, can you give me direction on how to proceed with this document that I'm either going to probably, I don't know if someone's on the line or if this comes up when we're discussing, does this make sense?

COOK: Yeah, I understand what you're saying. The document came in later than the notice specified. I had left the office by the time it was e-mailed, so I didn't see it until immediately before the hearing myself. I know that it's posted on the Planning Commission website. I also know that Mr. Howsley is here to testify, and I would think that as part of his testimony he could submit the letter, he could read the letter, he could talk about the letter and --

JOHNSON: Okay. I just wanted -- all these things, Christine, are coming clear. Matt, I didn't -- I'm sorry I cut you off before, Christine and Matt, but I just wanted to make sure that this is exactly what I needed here direction to find out. So, if Mr. Howsley is on the line coming forward, then obviously it's kind of a moot point, correct, Christine, because he could read it or I saw it right before I came in here?

COOK: Yes, as everybody did because it wasn't here until after 5:00 p.m. Yes, I think it is somewhat moot.

JOHNSON: Okay. I didn't -- I just -- I didn't know he was on there. With that said, Sonja, could you proceed forward with what you have to say.

WISER: For the public comment; right?

JOHNSON: Yes. Yes.

WISER: Good evening, members of the public. For attendees using their computer or WebEx application, if you'd like to speak, please utilize the raised-hand icon - Larisa, can you put up the slide - you can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

When you are acknowledged, you will be unmuted. If you wish to retain the ability to be a party of record on this matter or to challenge any or defend any decision made on this matter, please state, and spell your name and provide your address for the record.

For attendees using the telephone audio only option, you need to press the star 3 on your phone's number panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you.

When you are acknowledged, you will be unmuted and you will hear a message that says you have been unmuted. When you have finished your comment, press star 3 to lower your hand. You will hear a message that says lower your hand.

Public comment is limited to three minutes in order to accommodate all speakers. Please speak slowly and directly into your microphone for our court reporter.

Larisa, we are ready to take public comment for the Columbia River Gorge Project.

SIDOROV: Okay. So far, I see no raised hands. Okay. I will unmute you now. Okay. Go ahead and speak.

HOWSLEY: Good evening. Yes. Good evening, Planning Commission. For the record, Jamie Howsley with the Law Firm Jordan Ramis, 1499 S.E. Tech Center Place, Suite 380, Vancouver, 98683. Our law firm represents ZP#5 Limited Liability Company which has property located in the Columbia River Scenic Area.

We did submit a letter to Planning Commission and not to belabor the point, I really don't feel like reading it all into the record but would ask that it does get included with my testimony this evening and I'm basically going to go down and touch on some of the points raised in our letter and then be available for questions.

We have a pretty slate history with the Columbia River Gorge Commission in the past few years. Our client owns a surface mine, a gravel pit that's in the Columbia River Scenic Area that has been an existing gravel pit since 1972. It had an original DNR permit which it has maintained since that time since 1972. The Gorge Act came into effect much later in 1996 and we, our client, one of the sons of our client member filed for expansion of the mining area after the Gorge Management Plan went into effect and was duly received for that.

A few years ago, the mining operation began to resume in full course there. Clark County ended up taking a code enforcement action against our client for failure to have a County land use permit as well as a failure to have a Gorge permit. We appealed that decision and that decision was ruled in our favor by the Clark County Hearing's Examiner and subsequently to that the Friends of the Columbia River Gorge appealed that decision to the Columbia River Gorge Commission rather than going to Clark County Superior Court under the Land Use Petition Act, and this is important as I'll explain a little bit later in the procedural section that we have many concerns with.

Fundamentally, we view a lot of these revisions in the Gorge Management Plan to be a directed attack on our client's private property interests and we do believe that they are in violation of not only the Columbia River Gorge National Scenic Act but as well the Washington's Growth Management Act.

