



Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Rick Torres
Steve Morasch
Matt Swindell
Bryan Halbert

CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING THURSDAY, OCTOBER 17, 2019

Public Service Center
Council Hearing Room
100 Franklin Street, 6th Floor
Vancouver, WA
6:30 p.m.

CALL TO ORDER & ROLL CALL

JOHNSON: Okay. Good evening. I'd like to call this meeting to order for Thursday, October 17th, 2019. My name is Karl Johnson, I'm the Planning Commission Chair. Can we have a roll call, please.

ROLL CALL

SWINDELL: HERE
MORASCH: HERE
HALBERT: HERE
TORRES: HERE
BARCA: HERE
JOHNSON: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for October 17, 2019

JOHNSON: At this time I would like to ask if any of the Planning Commissioners would like to disclose any conflicts of interest? Seeing none, we will move on and I am looking for a motion to approve the agenda for October 17th, 2019.

BARCA: **Motion** to approve the agenda as written.

SWINDELL: **Second** it.

JOHNSON: All those in favor?

EVERYBODY: AYE

JOHNSON: All those opposed? Before we begin the next part of the hearing, I have a little thing to read here.

Planning Commission Opening Statement:

The procedures for tonight will be as follows: We will begin the hearing with a staff report. The Planning Commission members will ask staff questions if they have any at this point. I will then open the hearing for public testimony.

Members of the audience who wish to testify on a hearing item need to sign in on the sign-in sheets at the back of the room. Members of the public wishing to give oral testimony are to come to the front of the room at the table facing the Planning Commission.

The Chair has the discretion to make the following statement if reasonable and appropriate under the circumstances, testimony on this matter is limited to X amount of minutes per person. Your testimony should be related to the applicable standards for this hearing item. The relevant standards are set out in the staff report, copies of which are available at the table in the back of the room.

If you have any exhibits you want us to consider such as a copy of your testimony, photographs, petitions or other documents or physical evidence, please hand it into staff. This information will be included in the record for the hearing item, we will consider it as part of our deliberations.

When you testify you must testify at the front table in the front of the microphone so the court reporter can hear your testimony. State your name and address for the record and spell your name for the court reporter. Be relevant and concise and don't repeat yourself or others testifying.

I will then close the public testimony portion of the hearing. The Planning Commission will deliberate and ask staff to answer questions or make rebuttals. The Planning Commission will then take a vote on their decisions. It is important to understand that our recommendations will be forwarded to the Board of County Councilors who have the final decision-making authority.

B. Communications from the Public

JOHNSON: With this said, I would first like to ask, are there any communications from the public, excuse me, from the public regarding anything that is not on our agenda at this time?

Seeing none, we will move to our first item and that is the Comprehensive Growth Management Plan for 2015-2035, zoning maps and Title 40.

PUBLIC HEARING ITEMS

- A. Clark County completed a review and update of its comprehensive plan according to the Growth Management Act (GMA) on June 28, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) and a hearing on the issues was held February 8, 2017. The GMHB ruled on March 23, 2017 that certain portions of the 2016 plan update, including the establishment of a Rural Industrial Land Bank (RILB) had not complied with certain requirements of GMA. The county appealed the RILB decision. On Aug. 20, 2019, the Washington State Court of Appeals filed its decision on review of the GMHB decision. The court decision upheld the GMHB ruling that the portion of the 2016 Plan related to the RILB had failed to comply with the GMA. The Planning Commission will consider amendments to the **Comprehensive Growth Management Plan 2015-2035, zoning maps and Title 40** as a response to the GMHB final decision and order regarding the **Rural Industrial Land Bank (RILB)**, CPZ2019-00032_GMA Compliance RILB.
Staff Contact: Gary Albrecht at Gary.Albrecht@clark.wa.gov or (564) 397- 4318 and Oliver Orjiako at Oliver.Orjiako@clark.wa.gov or (564) 397- 4112

ALBRECHT: Good evening, Chair. Good evening, Planning Commission members. Gary Albrecht, Clark County. I'm here to discuss --

JOHNSON: Gary, can I interrupt you, I missed one thing, sorry about that. We have something being removed from our agenda, and in case there's anybody in the audience, I need to just get this out.

