

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, SEPTEMBER 18, 2008**

Public Services Center
BOCC Hearing Room
1300 Franklin Street, 6th Floor
Vancouver, WA

6:30 p.m.

CALL TO ORDER

DELEISSEGUES: Good evening everyone. I'll call the Clark County Planning Commission to order tonight, September the 18th, for the public hearing. May we have roll call, please.

RUPLEY: ABSENT
BARCA: HERE
ALLEN: HERE
VARTANIAN: HERE
MORASCH: HERE
DELEISSEGUES: HERE
WRISTON: HERE

Other: Oliver Orjiako, Community Planning Acting Director; Michael Mabrey, Planner III; Jeff Niten, Planner III; Christine Cook, Prosecuting Attorney; Chris Horne, Prosecuting Attorney; and Sonja Wiser, Administrative Assistant.

GENERAL & NEW BUSINESS

A. Approval of Agenda for September 18, 2008

DELEISSEGUES: Move to general and new business, is there any corrections or changes to the agenda for tonight, Jeff, any?

NITEN: No, there are not.

B. Approval of Minutes for August 21, 2008

DELEISSEGUES: Okay, thank you. Approval of the minutes for August 21st --

VARTANIAN: So moved.

DELEISSEGUES: -- anyone have any changes or corrections? I do if no one else does. On Page 9 I believe at the very top of the page where it says Allen I think Milada seconded the motion but there's nothing written there so just to make sure that motion had a second. Any other changes? Do we have a motion? Anybody want to move to approve?

VARTANIAN: I make a **MOTION** we **approve** the agenda for tonight.

DELEISSEGUES: The minutes.

VARTANIAN: And the minutes.

ALLEN: And amendment.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

C. Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. 2008 DOCKETS

1. CPZ2008-00001 Warta

The property owners are seeking to change the Comprehensive Plan and zoning designation for parcels 143253-002, 143253-004 and 143253-006 (50.09 acres) from Resource Lands Agriculture with AG-20 zoning to Rural 5 and R-5 zoning, located at 36400 SE 20th St., Washougal.

Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov

DELEISSEGUES: Okay. We'll move to the public hearing items. CPZ2008-00001, Warta. Do we have a staff report?

NITEN: We do, Commissioners. Jeff Niten with Clark County Community Planning. The first one we'll hear tonight is the Warta rezone request, comprehensive plan amendment request. This request was first brought before you in May, May 15th, and was continued at that time to July 17th. We did not have a quorum of the Planning Commission on July 17th and this case was continued until this evening.

The property owners are requesting a comprehensive plan amendment and zone change for 60.1 acres of resource lands agriculture AG-20 to Rural 5 with R-5 zoning. The parcel numbers are 143253-002, 143253-004 and 143253-006. The comments we've received, we received a letter of support, an E-mail of support, which you should have a copy of, from Roger D. Daniels of Washougal, and we also received a letter from the Washington Department of Fish and Wildlife which you should also have a copy of.

Criteria A for this proposal, the GMA definition of long-term commercial significance

indicates that the land's proximity to urban areas and the possibility of more intense uses of the land be taken under consideration. This site is in close proximity to areas developed for rural residences and there is little visible agricultural activity in the area with the exception of grazing. Additionally, Washougal's recently expanded urban growth boundaries immediately adjacent to this property to the southwest. Page 4 of the staff report, while the property has been used in the past for grazing, it is the applicant's declaration that explains why conditions are no longer favorable at this time. Unfavorable conditions include the limited availability of water for irrigation, the geographic features of the property which slope facing southwest allowing the sun to dry the ground through the late summer months and there's a lack of a nearby livestock market, the closest one is in Toppenish about 300 miles round-trip from the subject property.

Page 5 at the bottom, approval of this application will not result in further encroachment of rural residential uses into designated areas designated as resource land and the subject site is surrounded by rural residential uses to the north, east and west on predominantly five-acre sites. And Page 8 of the staff report, granting a rural residential land use designation for the subject site is consistent with the Economic Development Policy 9.8.1. The applicant states many of the five-acre home sites surrounding the subject property are currently in limited production of berries and trees at this time and staff concludes that Criteria A has been met.

Criteria B, the proponent shall demonstrate the designation is in conformance with the appropriate locational criteria and staff finds that the proposed Rural 5 designation is in conformance with the comprehensive plan locational criteria and zoning district purpose statement for the R-5 district, Criteria B is met.

Criteria C, map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites. Potentially ten new low density home sites would be allowed under the R-5 zoning if the request for the subject parcels is granted. The applicant cites a study completed on the applicant's behalf that shows approximately .006 percent of the existing lots are for sale currently and staff believes that Criteria A (sic) has been met.

And Criteria D, there have been significant recent changes in the area with the expansion of Washougal's urban growth boundary directly adjacent to the southwest from the subject site and Criteria D has been met.

And Criteria E, due to the limited number of expected future households and the intent to serve the site with well water and septic systems, public services are not expected to be significantly impacted and no significant impacts to the transportation system are expected to result from this proposal, Criteria E has been met.

Criteria F, the majority of the parcels in the vicinity of the subject site whether zoned R-5 or AG-20 have been subdivided into five-acre size lot sizes for single-family home sites and Criteria F has been met.

G, the applicants have demonstrated that the site does not meet the criteria for the

agriculture resource designation and Criteria G has been met.

Criteria H, the amendment shall meet the locational criteria for the requested designation and staff believes that has also been met. And we recommend approval of this application.

DELEISSEGUES: Okay, thank you, Jeff. Any questions of staff?

ALLEN: Yes. On Page 3 my version of the staff report in the findings it says "the proposal is not consistent with all of the applicable stated GMA goals" and then it goes to specifies to which ones it's not consistent with, yet what I heard you say was that it is and so does the summary in the back.

NITEN: The State GMA goals, some of which are contradictory, The findings as far as the GMA definition of long-term commercial significance is what staff focused on when rendering a decision on this report. Or rendering a recommendation on this report.

ALLEN: But the staff report still says that the proposal is not consistent with all of the applicable State GMA goals and then goes on to say that the proposal to redesignate and rezone agricultural resource lands to rural residential is not consistent with the intent of GMA Goal 8 to preserve these lands. And then despite the fact that two of the parcels already house residences.

It goes on to say one of the three parcels meets the lot size criteria for AG-20, so ergo the other ones don't, but then goes on to say "approving this request would allow residential development outside of urban areas, GMA Goal 1, and is inconsistent." It does not say it is consistent, it says it is inconsistent with the State's goal to reduce sprawl. So I'm a little bit confused. You know, I'm hearing something totally different than what the staff report says to me.

NITEN: The State GMA Goals to meet Goal 1, Goal 2, Goal 4 and Goal 8 which was what this proposal was evaluated under has been --

ALLEN: Okay. And then in the May 5th memorandum from Clark County, excuse me, from County counsel, it says that "based upon legal advice and recommendation in the Warta annual review staff report must be changed. The application does not meet all criteria contained in the Washington Administration Code and the Growth Management Act for changes from a resource land designation to a nonresource designation."

And then it goes through the spreadsheet itself, but then also it goes further, "the analysis of Criteria G contained in the staff report Page 10 concluded this site does meet the requirements for resource land designation." So what changed and if there was change, why wasn't the staff report changed to reflect that?

NITEN: There was change, the applicant submitted a supplemental information packet which you should have in your binder dated I believe July --

ALLEN: Does the staff report address that particular memo? I do not see a summary in the staff report about that memo.

NITEN: The supplemental information was submitted June 24th, 2008 which we found adequately addressed the deficiencies in the initial submittal.

ALLEN: Now since this says "based upon legal advice" would it be possible to maybe have County counsel address this particular memo?

HORNE: Good evening. For the record my name is Chris Horne, I'm a Deputy Prosecutor for Clark County. This memo that you're referring to I think actually was the result of a discussion with Mr. Lowry with Jeff regarding GMA and the phrase that was at issue at that time was whether or not there were two provisions that was written in the conjunctive, A and B had to be satisfied and because it didn't meet A and B it was not met.

But in fact the determination that staff made later on based on the supplemental packets, and I think that was primarily based on the property owners coming in to say that water was no longer available and the fact that if I recall correctly in his presentation he said that the market for cattle even to the extent he had it, because I think one of the Board members asked him how many cattle he had on his site and he objected at one point because he said something about asking a farmer or I mean a cattleman how many cattle he has is like asking how much money he has in the bank.

In any event, he answered that and indicated that it no longer was really viable because the markets that used to be available, there was one market in Portland that closed up I think it was off of Marine and there was another one up in Thurston County and he had indicated the most recent or the nearest market was near Toppenish and due to the both water problems and the lack of an available market for his cattle, agriculture, and the proximity of neighboring urban uses, the ability to continue doing agricultural practices was becoming impossible and no longer a viable option.

I think that based on that staff concluded that they met both criteria. That came from Mr. Lowry's memorandum and that's why staff changed their determination but I'll let Jeff fully elaborate on that, but that's kind of my memory which I'm going back a little bit so that's the best I can tell you right now.

NITEN: You're, that's correct.

