



proud past, promising future

## Clark County Planning Commission

Steve Morasch, Chair

Ron Barca, Vice Chair

Robin Grimwade

Bill Wright

Karl Johnson

Richard Bender

Matt Swindell

---

### CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING THURSDAY, MAY 18, 2017

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

6:30 p.m.

#### **CALL TO ORDER & ROLL CALL**

BARCA: Good evening everybody. I'm Ron Barca, acting chair of the Planning Commission for this evening. Can we get a roll call, please.

BENDER: HERE  
GRIMWADE: HERE  
JOHNSON: HERE  
SWINDELL: HERE  
WRIGHT: HERE  
MORASCH: ABSENT  
BARCA: HERE

#### **GENERAL & NEW BUSINESS**

##### **A. Approval of Agenda for May 18, 2017**

BARCA: Okay. Let's go ahead and get through the agenda starting with the general and new business. We have approval of the agenda this evening.

GRIMWADE: So moved.

JOHNSON: Second.

BARCA: Okay. It's been moved and seconded. All those in favor?

EVERYBODY: AYE

**B. Approval of Minutes for April 20, 2017**

BARCA: All right. We'll move to the approval of the minutes from April 20th, 2017.

GRIMWADE: Move the minutes be accepted.

BENDER: Second.

BARCA: It's been moved and seconded. All those in favor?

EVERYBODY: AYE

BARCA: All right. Very good.

**C. Communications from the Public**

BARCA: And now we're going to move to communication from the public. So this is an opportunity for anybody that would like to bring items forward to the Planning Commission unrelated to the agenda items of this evening, this is our opportunity to do that before we move to the scheduled agenda items. Is there anybody from the public that would like to bring something forward?

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:**

**A. Proposed Changes to Planning Commission Rules of Procedure Including Adding an Opening Statement:**

**Description:** The hearing item before the Planning Commission (PC) is to consider changes to the PC's Rules of Procedure and providing for an Opening Statement.

The purpose of the Opening Statement is to give an overview to observers of the hearing as to how it will proceed, how meeting attendees can testify, and also give Planning Commissioners the opportunity to declare any potential conflicts of interest.

**Staff Contact:** Laurie Lebowsky (360) 397-2280, Ext. 4544

**Email:** laurie.lebowsky@clark.wa.gov

BARCA: Okay. Not seeing any, we're going to go ahead and move on. And we will start with Item A on the agenda this evening, Proposed Changes to Planning Commission Rules of Procedure Including Adding an Opening Statement.

LEBOWSKY: Thank you. My name is Laurie Lebowsky, I'm with Community Planning.

Just to give you a little background. We had some turnover in the Planning Commission this year and it was determined that since we were going through some changes, it was a good time to review the Planning Commissions operating procedures. So staff looked at what Planning Commissions in other jurisdictions in Clark County, the approach they take. Based on our review, staff recommended adding an opening statement at the beginning of -- before each PC -- before hearings.

And also the Rules of Procedure that the PC operates on, they had not been revised since 2007, so we went through and I worked with the PC Chair and with the attorney's office on revising the Rules of Procedure. I've attached all the versions of -- first of all, we have the OPENING STATEMENT, and I have Exhibit A that shows Exhibit A which is attached to the staff report. It shows all the revisions that the OPENING STATEMENT went through, and then Exhibit B is a clean copy.

And then also I included all versions of the changes to the Rules of Procedure. If you recall, I met with the PC on April 6th at a work session and went through the documents and got your comments. I received comments on the Rules of Procedure, and if you look at Exhibit D of your binder, that's the version in gray scale that shows the changes that the PC wanted.

Let's see. So the first change that the PC wanted was located on -- is located on Page 1, Section II.c, and basically you just all wanted to keep the language that allows you to have the option of continuing a meeting until 10:00 p.m., if you so desire, as long as the items have been properly noticed.

The second change to the Rules of Procedure is located at the bottom of Page 1. It's located in Section IV.a.i. If you recall, the PC wanted this language deleted because it was redundant compared with the language that was already in this section.

And then the final change the PC requested is located on Page 3, I think that's -- is that a IX?

BARCA: Yeah.

LEBOWSKY: Sorry. There was a request that a quorum not be required for work sessions, so we made that agenda.

So those were all the changes the PC requested for the Rules of Procedure and really didn't -- I didn't receive any comments from the PC about the opening statement. So that's basically what you have before you.

So staff is just -- I'm asking approval of starting out hearings with an opening statement and then approving the changes to the Rules of Procedure that's shown in Exhibit E. If you approve adding opening statement, the next hearing that you have, you would start out with that. And that concludes the staff's presentation and I'm here to take questions.

BARCA: Questions for staff?

BENDER: This would require two motions, am I correct, opening statement motion and the revised procedures?

BARCA: That's what I would anticipate, since we have opening statement as Exhibit A and then the Exhibit D, rules, that we would be considering adopting. So the opening statement, Laurie, is it the intent that this is a mandatory method of starting each of the Planning Commission hearings?

LEBOWSKY: Well, yes, that's the intent.

BARCA: It is the intent. So acting as chair and seeing the role that this would be and the page and a half roughly of opening statement, I'm all of a sudden finding myself thinking that it's a little bit too much, which maybe I didn't read it well enough thinking that Mr. Morasch was going to be the chair and I wouldn't find myself in this position, but I don't know if the rest of the Commission has had a good chance to digest the opening statement and what that would look like for us on a regular basis.

JOHNSON: I would say that I kind of have the same feeling. Just listening to you opening in today's session, we're using our agenda, which is appropriate, and I think this is nice to have when we have lots of testimony and clarification maybe is needed. But as far as something that's read every time, to me, it kind of sets the tone of a -- you know, it's very linear.

I tend to think it's better that the chair has some flexibility, obviously staying within the what we're talking about of the day, but in the end, it just seems like we are adding more things to something that we kind of already do too. Just saying.

LEBOWSKY: If I could add. The purpose of having an opening statement, first of all, is just to explain to the audience how the hearing runs and how they can testify; and then secondly, it gives the PC the opportunity to declare if there's a conflict of interest.

BARCA: Okay. So in the rules, which is Exhibit D, we do have an Item IV on Page 2 that "The chair has the discretion to limit public testimony to three (3) minutes for all such testimony, by a group of proponents. The Chair may also grant additional time if the evidence and testimony is not repetitious, irrelevant or immaterial."

But in our opening statement on Page 2, we are saying testimony is limited to three minutes per person. So we would then be giving the chair the discretion to deviate from that, but otherwise, the standing rule would then be that it is three minutes.

LEBOWSKY: Right.

JOHNSON: Is it one or the other or is it both?

LEBOWSKY: Well, it would be what the Rules of Procedure, what it says.

BARCA: But when I start my opening statement, I'm starting off by telling the audience that they have a three-minute limit, and then at my discretion, I can say, I'm going to limit public testimony too, and I can pick a different number, but I'm starting off by putting everybody on notice that they're on a three-minute time limit.

LEBOWSKY: Right.

SWINDELL: I don't think there's anything wrong with setting the table for the audience to know how it's going to run. I think for everybody to understand, hey, this is how we're going to do it, this is the procedure, you're going to get three minutes, I think that benefits everybody. It puts everybody so they know what's going on.

I think this is a good thing and they, I mean, it's a page and a half, but half of it's been taken out, so it's really basically a page double-spaced. It's not -- it's really not that lengthy of a statement. It's pretty common to have a statement like that, I think, in my opinion. I think it's good the way it is, in my opinion.

BARCA: Would you like to read it for the audience and just run through it one time and see how it feels?

SWINDELL: You would put me on the spot like that, wouldn't you?

BARCA: Well, we don't have to. I mean, I could as chair. It would be appropriate for me to do it, but...

SWINDELL: Well, yeah, I'd let you do it. I'd defer it to you.

BARCA: Okay. Oh, we have more staff too.

COOK: Yeah. I think you're misreading the section about the TESTIMONY in the Rules of Procedure. It says the chair has the discretion to limit public testimony to three minutes for all such testimony by a group of proponents, so that's sounding to me like it's three minutes for a group, not three minutes for a person, which is even more restrictive.

Regardless, you can, if you like the idea but don't like precisely what it says, you can change that right now. You could, for example, say the chair has the discretion to limit public testimony to three minutes, put an end to it there and you could take out of the opening statement, or you could put that statement that testimony is limited to three minutes per person in brackets or parenthesis and say when appropriate at the chair's discretion because there could be sometimes, I'm thinking of for example, some of the surface mining overlay meetings where, you know, both rooms were full and everybody wanted to talk. There's

sometimes when that would be appropriate; sometimes when it's just not necessary.

Part of the thinking on this is that some of the items that come before you for hearing have very direct effects on people's property and they don't necessarily have a lot of sophistication about how to participate in the process and that this statement is a way to give them a little education on the spot. Also if somebody's watching on TV, they'll know, for example, that this will go to the Board and other means of participation are available.

WRIGHT: Yeah, I think I would agree with Matt's point of view on this that, although at first blush, it looked a little cumbersome, once you get into it and start doing it, it's just -- it's going to roll off pretty quickly and you're going to touch all the bases that folks need to know about, so that certainly can't hurt.

GRIMWADE: Are you open to a motion?

SWINDELL: What's that?

GRIMWADE: I said is the chair open to putting a **MOTION** on the table?

BARCA: If we are --

SWINDELL: Well, I actually kind of like the idea that she's putting out there to give the option in writing that you have the ability to extend it, if you feel the need to as chair. I'd like to make, I think, make it a proposal, that amendment if somebody's going to make a proposal, you know, do that to make that amendment to this would be a good idea. Just my thoughts.

BARCA: Yeah. Is there more deliberation? So we haven't opened this up for public comment yet. If not --

WISER: There's no sign-in sheet, but you can ask.

BARCA: There's no sign-up sheet for that?

WISER: No sign-in.

#### **PUBLIC TESTIMONY**

BARCA: Okay. It seems appropriate that we should ask the public, especially those in the audience that have come forward, do you have any commentary towards this particular agenda item? And, if so, would you - let me read this - come forward to the podium and give us your name and address and speak calmly and clearly into the microphone.