Specifically, with these proposed revisions the Commission is trying to regulate the transportation of mineral resources on State and local roadways and they've done this by the inclusion of the word transportation in the definition of mineral resources. This is simply overbroad, unworkable, violates the Interstate Commerce Act as well as again violating the National Scenic Act which clearly contemplates that resource activities are there to be promoted for economic development purposes.

Furthermore, that violates the Growth Management Act which does provide clear protections for naturally based resource industries including mineral resources and our citations to that are found in our letter. We believe that the definition of mining here to include the transportation is just absolutely crazy.

This change would basically require anybody who wishes to transport mineral within the scenic area to get a land use approval from whatever county they're in and the Gorge Commission, that's just simply not practical and not legal given all the other constraints. Moving along.

The County and the Gorge Commission here are also trying to propose significant revisions to the processes for how appeals are heard. Simply put, this violates Washington's Land Use Petition Act of specifically RCW 36.70C. Here they've changed how appeals are supposed to happen for Type III decisions, those are clearly set forth in County Code at 40.510.030(I) and in addition the Subsection (3) of that proposed revision would be inconsistent with State law. Essentially what they're trying to do is require that appeals go to the Columbia River Gorge Commission for a final determination.

Again, Washington's Land Use Petition Act requires any land use decision in the State of Washington to be appealed directly to Superior Court and the properties in Clark County it would be in Clark County Superior Court in that case and you have 21 days to do it.

The Washington legislature when it enacted the Land Use Petition Act it was to establish uniform, expedited procedures, and uniform criteria for reviewing land use petitions by local jurisdiction, provide consistent, predictable, and timely review of that. There's no provision of Washington law or the Act that provides the Commission with the appellate authority to hear appeals of all land use decisions on all lands within the NSA.

So as a practical matter, you know, we believe that this is completely incorrect and the Commission is trying to assert authority it doesn't have. Furthermore, you know, none of the members here on the Commission are experts or even trained in land use law to make, you know, complicated decisions or even hear appeals on matters.

Finally, again, I started on the outset that we've had a pretty stormy history here with the Gorge Commission and the Planning Commission probably is not aware of this, but our client along with other parties have been engaged in extensive and ongoing litigation related to the lawful application of Clark County Code specifically as it relates to this issue of who has the right to hear appellate decisions.

We did recently get a decision from Clark County Superior Court and that decision will be, you know, going up on appeal here. What's indicative of this though, here is that the Commission's revisions to its Management Plan during this last 2020 process represent an attempt to circumvent that litigation and basically put the Commission in a position to try to rectify their authority here. As that litigation is yet resolved, the Commission's adoption of the Management Plan here may be very well illegal.

Furthermore, another challenge to the Management Plan here we do believe that the Gorge Commission conducted itself illegally through its process in adopting the Management Plan when the COVID-19 pandemic hit. Some of the first regulations that got entered into by Governor Inslee through proclamations were the cessation of all legislative functions unless it was related to the pandemic itself or caused some emergency, and despite repeated warnings to the Gorge Commission that they were acting in violation of Mr. Inslee's or Governor Inslee's proclamations,

the Gorge Commission continued to conduct business in direct violation.

JOHNSON: Jamie. Mr. Howsley, I'm going to have to kind of ask you to kind of wrap it up, we're well over our three minutes. Thank you.

HOWSLEY: All right. Like I said, and rest of it you can read just in my letter and with that I will stop my testimony and answer any questions you may have.

JOHNSON: Okay. With that, are there any more public comments or is that the only one, Larisa?

SIDOROV: I just see, oh, one sec. Nathan, I see your hand raised up. I'm going to go ahead and unmute you.

BAKER: Thank you, Mr. Chair, members of the Planning Commission. For the record my name is Nathan Baker, I'm a senior staff attorney with Friends of the Columbia Gorge. And first, I'd like to thank the Clark County staff for their hard work on this project. There were a lot of changes made in the Management Plan. It's a very big project and very time consuming and we thank them for their work on this project. And other than that, I'd like to respond to Mr. Howsley and to his letter which I also just received in the past hour or so.