ALLEN: So even though there's some other agricultural production possibilities that do not necessarily require all that water --

HORNE: Well, in --

ALLEN: -- I mean grazing normally does not really require watering either but --

HORNE: Well, certainly you have to feed the animals. I'm not of course --

ALLEN: Right.

HORNE: -- a proponent --

ALLEN: Right.

HORNE: -- and I'm just trying to provide advice for the panel, but I would agree, I know that it requires some watering because I'm a little familiar with the operation, but it is certainly true that the mere fact that a particular operation is not financially viable does not mean that land otherwise that meets all the goals or that meets all the criteria for agricultural lands of long-term commercial significance don't lose that characteristic, but certainly that's a factor.

And in the fact that it is and the other factors in this case, that is the proximity of urban development and the inability to get animals that you do have to market, is also a factor that the panel and that staff I believe considered so ultimately it is a weighing for this panel.

ALLEN: So in this particular case the RCW when it specifies that financial criteria or availability of water or as long as the soil is able to produce something in the future does not apply?

HORNE: Well, there's no single criteria that's determinative of this issue so you look to all --

ALLEN: It's not all cum?

HORNE: I'm sorry?

ALLEN: They don't have to meet every single criteria, just one or two criteria?

HORNE: Well, I don't think the Court has even become that specific in terms of how they answer this question, but what I would try to say is that you don't have to meet every criteria and there is a certain amount of balancing. To a certain extent some of these criteria are inconsistent, if you meet one you're not likely to meet another and so it requires a balancing for the Board in terms of what the particular circumstances are that the land faces and then there's a judgment to which you're entitled to some discretion.

ALLEN: Thank you.

DELEISSEGUES: What I'd like to add, I think we discussed that in-depth the last time that we discussed Warta and --

HORNE: Yes.

DELEISSEGUES: -- we went over that and I think we went over every possible option that we had and came to the conclusion that you well summarized, so thank you.

HORNE: Certainly.

DELEISSEGUES: Anything further from the questions of staff? Hear from the applicant, please.

BREMER: Good evening, Mr. Chair, Commissioners. For the record my name is LeAnne Bremer representing the applicants John and Georgina Warta and their company Green Arbor Development and John Warta's to my left here. My address is 500 Broadway, Suite 400, Vancouver 98660. And we were here in May and gave a fairly detailed presentation, I don't need to repeat all of that, and especially since Mr. Niten did an excellent job summarizing the staff report, we certainly support staff's recommendation this evening.

And I wanted to clarify an issue that came up last time and that Ms. Allen just raised. In the County code, ignoring Growth Management Act and the WAC and the case law and all of that, in the County code there are five criteria, we must meet all of them, five criteria we must meet before you can approve our comp plan amendment. And they are consistency with GMA and countywide planning policies, conformance with location criteria, site suitability and lack of appropriately designated sites, substantial change of conditions or better implements policy and adequate public facilities and services, those are the five criteria we have to meet in the County code, all of them.

The problem last time around for Mr. Lowry is the first staff report found I think we met three of those criteria and not two of them.

NITEN: Four.

BREMER: Four? Four. And I agree that that was a legal deficiency and so we welcomed the continuance to be able to supplement the application and the narrative with additional evidence and argument on why we met all five County criteria and we did that and I thank staff for their willingness to meet with us and review our additional information so that's the five County criteria.

Where there's confusion I think is, and maybe in Mr. Lowry's memo, we don't have to meet all GMA goals and policies and that would be impossible. There's nine GMA goals, some of them are competing, there's scores of pages of GMA policies in your comp plan, so that's not what Mr. Lowry is saying, that we have to meet every single one of those because it's not possible, what we have to do is meet the five criteria I outlined. And really it all boils down there's a lot of criteria and there's a lot of factors and all of that, but what it really boils down to is this property suitable for the ag designation and the staff report goes into a real good analysis of why it is not. And first and foremost soils, we simply do not have prime agricultural soils and that's uncontested. And I know soils isn't the only criteria, and I never argue it would be, but it is an important one and the case law supports that so right off the bat we have lack of prime agricultural soils.

And then Mr. Warta's testimony last time, and we introduced it in written form into the record, pretty much underscores that this property is not primarily devoted to agricultural

production, nor does it have long-term commercial significance, there's limited water, no water rights for irrigation, the land cannot support hay production year-round for the cattle, the feed has to be brought in, you heard about the market being 150 miles away one way, slopes make it difficult to till, that you can see the parcelization all around this property even with land to the north zoned AG-20, noise and traffic bother the cattle, scarcity of animal vets, et cetera, so all that's in the record to support the Rural 5 designation.

And a word about the current use classification, I think it came up at the work session in August and I just want to clarify, it's not a tax exemption, it's a tax deferral and, yes, we're in the current use program and it's a fairly low threshold to that we have to meet to keep it in terms of income per year, but in any event it's deferral, once we take this land out of the current use program, seven years back taxes interest and 20 percent penalties will be due. So this is all money that's coming to the County and so it's not an exemption, it's not a free ride, the County will recover their taxes. And so I would just urge you for all the reasons in the staff report and what we've said tonight that you support this request. John, did you want to add anything?

WARTA: No.

BREMER: We're available for questions.

DELEISSEGUES: Questions of the applicant?

WRISTON: We may eventually depending on the testimony.

BARCA: Use the microphone.

WRISTON: We may eventually depending on the testimony.

DELEISSEGUES: Yeah, okay. Okay, well, thank you.

BREMER: Thanks.

DELEISSEGUES: There's no other names on the sign-up sheet, but does anyone in the audience wish to testify on this matter? Seeing none, we'll return it to the Planning Commission, then, for deliberation. So any comments, concerns?

ALLEN: I have a question.

DELEISSEGUES: Milada, go ahead.

ALLEN: On Page 4 in the Findings it was talking about while the decision to expand the urban growth boundary has been overturned by the Western Washington Growth Management Hearings Board, the County and others are appealing the decision, what's the status on that for this particular area?

HORNE: That's an interesting question. There was a request made to move this appeal

directly to the Court of Appeals because any decision made by the Superior Court would not have any weight in the Court of Appeals and so everyone thought that it might be quicker and more efficient just to go directly to the Court of Appeals. Curiously, the Growth Management Hearings Board has the ability to effectively block that and they did. So they indicated they wanted this to go first to Superior Court and we received that decision, our office made contact with all the other parties and has scheduled a hearing to get this back into Superior Court.

We've received a billing notice from the Western Washington Growth Management Hearings Board regarding the amount of money to prepare the record and we'll be scheduling within the next I believe three weeks, maybe four, the hearing. This has been set in front of multiple judges so we're going to seek to consolidate it so it's considered by only one Superior Court judge. The judges themselves want to do that, there's no sense in having four different judges consider or five different judges consider essentially the same issues. So we'll seek consolidation and then we'll set up the briefing schedules and that should be happening in October.

ALLEN: Okay, thank you.

HORNE: Certainly.

DELEISSEGUES: Any other questions? George.

VARTANIAN: Yeah, I just had maybe more a matter of procedural than anything else, but we have this letter from the Department of Fish and Wildlife and it pretty much makes a statement that it meets the qualifications for ag lands, does the County ever take a position in answering this kind of a letter that says basically contrary to what the County seems to think?

HORNE: I think that the Department of Fish and Wildlife can become a party and, yes, I think staff does, staff or the applicant has to respond because if in fact the evidence provided by Fish and Wildlife or any other party if it shows that they haven't demonstrated the qualification of the application or that the application warrants a change, then it can occur. So whether it's Fish and Wildlife or any other party, I think you'll find that staff and the applicant are prepared to respond to that letter.

ALLEN: Have they responded?

HORNE: I'm not sure exactly. I didn't notice the date on that letter and so I don't know if there's a --

ALLEN: September 3.

HORNE: -- I don't know if there's a written response that Jeff Niten's prepared.

NITEN: Not yet, but we will prior to the Board hearing.

VARTANIAN: I'm not quite sure I understand how you could respond to it anyway, it just says that apparently meet the County's criteria for ag lands of long-term significance and that's all it says, it doesn't give any reasons why we think this or don't think that. Again it's just a --

NITEN: The letter submitted by Fish and Wildlife is applicable to two of the cases tonight, both of them will require a response, but because there's no findings in the simple statement it's not going to need to be a very in-depth response.

VARTANIAN: Okay, thank you.

DELEISSEGUES: Jeff, don't they just look at the map?

NITEN: Yes.

DELEISSEGUES: And they say that's designated without getting into any of the discussion that we've had here tonight or that we had in May?

NITEN: Correct. They don't hold a public hearing on this matter like we do or anything like that.

DELEISSEGUES: I think what they'd want to do is challenge in the letter is what I would guess so that you'll assure them, I guess, with the facts that we have that the decision we're recommending is appropriate?

NITEN: Yes, that's correct.

ORJIAKO: Commissioners, for the record Oliver Orjiako. In some cases what we will also do is invite the agency or representative of the agency making the comment to appear before this body or the Board to clarify their position.