HOLLEY: And spell their last name.

BARCA: Yes. I'm sorry. Yes. And please spell your last name for the record.

COPPEDGE: My name is Mike Coppedge, last name C-o-p-p-e-d-g-e, and I've been to every one of these meetings over the last two years, so three minutes goes quick, I know that, so...

Basically I'm going to take more than three minutes because if you want to hear the real problem, it's going to take longer than that. I own 55 acres out in La Center.

BARCA: Mr. Coppedge, excuse me. We're dealing with the agenda item right now of just the procedure that we're dealing with. If you had any comment towards that, but I think you already kind of gave it to us the idea that three minutes goes by really fast. Okay.

When we get to the agenda item concerning the land use, then certainly you can come forward and we'll listen to you. All right.

SLATTERY: Are motions open to extend the three minutes now? Did he make a motion to --

BARCA: Sir, if you would like to come forward and give us your opinion and testimony, we'd love to have it.

SLATTERY: My name is Larry Slattery. I'm a little confused. I thought he made a motion to extend the three minutes. Is that open for a vote?

COOK: Excuse me, sir.

BARCA: Yeah. Mr. Coppedge was talking specifically about his property. He was just making the comment that three minutes goes by fast and that --

SLATTERY: I'd like to hear what he has to say. Is that available to make a motion to extend that time then?

BARCA: If your opinion would be that you would like that. Why don't you start by giving us your name and spelling it out your last name for us please.

SLATTERY: Larry Slattery, S-l-a-t-t-e-r-y.

BARCA: Okay. And your opinion towards this, if you wish.

SLATTERY: I would -- I was wondering if it's -- is it open to make a motion to extend that time? It doesn't look like there's very many people in the audience and I don't look -- think that there's going to be that many discussions, so I think that -- I don't think time is going to be an issue.

BARCA: So the agenda item here is our opening statement and our rules for how we're going to conduct the meetings, and in that, if it's your opinion that a three-minute time limit is not satisfactory, then certainly you can give us that as your opinion. This is a generalized set of rules we're dealing with that we would modify, depending upon the particular hearing item, but we're kind of trying to work out a generality right now.

SLATTERY: All right. Thank you.

BARCA: If you'd like to testify, please come forward.

KRANTZ: My name is Lucy Krantz, K-r-a-n-t-z. I think three minutes is fine. I would like to say that I don't think three minutes is anywhere close enough for a group of people, so I think it needs to be three minutes per person.

And then also I think it would be helpful before the meeting if someone could sign in and say I'm going to need more than three minutes and then you could know and make a decision, you know, why they were here speaking, okay, instead of -- you know, I mean, just to make it flow better.

BARCA: Okay. Thanks. Anybody else from the audience concerning this particular agenda item?

Okay. Seeing nobody else, we're going to return it back to the PC.

### **RETURN TO PLANNING COMMISSION**

JOHNSON: Mr. Chair, I just that was a great example of why I'm changing my mind on why we need it because of the confusion. We -- and I appreciate you guys being very patient for us to work this out, but the fact is is that what we're trying to figure out is, you know, what's fair, what's equitable and what happens when we have a few people or a lot of people or what flexibility do we have up here versus three minutes or whatever.

So my feeling is more now, yes, we do need this because just for clarity, because I know everybody's intentions are good, well or good. I would just like to have that amendment where the chair has some flexibility to say, look, it is the Hoof people or whatever it was that says, yeah, can we have a few more minutes, and reasonably so, that the chair could make that decision. So I withdraw my disagreement only because I was just taught a very valuable lesson about people. Thank you.

BARCA: Is it all right if Karl withdraws his disagreement? Okay. Accepted, Karl. Okay. So any more deliberation?

BENDER: We have some meetings where nobody is in the audience, nobody to speak, so I feel this should be optional and we can use our intelligence to say we've got an audience, let's do it,



versus if nobody's out there to hear the tree fall, what's the point.

BARCA: I think part of the discussion was that we have wide ranging and large viewing audience in the television world and there is an opportunity for them to get clarity as how we proceed even if we don't have anybody --

BENDER: Point taken.

BARCA: -- testifying. Okay. I'm open for a motion.

JOHNSON: I make a **MOTION** we accept Exhibit B, PLANNING COMMISSION OPENING STATEMENT with the amendment, and I'm going to try to clarify this, Laurie, as best I can, some caveat that gives the chair the flexibility in time of the three minutes part and that's about as far as I want to dig in that one.

SWINDELL: I'd **second** the motion.

BARCA: So point of clarity on the amendment. We're talking about in the talking points of Exhibit A; is that correct, Karl?

JOHNSON: I assume that's what we're working on right now. We're not working on the procedural changes, so just the --

LEBOWSKY: It's Exhibit B.

JOHNSON: Excuse me, Exhibit B. Yeah. Yes.

BARCA: Oh, the clean copy. Sorry.

JOHNSON: Yes.

BARCA: Then we're related to the paragraph on the second page where currently it says "Testimony is limited to three minutes per person," what is your change in that? We're saying at the chair's discretion?

JOHNSON: I was going to say that, but I don't know if that really gets muddy, Chris.

COOK: Do you want a suggestion?

JOHNSON: Yes, please.

COOK: I would say something like the chair has the discretion to state a time limit when appropriate --

JOHNSON: That's fair. That's good. That takes us out of the firm three minutes.

COOK: -- and put that in parenthesis after the sentence.

BARCA: Although, I think it --

COOK: Or instead of the sentence.

BARCA: Would we not need to declare what it is at the beginning of the meeting, though, so there's no ambiguity about when we're going to enforce a time limit?

COOK: That would be in this opening statement, if in the discretion of the chair, it is necessary.

BARCA: Okay. Does everybody understand the modification? Okay. It's been moved and seconded. Roll call.

**ROLL CALL VOTE**

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

WRIGHT: AYE

BARCA: AYE

BARCA: Steve's going to love this. We did him proud.

Okay then. Having gone through the first agenda item, we are now moving on to the second one --

LEBOWSKY: Right, the Rules of Procedure.

BARCA: -- Rules of Procedure and that's Exhibit D.

JOHNSON: E is the clean copy.

BARCA: E is the clean copy.

LEBOWSKY: Yes.

BARCA: Do we have discussion concerning the modifications?

WRIGHT: I think the changes that we talked about during the work session have been taken

care of. And at any point you'd entertain a motion, I'd be glad to make a motion on this item.

BARCA: Okay. Well, hearing none. So let's just make a motion then.

BENDER: I make a **MOTION** that we accept the new Rules of Procedure.

WRIGHT: **Second** that.

BARCA: It's been motioned and seconded for Exhibit E as written by staff. Roll call.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**B. 2017 Annual Plan Amendments amending the 20-Year Growth Management Comprehensive Plan Map and Zone Map:**

**CPZ2017-00004 Text Amendments:** A proposal to amend the comprehensive plan text to correct scrivener's errors as follows: Chapter 1 Table 1.4 Rural Lands Plan Designation to Zone Consistency Chart add "R-5" zoning back under Rural Center Comprehensive Plan designation, Land Use, Table 1.5 Resource Lands Plan Designation Chart, under the Comprehensive Plan add Parks/Open Space (P/OS); Table 1.6 Urban Plan Designation to Zone Consistency Chart replace "R40" with "R43"; Chapter 3 Policies 3.6.7 replace "Conversation" with "Conservation"; Chapter 14 Procedural Guidelines, Vancouver Urban Growth Area, replace text references to the Orchards area with West Fairgrounds, East Fairgrounds, and Mill Creek; Appendix B, add figure 34 Community Framework Plan Map.

BARCA: Okay. Ready to move to agenda Item B, 2017 Annual Plan Amendments amending the 20-Year Growth Management Comprehensive Plan Map and Zone Map, and within that we have text amendment and rural centers. We're going to handle those as individual votes.

ANDERSON: Yes.

BARCA: Okay. Let's start off with text amendments.

ANDERSON: Good evening. I'm Colete Anderson with Community Planning.

I'm starting out this evening with CPZ2017-00004. As we discussed in your May 4th work session, when we were making the text changes to the comprehensive plan, that nice two-inch document that was adopted June 28th of last summer, we have since found a number of scrivener's, typos and just plain missed components that we'd like to address this evening. None of the changes that I'm going to bring forward tonight actually modifies the maps themselves. They're just text mishaps.

So what we have in Chapter 1, there are three land use tables that show how the comprehensive plan designation works with the zoning. Okay? And we missed in the first table including Rural 5 under the rural center designation, comprehensive plan designation. In the second table, we missed the parks and open space comprehensive plan designation. And in the third table, we missed some hyphens and we had Residential 40 instead of Residential 43, which as you can see, someone had fat fingers on that one.

In the Rural and Natural Resource Chapter 3, one of the policies of 3.6.7, we had the word conversation and it should have been conservation.

Moving on to Chapter 14 under Procedural Guidelines, the section for the Vancouver urban growth area under urban holding, quite a bit of that section was deleted because we had actually implemented the removal of urban holding and instead of deleting one chapter -- or excuse me -- one section, we deleted the wrong one. So what we're trying to do at this point is delete the reference to Orchards and put back the reference to Mill Creek and West Fairgrounds and East Fairgrounds.

In Appendix B where we have the list of figures, we missed including Figure 34, which is for the community framework plan map that was adopted in 1993.

And those are all I have for you as scrivener's errors and staff would like the Planning Commission to recommend approval to the Board of County Councilors.

BARCA: Questions for staff? There appears to be none.

So anybody from the audience wishing to discuss this particular amendment about the corrections to the tables and wording, please come forward. We have no sign-in sheet?

WISER: No.

#### **PUBLIC TESTIMONY**

None.

**RETURN TO PLANNING COMMISSION**

BARCA: Okay. All right. Seeing nobody coming forward, we're going to bring it back to the Planning Commission for deliberation and a motion.

JOHNSON: Mr. Chair, if I could just make a motion.

BARCA: Please do.

JOHNSON: I **MOVE** to accept staff recommendation on the Comprehensive Growth Management Plan 2015-2035 post-adoption plan corrections.