So, Mr. Howsley referred to his client's mine as existing since 1972 and I'd like to clarify it for the record that the mine has not been legally existing since approximately 1997 and that was a ruling by Judge John Fairgrieve of the Clark County Superior Court just eight days ago October 13th. So, the judge has decided that the mine has not operated legally for more than 20 years, so I wanted to clarify that.

Next, I'd like to respond to the first and third points in Mr. Howley's letter regarding the definition of mining including transportation and the fact that his client had sued the Gorge Commission and is challenging that change to the Gorge Management Plan.

So, the Gorge Commission does have authority to regulate mining, does have authority to include transportation hauling within that, the definition of mining to regulate that activity, it's under the Federal National Scenic Area Act, and also Clark County has similar authority under State law under the RCWs and the citation is RCW 78.44.031 Subsection 8 and that's the definition of operations for mining.

Clark County and every county in the state has exclusive jurisdiction over operations of mining to regulate and that definition includes traffic safety, it includes, quote, transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control, end quote. So, Clark County has authority to regulate those activities and the Gorge Commission does as well.

And the good news for the Planning Commission is that you don't need to sort this out because as Mr. Howsley said his client has sued the Gorge Commission over this, that is pending in Clark County Superior Court and as Mr. Howsley admits in the second paragraph of his letter, there's really no discretion on the part of Clark County here to deviate from the language in the Gorge Management Plan, so that will be an issue for the courts to decide.

And then finally I'd like to respond to the second point in Mr. Howsley's letter and what he argued today. He's arguing that essentially that the Gorge Commission lacks appellate authority over Clark County decisions relating to National Scenic Area lands and the implementation of the National Scenic Area Act. He has made that argument repeatedly and he's lost four times now.

First in front of the Clark County Superior Court, Judge Gregory Gonzales in August 2019. Second in front of the Gorge Commission in October of 2019. Third in front of Judge John Fairgrieve of the Clark County Superior Court in February 2020. And then fourth, again in front of Judge Fairgrieve eight days ago. He's made that exact argument and lost every time and in all those decisions they have rejected the argument.

And in fact, in those decisions, they have concluded that under the Land Use Petition Act itself or LUPA it says right in LUPA that appeals go to bodies like the Gorge Commission created by State law quasi-judicial appellate bodies. And so, under LUPA itself, the Gorge Commission has jurisdiction over decisions in the National Scenic Area made by Clark County. So that's all decided.

You know, if Mr. Howsley on behalf of his client can appeal that to the Washington Court of Appeals, again that will be up to the courts, but it's right in the Federal National Scenic Area Act and it's right in State law in LUPA that the Gorge Commission has that appellate authority. So, we would encourage you to adopt the changes and I thank you for listening to my testimony.

JOHNSON: Okay. Thank you. Are there any more comments?

SIDOROV: Yes. I see Sean and Karen have their hands raised. I'm going to go ahead and unmute you guys.

JOHNSON: Are there two people?

SIDOROV: They're together.

JOHNSON: Oh, okay. All right. Thank you.

STREETER: Yes. Hello. My name is Karen Streeter and my husband Sean --

JOHNSON: Can you please spell -- can you please spell your last name.

STREETER: Sure. S-t-r-e-e-t-e-r. I'm a resident in the Gorge in Clark County, and my address is 36861 S.E. Woodings Road in Washougal, Washington. And excuse me if I'm a little nervous I haven't done this much, but it seems like not adopting these new plans kind of can make their permitting process more difficult than what it is now.

I know that the County has spent quite a bit of time streamlining their process and currently since the Gorge permitting process is part of the overall County permitting process, it's kind of like one stop shopping. You go to the County, you give them your plans, you pay all the fees and off the system goes. But as I understand it, if we don't adopt the new plan, then the Gorge permitting is taking out of that County process and given to the Gorge Commission.