WRISTON: Is anyone here tonight from Fish and Wildlife? I thought someone said that they thought they might be. No? Okay.

BARCA: Any minute now.

WRISTON: Any minute now. That was going to be the nature of my comments was going to be on Fish and Wildlife so I guess perhaps I'm going to just very quickly give my response to the Fish and Wildlife's letter. Yeah, they give absolutely no evidence. They say apparently the lands are in long-term significance but I guess what I find more disturbing, perhaps a little bit frightening and actually kind of interesting, I was saying at the work session that there is some new terms here that I wasn't familiar with, achieving landscape level conservation, that's probably perhaps a term that's being bantered around, I don't know, but that was a new one to me, preserving habitat connectivity, I think I understand what they're saying.

My question would be what does that have to do with ag land or our criteria, you know,

that there's a lot of evidence as to how this site accomplishes the goals that we're looking at and they talk about the fact on Warta specifically that it does not contain any mapped priority habitat species resources, but the property borders a headwater stream ravine that drains west to the Washougal River and then they go on to say from a landscape conservation perspective, there's another confusing term, but they must relate to achieving landscape level conservation, but from that perspective they go on to say that this ought to be protected and again in my notes wrote, wow, what's this got to do with the issue.

So my response is they're way off base, they're trying to basically take this land and say it needs to be preserved to protect wildlife which is completely outside of what we're considering tonight I believe unless someone proves me different.

DELEISSEGUES: Maybe we can --

WRISTON: Chris.

HORNE: Well, there's not a development application in front of you right now so it's unless the nature of the change is going to implicate the direct development, you're not going to hear an argument from me regarding the habitat impacts of this, especially given the nature of the property.

WRISTON: Right.

HORNE: It may well be by the time this property is developed, if in fact it is, somehow a protected critical area it may be subject to development or mitigating conditions, it's just not an issue that is really right for this evening's discussion.

WRISTON: Thank you.

DELEISSEGUES: Well, the question I'd have is how can it support much wildlife if it won't even support eight cattle without bringing hay in and no water, so it couldn't be too critical of a habitat.

HORNE: Habitat you're asking a bad person, all I can tell you that I of the limited amount I know is that habitat also provides a safe corridor for movement and so part of what Dave Howe would probably tell you is that you will have animals moving through corridors without necessarily using it to live out of. But you're really asking the wrong person if you're expecting me to answer.

DELEISSEGUES: I'm not asking anything, I'm just making an observation.

BARCA: Well, Dick, I think that's hence the aspect of it being a corridor is they're not expecting to stay there and have a drink, they're moving through.

ALLEN: Right.

DELEISSEGUES: Yeah. And I would suggest that if somebody wants to preserve any

land for any particular purpose, they ought to purchase it.

BARCA: Well, and that's the discussion we've heard many, many times over.

DELEISSEGUES: That's what Commissioner Smith used to be involved in and I think is a worthy program and if it's really that critical, that ought to be their emphasis.

WRISTON: I agree.

VARTANIAN: Does present staff have any definition of "landscape level habitat," what does that mean?

NITEN: Yeah, I haven't seen that term before I received the letter.

ALLEN: Maybe that issue should be addressed before the development proposal comes in so that way at that time you would know what exactly they are referring to instead of trying to say, gee, we don't have that information to give to you to inform you as to what it means.

NITEN: When the development application comes in?

ALLEN: Well, I would suggest some strategic proactive research on this one because this is I believe that it also implies to the landscaping for the fish habitat as well as the wildlife, and of course this happens to be right there by the headwaters stream so we need to protect some of those natural resources. So I think just to be proactive when you are responding to them if you could ask them for an explanation and/or definition as to what does that terms mean and that way you'll be prepared for when the development application comes in.

ORJIAKO: Sure.

ALLEN: But then in this same letter -- may I continue?

DELEISSEGUES: Sure, I thought you were through.

ALLEN: -- then in the same letter on Page 1 of the Fish and Wildlife was specifically speaking about the rural lands task force and they said that they encourage the County to finish its comprehensive look at rural and resource lands so that this information can inform rezoning decisions; i.e., not doing case-by-case decisions but being more strategic proactive and doing a cumulative perspective decision, so I think that that makes a lot of sense so maybe that should be also somehow addressed.

HORNE: Well, certainly it is possible for if the applicant wishes to defer their application until that time, but if they aren't, and my sense is the property owner probably wants a decision from this panel, once an application's been filed and it's before them, they probably are entitled to have it processed and either approved or rejected based on the criteria that exists and are in the current County code, and while in the best of all worlds it

may be a good idea to consider this, consider the rural force task or rural task force process, I don't think you can hold this application up merely to finish that process and --

ALLEN: I agree, once it was taken in they (inaudible) --

HORNE: So the point is you can encourage it --

ALLEN: But it's the future, future cases from now on should be probably addressed with such a view as to the strategic view as well as incorporate some of these concerns from other agencies that have taken the time to respond and provide their input and yet it seems that we're ignoring it all the way through.

But also like when the staff report is prepared for a May hearing and then we have some additional information in the meantime and here we are in September and I'm looking at the same staff report that we saw back in May without the additional information that had been submitted reflected in the staff report that to me is a little bit cumbersome to begin with, but it's also ineffective and inefficient and raises many questions if you were for example not present in the meantime and/or receiving information in the interim so it will be much more I think effective for us to have a staff report that is updated to incorporate the new information.

NITEN: The staff report has been updated with the information submitted on July 28th by the applicant.

ALLEN: Well, I'm still looking at that Page 3, unless I don't have the correct Page 3, where it says the proposal is not consistent, so that's what I'm referring to, because if it was updated, then I'm missing the page that says that it is consistent because to me "not consistent" and "is consistent" are two different things.

DELEISSEGUES: Any more questions or concerns, discussion?

WRISTON: Motion.

MORASCH: I got a discussion before you make a motion.

WRISTON: Oh, discussion.

BARCA: We can use some more discussion.

MORASCH: Yeah, we'll all discuss. I've been reading this Page 3 and I guess I'm not sure if I agree with the finding that it's inconsistent with Goals 1, 2 and 8. Goal 1 says you should encourage development in urban areas but it doesn't say you can't allow rural development and rural densities in rural areas. Goal 2 talks about urban sprawl and low density development, I'm not sure that that's really referring to a five-acre rural development. And in Goal 8 says "maintain and enhance natural resource based industries including productive timber, agricultural and fisheries industries, encourage conservation of productive forest lands and productive agricultural lands and discourage

incompatible uses" and I think the evidence is that it's not productive agricultural lands for all the reasons previously stated. So I guess I would to that extent disagree with this finding on Page 3 and find that it is consistent with the GMA goals.

BARCA: Well, one of the things that I've been seeing over a period of time now is it just doesn't appear to me that the County is genuine about trying to find ag land that's worth protecting. We're using a lot of different arguments here, but basically the aspect of if you had a piece of industrial zoned property and you had a tenant on it that wasn't able to make a go of it, you wouldn't say that the industrial land was not viable, you would say that the use wasn't viable, and it's been proven pretty clearly that the aspect of trying to raise cattle on this property is not viable, we have good documentation on that.

But we also are saying that now because it's adjacent to the urban growth boundary, now the property is in jeopardy so as soon as we switch it over to a rural designation, now the ag property to the north of it will now become under the same jeopardy and it's a domino effect. I don't believe that there was a single piece of ag property that when we went through the process that the County didn't present evidence that said it was viable because everything is adjacent to some sort of urban or noncompatible use.

I mean we took some of those prime ag land in the county and declared it not viable any longer for ag use. At some point in time the County has to just decide whether they're going to find viable means that makes sense for protection of the ag land or we should just go ahead and move towards the aspect of no longer trying to even defend the aspect of ag, and as people walk through go ahead and just give them the change because we burn a lot of staff time, we burn a lot of Planning Commission time and Commissioner time going through this process, but when it's all said and done there's always a lot of good reasons why these parcels no longer make sense.

It's up to the County to have a policy that says something makes sense for ag or let's just do away with it. The fragmentation for the most part is already in place, we can no longer take the time to say that we're going to measure that against historical agricultural uses and say whether it's economically viable or not. I don't even need to hear another piece of testimony about whether a dairy farm is viable in the county anymore, we're way past that part, we shouldn't even have to have that discussion anymore, but time and time again it's like this is the primary reason why this piece of parcel no longer makes sense to be ag zoned or not.

I'm just looking to staff and I'm looking towards the County as a whole to come with a decision about whether they want ag in the county, and if they want it in here let's do what makes sense for the county then. Perhaps it's one in which we have to buy the development rights and make it make sense for the landowners to put it in the context that says this land makes sense for us to hold it in larger parcelization, perhaps we need to change the way we designate so the boundaries no longer have such a big influence on whether it's viable or not.

That being said, I think when we came through here before we said please take this back, look at the other criteria, we invited the applicant to come back with more information, they

did that, staff has agreed, that's where we're at at the moment, I don't want to fight about Warta, I think that the County needs to really just decide what they want for the public's best interest and then let's go on from there. Thanks.