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

BARCA: Okay. It's been moved and seconded. No other discussion? Roll call, please.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

BARCA: Okay. Motion carries.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**B. CPZ2017-00006 Rural Center:** A proposal to amend the text of Comprehensive Plan Chapter 3 and Clark County Code Section 40.560.010(1)(2)(a) to reflect a procedural change in the creation of a new rural center or a boundary expansion of an existing rural center.

**Staff Contact:** Colete Anderson (360) 397-2280, Ext. 4516

**Email:** colete.anderson@clark.wa.gov

BARCA: Then we're going to move on to CPZ2017-00006.

ANDERSON: Thank you. This is a proposal that staff is bringing forward having to do with the identification of creating or modifying a rural center.

In Chapter 3 under Rural and Natural Resources, we have a Policy 3.6.7 that basically says that should a request come through the County, the current process that the request for the rural

center would go through is the annual review process rather than the docket process. And the difference between the two is that - and they're very similar - they're both a Type IV process.

The annual review, the property owner or property owners in this case, would come forward with an application. They would go through a pre-app conference. They would pay the fee for a pre-app conference. They would pay a fee for an annual review process. It's their burden then to explain to the County why it is that we should consider their request. Okay.

The docket process is one where the County itself brings it forward as an item that it would like to resource and do. It's also a Type IV process, but the County actually assumes all the costs associated with it. So what we have before you today is staff's recommendation to actually move the process from an annual review to a docket. And we used to have that process back in early the 2000s, 2005 - it changed at that point - to create or modify a rural center is very complicated. There's a lot of technical pieces and parts to it and we feel that staff is better capable of doing it. And so not only is the comprehensive plan policy in here recommended to change, but we're also recommending the corresponding Title 4 section of 40.560.010 would change as well to match.

BARCA: Questions for staff?

SWINDELL: Yeah, I have a question. You say it was that way before. Do we know why it was changed? What was the reasoning behind going from one way to the annual review?

ANDERSON: Quite honestly, I had just become a planner with the County at that time and I don't actually recall the specifics. I know that the Board actually made that change. It was their recommendation to do so.

And I was hoping, Gordy, you were here at that time, do you recall?

EULER: No.

ANDERSON: Long time ago, guys. I'm sorry.

SWINDELL: Yeah. No, I understand. Sure appreciate it.

BARCA: So I happened to have been on the Planning Commission during that period of time. My recollection is that we were being asked on a fairly frequent basis to modify rural centers and we were turning down 95 percent, roughly speaking, of those requests because they didn't meet the criteria of what makes a rural center. And when the change went to annual review, the exercise became much more complicated, if that's the right terminology, complex for individuals to bring their request forward. How do we handle the change of designation for the rural lands now if somebody has Rural 20 or Rural 10 and they want to make it Rural 5 or they have AG-40 and they want to make it AG-20 or they want to turn it into rural and get out

of ag? Is that on the annual review process or is that on a docket?

ANDERSON: Okay. Depending on the example, it's either a Type III process going through the hearing examiner or it's a Type IV process, which would be an annual review. So let's say I wanted to go from AG-20 to Rural 5, that would be an annual review process. If I wanted to go from a Rural 1-10 to Rural 1-5, that would be a zone change and that would be a Type III process. On the urban side, no. Urban. Urban. No. Urban's fine. We're confusing ourselves this evening. I'm sorry.

So basically, if you're going from one urban residential zone to another urban residential zone, that's a Type III zone process. Okay.

BARCA: So in this case by being included into a rural center, we are saying that there's an agreement to increase the amount of density that the land could handle in and its capacity would be able to be handled at a rural center level as opposed to being outside of the rural centers where the rural designation for the property exists?

ANDERSON: Right. So for example, if you're looking at creating a rural center, an analysis needs to be done based on the RCW that says does it meet these criteria. Okay. And it has to have been an area of -- sorry -- an area that has been settled in the past. It looks like a village. It looks like a LAMIRD. There's various names you can put it, at a time prior to GMA.

So when we established the rural centers years ago, we went through that component and identified where these clusters of development was. We then decided which ones were the most likely to be rural centers and those were then created.

So let me talk about a different process. Let's say we're looking at lifting urban holding or we want to do a circulation plan for transportation. We look at those as an area-wide holistic concept. Creating a rural center and going through all the RCW requirements, you're still looking at it at a holistic kind of component, rather than an individual property based. So it's better for staff to go through that exercise of looking at it - it is complex to do - rather than to have the property owner trying to come up with that kind of an assessment.

SWINDELL: So is this staff bringing this to us saying, hey, we want to change this? It's staff's recommendation?

ANDERSON: This is staff's recommendation to go back to a docket.

BARCA: But let's be clear. If somebody comes to you and says they would like to see their land included in an existing rural center, you are obligated to bring that forward or you can stop it and just say it doesn't meet our criteria and it's not going to happen?

ANDERSON: Now, all dockets go through the Board of County Councilors. So we receive requests for dockets that a property owner might bring forward, like, lifting urban holding is

one that has to go through the docket process and you could get a property owner saying I would like the County to consider this. It goes on a list, then we have a work session with the Board and they decide what it is that we're going to work on based on our budget and time availability and where we are in the process. It would be their decision to whether include it or not.

BARCA: But that wasn't the same thing as saying it was your recommendation. You're saying it's the Board of County Councilors recommendation and then you bring it forward?

ANDERSON: What I'm saying is that if a property owner approaches the County under the docket process for a rural center expansion or to create a rural center, our job is to put it on a list for the Board of County Councilors to determine whether or not it goes on our work program to research. We don't tell the property owner no.

Now, if it's under the annual review process, they then go through pre-app. They then submit an annual review application. At that point, we run it through the process and the Board decides later whether or not it's acceptable. Does that make sense?

WRIGHT: Yeah.

#### **PUBLIC TESTIMONY**

BARCA: Other questions? No? Okay. Let's go ahead and open this up to the public. Do we have a sign-up sheet for this? No sign-up sheet for this one either, huh? Okay.

COPPEDGE: There's a sign-up sheet in the back there.

BARCA: Yeah. Well, but if somebody had wanted to testify for this particular agenda item.

COPPEDGE: Well, I do. I didn't know there was one.

BARCA: If anybody would like to come forward to speak on the agenda item concerning our rural centers and whether they move from an annual review process to a docket, then this is the opportunity for the public to come forward. So, sir, you are certainly welcome to speak on that issue, if you'd like to come forward now.

COPPEDGE: I'll try it again, but I'm not sure. I'm an educated person too. I have a master's degree in communication, and boy it's tough to follow this stuff. I'm sorry about that, but... Let's just try it and see if it works.

About nine months ago or somewhere in there, someplace in that time frame, after going through all these meetings for 18 months or whatever, we were told by letter and by mouth from Oliver and I think this young lady and I think you were told, Mr. Gonzalez, too by Oliver, he had to look up something. So what happened is we have 55 acres in Rural 20s --



BARCA: Mr. Cop- -- remind me your name, please.

COPPEDGE: Coppedge.

BARCA: Coppedge. Mr. Coppedge.

COPPEDGE: Yes.

BARCA: Okay. I hate to do this to you, but we're still not to the agenda item I believe you're here to speak on. We're talking about specifically rural centers at the moment.

COPPEDGE: I don't know what rural centers are, but...

BARCA: Okay. They're not your agenda item. I can see that.

COPPEDGE: Well, we'll try it again.

BARCA: Please be patient with us. We're going to get to your item here shortly.

COPPEDGE: Okay. Thanks.

BARCA: My apologies to everybody. I'm trying to make this as clear as possible. So we're speaking about the agenda item concerning rural centers and changing the method in which they would come forward before the Planning Commission and the Board of County Commissioners, whether it's an annual review process or whether it's a docket item. As wonky as that sounds, that's one of the things we have to determine.

Is there anybody from the public that would wish to speak on that particular item? If you would like to speak, please come forward and speak.

KRANTZ: I have a question.

BARCA: Come on forward and ask your question. We want everybody to be able to hear it and hopefully we can answer it for you.

KRANTZ: Okay. My name's Lucy Krantz. Do you need my name spelled out again? My question is I think the docket is a great thing to do, but what I wanted to just ask is do you take in consideration GMA when you're making changes like this, anything to do with the rural lands?

BARCA: I'll let staff answer that, but I think I know what their answer would be. Staff.

COOK: Christine Cook, Senior Deputy Prosecuting Attorney.

GMA doesn't have a whole lot to say about whether some things should be in an annual review or a docket. That's not a GMA issue, so GMA is not applied to this particular question. If you're talking about the substance of somebody's proposal to do X with certain rural lands, that may very well implicate GMA. And as you can see if you look at the County code on changing the plan designation, GMA certainly is applied to it.

KRANTZ: Okay. And that's what the docket will do, is that group of people will consider that when they're making any of the changes to the rural lands; is that true?

COOK: What group of people?

KRANTZ: The people, the docket, because that's the County.

COOK: Well, the docket is an item that comes before staff and before the Planning Commission and before the Board of County Councilors. They're the ultimate legislatures, the ultimate decision-makers and, yes, they do consider that.

KRANTZ: Okay. That's all I needed to know. Thank you. Appreciate it.

BARCA: Anybody else from the public?

Okay. Seeing none, let's return it to the Planning Commission. Discussion.

#### **RETURN TO PLANNING COMMISSION**

SWINDELL: So I just want to make sure I'm clear on this and make sure everybody's clear. So basically we're taking it from a process that put the burden and the cost on the public up front, if I'm understanding, to prove that they're okay to do a rural center, and now we're saying, hey, now we're going to do it. Staff's going to take a look at it first and make sure that you're okay to go through the process first before you burden yourself with that; is that correct?

ANDERSON: Well, that's correct. We're changing it from the property owner to the County.

COOK: So when you say the public, note that it is a very particular portion of the public.

SWINDELL: Yes. Yes. Okay.

BARCA: Yeah. It's the landowner.

COOK: So it goes from the public small to the public at large because it is, after all, the County public that pays for staff time.