So then if I'm building something for example, now I need to go not only to the County but also to the Gorge Commission and submit another set of plans and another set of fees and have a secondary process that doesn't exist today. So, I don't know. It also seems like the County would lose some money from this because they won't be getting the Gorge fees which are in some cases very substantial and that the overall process would take longer than it does now.

So, I'm not sure what the staffing level is at the Gorge Commission, they might have to hire some more people to handle the caseload, I'm really not clear on what the annual caseload is, but I'm just concerned that the overall effect of not adopting this would be not in the best interest of people who are trying to build stuff in the Gorge Scenic Area in Clark County. So, I think we should adopt the updated plan. And that's what I had to say. Thank you very much for the opportunity to comment.

JOHNSON: Thank you, Karen. Do we have any more people wishing to speak?

SIDOROV: I do not see any more hands raised.

### **Return to Planning Commission**

JOHNSON: Okay. With that said, staff would -- I'm going to go through your name first and if anybody here wants to respond to just the public comment and then we'll, once we're done with that, we'll take it up for our discussion. Ron Barca, do you want to discuss any of the public comment given?

BARCA: I have no comments based on what I have heard. Thank you.

JOHNSON: Thank you. Bryant Enge on public comment.

ENGE: No comment. I'm going to look to Christine Cook.

JOHNSON: Thank you. Bryan Halbert.

HALBERT: Yeah, I have no comment at this time. Thanks.

JOHNSON: Aldo Lampson Veranzo.

VERANZO: Thanks. No comment at this time either.

JOHNSON: Steve Morasch.

MORASCH: No comment at this time.

JOHNSON: Matt Swindell.

SWINDELL: No comment.

JOHNSON: And I have no comment on any of the public comments. So, with that said, I would like to bring it back for discussion now and for us to kind of hash this back and forth if we'd like. So, let's start from the top again. Ron Barca, thoughts.

BARCA: My thoughts are we are pretty much having our hands tied. The Gorge Commission has precedent over anything else. We could voice displeasure if we found that we were not happy. We won't change the outcome, and I don't want to get into the legal mess. I don't think that's part of our jurisdiction. So, let's just go forward and get it over with.

JOHNSON: Thank you, Ron. Bryant Enge.

ENGE: I concur with Ron Barca.

JOHNSON: Bryan Halbert.

HALBERT: Yeah, I want to concur with Ron also, but at the same time express my displeasure with the way that many aspects of these rules are being implemented. I understand our hands are tied and, yeah, just I think handing more power to the Columbia Gorge Commission who makes the rules and then, you know, issues violations and then hears the appeals is really troubling to me. So, that's my displeasure, but no other comments.

JOHNSON: Thank you, Bryan. Aldo Lampson Veranzo.

VERANZO: I agree with the other Commissioners. No further comments.

JOHNSON: Steve Morasch.

MORASCH: Well, I mean I don't think our hands are tied, we just make recommendations. So, I'm going to be voting against this even though I think the Board of County Councilors hands probably are tied.

I particularly don't like the way the Gorge Commission has used Oregon. They're kind of using the Gorge Act as a way to a vehicle to exploit Oregon's, in my view, flawed land-use planning into Washington particularly the \$80,000 a year gross income tax. I've got a fair amount of experience with having worked in Portland for a dozen years and having worked on cases where people are trying to, you know, get approval of a farm dwelling because they want to build a house on farmland. I think the biggest problem I have with that \$80,000 test is it's gross income, not net income, and if you spend enough money, you can always generate gross income, right.

I mean one of my partners built a house over in Deschutes County at my old firm, you know, he bought a bunch of pregnant Llamas and was able to show \$80,000 a year of gross income for a couple of years and get the right to build a house.

Now, I think the Oregon legislature plugged that loophole after enough people were doing it, but I mean there's always ways you can generate gross income if you have enough money to spend. So, it really just, you know, makes it so only the wealthy can afford to build houses on farmland, so...

Anyway, I'm going to vote against it even though I don't think the Board of County Councilors has much choice, but since we're just making a recommendation, I plan on making a protest vote.