DELEISSEGUES: Well, just a comment. I think comparing agricultural land with industrial land is like comparing apples and oranges. The land sensitivity for agriculture I would think is a whole lot different than the lands qualities, characteristics and so forth to support industry, they're totally different. I mean if the land won't support growing crops or animals --

BARCA: It will grow trees.

DELEISSEGUES: -- for whatever reason -- well, it certainly won't grow trees if there's no water.

BARCA: It will grow trees.

DELEISSEGUES: But at any rate, I think the comparison is --

BARCA: Ludicrous.

DELEISSEGUES: -- ill-described.

BARCA: Ill-described.

DELEISSEGUES: Other than that, Ron, I think you made a very moving speech.

WRISTON: It was great.

DELEISSEGUES: It was very good.

ALLEN: And I agree with everything Commissioner Barca had just said.

DELEISSEGUES: Any other comments? Jeff, you were --

BARCA: Motion.

WRISTON: Motion.

DELEISSEGUES: Good.

WRISTON: **MOVE** to **approve** staff's recommendation on Warta.

VARTANIAN: **Second**.

DELEISSEGUES: It's been moved and seconded that we approve the staff recommendation for approval on Warta. May we have roll call, please.

ROLL CALL VOTE

VARTANIAN: AYE
BARCA: Based on my comments NO
ALLEN: NO
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

WISER: 4/2.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

2. **CPZ2008-00005 Schwarz**

The property owners are seeking to change the Comprehensive Plan and zoning designation for parcels 180747-000, 180748-000 and 180834-000 (56.86 acres) from Agriculture with AG-20 zoning to Rural with R-5 zoning. The properties are located at 2910 NW 179th St., 2614 NW 179th St. and 2528 NW 179th St. The property owners allege the property was changed from Agriculture to Rural in 1998 during the Agri-Forest remand hearings.

**Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov**

DELEISSEGUES: Okay, we'll move on, then, to Docket Item CPZ2008-00005, Schwarz. Staff report, please.

NITEN: Commissioners, the property owner request that Clark County redesignate the site from resource lands agricultural AG-20 zoning to rural residential R-5 zoning. The subject parcels to this request were part of the agri-forest remand to the comprehensive plan in 1994. From the available evidence it appears the Board of County Commissioners chose to redesignate this area from AG-20 to R-5 during the 1998 public hearings and the deliberation process.

Now there are no parcel numbers mentioned in the record and the reason why we have this map tonight is what was mentioned in the record July 12th, 1998 was Area 5, excuse me, Map 5, Area 5, and that is as you can see the area that we're talking about this evening. The parcels to the north of Whipple Creek Park right under the 5 are the ones that are subject to this request tonight except the far western parcel.

DELEISSEGUES: Does that include the red and the green?

NITEN: No, just the brown. Yeah. Currently the parcels are in agriculture use. The total area for these properties are 56.86 acres. To the south is Whipple Creek Park. To the north we have R-20 and R-5 zoning with single-family homes. To the east there's undeveloped R-5 parcels, and to the west we have agriculture zoning with currently in use

as agriculture. The only public comments we've received is the Department of Fish and Wildlife letter that you reviewed as part of the earlier application.

If approved the subject property will be consistent with the planned policies and locational criteria for the R-5 zone. And this request is intended to correct a mapping error and from the available evidence it appears that the parcels had an agricultural comprehensive plan designation in 1994 and research of the July 1998 Board of Commissioners' deliberation on the rezone of 36,000 acres in rural areas of Clark County staff finds that the Board did redesignate the Schwarz family property from AG-20 to R-5 and staff recommends approval.

DELEISSEGUES: Any questions of staff?

BARCA: What about the parcel to the west?

NITEN: It was part of Area 5, Map 5, the property owner did call in and because there's no parcel numbers and because that person is a newer owner, we couldn't verify that that was also part of the request or part of the rezone, I would say it probably is, but next year we will probably be doing the same thing with that parcel, it was just too late.

ALLEN: But if it's a mapping error isn't that automatic whether or not --

NITEN: It's not automatic, it has to be requested.

ALLEN: Even for a mapping error that had been already, quote, unquote, approved?

NITEN: Yes. Although you can add it if you want to.

WRISTON: It can be requested on the County --

NITEN: Yes.

WRISTON: -- on, I mean the County can request it and the County has requested these before?

NITEN: Yes, this will not be an annual review, it will be a docket, not paid for by the property owner.

WRISTON: Right. Right.

ORJIAKO: That's correct.

WRISTON: So we can either talk about it tonight or it would come forward to us next year as a docket item?

NITEN: Correct.

ORJIAKO: Right.

ALLEN: As a map correction; right?

ORJIAKO: As a map correction. We, staff, can even initiate it if it came to our attention.

NITEN: The reason this wasn't added to this request is because it hadn't come up prior to the public notification.

ALLEN: Were there other properties that are in the same boat; i.e., mapping error boat?

NITEN: No. The only properties that are zoned AG-20 in that area are those properties plus the one to the west that we were just discussing.

DELEISSEGUES: You say that there are no parcel numbers but in the staff report you have parcel numbers.

NITEN: The parcel numbers are part of the request that the family sent in, when I was doing the research from 1998 there are no parcel numbers mentioned then in '98.

ALLEN: But it was clearly identified on the map as a site-specific?

NITEN: Yes. We had the ten-year old map scanned in so I wouldn't crumble it walking around with it, it's pretty yellow.

ALLEN: Okay, thank you.

DELEISSEGUES: Any other questions of staff? Is the applicant present and like to testify?

SCOTT: My name is Brad Scott. I live at 18218 NW 28th Avenue which is the property we're talking about, on the property we're talking about. I'm here with the family members that were at the meeting with the Board of Commissioners and they were the ones that asked for the zoning to be changed to R-5, the Commissioners approved that and so the property we're talking about is specifically their property and they would like the Commissioners to make the correction. If there's any questions, we have the property owners right here if you'd like to talk to them about the original testimony or anything.

DELEISSEGUES: Okay. Any questions of the applicant? Okay, thank you very much. Anybody in the audience wish to testify on this matter? Okay, seeing none, we'll return it to the Commission for deliberation.

VARTANIAN: I'd like to make a **MOTION**, move that we accept the recommendations of the staff and go ahead and recommend to the Commissioners that they arrange to change the mapping error, to correct the mapping error.

ALLEN: **Second.**

DELEISSEGUES: It's been moved and seconded that we recommend to the County Commissioners approval of Docket Item CPZ2008-00005. May we have roll call, please.

BARCA: I'd like to offer an amendment. Can we add the parcel to the west just for conservation of energy and time since this will be before us in less than a year anyway, and once we isolate this one parcel as a piece of ag land surrounded by nothing else, then there's really no meaningful discussion to have later?

ALLEN: I agree.

VARTANIAN: Yeah, that's fine with me.

DELEISSEGUES: Chris, can we do that when it hasn't been requested by the owners?

HORNE: Well, the bigger issue I have, although it sounds like from Oliver you can deal with it, my bigger question is notice, we haven't given notice to anybody that this is going to move forward, but I understand that we can provide notice prior to its going any further forward and so that we'll be able to deal with that question.

Beyond that I'm concerned that it hasn't been noticed even before this Board, but I don't know what your past practice is in terms of including areas, these are site-specific as opposed to large area considerations where there's adjustment of areas and it's a little different process. So I'll be candid, as the Board knows I haven't provided advice to this Board and I don't know this area of law as well as I probably should so I'm a little cautious about it, but I do believe we can deal with the due process and the notice issue by the time we get to the next hearing.

And so I think you're probably okay, that would be the only concern I have is that we've not provided notice prior to coming to hearing on this, including this additional parcel, but assuming we can deal with that, then I think you're fine.

DELEISSEGUES: Maybe we can condition our recommendation based on that happening.

HORNE: Sure.

BARCA: Yeah. So you could spare us from having to bring it to us again.

HORNE: Certainly.

ALLEN: Now if there are any comments or opposition to doing this, how would that work if we take a motion today contingent on the full disclosure and the constructive notice?

HORNE: Well, remember, there's a whole other hearing though, complete hearing that goes forward before the Board of County Commissioners so anybody that has a concern will be entitled to testify and provide comments to the Board at that level.

ALLEN: Thank you.

HORNE: Yes, sir.

VARTANIAN: Not to encumber the conversation, but I'm not quite sure I understand why there's a need for the Commission to meet on this at all since it's just a clerical error, but if that's the code, that's the code I guess.

HORNE: Because our code calls for a process, one of two alternatives, either initiated by the property owner or initiated by staff, and it specifically contemplates that even mapping errors have to be changed as long as they're still in the code as a particular designation that's a valid designation until it's altered. So even if it's a mistake, there's nothing in the code that says mistakes are self-fixing and so this is just that process to fix.

ALLEN: It's part of the full disclosure to maybe prospective new buyers and/or a current buyer that may be new to it.

HORNE: It's just plain necessary, otherwise it stays whatever zone it's currently in.

VARTANIAN: Okay, thank you.

DELEISSEGUES: It sounds reasonable. So is the amendment agreeable with the motion?

VARTANIAN: It is.