BARCA: And that is kind of the crux of my concern from the past was when the docket was

placed in a priority by the Board of Councilors, politically it was expedient to put into the queue and staff gets the burden of pulling it forward and bringing it to Planning Commission, and in the past - and perhaps we're in a different maturity cycle now - but the past was we had many landowners wanting to get their property into rural centers because they were able to maximize the use of their land and they didn't fit the criteria of the rural centers.

And there was a lot of anger and tension, and we saw some of the same people on repeated cycles coming back to try and ask for the same thing. And staff was obligated to continue to process them, and I don't know what took place or why it's different, but it feels like we're setting ourselves up to do the same thing again and we're either going to have disappointed landowners or we're going to have ever-expanding rural centers, and that's a prediction I have that isn't predicated on any facts, just history.

JOHNSON: But wouldn't we -- I mean, helping the actual landowner that actually has the ability to go to a rural center, doesn't that seem to be, I don't know, doesn't that trump the ability for the people that are coming up in a repetitive nature? There still is that where the County Councilors are going to go no.

BARCA: The County Councilors are going to go no?

JOHNSON: But that's what they do. That's what they can. But if somebody truly has met the qualifications, then we truly are helping better those landowners and those areas to do what rural centers were set out to do.

So I'm kind of looking at it backwards, Ron, and say, well, we really need to make sure that those people that truly have the property that fits the criteria have the best opportunity to do this. I understand what you're saying that, yes, maybe there's this repetitive in nature, whatever, and I don't know that. You're privy to that from previous days. But it seems to me that all that has to happen is no.

So someone comes up and says this is what I want to do. We see it. And it goes through the staff process and you say, okay, no, that didn't work. We see it again, it's no. I don't think it's something that is -- it seems to be what we're taking away is much more important by worrying about somebody who's trying to gain the system or whatever. Those are my words.

BARCA: The process that we went through to create the rural centers was fairly extensive and it was meant to try and encompass as much property initially as we felt like that law allowed through the definition of what a rural center was, and in prior -- or not prior -- but comp plans after that affect -- we had individuals able to ask for their inclusion into the rural center, including portions of Meadow Glade, being able to go east of the 503 highway and into what had been just farm land at the time and now they're a housing complex. I think it's a matter of us understanding what we say rural centers are and what they're supposed to be.

We can always add density to any rural center and continue to grow the boundaries, but is that

the intent? Is that what the definition is supposed to be? When we went to the annual review process, that changed dramatically, and so I guess that's the question is if we're saying from a policy standpoint, we're willing to entertain growing the rural centers, I think this opens up the opportunity to do it in a much more expedient fashion.

WRIGHT: Yeah. I guess I would say we're speculating as to what the process is going to reveal over the next few years and staff has identified what seems to be a problem. They have a proposed solution for it and I think absent some pretty serious facts, we should go with staff. Things may change in a couple of years. This could be shown to be a bad decision and things could be reverted back, but at this point, I'd be inclined to trust staff's feelings about this matter.

SWINDELL: I would agree with that comment. I think that we're allowing the staff to make recommendations to the County Councilors to make a decision whether or not they feel it's in the best interest of the citizens of Clark County to do these rural centers. I think if staff's wanting the burden on them to be able to look at that first, I'd take their recommendation.

BENDER: Staff is also saving the landowner undue process from the standpoint of expending resources to get his land into a rural center or not. They are the gatekeeper in my mind.

BARCA: If there's no other comments, I'd entertain a motion.

JOHNSON: I make a **MOTION** to accept CPZ2017 regarding rural centers and the proposal to amend Chapter 3.

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

BARCA: It's been motioned and seconded. Roll call.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: NO

BARCA: All right then.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**C. 2016 Comprehensive Growth Management Plan Update Remand:**

Clark County completed the update of its comprehensive plan to meet the Growth Management Act (GMA) deadline of June 30, 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 had not complied with certain requirements of GMA. The following proposals will be considered by the Planning Commission as responses to the GMHB ruling:

- Changes to the comprehensive plan map.
  1. Changing the zoning of AG-10 and FR-20 parcels back to AG-20 and FR-40, respectively, as they were before the update;
  2. Changing certain R-10 parcels back to R-20, as they were before the update;
  3. Amending the map to provide for three different Rural designations, as there were before the update: R-20, R-10, and R-5;
  4. Changing the urban reserve (UR) overlay back to an urban reserve district, as it was before the update; and
  5. Removing 17 parcels from the Battle Ground urban growth area, as it was before the update.
- Changes to the comprehensive plan policies and text.
  1. Reflecting the proposed map changes above in the comp plan text; and
  2. Adding an upper limit to the rural industrial land bank sites sizes.
- Changes to Clark County Code Title 40, the county's unified development code.
  1. Reflecting the proposed map and text changes above in CCC Title 40.

**Staff Contact:** Oliver Orjiako (360) 397-2280, Ext. 4112  
Gordy Euler (360) 397-2280, Ext. 4968  
**Email:** Oliver.orjiako@clark.wa.gov  
gordon.euler@clark.wa.gov

Plan adoption materials can be found at:

**<https://www.clark.wa.gov/community-planning/plan-adoption>**

BARCA: And we are moving rapidly into Item C, the 2016 Comprehensive Growth Management Plan Update Remand. Just wait. I'll call you.

EULER: Good evening, Commissioners. I'm Gordy Euler, the Deputy Director of Community Planning. And to run through a brief PowerPoint here to kind of bring you up-to-date as to what we're proposing to do, so next slide. I'm not going to go into all of the very past history which is last year, but the comprehensive plan was adopted by the Board of County Councilors on June 28th of last year 2016. We had two appeals. And to bring you forward, there was a hearing on the appeals in this room on February the 8th of 2017, and that was before the Growth Management Hearings Board. The hearings board issued what we call a final decision and order, their final decision and order or FDO on March 23rd of this year.

There were 25 issues that were decided. The County won - if I might use that term - on 18 of those issues. From the 23rd, then there was a 30-day, basically an appeal period, where all parties could appeal the stance of the ruling. As part of the calendar, we have - that is the County - 180 days to come into compliance with the hearings board rulings pending appeals and that date is September 19th and passed that there will be a Growth Management Hearings Board compliance hearing scheduled for November 7. So that's kind of the long view of the process that involves the Growth Management Hearings Board.

So next slide. These were the issues listed that the County was found to be noncompliant. Urban growth boundary expansions for Battle Ground, La Center and Ridgefield and the supporting information from the buildable lands report. The urban reserve overlay. The ag land de-designations for the La Center and Ridgefield urban growth area expansions. The upzone to ag and forest for more density, what that means is from when we went from AG-20 to AG-10 and Forest 40 to Forest 20.

The terms here, if they seem a little odd, that I used the exact language for the wording here right out of the hearings board ruling, so if that's -- that's why these -- this is not how I would describe these things, but I'm using -- trying to use the words that were actually put out.

The no variety of rural densities, I'll explain what that is when we talk about the compliance ordinance. Procedural errors in the designation of the rural industrial land bank, which as you'll recall was also done last year just about this time. And the de-designation of the rural industrial land bank acres, the 602 acres that went into that.

So next slide. What the County is appealing - which means we're not going to talk about that tonight - are the UGA expansions and the buildable lands report, the ag land de-designations again for La Center and Ridgefield and the de-designation of the 602 acres of ag land that comprised the rural industrial land bank. And if you have questions about those and that process, I'll defer to Chris Cook here to answer those.

What we're here to talk about tonight is what the County is proposing to do to come into compliance with the hearings board ruling and these are the things that we decided not to appeal. And we said, all right, we'll go back and change our comprehensive plan map. We'll change our comprehensive plan text and we'll change County code to the extent that we need to. And this is a list of items that we are proposing for compliance.

One is to change the AG-10 and Forest 20 back to the way it was, down zone those parcels again back to AG-20 and Forest 40, which is the way they were before the comp plan was amended and updated and eliminate the clustering option. And R-10 we're proposing to change some of the R-10 that was R-20 back to R-20. We made that change because some of the R-20 was in place to serve as a buffer between resource lands and adjacent parcels, and if you don't need a 20-acre buffer, if you were going to have to buffer, an AG-10 parcel from something smaller. So there were about 280 parcels, approximately, that we changed the zoning from Rural 20 to Rural 10. We're going to amend the comp plan map to provide for three Rural designations: R-5, R-10 and R-20. Each will be implemented by its own zone; that is R-5, R-10 and R-20 respectively.

With regard to the urban reserve overlay, we intend to leave that as an overlay and eliminate the use list and the development standards. Those will become essentially allowed, based on the underlying zone. And we're also including a provision that we would only change the urban reserve overlay at the time that we updated the comprehensive plan, and that will be in both comp plan and in code.

With regard to the procedural errors, the procedural errors that we did not state a maximum size for rural industrial land bank, apparently that's required by Section 367 of the Growth Management Act, so we're proposing that both in comp plan and in County code to be 700 acres, and we're removing the 17 parcels, the 80 acres from the Battle Ground urban growth area since Battle Ground chose not to appeal that. And the latest proposal I've heard is that they may be interested in making that urban reserve, so...

Next. So these will be proposed changes to the comprehensive plan map and text. There are copies of the maps in the hallway, if you want to see what those changes actually will look like. We're proposing to change the comprehensive plan text and also Clark County Code Title 40. The changes are highlighted in your staff report. Most of this involves going in and finding every place where it says AG-20 and changing that to AG-10 or Forest 40 and changing that to forest -- or 20 and changing that back to Forest 40, and there's a couple of other places where we've added the comp plan and to the text the 700-acre size for the rural industrial land bank and made the changes as appropriate to urban reserve.

Just another bit of information that may be of interest, the Board of County Councilors adopted a moratorium on April 25th on the acceptance of land division applications for resource and rural lands. And my understanding is this was done to show some good faith in terms of complying with the appeals that we got and, well, I'll mention that, what we're going to do with that right here. Excuse me.

The next steps then in the process, the Commerce review is in progress. We've already published a notice that as part of the appeal process, we will adopt the 2007 EIS and 2016 Supplemental EIS as part of the process. There's your public hearing date is tonight. We have a work session with the County Council on June 7th. That's at 10:30 a.m. There will be

a public hearing June 20th at 10:00 a.m. on two things: one are the compliance issues that we're proposing tonight that you're considering and the other is on the land division moratorium.