Although, I do think Karen Streeter raised a good point that right now, you know, if you have to go to the Gorge Commission to get your permits, I mean they don't have any staff, they're not processing anybody's permits so you'll be stuck in limbo forever. So, at the end of the day they probably don't have any choice but to adopt this stupid thing, but I don't like it and I'm voting against it.

JOHNSON: Thank you, Steve. Matt Swindell.

SWINDELL: I don't need to comment. Steve just said everything I wanted to say, so very well said.

MORASCH: Thanks.

JOHNSON: So, and I appreciate, Steve, your comments. You know, in my notes I've got, you know, accept question mark, deny, is this an update, what happens and then you hit it right on the nose. I really get tired of these things coming to us, and this is just a general statement, you know, where we put quotes around this, we have no authority.

Well, I can do one thing and I'm going to vote no too, and it doesn't matter, but because if it did

matter, our vote would mean something. It's very frustrating when the Gorge Commission can come here and say to this body, well, you basically are going to have to accept it. No, I don't, I have my vote and I'm going to vote no.

And if the County Commissioners see this and respond to it, maybe, you know, they can look at this harder and we can start pushing back in a way that maybe not this time this has to go forward or not. I think it's unconscionable that we sit here with this stuff and go, well, you can't do anything, then why am I here. I'll tell you what I can do, I can vote no.

And I too, Bryan, get very discouraged when I see a body start playing games with what the County's trying to do. I've seen it over and over again, well, you guys are going to have to vote on this or you're just going to have to do this because if you don't do this, you know, the sky is going to fall. Well, maybe the sky is going to fall this time, I don't know, but in the end it's pretty discouraging. So, my vote will be no.

With that said, I will accept a motion from somebody that wants to say their name. Come on.

BARCA: Ron Barca. I'll make a **MOTION** to accept staff recommendation and get us, get this ball rolling.

JOHNSON: Ron Barca. Thank you very much in spite of --

SWINDELL: Matt Swindell. I'll **Second** it.

JOHNSON: Who seconded it? Sorry about that.

SWINDELL: Matt Swindell.

JOHNSON: Matt, thank you for the second. I'm going to walk through these one at a time. Ron -- oh, excuse me. I need you to raise your hand and state your name -- check that, I'm on the wrong page again. I'm getting tired. Roll call, Sonja.

### **ROLL CALL VOTE**

HALBERT: NO, I vote against the recommendation.

BARCA: AYE

ENGE: NO

VERANZO: No, I vote against the recommendation.

MORASCH: No, I also vote against the recommendation.

SWINDELL: NO

JOHNSON: NO

WISER: 6 to 1.

JOHNSON: The **MOTION does not pass**, and with that said, that will conclude the public hearing portion of tonight's agenda.

### **OLD BUSINESS**

JOHNSON: Gentlemen, is there any old business? Please raise your hand if you can state your name if you would like to make any comments.

### **NEW BUSINESS**

JOHNSON: Is there any new business? Please raise your hand and state your name if you'd like to make any comments.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

JOHNSON: Ron Barca, I hear that your term is officially expiring, I'm assuming you are going to renew your term; is that correct?

BARCA: I have made a commitment to run again for my position.

JOHNSON: Okay. Glad to hear that, Ron. Are there any more comments other than what we've just talked about from the Planning Commission?

### **ADJOURNMENT**

JOHNSON: Gentlemen, I would like to take this time right now to thank the staff here who make it very easy for me except when I turn the wrong page especially Cindy Holley who carefully keeps me inline every day. Our hearing is now adjourned.

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## **ADJOURNMENT**

JOHNSON: Okay. Thank you. All right. With that, thank you, gentlemen. Special thanks to our staff for keeping me organized and all the good things and special, special thanks to Cindy Holley. Our hearing is now adjourned.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

***<https://clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>***

Television proceedings can be viewed on CVTV on the following Web Page at:

***<https://www.cvtv.org/program/clark-county-planning-commission>***

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