DELEISSEGUES: And with the second?

ALLEN: Yes.

DELEISSEGUES: Okay. Can we have roll call, please.

ROLL CALL VOTE

BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: Okay, thank you for your testimony. We'll move on to, what is this, no net loss is the next one, CPZ2008-00007, staff report please.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

3. **CPZ2008-00007 No Net Loss**

During the most recent Comprehensive Plan process the Board of County Commissioners changed the No Net Loss Policy. The policy was changed in one place in the text (Chapter 9), but was inadvertently missed in another (Chapter 1). The County is seeking to correct Chapter 1 to reflect the desire of the Board.

**Contact: Jeff Niten (360) 397-2280 ext. 4909
or e-mail: jeff.niten@clark.wa.gov**

NITEN: Commissioners, staff recommends approval of the request to change the no net loss policy text in Chapter 1 of the comprehensive plan. On September 25th, 2007 the Board of Clark County Commissioners adopted an updated comprehensive plan and an error occurred in the text provisions of Chapter 1 of the updated plan. The Board after much deliberation adopted an updated no net loss policy for areas zoned for industrial uses in the County. Because the legislative action amended the initial change to the policy another legislative action is required to correct it. The policy was updated in Chapter 9, the economic development section of the comprehensive plan; however, the new language was not added to Chapter 1 and that's what we're seeking to correct here. Staff recommends approval.

DELEISSEGUES: So would you characterize this as not really a change but just an omission of including this in the material?

NITEN: Correct. This is the policy that reflected the will of the Board was included in the comp plan in Chapter 9 and it was inadvertently missed in Chapter 1 and we just want to correct that, but because it's legislative and comp plan related we have to come back and go through the whole process just like fixing the errors we were talking about earlier.

DELEISSEGUES: Okay, thank you. Any questions of staff? You're the applicant; correct?

NITEN: Sure. I have no testimony to offer.

DELEISSEGUES: Does anyone in the audience wish to testify on this matter? Seeing none, we'll return it to the Commission for deliberation.

ALLEN: I move that the Planning Commission recommends approval to the Board of Commissioners.

BARCA: Second.

DELEISSEGUES: Discussion? It's been moved and seconded that we recommended approval of the no net loss docket case. Roll call, please.

ROLL CALL VOTE

VARTANIAN: AYE
ALLEN: AYE
WRISTON: AYE
BARCA: AYE
MORASCH: AYE
DELEISSEGUES: AYE

DELEISSEGUES: You know, I wonder if it would be okay if we move to the La Center Bridge because we don't have anyone signed up for any of the rest of them and rather than keep them waiting here all night long, we could get to that one and then go back.

MORASCH: It's next anyway.

ALLEN: It's next.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

4. CPZ2008-00009 La Center Bridge

The County is seeking to amend the Arterial Atlas pursuant to Comprehensive Plan Policy 1.1.18 to show the La Center Bridge and necessary arterials.

Contact: Laurie Nicholson (360) 397-2280 ext. 4544

or e-mail: laurie.nicholson@clark.wa.gov

DELEISSEGUES: Seeing as how everyone agrees with me we'll take up the La Center Bridge. Staff report, please.

NICHOLSON: My name is Laurie Nicholson and I'm with Community Planning. Commissioners, the item I'm presenting to you right now is Docket Item CPZ2008-00009, La Center Bridge. Staff is recommending approval of an arterial atlas amendment to show a second bridge and its connecting roads for the city of La Center. I want to emphasize that this arterial atlas change will only involve putting a line on the map, it is currently an unfunded project.

To give some background, when the 2004 comprehensive plan update was adopted last year, it was determined that a second bridge was needed for the City of La Center to support the expansion of its urban growth boundary. The location of the bridge or the general area would be in the vicinity of Paradise Point Park, north of 24th Avenue and southwest of NW Larson Drive, which is that general area shown up on the map that we have on display. Staff from both Clark County and the City of La Center held an open house about this docket item March 12th at La Center City Hall.

I included in the staff report a letter, or an E-mail I should say, that we received after that open house and it was from a person named Rick Davis. Generally he was concerned about the environmental impacts and cost of constructing this bridge. And I've also

attached to this staff report La Center Planner Dale Miller his response to this individual's E-mail. We also received a letter from Ted Labbe, he's a biologist with Washington Department of Fish and Wildlife, he also raised some environmental concerns with the proposed bridge, specifically that it may threaten Steelhead, Chinook, Coho as well as some other fish and wildlife species and that it may negatively impact riparian habitat, park lands and agricultural land. I've included in the staff report Dale Miller his response to Mr. Labbe's letter. I've also included La Center's Final Environmental Impact Statement about the La Center Bridge.

I'm going to move on to applicable criteria to this docket item. Clark County Unified Development Code Title 40 it requests to amend the comprehensive plan land use map must meet all of the criteria in Section G for all map changes. Additionally, arterial atlas amendments are considered as plan amendments and judged using criteria listed in Chapter 5 of the comprehensive plan. The first criterion states that the proponent shall demonstrate the proposed amendment is consistent with Growth Management Act and requirements, countywide planning policies, community framework plan, comprehensive plan, applicable capital facilities plans, et cetera.

The applicable growth management goals in this case are 3 and 12 which are transportation and public facilities and service. With regard to Goal 3, the proposed bridge provides necessary additional capacity for planned growth in the area. Goal 12, the placement of the corridor and the arterial atlas ensures adequate planning and public review ahead of the need. As I said previously this arterial atlas amendment does not currently involve any physical changes to the road, in fact this won't happen for several years. You have in your staff report we had the press release for the open house. The approximate cost is \$16 million, and as I said before it's not funded.

With regards to the Clark County 20-year comprehensive plan, I'm just going to go over some of the applicable criteria. The Chapter 1 land use talks about coordination of land use planning and development. One of the primary reasons for this docket item is to support the already approved expansion of La Center's urban growth boundary. Also this docket item will create consistency between both the County and City of La Center's plans. Chapter 5, system development policies, specifically 5.1.5 talks about providing opportunity for participation by all communities in the transportation decision-making process. As I previously stated we had an open house in March of this year, I've also included articles from both the Columbian and the Reflector about the proposed La Center Bridge, so I believe that Criterion 1 has been met.

Criterion 2 is not applicable to this item, as is Criterion 3. Criterion 4, plan map amendment either responds to a substantial change in conditions, better implements applicable comp plan policies or it corrects an obvious error. In this case the bridge will assist in efficiently moving traffic to and from the city of La Center and rural lands to the north and east, and it will accommodate future growth in the city and so Criterion 4 is met.

I'm just going to move on to the -- I've listed some of the other criterion, I'm going to move on to arterial atlas amendments. It talks about there's a need for the proposed change. As I've mentioned with the adoption of the expanded UGA that's created a change and

therefore the need for the proposed bridge to support the City of La Center's expanded UGA. As far as the change being consistent with adopted comprehensive plan policies, let's see, the comprehensive plan has designated the majority of land in proximity to La Center Bridge is Rural 5, AG-20 and parks and open space.

I want to mention real quickly something I mentioned in the work session, the last two findings on Page 6, they were left out, I've included the original that had the findings and you have a copy and I've also included copies for the public. So based on the findings in this report I'm recommending approval. And Dale Miller from City of La Center is here in case you have questions of him.

DELEISSEGUES: We'll start with the questions from the Planning Commission to your staff report. Does anybody have any questions of Laurie's report? Dale, would you care to testify? I don't know if --

MILLER: I'm here to answer questions if you have them.

DELEISSEGUES: -- does anybody have any questions for Dale Miller from La Center? Anybody else in the audience wish to testify? Okay, we'll return it to the Planning Commission and for deliberation.

BARCA: I have a question concerning the aspect of the existing bridge. Does this preclude us from the need from upgrading the existing bridge?

NICHOLSON: I don't believe it will.

MILLER: There is a need to do something with all four bridges across the East Fork of the Lewis River as was referenced in the staff report. Whether we have a second bridge or whether it's an expansion of the current bridge still very much up in the air. Preference from a public safety standpoint is to have a second crossing of the East Fork on a little bit more solid footing. If you happen to have driven out there, you'll notice a slight shifting of the southern approach to the bridge over the last year or two.

BARCA: Right. I think that's kind of directed to my point is it appears that we're going to have to put a significant amount of public resources into the existing bridge anyway, why wouldn't we be planning for this bridge to be the expanded bridge to take in the growth pattern that we've already allocated since we don't have this in any of our capital funding and we just approved a new growth plan so there's no capital money allocated for a second bridge. We know that there is an emergent requirement for the repair and expansion of this bridge, it seems to me that we're putting the cart before the horse on a second bridge while not dealing with the issue that's directly in front of us.

MILLER: Well, if I may, the need for a second bridge or a replacement bridge or some additional capacity is some distance off and the issue with the current bridge there is no capacity issues currently, won't for some 10, 15 years. The issue with the southern approach is probably just at worst perhaps some reconstruction of the southern approach and not necessarily the bridge. So in perspective this is a long range look to start the

process rolling of looking at additional capacity across the East Fork some place to accommodate both current traffic and any potential upzoning that may be on the horizon.