State law requires us to hold a public hearing within 60 days if the Board adopts an interim ordinance, so those will be -- those will both be on June 20th. And if the Board adopts something on June 20th, the effective date then by charter was 10 days later, so the effective date of any changes we make would be June 30th, if the Board adopts an ordinance.

So additional appeals, Clark County Citizens United, one of the appellants to the comprehensive plan has appealed all 11 of their issues. Again, if you want more information about that, Chris can fill you in. If you want more information about the comprehensive plan information, it's a fairly long website, but there it is there. And I'll entertain any questions, try to, and that ends the staff presentation. Thank you.

WRIGHT: I think it might be useful information to remind the Board and also the folks in the audience of what it really means to be out of compliance with the Growth Management Act as a county, that it's more than just a theoretical situation.

EULER: Take a run at that?

COOK: Yeah. Sure.

Yeah, it is more than theoretical, Commissioner, and you know that because you used to work on Public Works funding for projects that are done to improve the transportation system in Clark County before your retirement, and so you know very well that when the County is out of compliance or has had a determination of invalidity, that that negatively affects the County's ability to obtain and even apply for various loans and grants from the State for the purposes of improving the transportation system, so...

It's not as you say a theoretical, oh, whoops, we, darn it, we blew it. It is actually something that the County needs to look very seriously at whether it would rather come into compliance and be eligible for State funding and State matches of local money or whether the County wants to stand on principle with regard to issues that it thinks it can win on appeal.

WRIGHT: And does that, those sanctions, also apply to the incorporated cities within the county? I don't know the answer to that.

COOK: Well, that's an interesting question, but no one, to my knowledge, appealed any of the cities comprehensive plans. So I have no notice of any such appeals and, therefore, there's been no finding of noncompliance with regard to the cities.

WRIGHT: Okay. Thanks.



COOK: Sure.

JOHNSON: This is a follow-up, Gordy, and this is for clarity for the audience too. So we have six changes that you've laid out, including the 700 acres, and if we did not vote to approve these and our recommendation was followed by the Councilors, we would be out of compliance? I know that's a simple question, but I'm just going to start there.

EULER: That's correct. What we've done in conversations with the Board, the appeal period has passed, and so what we said was the Board made a decision that we were not going to appeal these issues and so what we have to do as staff now is make the necessary changes to bring ourselves into compliance with respect to these issues, and that's what we're doing.

JOHNSON: And, Chris, this was the hearings board, which had a judge, you presented, I'm not talking for you, but again this is just for clarity, and can you give me the judges?

COOK: There are three --

JOHNSON: Three judges.

COOK: -- administrative law judges, in effect. There's three panelists members of the Growth Management Hearings Board, two of whom are from the Western Washington area and one of whom was from the Eastern Washington area.

JOHNSON: And so when they -- these are the noncompliance issues that they said bring it back to your Planning Commission and your Councilors and fix these or you'll be out of compliance?

COOK: Actually, they said you're out of compliance now --

JOHNSON: Right.

COOK: -- fix them or you'll be still out of compliance. And not only that, the growth board tends to consider motions for invalidity when a county or a city has been out of compliance for some time and has not taken any steps to try to change the legislation that was found noncompliant.

So they do expect to hear in a report a statement of actions taken to achieve compliance is the official name what the county has done to fix what they said was wrong. If these items, proposals from staff do get through Council, if Council approves them, I will be attempting to move up the compliance hearing by several months, because there's no reason for the County to sit around with that hanging over our heads on these issues.

JOHNSON: Final question. The moratorium then --

COOK: Yes.

JOHNSON: -- and again, I'm not sure if you can answer this or not, it's just for clarity, the moratorium was placed on because of this because we had applications for our changes from before and now we're out of compliance because those changes, if we go back per your staff recommendation, we wanted to stop property owners from coming in and saying, oh, we're going to still do this in this small window; is that correct?

COOK: Yeah, that's basically correct. The moratorium does not affect applications that have already come in and been contingently vested or vested. If they have been contingently vested or vested, they will be processed under the code provisions that were in effect when they came in. So they will get the benefit of having been on top of it, but that was pretty much the idea was to stop a rush of applications and others might characterize it as stopping any applications at all because we lost on that one. The Board told us that the County had not, had violated GMA, and so it's hard to look at that with good faith and say but we'll continue to accept applications.

JOHNSON: Exactly. Thank you. No others.

BARCA: No other questions for staff? Is there a representative from the City of Battle Ground here to speak on their portion?

CRUMMETT: Good evening, Commission. Thank you for the opportunity to speak. My name is Sam Crummett. The last name is spelled C-r-u-m-m-e-t-t. I am with the City of Battle Ground and I wanted to thank staff for working with us on getting into compliance.

I want to focus on one item that I think may fall through the cracks and that is on the 82 acres that we are removing from our urban growth boundary in order to be in compliance. We're under the assumption that that area would then revert back to the Rural 5 zoning designation. The City is requesting that an urban reserve overlay be placed on that in order to prevent further subdivision of those properties. It may seem like a moot point because all of the properties in this area are 5 acres, 5-acre parcels, so it would appear that this area would not be able to further subdivide under that designation.

Our point is that I know working in a planning office for the past 15 years, there's creative ways to do boundary line adjustments and cluster subdivisions and things like that where we would -- essentially we don't want to see that area become further densified or parcelized which would prevent us in the future from urbanizing that in the future during the next comprehensive plan update cycle, whenever that is, eight years from now.

The City does have long-term plans of expanding and growing to the west and we would like that area to stay status quo until we have another chance at this during the next comprehensive plan update. Okay. Any questions?

BENDER: Yeah. Did you propose this to Gordy's group?

CRUMMETT: Yeah, we've been working with staff on this so they're aware of it, and I'm sure we'll have a chance to further discuss this.

BARCA: And, Gordy, I don't believe there's urban reserve on this 85 acres now?

EULER: No.

BARCA: Okay. So that would be something that we would have to amend staff recommendation, if we were to accept the City's proposal?

EULER: Yes, you would.

BARCA: Okay. Is everybody clear on that?

JOHNSON: But at this time, Gordy, we're just talking about as far as Battle Ground is removing the 17 parcels; correct?

EULER: Correct, from their urban growth area.

JOHNSON: That would be -- the reserve would be at a different time; correct?

EULER: No. We would do it now, if the City requested it, you recommended it and the Board approved it.

BARCA: So if we're in agreement, we do it now. Anything else for us, sir?

CRUMMETT: That's all. Thank you.

BARCA: All right. Thank you.

WRIGHT: Doesn't creation of that urban reserve run afoul of one of the points we're changing to come into compliance regarding the time and place of placing urban reserves?

EULER: No. No, it wouldn't because what we're proposing is an urban reserve only change as a result of a comp plan update and we're still in a comp plan update.

### **PUBLIC TESTIMONY**

BARCA: Yeah. Okay. Having no other staff or municipal representatives, we're going to start going through the comments from the public, the public list, and I would, indeed, have it be a pleasure if Mr. Coppedge would come forward and give us his testimony here.

COPPEDGE: Three times a winner; right?

BARCA: That's right. So if you would start from the very beginning, including your name, and spell it for the record, please.

COPPEDGE: Okay. Mike Coppedge, actually Gary, I'm Gary Michael. The last spelling, last name spelling is C-o-p-p-e-d-g-e. And I'd just like to save a whole bunch of time and energy, but I don't think I can do it in a half a day now.

Here's the crux of my property, and I can't talk about everybody else's because this one's so pervasive that I've got 55 acres zoned R-20. About four months ago during these meetings and whatnot, I was talking with Christine. She was at a meeting that I asked for and Mr. - I'm going to say Oliver because I can't always pronounce the last name. Sorry. And basically coming to all of these meetings and verbalizing my position and whatnot, finally I was told, Mike, I think we're going to go with 10s on your 20-acre rural. And -- and I said, well, I really want 5s. I have a buyer involved and he builds million dollar houses, actually two of them just sold for over 2 million in Washougal/Camas area, and that's what he wants to do out there. And he'd like to do 10, 5-acre houses, million dollar or more, or if it was going to remain at a 10-acre zoning, then he'd go with 5, 10-acres. A lot of money to the counties and the cities involved with million dollar houses, et cetera.

I was told by Oliver and a couple of other people on the staff that are no longer here, but, Mike, don't fight the 10 acre thing. It's going to go I think, so just be nice and let it. Let us work on it and I think it's going to go. And I said, well, what if I want to go 5s? He said, well, after - and this is Oliver telling me - he said as soon as that's done, the 10s are okayed, then do a zone change request and do 5s, and he said but make sure that you say it's site-specific, otherwise if it's just generally, I guess it doesn't carry much weight, but he said site-specific.

So we did that. I got a letter saying, okay, Mr. Coppedge, your property is zoned from 20 to 10s now and my buyer and his engineer put in for the application and all that stuff to ask for the zone change hearing to 5s. Then I get this letter from Oliver a couple of days ago saying the 10s are going to revert back to 20s. I've already got a sale going and he's -- the buyer's probably got \$30,000 worth of engineering things, you know, already with people coming out and doing inspections and well people coming out for wells and for septic tanks and, et cetera, so that's all already been done. Excuse me, I'm losing my voice.

So I'm just amazed that how in writing and otherwise I am told I've got, and my buyer, is that we've got 10-acre parcels and then we're going to go for the 5s by the specific site zoning change. So now what? Now we're going to be -- what? -- in a great big lawsuit because I'm going to get sued even though I've got all the documentation from the County that says you've got 10 acres and here's a way to do it down to 5 acres and I'm going to have to return and sue back again.

I mean, it's just going to be a terrible mess and I don't get why and the only thing that I can get from just the last few minutes is it sounds like Christine says that we were out of compliance with the GMA and that hurts us if we don't get in compliance because then we don't get loans and money from the State, et cetera, so sacrifice Mike Coppedge and his buyer because we goofed up maybe - I'm not going to say anything other than we goofed up - and we went and gave a 10-acre designation. It's just going to go -- it's just going to go badly.