The applicant of CPZ2019-00008, which is Whipple Creek, has withdrawn their request to amend the comp plan and zoning designation. They were simultaneously pursuing a determination about this case from the Hearing Examiner. They received a determination from the Hearing Examiner that their request could be handled through the Type III process.

If anyone here tonight is to testify -- is there anyone here tonight that is going to be testifying on this? If so, please note that we will not be hearing this case or will we be taking any public testimony on it. Sorry about that. Continue, Gary.

ALBRECHT: Thank you, sir. I'm here to discuss CPZ2019-00032. Thank you. There's the agenda we'll talk about this evening.

The background, it's a rather lengthy background starting back in 2007 when Clark County receives a rural industrial land bank application that Clark County prepared an addendum to evaluate and disclose potential environmental impacts and mitigation measures associated with the application.

The addendum is an appending document to the Clark County comprehensive growth management plan final environmental impact statement from May 2007. They created a master plan in 2007. The SEPA for environmental impact statement was appealed. The SEPA is

a State Environmental Policy Act just in case you didn't remember what it was for. So, and then moving on to 2014, there was some development regulations created for the rural industrial land bank.

In 2016 the comprehensive growth management plan was updated. It adopted the rural industrial land bank overlay, made some arterial atlas amendments for circulation around the industrial land bank and as you know the comprehensive plan was appealed to the Growth Management Hearings Board.

In 2017 the Growth Management Hearings Board decision came out, the final decision order. As a result of that, one of the pieces from it was the County amended the 2015 buildable lands report. And in 2018 the Growth Management Hearings Board issued some compliance orders, you can see them on the slide there, and in 2019 the Court of Appeals' decision came out and Clark County decides to not appeal that decision.

Here's the vicinity map of the rural industrial land bank. As you can see, it's between the City of Vancouver or the City of Vancouver's urban growth boundary and the City of Battle Ground's urban growth boundary. And the Court of Appeals, so the August 20th, 2019, decision, the cities of Ridgefield and La Center annexed land recently designated in their UGAs in 2016.

This Court's decision said the annexed land is moot because the County has no ability to plan for annexed land and the Hearings Board cannot compel the County to take action. That decision is supported, has supported the Board's ruling of de-designation of agricultural land was out of compliance with the Growth Management Act. And the Council direction, the Council is not appealing the summer ruling of 2019, the Court of Appeal decision, the proposed amendments to comply with the rulings.

So what's being removed, basically everything that is related to the rural industrial land bank is a caption of it and the next few slides will go more into detail of what's getting removed. We'll start off by repealing the three ordinances related to the rural industrial land bank, I'll just call it the RILB for short.

So the 2016-04-03 establishes the parcels, there's about, well, there's 13 parcels, about 600 acres of land and the 2016-05-03 added a couple more parcels to that, and the 2018-12-64 ordinance was a moratorium for that land so no permits could be brought in to develop it.

So the purpose is to amend the comprehensive plan designations to take off the rural industrial land bank and to change it to the agricultural land designation, amend the zoning of light industrial with a rural industrial land bank overlay and taking it back to the agricultural land that it was previously designated.

There's a number of proposed comprehensive plan text amendments on the screen. And there's a number of proposed Clark County Code Amendments, amendments are for the Employment Districts, the 40.230.085; the Master Planned Development, that's the 40.520.070; the Rural Industrial Development Master Plan, the 40.520.075; and the Plan Amendment Procedures for the 40.560.010.

And the Arterial Atlas Amendments that it changes for the circulation taking away everything that we put in place for that, I'll have a map of that later on. There's the map right there. And the public process.

The Growth Management Hearings Board, we started the process in August 20th, 2019, the Department of Commerce, the SEPA. So we've gotten two comments on the SEPA, they're in your supporting documents in the, in your, on your electronic packet and one was from the Nisqually Indian Tribe saying there were no concerns and that to keep them informed of any independent disclosures of archeological resources of human burials are noticed and the other comment was from the Department of Ecology for mapped wetlands. Their comment was to recommend determination, wetland determination, delineations be conducted in the future development proposals which that would occur at the time of development and that's it.

That's all I have for a presentation. So I'm ready to take comments and questions if you have any.

JOHNSON: Any questions? It's pretty straightforward. At this time is there any comments from the public? Seeing none, we will bring it back for any discussion or a motion.

SWINDELL: So just to be clear, these are things that we have to do this, this isn't a matter of I'd like to change this or that, nope, this is what we need to do to be in compliance; correct?