DELEISSEGUES: Dale, is the proposed location pretty well tied down?

MILLER: No.

DELEISSEGUES: No.

MILLER: The extent of the location was really a viability study, we hired Parsons Brinckerhoff to find a crossing, see if there was a crossing that was viable, they located at least one spot, there are many others out there, there's good bedrock fairly close to the surface out in that neck of the woods, floodplain is much narrower so we would limit any impacts to the riparian corridor versus any place to the east which you have floodplain there is all a mile wide or more all the way through Daybreak.

ALLEN: Did the consultant coordinate or collaborate with the Fish and Game folks on that particular location?

MILLER: Not at this point.

DELEISSEGUES: But I do notice the Fish and Wildlife Departments volunteered their services to help you --

MILLER: Sure.

DELEISSEGUES: -- and I think that's a real good idea that they be involved in it.

MILLER: Yeah. A project of this magnitude, if it comes to a second bridge, will likely require an environmental impact statement.

DELEISSEGUES: Sure.

ALLEN: Right. But strategic predetermination is always miles ahead.

MILLER: Absolutely. And we're working with them on a couple of different riparian corridor projects already.

ALLEN: I think the cooperation and coordination with that particular department would be very, very cost effective for all of you.

DELEISSEGUES: Agree. So this is really the first step, preliminary step, to doing any further work just to get it on the arterial atlas?

MILLER: Correct.

ALLEN: Right.

MILLER: And make it eligible for funding streams, for engineering or right-of-way down the road.

ALLEN: Now the staff report had mentioned that this was determined in 2004, my recollection is that last year also when we revisited the comprehensive plan some of us had said that the second bridge would also provide the protection for health, safety and welfare of the people in case of a manmade or a natural disaster. So have you looked into potential for funding the health and safety issue for emergency evacuation let's say from some of the other agencies that are very much concerned about that particular issue?

MILLER: Well, and more immediately we have adopted an emergency management plan that's coordinated with County agencies and regional agencies that will continue to be updated. The only benefit of a second bridge versus an expansion of the current bridge would be a redundancy of access. Most of the medical services are south or southwest of the river, at best we have an ambulance stationed towards the Ridgefield UGA, but, again, if something happens to the bridge, there's a lot of people up there.

ALLEN: Exactly, when you have one bridge things happen.

MILLER: Yep.

VARTANIAN: Just --

ALLEN: So maybe -- oh, I'm so sorry.

VARTANIAN: No, go ahead.

ALLEN: Maybe there's a way for you to strategically start looking at some of the potential funding sources from those particular sources so that that way when you're doing your proposals, you will be a little bit better prepared and know where the funding could come from --

MILLER: And this is the --

ALLEN: -- especially with the natural emergency planning.

MILLER: Sure. And this is a first step. With the adoption of the comprehensive plans last year and ours this year these now become eligible to be included in the Metropolitan Transportation Plan, the long-term plan --

ALLEN: Right.

MILLER: -- and at this point we get a little bit more serious with our discussions with elected officials at the Federal level, they're aware of it, we've had a couple of meetings with each of the local offices, so it's a long road out there, but we are starting the process early because it is such a large process for a rural area.

ALLEN: And is 16 million projected costs or is it 16 million in today's costs?

MILLER: That was '06 dollars.

ALLEN: '06?

MILLER: Yes. And that includes approximately 8 million for the bridge and roughly 8 million for both the south and eastern approaches.

VARTANIAN: You indicated earlier that we're not quite certain exactly where the bridge is going to go, the commentary does say, however, generally west of the current bridge, are we pretty well secure in that?

MILLER: Yes. But the alternative would be east of the current bridge and there you have a floodplain that's on the order of a mile wide, for a bridge you'd be looking at a suspension structure, yeah.

ALLEN: And connectivity issues as well?

MILLER: Yes.

VARTANIAN: Yeah, but can you get light rail up there?

MORASCH: That was going to be my question.

MILLER: We haven't thought about that. We'll look into that.

DELEISSEGUES: I guess I have a question for staff. In part of your report here you've got interlocal agreement between Clark County and the City of Vancouver, what's that got to do with La Center?

NICHOLSON: That was a typo. It's between the County and City of La Center.

DELEISSEGUES: So I should cross out "Vancouver" and stick in "La Center"?

NICHOLSON: Yes.

DELEISSEGUES: I see Pat McDonnell's signature block and everybody from Vancouver but I don't --

MILLER: We'll accept Mr. McDonnell.

DELEISSEGUES: I thought you would. I thought maybe Vancouver was going to build your bridge for you.

NICHOLSON: The next docket item does involve an agreement between Vancouver and

the County so I don't know if --

DELEISSEGUES: Oh, you mean it's just in the wrong place in the book then?

NICHOLSON: That's possible, yes.

BARCA: She didn't say that.

DELEISSEGUES: Any other discussion?

WRISTON: Motion.

BARCA: Well --

ALLEN: I move --

BARCA: -- I have a real concern in the aspect as we put this line on the map and as many times as we've talked about this that the arterial atlas is just lines that aren't necessarily the designation, but we're driving this corridor right to the extreme northwest corner of La Center's urban growth boundary, so then within a short period of time it's going to be Parsons Brinckerhoff that come back to us and tell us since we have this planned infrastructure coming up here, the next growth move out to the northwest is a logical conclusion since we'll have a bridge there.

I'm really concerned about the aspect of the facility driving the growth plan rather than the growth plan driving the facility. I haven't seen any documentation here that really says a second bridge is the only reasonable conclusion to the dilemma, and all of what I see in here has the multiple alternatives and they talk about how many acres are going to be opened up and what level-of-service the different feeders are going to be going into the bridge, but they're all level-of-service E or F regardless anyway.

I believe that it's probably in the County's best interest since the County will be paying some form of capital infrastructure into this bridge that we genuinely look at this with lessons learned from our bridge fiasco that we're dealing with going over the Columbia River in the aspect of what's the most cost effective method of accomplishing this task. I don't think that a second bridge to the west going to the northwest corner of their growth boundary is in the best interest of the County and the limited resources that we have to put out right now, that's my concern.

DELEISSEGUES: I think when the City of La Center came in for their presentation on the growth management hearing that we had to look at the comprehensive plan, you made it pretty clear that the area that you were going to add to the city of La Center was going to be dependent upon a second route in and out of the city. At least that's the way I recall it.

MILLER: Yeah. The hearings about a year ago, a little bit more than a year ago, if you recall the La Center urban growth area the bulk of all of our jobs related lands are located at the interchange or on approaches to the interchange, the capacity issue at the bridge

was a fundamental building block for our land use designations and zoning, we very much took into account the issue, the transportation issues in particular, with having half of the traffic over the bridge coming from outside the city and as a result of that we crafted our urban growth area, the land use designations at the interchange simply to avoid cross river traffic. That said, there's still going to be growth, perhaps more growth than we would anticipate from the City's standpoint, in the rural areas north of the East Fork.

BARCA: But how could you include that in your major growth plan and not fund it in a capital plan?

DELEISSEGUES: Well, that's why they're going to put it on the atlas.

MILLER: We know that there's a need at Woodland, at La Center, at Daybreak and SR-503, we know there are capacity problems over all those bridges, one of those happens to be in our backyard, we're going to pony up, we would prefer to have partners in the process because the traffic doesn't come from La Center alone.

BARCA: Right. I see a commitment issue that appears like the County is stepping forward before the City of La Center is and it just doesn't seem right to me.

MILLER: Well, the Board of County Commissioners made it exceptionally clear that they would not be partnering with the funding.

BARCA: So La Center doesn't have a capital plan and the County doesn't have a capital plan, but we think it's really important to get it on the atlas?

HORNE: Well, I think part of -- well, I can't speak for the City of La Center, I suspect the City would tell you that putting it on its capital facilities plan or putting it on the arterial atlas will be one of the necessary steps towards making it part of their capital facilities plan, but on behalf of the County, the fact that it winds up on the arterial atlas does not mean the County's committing money to it at this point. In fact I think just the opposite is probably true.

What Mr. Miller said is probably exceedingly accurate and that is that the County's not going to be putting money towards this, by the time this bridge gets built my sense is or it wouldn't surprise me in the least that a good share of this area is already in the city and this will be a City obligation, but at a minimum just so there's not a confusion, the County's not made any commitment to build this bridge, this would be a capital facility element that's currently in the unincorporated area, but it's on there at the request of the City and it's currently anticipated that the City would be building this, there may be a partnership at some point at some request in the future to do some sharing, but there's been no commitment by the County and I don't think the City at this point is counting on that.

MILLER: No. And certainly depending on the outcome of the ag lands appeal we may not have reason to go there in the first place because of the exclusion of some 575 acres from our UGA. Unless that is remedied there is still going to be this out of city traffic that needs to be accommodated but --

VARTANIAN: Can you just remind me again, has the decision been made if there's going to be additional capacity necessary to make it in the form of a new bridge as opposed to upgrading the current bridge?

MILLER: That decision is still out there.