I mean, I can see the lawyers going clear to the State Supreme Court. In fact, I've already talked to a friend of mine who's a judge in Spokane County real quickly about this and he says, wow. They're going to do that? They're going to try to do that to you? And I said, well, I don't know. I'm just going from this letter that says that we're reneging on your 10-acre zoning and we're going to go back to 20.

Now, I've got a whole bunch of other questions and stuff, but maybe I'll get answers from you guys or get some knowledge or something.

COOK: Mr. Coppedge, did you already apply for the 5-acre zone change?

COPPEDGE: My buyer did.

COOK: Your buyer has already applied --

COPPEDGE: Yes.

COOK: -- for the 5-acre zone change?

COPPEDGE: Yes.

COOK: Is that vested or contingently vested?

COPPEDGE: Well, there was a date, and then for whatever reason, and I'm trying not to get in between the buyer and me because he's got a, I think, a very good engineer and legal advice, but, yeah, my interpretation was they do. They were told to put it off for a little while and we won't charge you the initiation fees and put it off for a little while and we'll look at it again, and the again time is coming up in the next, maybe, June 20th, I'm going to think, off the top of my head.

COOK: Okay. Mr. Coppedge, I cannot possibly respond to the legalities of and the status of your particular application which I haven't seen and I haven't seen the responses to it or anything else you have in your file. If you look at the letter from Dr. Orjiako, I believe it says -- it refers to parcels that were changed from R-20 to R-10 and have not been since divided. So if your land is subject to a vested or contingently vested application for division, then changing it back to R-20 does not apply to you. If your application has not been contingently vested or vested, then it does.

So since I have no idea which it is, I can't tell you what your status is, and that's probably not appropriate right here right now, but if you want to talk to me after the meeting, we can maybe figure something out.

COPPEDGE: Okay. Like I say, the buyer and his engineer is the one that has applied for this and it was put off for whatever reason, I can't remember whatever reason, but it's coming up again pretty soon, June 20th or something, June or July, when it's going to go through the Planning Department and the reason why Oliver, Mr. Oliver told me to do the site-specific thing, he says, because then it doesn't have to go through -- excuse me -- it doesn't have to go through the planning stage commission all over again. It just goes to the --

COOK: Development.

COPPEDGE: -- development --

COOK: Yeah.

COPPEDGE: -- and they decide right then.

COOK: Right. And we don't know what's in your file so we can't tell you where it is right now. But, again, if you want to talk to me after the meeting, stick around and let's figure out what's there.

COPPEDGE: Okay. Appreciate it.

COOK: Sure.

COPPEDGE: Thanks.

BARCA: You'll get the best of all of us right there, if you speak to her.

COPPEDGE: Okay. Thanks.

BARCA: Okay. Next on the list, Mike Hagberg.

HAGBERG: How are you?

BARCA: Welcome.

HAGBERG: My name is Mike Hagberg. I live at 28823 NE 112th Avenue. It's a cluster of 20 acre --

BARCA: Sir, would you just spell your last name for the record, please.

HAGBERG: Oh, H-a-g-b-e-r-g.

BARCA: Thank you.

HAGBERG: I live in an area of 20-acre parcels just north of Lewisville Park. It's called Charter Oak and there's about 14, 20-acre parcels there, and talking to most of my neighbors, they're all surprised that things have switched so quickly, I'm sure as many people are.

So looking over this, it says that the R-20 lands were to act as buffers to natural resource designated lands. Our land isn't butted up against any natural resources land. It's just a cluster of 20-acre parcels surrounded by 5-acre parcels and some 10s, and it doesn't seem to make sense that our cluster of land there is an actual buffer of any sort. At one time it was designated to be separated into 5s and then that was taken away and now this opportunity has come up and now that's been taken away and it's just a little bit of shock as a landowner.

I have two parcels there and my plan in the future was to be able to sell it as 5s or 10s as a retirement and currently I raise horses on there. But I guess the gist of it is I would still like that opportunity and we just find it a real surprise that it's been taken away from us here so quickly. So that's the gist of it.

EULER: Could I ask you a question. So do you know what your zoning was a year ago?

HAGBERG: I have two parcels: one was designated R-20 and the other one is AG-20, and I'm using both of them as ag.

EULER: Okay. And the letter, if you got a letter, only referred to the R-20 parcel; correct?

HAGBERG: I believe it --

EULER: Because what the Board did would have -- what we would have done is probably two things. One is your AG-20 is now currently zoned to AG-10.

HAGBERG: I believe both of them are zoned to 10s.

EULER: That's correct. What we are proposing to do is put them right back to the way they were up until a year ago. So the land you've enjoyed all these years is going to have the same status as it did.

HAGBERG: I understand that, but I was looking forward to using the 10 being able to split them.

EULER: You couldn't have split anything smaller than 10. 10 acres was the minimum parcel size.

HAGBERG: Correct. But I can't do that now.

EULER: That's correct.

COOK: That's correct.

HAGBERG: Right.

EULER: Right. And you wouldn't -- you could have gotten -- if you had acted before the moratorium, you could have split both of them into 10-acre pieces. Now, if you want to say that chance was taken away, yes, it has. But what we're proposing to do is restore what you had before the comp plan was adopted. You'll have two 20-acre parcels.

COOK: Excuse me, sir. Are they adjacent to each other?

HAGBERG: Yes.

COOK: So there is one that was R-20 that was next to a resource zoned property.

EULER: Which is AG-20.

HAGBERG: Correct.

COOK: That was the purpose of the R-20 zone, which was something that the County did to come into compliance with orders of the growth board and the courts.

HAGBERG: I believe that R-20 was brought in by the previous owner because he wanted to put in a cluster, if I'm not mistaken.

COOK: Well, the R-20 designation was established by the County in order to comply with the ruling of the growth board and the courts that the County was required to have a larger rural minimum lot size to buffer resource lands. Your property, your resource or your rural property is next to resource property. That's what it's for. It was put down to a 10 when your resource property was put down to a 10, because as Gordy said, there's no point in having a 20-acre buffer of a 10-acre ag parcel, but now that the ag is going back, the R-10s that were changed 11 months ago or so, 10 and a half are going back to 20s also.

HAGBERG: And another thing about that was I never received a letter notifying me of that status had been changed.

COOK: Well, that was --

HAGBERG: That's the big problem here is communication has just been lousy. When I called



the County about it, they said, well, it's been in the paper. Well, we don't choose to read the paper. We get our news on the internet or whatever. But for all that's going on here, we should have been notified by the County exactly of what our status is, whether it's given to us or taken away from us.

Now I got this letter three days ago notifying me of what's happening now. So maybe I'm another fellow that needs to visit with you after this meeting is over and discuss it a little farther.

COOK: Sure.

HAGBERG: Okay. Thank you very much.

BARCA: Thank you. Sydney Reisbick.

WRIGHT: Mr. Chairman, could I make a quick comment?

BARCA: Certainly.

WRIGHT: The folks out there might be interested to know that when this board was looking at those changes about a year or so ago, we did not recommend the increased zoning densities that have since now are being rescinded; however, that was added by the Board of County Councilors. Of course they have the final authority in all of this, but just so that you understand, we felt at the time that there was a gun to our head, that GMA was a very powerful weapon and to be making those changes was probably not advisable and that's unfortunately the way it turned out. So there's four of us sitting here now that had that position a year ago to keep the lower densities, so...

BARCA: Go ahead Ms. Reisbick.

REISBICK: Okay. Sydney Reisbick, R-e-i-s-b-i-c-k. I just want to say thank you for any decisions you may be making that bring Clark County into compliance with the GMA and decrease sprawl.

I've handed out a general -- a part -- a general part of a credit report. It's in -- and for some people, it's really familiar, but the implications of the general part are really interesting. Note this is not a bell-shaped curve. About a quarter of us citizens are master householders and budgeters. About 40 percent are really good at living within our means, probably more than that. Republicans, Democrats, Progressives, Libertarians and little old people on Social Security are all living according to their means, that includes paying for property taxes, for school bonds, for library bonds, for utility bills which include funds for extending pipes for new development, for police, fire, et cetera. We are living within our means. And many of us, not all, are really encouraging you to support these proposals and decrease sprawl because sprawl costs us more.

So thank you for considering us and our budgets when you decrease sprawl and which increases our taxes, bonds, et cetera. Thank you for -- and utility rates, not to mention penalties. Thank you for hearing this.

BARCA: Any questions for Ms. Reisbick? Thank you.

Roger Sheadel.

SHEADEL: She was going to speak.

BARCA: Okay. Which would take us then to Vonnie Sheadel.

SHEADEL: Hi. I'm Vonnie Sheadel. The last name is spelled S-h-e-a-d-e-l.

And our situation is that we have 28 acres that we wanted to be able -- we were happy to finally be able to split it for just to will it to our two kids, to still leave it natural in large pieces but to be able for us to pass it along to our children. And I see that we probably -- there's not a lot of choice here to becoming compliance, but I propose that for those properties that were negatively affected by this surprise turnaround, if there could be some kind of a soft path for us to get a specific site approval to make those changes, some kind of a fast track for those that we're going to be able to change from 20 to 10 and now cannot to maybe make that a possibility on an individual basis so that the landowners can do what they wanted to do and still be in compliance with the State regulations.

BARCA: I believe we hear you, although I think you've heard enough of what's been stated this evening that being out of compliance is where we're at, I'm not anticipating staff bringing a soft path forward in the near future without us clearly understanding the limitations of the Growth Management Act in a more appropriate way right now. So tonight we hear you and we're taking the testimony, but we're focused on just trying to get back into compliance.

SHEADEL: Thank you.

BARCA: Thank you.

Lucy Krantz.

KRANTZ: My name is Lucy Krantz and I just want to say thank you very, very much for coming into compliance with GMA.

Having been here all last year off and on for everything, I could tell that the changes that were being put through were not going to be GMA compliant. And I'm sorry for the people who got mixed up in all of this, but I am very happy to see that the County is doing the right thing for GMA. It's a very good comprehensive plan for the entire state, which means for all of us and

I'm very happy that this is happening. Thank you.

BARCA: Thank you.