ALBRECHT: This will ensure, this will help us to come into compliance. Chris Cook can answer more on that.

SWINDELL: Thanks, Chris.

COOK: Christine Cook, Deputy Prosecuting Attorney. What it -- to summarize this in really quickly, it's repealing everything about the rural industrial land bank and restoring code and arterial atlas and comp plan and to what they were before the rural industrial land bank was adopted or in the absence of the rural industrial land bank and, you know, sure, the County could decide to do otherwise, that would keep in place the order of noncompliance and invalidity that has been imposed by the Growth Board, and that order of noncompliance and invalidity is one of the reasons why Public Works has not received some grant money this year, ten million at least that just was earmarked for the County and the County couldn't sign the contract. There are other grants and loans that the County was unable to apply for because of that.

I mean, this is an appellate body, they have jurisdiction over growth management, when they say you did it wrong, they have some clout and I think that the Council has come to decide that it may make more sense to come into compliance than to try to continue with something that is at this point not helping the County.

SWINDELL: Okay. That makes sense.

JOHNSON: Thank you. Any other questions? I would take a motion if that's appropriate. Anything else from the public on this matter?

PUBLIC TESTIMONY

BOLEN: Can I come forward or should I speak from here?

JOHNSON: Yes, you should come forward and state your name and spell it out for the reporter so she can hear it and it's on the record, please.

BOLEN: Sorry, we came late. I'm Bill Bolen, my wife Alice behind me.

HOLLEY: Spell your name.

BOLEN: Pardon me?

HOLLEY: Spell your last name.

BOLEN: B-o-l-e-n. And I'm a little confused what I'm doing. I just wanted to, I was notified of this hearing and I need to make a statement regarding our property. We live on 61st Avenue, N.W. 61st Avenue just south of 192nd Street. Pardon me. Yeah, 192nd Street. We purchased our property two years ago and we purchased an incredibly beautiful view of some fields and trees which we continue to love. Operated with the idea that we were in basically 20-acre country and recognizing that a good deal of that neighborhood has been --

BARCA: He's in Whipple Creek.

BOLEN: -- converted into one acre, effectively one-acre property, possibly fives, I don't know how they --

JOHNSON: Excuse me, sir. Right before you got here, I think you're speaking of the Whipple Creek.

BOLEN: Correct.

JOHNSON: Okay. Right before you got here, and I'm going to read this statement again for you just so you can hear it again. Okay.

BOLEN: Sure.

JOHNSON: And I apologize that --

BOLEN: We came three minutes late and we didn't hear that.

JOHNSON: Yeah. So the applicant of Whipple Creek has withdrawn their request to amend the

comp plan and zoning designation. They were simultaneously pursuing a determination about the case from the Hearing Examiner. They received a determination from the Hearing Examiner that their request could be handled at a Type III process.

So for here tonight we're not going to take any testimony on this case, we're not going to hear it tonight, it's been removed from our agenda and we're not going to take any public testimony on it. And I'm sorry I didn't, I was trying to figure out which one you were talking about. So tonight --

BOLEN: I'm sorry, I wish I could have been better organized. We didn't hear any of this, anything about what the proposal was until about two to three weeks ago.

JOHNSON: That's okay. I would encourage you to get with staff to help them clarify that just a little bit more for you, but for tonight nothing is going to happen on this matter at all, and I apologize for your trip all the way down here, we just got this notice at the very last minute right before the hearing.

BOLEN: I love walking in the rain especially here. Okay. Thank you very much.

JOHNSON: Thank you, sir. Yeah. With that said, is there anybody else from the public that would like to speak on the matter at hand? Seeing none, I would hear a motion.

RETURN TO PLANNING COMMISSION

TORRES: I **MOVE** that the Commission approve CPZ2019-00032 as written.

SWINDELL: I'll **second** it.

JOHNSON: The motion's been made and seconded. Roll call, Sonja, please.

ROLL CALL VOTE

SWINDELL: AYE

MORASCH: AYE

HALBERT: AYE

TORRES: AYE

BARCA: AYE

JOHNSON: AYE

JOHNSON: Motion passes 5/0. And with that said, we'll move on to our next item. Our next item on the docket is Clark County Unified Development Code Amendments on the Columbia River National Scenic Area Code Update. Staff.