VARTANIAN: So essentially we're deciding tonight whether to approve La Center's approach toward considering a second bridge if that's what La Center decides to do to increase the capacity that they foresee?

MILLER: Right.

VARTANIAN: But that does not preclude using the current bridge, upgrade it?

MILLER: Absolutely not. Absolutely not.

DELEISSEGUES: Well said.

NICHOLSON: Commissioners, it is in the comp plan that the La Center Bridge, La Center UGA at 1.1.18 that "the City of La Center shall be primary agent for planning, permitting, funding, constructing and maintaining a new bridge crossing the East Fork of the Lewis River outside La Center UGA. Prior to next County comprehensive plan update Clark County shall incorporate the bridge and necessary arterials into the Clark County arterial atlas."

VARTANIAN: Will putting this line on a map preclude property owners from doing whatever they want with their property assuming whatever's permitted for the next 20 years?

MILLER: Absolutely not. There's a cluster subdivision that was just approved on the northern approach.

VARTANIAN: Well, that's been approved and previous to this line on the map, but once we put the line on the map will that preclude people from doing things with their land that they otherwise would be able to do?

MILLER: They would need to address a corridor, but, again, there's a lot of time between now and 15, 20 years when the capacity is needed.

VARTANIAN: No, I realize that, but, I mean, for example if they say we're having a rural lands update or considerations and suppose some of that land goes into R-5s and somebody wants to subdivide or put a house on a five but it's right where that line is, what happens?

MILLER: With fives there's still ample opportunity for a corridor to be determined through that area, anything less than fives, anything less than kind of what used to be the bright

line would make it difficult.

VARTANIAN: Okay. Well, one of the things we discussed in our last work session in addition to Mr. Barca's point was that, yes, I realize we can move lines around, but assuming there's a line on a map some place the intent is for it to continue someplace into the future. If we move that line later, what happens to what we had anticipated coming up next in that line and that's my concern at the moment.

MILLER: That's why we have --

VARTANIAN: And I'm not saying we don't want to put a line there, I'm just saying if we move these lines around are we doing something longer range than we had anticipated that we are going to now have to move again?

HORNE: It is a legitimate issue and I think Mr. Barca brought it up before and Clark County faced it and I'll say it probably again with I think it's 190, no, it's 99th Street that Clark County had the same issue with. At some point certainly it's true in the early phases of the development of that area if it begins to build out, in the early phases it's easy to reroute to minor degrees this bridge concept or the arterial. At some point of course it becomes impossible and it will close so there does at some point have to be a decision made of a final alignment because it very well could be that as property begins to develop in that area, it will preclude the construction of the arterial.

And so it's an issue that I think Mr. Barca raised either last meeting or our prior one and it is a real one. It may be in this case because this property is largely undeveloped that it's not a pending problem, but potentially it certainly could become one.

VARTANIAN: Well, I guess my concern there, then, becomes when during the next 10 or 15-year period or 20-year period do we decide this is going to be our final alignment. I think what's going to happen is we're going to wind up moving the alignment because of property changes or because of zoning changes until we're no longer anywhere near what we wanted to have to start with so sooner or later, yes, I understand we have to put our pin on the map, if you will, and say this is going to be the alignment, when does that happen?

MILLER: Once we complete the precursor to kind of pre-engineering the structure. We'll be closely watching the regional transportation council's modeling as we go through the next couple of iterations of GMA updates. It's an evolutionary process, at some point we'll get to a point where either the land is already annexed into the city which is we're doing a considerable amount of annexation right now and my guess is that this will be within the city within certainly a couple of years, so it will be wholly a City problem on the north side of the river, south of the river we've got some substantial what ifs with regard to court proceedings and et cetera.

VARTANIAN: Okay, thank you.

DELEISSEGUES: Probably won't move that bridge location too far from the existing infrastructure though?

MILLER: No.

DELEISSEGUES: You wouldn't want to build a whole new highway system just to get on and off the bridge?

MILLER: Right. And if push comes to shove, if development comes, if it's annexed into the city it's eligible for urban development, at that point our hand will be forced and we will have to make a determination at that time. If dedications of rights-of-way are made, we opt in or change the location of the corridor, that's why we have road vacation processes.

VARTANIAN: Okay, thank you.

ALLEN: And of course you need the strategic planning not only for full disclosure to begin with but also for getting the funding and also getting some of the other full disclosure items taken care of as well as right-of-ways and you name it proactively, not retroactively. I do have a question on the recommendation summary, though, where the staff is saying that this is not consistent with adopted MTP, what does the City of La Center think about that?

MILLER: This is the process. Once you adopt a comprehensive plan, that's the first step of becoming eligible to be included in the MTP, then you have the facilities on your list included in the next update of the MTP. And we're out of cycle, we're in between cycles for those updates, so there's always a bit of a lag time between the comprehensive plan adoption where it may have new projects and the adoption of the Metropolitan Transportation Plan.

ALLEN: So in other words you need this particular step to be approved prior to proceeding to resolving that particular on the checklist?

MILLER: Yes.

ALLEN: Thank you.

DELEISSEGUES: Any other comment?

ALLEN: There was one other comment that I had for the staff and that was the consistency with the interlocal agreement. It says N/A and yet I heard you saying something about interlocal agreements, is that the next step after the approval or is that something that's being worked on now or does that N/A just say, well, we just don't have all the information?

NICHOLSON: No, this was part of the interlocal agreement with the City of La Center and it states it on Page 6 of the staff report, it was that form that I handed out in work session.

ALLEN: I'm looking at the summary where it says N/A and yet you address it on Page 6, but then when you look at Page 7 it says N/A. What does "N/A" mean in this particular case?

DELEISSEGUES: Not Applicable.

NICHOLSON: Yeah, not applicable.

MILLER: Although for the record we would welcome an interlocal agreement.

DELEISSEGUES: Yeah, I was going to say you don't need one if they're not going to give you any money.

ALLEN: So have you been talking to the County about that already --

NICHOLSON: Yes.

ALLEN: -- or is this something -- okay. Status pending?

NICHOLSON: Yes.

ALLEN: Thank you.

DELEISSEGUES: Okay, what's your pleasure here?

ALLEN: I move that we recommend approval for this particular proposal.

DELEISSEGUES: Do we have a second?

MORASCH: Second.

DELEISSEGUES: Discussion? It's been **moved** and **approved**, then, that we pass on to the County Commissioners a recommendation of **approval** for the La Center Bridge. May we have roll call, please. Well, let me add that it be added to the whatever --

ALLEN: Arterial atlas --

DELEISSEGUES: Arterial atlas, yeah.

ALLEN: -- amendment.

DELEISSEGUES: Yes, thank you. Roll call, please.

ROLL CALL VOTE

BARCA: Without discussion of the first bridge in the record for upgrades I'm going to vote NO

ALLEN: AYE
VARTANIAN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: At this point we'll take a 15-minute break, we'll come back about 10 minutes after 8:00.

(Pause in proceedings.)

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

5. CPZ2008-00011 Orchards Circulation Plan

The Orchards Circulation Plan proposal is to make the following changes to the County's Arterial Atlas:

- NE 42nd Avenue/Falk Road (from SR-500 to NE 44th Street) designate as a collector street or C-2
- NE 49th Street (St. Johns Road to NE 40th Avenue) designate as a collector street or C-2
- NE 106th Avenue (Fourth Plain Blvd. to NE 63rd Street) take this road extension off of the arterial atlas

Contact: Laurie Nicholson (360) 397-2280 ext. 4544
or e-mail: laurie.nicholson@clark.wa.gov

DELEISSEGUES: We'll resume the public hearing and move on to the Orchards Circulation Plan, CPZ2008-00011. Can I have a staff report, please.

NICHOLSON: Yes. Laurie Nicholson, Community Planning. This docket item just to give you some background, this was originally two docket items but because the proposal was all within the Orchards transportation impact fee district we combined them into one docket item. So if you look at the map you'll see the yellow line up there is from Fourth Plain to NE 63rd Street, that yellow line is a proposed road extension which would be NE 106th Avenue, Public Works requested that we take that line off the map because it is no longer feasible to extend that road.

The second part of this docket item was actually a cooperative effort between City of Vancouver and the County and I attached the agreement between the City and the County and mention the applicable part of that agreement. Similar to La Center it was outcome of the adoption of the comprehensive plan last year. That agreement required that the County and the City work together on neighborhood circulation for generally the

Minnehaha neighborhood. Again, because it's in the Orchards TIF district that's why it was titled that. I want to point out that when we did the public involvement that we described it as Minnehaha neighborhood because the Public Information Officer felt that would be confusing to people if we described it as Orchards. Anyway, back to the proposal.

It is to upgrade NE 42nd Avenue slash Falk Road from SR-500 to NE 44th Street to change that designation to a collector or C-2. It is currently a neighborhood circulator. And then also NE 49th Street from St. Johns Road to 40th Avenue, also designate that a collector, also it's currently a neighborhood circulator. As I mentioned we worked with the Public Information Officer at the County to do outreach to the neighborhood. We had an open house on August 12th, I attached to the staff report the comments. As I mention in the staff report they're generally positive comments. I invited somebody from the City of Vancouver to be at the open house and also someone from WSDOT and actually there was somebody there from WSDOT to help answer questions.