LeAnne Bremer.

BREMER: Good evening, Commissioners. My name is LeAnne Bremer, B-r-e-m-e-r, 500 Broadway, Suite 400, Vancouver, 98660. I'm here tonight representing Martin and Cherie Nye. And I'm handing up a memo to you, a short memo that I'm going to just summarize and there are maps attached as Exhibits A and B, which will help you follow along on where their property is.

Essentially the Nyes own six pieces of property that are currently zoned R-10 and those properties are shown on Exhibit A, and just to orient you, it's a little north of NW 209th Street and west of NW 51st Avenue. And you'll see on the colored map in Exhibit B, I have an arrow pointing to where their properties are. There are other properties in that yellow area, other than the Nyes, but they have six parcels in that area and you'll see that on the north is R-5, on the south is R-5 and then to the east of their property is ag.

So the Nyes would ask that you not revert their zoning back to R-20 for these reasons. First, in reference to the staff report before you this evening, it acknowledges that the change from R-20 to R-10 was not challenged specifically, and this is an important point because I think there was earlier discussion about whether you are required to make these changes, and in this case, this is not one of the areas where you're required to make a change from the R-20 to the R-10. You're under no compulsion to make that change because the R-10 zoning in and of itself was not challenged by FutureWise and it was overruled by the hearings board.

What was challenged was the fact that the County adopted a single rural comp plan designation. Now, that's different than the zoning. It's that you had a single rural comp plan designation. FutureWise challenged that saying you can't have just a single rural comp plan designation. The Growth Management Act requires a variety of rural densities, which is true, and the argument was, well, you achieve that variety by having the three different rural zoning: you got the R-20 and the R 10 and the R-5.

The growth board said that's not good enough, County. You need to have corresponding comp plan designations to each of those zoning categories, and that part, I agree, that that has to be fixed, so you need to have a Rural 20 and a Rural 10 and a Rural 5 comp plan designation. But the zoning is separate from that and you can still have R-10 zoning obviously. And we would argue that in this case, the R-10 should remain on the Nyes property. And it further this idea of providing a variety of rural densities that the Growth Management Act requires.

And in terms of the Nyes' property, I mean, it's a good candidate for R-10 because it's R-5 on both -- on two sides and ag just on one side and so you'd have a good transition between R-5, then you'd have R-10 and then you'd have the AG-20, so it wouldn't be such a stark change

from the R-5 that surrounds their property to an R-20, and the maps will show that there is significant parcelization north and south of their properties.

The County code currently has rezone criteria. I suspect Ms. Cook might say that that doesn't apply to County initiated rezones, but I think it's a good guide for the Planning Commission and the Board of County Councilors to look at those rezone criteria, because R-10 zoning was adopted by the County Councilors and it was not overturned by the hearings board, so it is the zoning today. And in order to do a rezone, typically you have to meet these four criteria, including there's a change in circumstances. There was a mapping error and what have you and there really hasn't been any change along those lines that would justify going back to R-20 in this case. So for all those reasons we would ask you to keep the Nyes property R-10.

BARCA: Questions for Ms. Bremer? Any questions? No?

JOHNSON: So just for clarification, you said your position is the zoning doesn't need to change --

BREMER: Correct.

JOHNSON: -- even though the designation must change?

BREMER: The comp plan designation must change. It can't be just rural. It has to be Rural 10 in this case, I hope, but, yes, but the zoning, the hearings board did not order, did not find that R-10 zoning noncompliant and Ms. Cook could confirm that.

COOK: I will confirm that in 2017 the growth board did not find that change noncompliant. I will also confirm that the R-20 designation was established on those properties to begin with as part of compliance, so that's where it came from. It was only changed to R-10 because the ag properties that actually do go around the corner of the Nye properties there because those were changed to AG-10.

Now that they're changed back, planning has determined that it makes good logical sense to go back to what we were told was compliant in the first place and necessary for compliance in the first place, so that that is the County's position on that at this point.

BARCA: Anything else for Ms. Bremer? Thank you very much.

BREMER: Thank you.

BARCA: Sue Marshall.

MARSHALL: Chair Barca, members of the Commission, my name is Sue Marshall, M-a-r-s-h-a-l-l. I reside at 4316 NW 169th Street in Ridgely. I'm here on behalf of Friends of Clark County in support of the proposed amendments described in the staff report.

We believe that adoption of the proposed amendments is a proactive and positive step toward bringing the County's comprehensive plan into compliance with the final decision and order issued by the Growth Management Hearings Board on March 23rd of this year. We greatly appreciate the leadership of the County Council in taking the necessary steps to initiate the process and the staff in preparing the amendments which we believe and we hope will lead to their passage and implementation.

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

Friends of Clark County's overreaching goal has been and remains to ensure that the comp plan as adopted will not undermine the long-term commercial viability of agriculture and forest lands or impose additional development pressures on the natural resources in this county. We support these amendments and believe they will help to achieve that goal.

Just on a personal note, we own a 20-acre family farm in Ridgefield. Restoring the AG-20 designation we believe will lead to long-term protection of that property which is both our goal and represents our values as family farmers. Also returning to the AG-20 zoning would allow us to apply for a lot reconfiguration which would add an additional 9 acres to our farm from an adjoining property owner. This was our original plan, but with the adoption of the 2016 comp plan, we're no longer eligible to apply for reconfiguration.

It's our plan to plant a Hazelnut orchard on our property this fall, and if you figure approximately \$3,000 per acre at maturity, the scale of our operation really matters to our bottom line, adding almost \$27,000 annually to our gross income, as you can imagine, will help us more quickly recoup from our initial capital outlay.

I guess the bottom line is we're in it to farm the land for the long-term. So I thank you for your consideration and urge you to move forward with the recommendation to the Council in support of the proposed amendments. Thank you.

BARCA: Questions for Ms. Marshall? Thank you.

MARSHALL: Thanks.

BARCA: Next is Rob Baur.

BAUR: Yeah. I'm Rob Baur, B-a-u-r, no e. I'm speaking in favor of the AG-20.

It seems to me that the professional judgment of staff and the Council was overridden by some radical County Commissioners and that's caused lots of confusion and disruption and it actually caused us confusion and disruption because we were planning on adding on another 9 acres to make our farm larger, and instead of three 10-acre farms, we would have a 27-acre farm and three one-acre lots would be more efficient as a farm, much more cost effective and with this ill-advised and apparently illegal change in the rules, that stopped us in our tracks. So we hope we can move forward with the adoption of returning.

And you say you're changing from AG-10 to AG-20, you're returning. The change, original change was incorrect and invalid. That's what people don't seem to understand, that it wasn't right and we're turning to what is right and correct. We hope to start other people growing Hazelnuts. My hat says Hazelnut Growers of Oregon. We'd love to see hats with Hazelnut Growers of Washington bringing, you know, jobs and sustainable farming in the county.

And I would further propose that the lot line reallocation only is used on lots that are legal nonconforming, but it would be good if it was a broader opportunity to do lot line reallocation where you could absorb land from your neighbors to create a larger farm without them necessarily being legal but nonconforming, that's in the rules there, it would help people expand their farms and still leave people with, you know, an acre to live on but transfer the farmable land to the neighbor that would use it and to farm it.

So thank you for following the rule of law and going back, returning to AG-20. Thanks.

BARCA: Thank you. Questions? No? Okay. Thanks.

All right. That takes us to our second sign-up sheet. Teri Slattery. Teri, yes.

SLATTERY: I don't care to speak at this time.

BARCA: All right. Thank you.

SLATTERY: I'm not as informed as I need to be.

BARCA: Okay. And Larry, do you wish to come forward?

SLATTERY: No, thank you.

BARCA: All right. We're to Gerry M. and I believe it's Copley. Oh, that was you, Coppedge. You got anything else? No, I'm kidding. Stay there.

Val Alexander. No testimony?

Okay. So that is the written sign-up sheet. Anybody else in the audience that wishes to speak on the comprehensive plan update, we welcome you to come forward. Please state

your name and spell your last name for us. Thank you.

LAMOUREAUX: Sure thing. Good evening. My name is Chris Lamoureux and the last name is spelled L-a-m-o-u-r-e-a-u-x.

I have a couple of questions probably to be fielded by staff with regard to the moratorium. Is the moratorium henceforth going to be on all Rural 5, 10 and 20 properties in Clark County or is it just those 283 parcels that were affected by this, you know, that got the reversion?

COOK: There are other options. It is not a moratorium on every land division in the rural area. It's a moratorium on land divisions that were only enabled because of the one comp plan. So it's a moratorium on any land divisions from R-20, say, to R-5, that would be filed as zone changes rather than comp plan changes.

And then it's also a moratorium on applications to, well, I said R-20 to R-5, that's a zone change. Also if you have an R-20 or you have a -- and you're in the R-10 district, it's a moratorium on splitting it, unless you could have done it the same way prior to the comp plan change. So does that explain it?

LAMOUREAUX: Oh, crystal clear.

COOK: Oh, good. I'm sorry. I may be -- my brain may be running down.

LAMOUREAUX: I was just to -- I guess, I was just trying to understand, you know, if something -- if I owned a property that was R-20 and it got changed to R-10 and now it's going back to R-20 --

COOK: Right.

LAMOUREAUX: -- the moratorium would be on that property to subdivide or to rezone?

COOK: The moratorium would prevent --

LAMOUREAUX: Rezone it to a 10 or a 5?

COOK: Through the rezoning process, yes.

LAMOUREAUX: Correct. Okay. And is there a time frame associated with the moratorium or is it just --

COOK: Well, there has to be a public hearing held by the Board to keep the moratorium going until, for example, the changes that would take the plan back to the way it was before and become compliant come into effect. So that public hearing is scheduled for June 20th, and I think there's an extra three days after that. It has to be within 60 days of the initial adoption.

EULER: What will happen is when, if the Board may, takes an action to come into compliance, your parcel will be R-20. What we're complying with is that there will now be three comprehensive plan designations for Rural capital R property, R-5, R-10, R-20. If you want -- if you have -- if you're in R-10, for example, and you have 20 acres, you can still file an application. Now it will be a comprehensive plan and a zone change as opposed to just a zone change. That's the difference. It's not a moratorium on all time, land for all time. It's to get us into compliance so we don't mess anybody, there aren't any other messes created, then the process for rural property will open up again.

LAMOUREAUX: Sure. Okay.

COOK: What he said.

LAMOUREAUX: Good answer. Well, I moved to Clark County just over a year ago and one of the reasons we purchased where we did was because it was R-20 and we like the more rural setting, the larger parcels, and I strongly support the revision back to R-20.

And I would, specifically, I also own a piece of property that is adjacent to the Nyes who just had their attorney testify before the Commission and I would state my opposition to any sort of exception for them specifically. Again, for the previously stated reason, that we enjoy the larger parcels and we prefer not to see, you know, some urban sprawl come up next to us. I appreciate your time and thank you for your responses.

BARCA: Thank you. Anybody else from the audience wishing to come forward?

Okay. Seeing none, we're going to return it back to the Planning Commission. Discussion?

#### **RETURN TO PLANNING COMMISSION**

JOHNSON: Well, I am, again, sympathetic to those who noticed, late noticed, not noticed. I teach school in Battle Ground School District and I am a planning commissioner and I understand that and it's frustrating.

As a member of the Planning Commission who walked through this process before, some people have been here, it was in my words messy. It was fast. It was under great duress. It was multiple amounts of changes. It was data sometimes stacked this high that I would read at lunch and say why are we getting this now and this decision had to be made so quick. We - and this is going to sound horrible, because when I hear it from people, it sounds like a cop-out - we did the best we can as fast as we could. And I don't want to throw this back to the Councilors to take it. We take responsibility for what happened and we're people, we represent you at some level and sorry doesn't fix when somebody wants to do this or we started this.



What I can say is that there are a lot of forces that govern this process. Staff is very good at helping us understand it as much as you understand it and Chris is very good at saying, hey, here's your parameters. Sadly in my mind, and we have, I have to -- my con- -- in good conscious have to do this, because if not, the ugliness that the hearings board can bring down on the County is not something as simple as a loan or a -- you know, it is how this functions.

So I'm inclined to look at this and give an apology, for what it's worth, and say it shouldn't have happened this way. We should have done it the right way and we were told the right way and now we have to fix that, so...

WRIGHT: Well, I'd like to add some personal thoughts on this whole process. I like to consider myself an advocate of private property rights, and as we went through this process, it was very discouraging to see how the State law limits the jurisdictions in how they can -- how they can zone and plan for certain properties. You know, whether it's wise or not, it's not particularly the deciding factor.

I think adherence to what the Growth Management Hearing Board says and the people that put the Growth Management Act into law have more of a say, and I don't think that's right as public policy, but it is a fact and every ten years or so we butt our heads up against it and have to come back with our tail between our legs to make it right. So, you know, regardless of our political persuasion, spitting in the wind is still spitting in the wind and I'm sorry that's the case, but it seems very apparent that's where we're at.

BARCA: Others? No? Okay. So to kind of yield the floor to Chris.

COOK: I think we're going to suggest, for the sake of clarity and because there may be some points there that you agree with and some that you disagree with, we're going to ask you to go down the list and vote on each of these six items there separately.

BARCA: Okay. So staff's request is to go down the list and vote them individually up or down. So then I guess I need a clarification from staff. Are there any of these that we feel we could vote against that would not have repercussions as to whether we were out of compliance or not or must we actually adopt all of these to be in compliance?

EULER: Yes.

BARCA: Okay. So we must adopt them all to be in compliance, but you would like to see us vote on them individually?

EULER: That's correct.

BARCA: Okay. I just wanted to be clear on what we were accomplishing. Okay.

Well, before we get to the motion, I would like to also add my thoughts on what we went

through in this regard is we always are trying to balance the desires of the existing citizenry and the landowners both rural and urban when we take into account our choices. We like to give individuals as much freedom to do with their property as they choose without burdening their neighbors and adjacent constituency with the idea of how that choice turns out.

When we looked at the comp plan options, we came to a conclusion, I believe it was 6 to 1, that the budget issue alone was what allowed us to make the decision that adding the densities to the rural lands did not put us in a favorable position with the tax burden that was going to come with that choice. I don't believe we ever had any data from any side that argued that point, and I believe our particular case was very clear in that regard was for the change of those designations, there was going to be a significant impact to the population at large.

As has been stated, we are not the final decision-makers and so we live with the consequences of what the Board of Councilors chooses and that's what this exercise is tonight. And having clarified with staff that we are running this exercise to come back into compliance, we are going to do our best to try and make that happen.

So if there's no other discussion, I am open for a motion for the items that appear in front of us on the screen, I think, is the easiest way to go through it one at a time.

JOHNSON: I make a **MOTION** to change AG-10 and Forest 20 zoning back to AG-20 and Forest 40 and eliminate the clustering option.

BENDER: I **second**.

BARCA: It's been motioned and seconded. No discussion? Roll call, please.

#### **ROLL CALL VOTE**

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

WRIGHT: AYE

BARCA: AYE

BARCA: Motion for the next item.

BENDER: Make a **MOTION** to change R-10 zoning to R-20 zoning.

WRIGHT: **Second**.

BARCA: Motion and seconded. Roll call, please.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

BARCA: And the next one.

JOHNSON: Make a **MOTION** amending the comp plan map to provide for three Rural designations, R-5, R-10, R-20, each implemented by its own zone.

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

BARCA: Motion and seconded. Roll call.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

BARCA: And Number 4, please.

WRIGHT: I make a **MOTION** that the urban reserve overlay be left as an overlay, eliminating -- excuse me -- eliminate the use list, and change only with a comp plan update.

GRIMWADE: I'll **second**.

BARCA: It's been motioned and seconded. Roll call.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

BARCA: And now for Number 5.

BENDER: I make a **MOTION** we establish a minimum size for RILB as 700 acres.

GRIMWADE: **Second.**

BARCA: Been motioned and seconded. Any discussion?

SWINDELL: Point of clarification.

BARCA: Yes.

SWINDELL: He said minimum. I believe it says maximum.

BENDER: I'm sorry. Maximum. Excuse me.

BARCA: Thank you for clarifying that.

Does the second still hold?

GRIMWADE: Yes.

BARCA: Okay. And roll call.

**ROLL CALL VOTE**

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

WRIGHT: AYE

BARCA: AYE

BARCA: And the last item concerning Battle Ground.

SWINDELL: I make a **MOTION** removing 17 parcels from the Battle Ground UGA.

COOK: And I would point out that the representative from Battle Ground asked for what I would consider an amendment to this, which would be to impose an urban reserve overlay on those parcels.

JOHNSON: I would like to add -- oh, go ahead.

SWINDELL: As so stated by the counsel.

GRIMWADE: **Second.**

BARCA: So staff recommendation with an amendment.

GRIMWADE: I second it with the amendment.

BARCA: Seconded with the amendment. Discussion?

BENDER: Yeah, I would like Chris' legal opinion on that.

COOK: It's a matter of interest to me whether imposing the urban reserve overlay has a lot of significance in this case because as Mr. Crummett said these are by and large 5-acre parcels. Most of them or at least many of them are already residentially developed; however, as he said, landowners can become creative with boundary line adjustments and clusters and so forth.

Since this was appealed, the City of Battle Ground has consistently said but we want to protect them from further division. This is the way that they think, that they believe that will happen, and certainly if they have the urban reserve 20 overlay, which is what they've asked for, there will not be any clustering there, so that would be effective. Again, as to what -- how real that possibility is, I don't know, but they are very close to it, so I assume they're better informed than I.

BARCA: Is that adequate, Richard?

BENDER: Thank you, yes.

BARCA: Okay. So we have a motion on the table and it had been seconded. Any more discussion?

WRIGHT: Is the motion on the amendment?

BARCA: With includes the amendment, yes, it does.

WRIGHT: I'm a little concerned that we're rushed as far as the overlay for the Battle Ground UGA. Normally we have more discussion and deliberation on something like that. I think I'd be inclined to vote against the amendment before the vote at least.

BARCA: So certainly that is your right. If the Commission would like to table the motion to have some discussion, we would vote to table it and have that discussion; otherwise, if we feel like we're ready to vote, we can vote it up or down at our individual discretion.

WRIGHT: But can I call the question on the amendment separate from the motion, the main motion?

BARCA: You'd like to vote the amendment as a separate item?

WRIGHT: That's typically, I believe, how it's done.

BARCA: Yes. We have no objection to the motion or the second to do that?

BENDER: You want a motion on voting the --

BARCA: He's asking for the amendment to be voted separately.

BENDER: I'm inclined to go with Chris' recommendation, because I have seen too many times developments come in in the back door and rules and regulations, and if Battle Ground wants it, it's basically in their benefit. It does not have any detriment to the County as a whole.

BARCA: Okay. So I believe, Richard, the question is whether we have a single vote which removes the 17 parcels from the Battle Ground UGA with an overlay as a up or down vote, that's one method, or what has been requested is to vote the removal of the parcels and as a vote and then a separate vote to apply the overlay.

BENDER: I **endorse Bill's second vote**.

BARCA: Are we all good with that? Okay. We're going to handle this in two parts then.

JOHNSON: I **MOVE** we accept the recommendation on removing 17 parcels from the Battle Ground UGA.

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

BARCA: Okay. So I think we've had discussion on that. Let's go ahead and roll call on that question.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: AYE  
SWINDELL: AYE  
WRIGHT: AYE  
BARCA: AYE

BARCA: And now the amendment, please.

**ROLL CALL VOTE**

BENDER: AYE  
GRIMWADE: AYE  
JOHNSON: NO  
SWINDELL: AYE  
WRIGHT: NO  
BARCA: AYE

BARCA: So it carries 4/2. And I believe we've run out of things to vote on, so that takes us through the comprehensive plan update.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

**ADJOURNMENT**

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://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Proceedings can be viewed on CTV on the following web page link:

<http://www.cvtv.org/>

*Minutes Transcribed by:*

*Cindy Holley, Court Reporter/Rider & Associates, Inc.*

*Sonja Wiser, Program Assistant, Clark County Community Planning*