Just to go through the criteria for the map changes, I mentioned them in the staff report. As far as Criterion 1 for map changes I believe that's been met and I've listed the applicable policies from Chapter 1 of the comp plan and Chapter 5 which is the transportation part of the comp plan. Criterion 2 is not applicable. Either is 3. Criterion 4 talks about amendment being a response to a change, I believe this item responses substantial change in conditions.

Let me back up real quickly, I just remembered something, I'm sorry. We also received an E-mail from Matt Ransom from the City of Vancouver in support of this docket item and he also talks about the changes and the need for redesignating the two roads. I also just want to say quickly, then, in this situation you have the SR-500 road project which will make Falk Road an overpass over SR-500. Also I just wanted to say that working with City of Vancouver that 49th Street in the city is a collector and this would offer some continuity between the County and the City.

Criteria for arterial atlas amendments, as I already mentioned that there's a need for the proposed change. As listed in the staff report that this proposed change is compliant with the growth management. And in this case there's also an interlocal agreement and as I mentioned it is listed in the staff report. As far as the proposed change not conflicting with the Metropolitan Transportation Plan, this is currently not consistent with the Metropolitan Transportation Plan due to timing. This is not unusual. They update their plan every three years and when they do it next we will ask that they include this change in the plan.

So with that I'm going to conclude the staff report. It meets all the applicable criteria except for the part about the MTP and I will now take any questions that you have.

DELEISSEGUES: Questions of staff?

BARCA: The reason we're doing 49th is because west of St. Johns it's a collector?

NICHOLSON: Yes.

BARCA: So we just want it to be a collector on both sides of St. Johns?

NICHOLSON: Yes.

BARCA: What's the --

NICHOLSON: Also I want to say that that was a recommendation from the City of Vancouver, also from our own Public Works Department.

BARCA: So it's, what, about a quarter mile of road east of St. Johns that we're talking about?

NICHOLSON: Yes, approximately that we're talking about changing the designation.

BARCA: Okay.

NICHOLSON: I mean when you talk about a quarter of a mile that confuses me because you could be talking about length, you could be talking about width.

BARCA: Well, it's not the width of the road is a quarter of a mile, it's the length of the road.

NICHOLSON: Yeah, it's the length. Length of the road, sorry.

DELEISSEGUES: Gee, thanks for that clarification. Any other questions of staff?

BARCA: No, that was it for me.

DELEISSEGUES: Nobody in the audience wants to testify on this matter? We'll return it to the Planning Commission for deliberation. Discussion? Motion?

BARCA: **MOTION** to approve staff recommendations about the change in designation.

ALLEN: **Second.**

DELEISSEGUES: Discussion? If none, it's been moved and seconded that we recommend approval of changes to the County arterial atlas for the Orchards Circulation Plan. Can we have roll call, please.

ROLL CALL VOTE

BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
WRISTON: AYE
MORASCH: AYE
DELEISSEGUES: AYE

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

6. CPZ2008-00015 Salmon Creek/Fairgrounds Sub-area Circulation Plan

The County is proposing an Arterial Atlas Amendment to repeal the adopted Salmon Creek / Fairgrounds Sub-area Circulation Plan.

**Contact: Mike Mabrey (360) 397-2280 ext. 4343
or e-mail: michael.mabrey@clark.wa.gov**

DELEISSEGUES: Okay. We'll move on, then, to CPZ2008-00015 which is repeal of the Salmon Creek/Fairgrounds Circulation Plan. Can I have a staff report, Michael.

MABREY: Yes, sir. Good evening, Mr. Chairman, members of the Planning Commission, Mike Mabrey, Community Planning. The background on this is that the circulation plan was adopted back in 1997, it covers an area from 117th Street north to 199th Street and the west boundary NW 11th Avenue, east boundary is about NE 50th Avenue. Essentially the plan is out of date, it exists as a separate page in the arterial atlas and our proposal is basically to remove that page.

Several things have changed. The current configuration or plan configurations of the interchange is at I-5 and Salmon Creek and at I-5 and 179th Street are substantially different than those shown. The Planning Commission and the Board have approved changes to functional classifications of several roadways that are not correctly reflected on this map and a couple of the key roadways that are shown on this map have been determined not to be feasible to be constructed primarily due to environmental constraints.

The proposal meets all of the amendment criteria listed in the staff report and therefore staff recommends that the Planning Commission make a recommendation to approve this proposed amendment to the arterial atlas repealing the Salmon Creek/Fairgrounds subarea circulation plan.

DELEISSEGUES: Just for clarification, there's two maps in our material here, one's page numbered 87 at the top of the page and one's number 26 at the bottom left, which one of those pages are we talking about or both of them?

MABREY: We're repealing the large format page that's up on your screen and I gave mine to Gary so I guess it's Page 86.

ALBRECHT: 87.

DELEISSEGUES: 87.

ORJIAKO: 87.

MABREY: I'm sorry, 87, okay. And Page 26 was included simply to show you what the current designations of these roadways are on the normal format map and how some of them are inconsistent with what's in this more detailed circulation plan.

DELEISSEGUES: So 26 is current?

MABREY: Correct.

DELEISSEGUES: And 87 is out?

MABREY: Yes. That's the proposal, removing Page 87.

DELEISSEGUES: Okay, thank you.

BARCA: And, Mike, are you going to then come back with a new proposal for the arterial atlas for this area in the near future?

MABREY: I don't anticipate any in the near future, it's possible that the 179th interchange projects that are currently being discussed, including the roundabouts at the ramp terminals, may or may not require an arterial atlas amendment, they could be simply a matter of definition. Since we already have projects in those areas, I think it would be a reasonable interpretation to say and here's how we define those projects, here's how we're solving the problems that exist.

I don't know that they would necessarily require an arterial atlas amendment to show that we're doing it with roundabouts so I don't know of any other changes to Page 26. We just did the major circulation plan north of 179th in anticipation of releasing urban holding. There will be one proposal that will come to you probably this year in the context of the Mill Creek subarea plan which would just relocate one of these lines connecting 175th Street to 179th Street I think, but it's a fairly minor change.

BARCA: So the reason I ask the question is on Page 26 above 179th there in red text it says "See also Salmon Creek/Fairgrounds Subarea Circulation Plan (pg 87)" which I think we're doing away with?

MABREY: Correct. So we would delete that text.

BARCA: All right. And that's not going to have to come back to us and have this page -- thank you.

ALLEN: Or should we include it as part of the motion?

MABREY: I think if there's no Page 87, then it would be reasonable to delete that text on this page without any particular specific motion by either the Planning Commission or Board, but if you feel better, go ahead.

DELEISSEGUES: We could leave it on there and drive people nuts.

VARTANIAN: How about, yeah, that's an idea, we could leave it on there and make people go crazy looking for it. Thank you.

DELEISSEGUES: Any other comments? Any other positive comments? Motion?

ALLEN: I **MOVE** that the Planning Commission recommends approval to the Board of Commissioners for the proposed amendment to the arterial atlas to repeal the Salmon Creek/Fairgrounds Subarea Circulation Plan, but I also want to include in my motion that we do away with that red notation on Page 26.

DELEISSEGUES: Okay. Second, is there a second?

MORASCH: **Second.**

VARTANIAN: Second.

DELEISSEGUES: Okay, moved and seconded that we pass on to the Board of Commissioners a recommendation of approval to repeal Salmon Creek/Fairgrounds Circulation Plan from the arterial atlas. May we have roll call, please.

ROLL CALL VOTE

BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: We'll move on to transportation capital facilities plan annual review, CPZ2008-00016. Staff report, Mike.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

7. CPZ2008-00016 Transportation Capital Facilities Plan

The Unified Development Code Section 40.560.010 (N) requires annual updates to most capital facilities plans for county facilities.

Contact: Mike Mabrey (360)397-2280 ext. 4343
e-mail: michael.mabrey@clark.wa.gov

MABREY: Yes. This item is before you because the code requires annual review of capital facility plans for those facilities that are subject to County jurisdiction. The current transportation capital facility plan was approved in September of last year. We're not proposing any changes. Any changes or additions would require revisions to the traffic impact fee program and rates which were just adopted last year as well, so our recommendation is that no changes be made to the current transportation CFP.

DELEISSEGUES: Any questions of staff? Discussion?

VARTANIAN: I make a **MOTION** we accept the staff's recommendation.

ALLEN: **Second.**

DELEISSEGUES: Okay, moved and seconded that we pass on to the Clark County Commissioners a recommendation for approval of the transportation capital facilities plan annual review and the no change recommendation by staff. Roll call, please.

ROLL CALL VOTE

VARTANIAN: AYE
BARCA: AYE
ALLEN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

The hearing adjourned at 9:30 p.m. All proceedings of tonite's hearing can be viewed on the Clark County Web Page at:

[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)

Proceedings can be also be viewed on CVTV on the following web page link:

<http://www.cityofvancouver.us/cvtv/>

Chair

Date

*Minutes Transcribed by:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant*