



proud past. promising future

---

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, DECEMBER 17, 2015**

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

6:30 p.m.

**CALL TO ORDER & ROLL CALL**

MORASCH: Okay. Well, welcome to the December 17, 2015, Planning Commission hearing. I'll call the meeting to order. Can we have a roll call, please.

WRIGHT: HERE

BARCA: ABSENT

QUIRING: HERE

JOHNSON: ABSENT

BLOM: HERE

BENDER: HERE

MORASCH: PRESENT

Staff Present: Oliver Orjiako, Community Planning Director; Gordy Euler, Program Manager; Chris Cooke, Prosecuting Attorney; Sonja Wisner, Administrative Assistant; Kathy Schroeder, Office Assistant; and Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for November 19, 2015**

MORASCH: All right. Moving on to approval of the agenda. Are there any amendments to the agenda? If not, I'd take a motion to approve the agenda.

BLOM: Move to approve.

QUIRING: So moved.

BLOM: Second.

MORASCH: It's been moved and seconded. All in favor.

EVERYBODY: AYE

MORASCH: All right. It's been moved and seconded and I think we had the roll call or we had the vote already and it was in favor, so that passed.

**B. Approval of Minutes for September 17, 2015**

MORASCH: Moving on. Approval of the minutes. Does anyone have any changes to the minutes? If not, I'd take a motion to approve the minutes.

QUIRING: So moved.

BENDER: Second.

MORASCH: Okay. It's been moved and seconded to approve the minutes. All in favor.

EVERYBODY: AYE

MORASCH: Opposed? No? Okay. It passes.

**C. Communications from the Public**

MORASCH: Now we're on to communications from the public. Is there anyone in the audience who would like to speak tonight on a matter not on the printed agenda? If so, please come forward now. All right. No one's coming forward.

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

**A. DESIGNATION OF A RURAL INDUSTRIAL LAND BANK**

Clark County received an application for a rural industrial land bank pursuant to Growth Management Act, RCW 36.70A.367, in February of 2014. Since that time the county has been working with a consultant to meet the statutory requirements for establishing the land bank. The requirements include an inventory of possible industrial sites, consultation with affected cities, development of a master plan concept, development of regulations that will be applied to all land bank uses, and an environmental review at the programmatic level. Information about all of these requirements can be found on the county's website at <http://www.clark.wa.gov/planning/landbank/>.

**Staff Contact:** Gordy Euler (360) 397-2280, Ext. 4968

**Email:** [gordon.euler@clark.wa.gov](mailto:gordon.euler@clark.wa.gov)

MORASCH: So we will move on to the first public hearing item which is the designation of a rural industrial land bank. And before turning it over to staff, I'll ask the members of the Planning Commission if anyone has any conflicts of interest to disclose?

(Commissioner Barca entered the hearing.)

QUIRING: Mr. Chair, I have no conflict of interest, but I do want to make a disclosure that I have a close family member that owns property that abuts the Lagler property. She has never expressed an interest in either for or against this particular item. I have no pecuniary interest in this, nor does my family member, and I believe based upon the information that we will get in this hearing that I can make a fair decision and, therefore, I have no conflict of interest, but I wanted to make that disclosure.

MORASCH: All right. Thank you. Anyone else?

BARCA: Mr. Chair, just for the record, Ron Barca has arrived.

MORASCH: All right. Did you miss the roll call?

BARCA: I did. I missed the roll call.

MORASCH: Oh, you snuck in behind me. I didn't even notice. All right. Thank you, Ron.

Gordy, with that, we'll turn it over to you to give us the staff report and introductions.

EULER: Thank you, Mr. Chair. For the record, I'm Gordy Euler, Clark County Community Planning.

The subject before you tonight is designation of a rural industrial land bank. I want to introduce our consultant, Lisa Grueter, who's here. She's going to share the staff report duties with me. We have the applicant's representative, Mr. Steve Horenstein, who is sitting in the audience, and some other folks out here that I'm sure will testify and will introduce themselves, so...

We had a work session on this with the Planning Commission in November, and we were scheduled to hear this on November 19th, and given other obligations that you had, this hearing was moved to tonight, so...

Let's roll through the PowerPoint presentation. Here's our agenda. This is you've seen most of this before and I'll run through it quickly with Lisa's help and we'll get on to the hearing from the public.

So next slide. So rural industrial land bank is a designation, I guess you could call it, of an area in the rural areas. It's allowed by the Growth Management Act. You can see the citation. There's a number of statutory requirements that the County has to undertake to establish, one of which is an inventory of sites, a consultation with cities, a master planning process, the development regulations that will apply to property that becomes part of the land bank, a programmatic level of environmental review and then the local adoption process. And the bottom one there, because the land that's part of the -- it's in the application is zoned for ag, we also need to do a de-designation analysis, and we'll explain more about these as we go through.

So next slide. The application we received came in in February of 2014, two areas. The next slide, there's the map. All of these parcels are zoned AG-20. It's a little hard to see there, but the area that's inside the blue and white dotted line is the areas -- are the areas in question. The SR-503, NE 117th Avenue runs up the middle. At the bottom of the picture there going east/west is NE 119th Street.

Next slide. This is what's been completed so far with regard to the application. We've used the CREDC study in the land for jobs as a lands inventory. One of our requirements is that if you're going to state that you need area in a rural area for industrial land, you have to show that there aren't any large parcels in urban areas or in urban growth areas, and so we've used a study that CREDC did in 2011 for that purpose.

We took the application in again in February, as you can see. In August we - this is 2014 - we brought BERK on as a consultant and MacKay Sposito, which is a firm known to many of you locally, was brought on to assist us locally and they worked on the master plan and we used Kittelson & Associates for some of the transportation analysis, so...

Last November, December we had a series of work sessions with you and with the Board. We went to NACCC, that's the Neighborhood Advisory Council of Clark County, and one of the first things we did because of the master planning requirement in the statute, we amended our County code to allow for master planning for a rural industrial land bank. The next couple there, we had an open house in January, an open house in April, we were back before you in May.

The next slide. We've talked to the County's Economic Development Action Team, another Board work session. We made a Railroad Advisory Board presentation. We had another open house. The environmental review was done through the Addendum process, and I'll let Lisa explain that when we get to that part. Our last open house was October 29th and there's the November 5th date was the time we were before you in work session.

The next slide. So I'm going to turn it over to Lisa to talk a little bit about the process. So, Lisa you're up.

GRUETER: Good evening. Gordy went over some of the requirements in the law in order to consider designation of a land bank, and one of them is to do an inventory of developable sites, and so that was our first step. So we looked at what Gordy mentioned, the land for jobs study which largely covered within the urban areas but did not necessarily address rural areas. So we developed some criteria for what makes a good industrial site using the skills of MacKay Sposito, for example, who have designed industrial parks here and elsewhere in the state and applied those criteria.

So some of those criteria were that it needed to be at least 100 acres in size, that's partly based on your own comprehensive plan policy, and that it needed to be privately owned and it needed to be relatively flat, so less than 8 percent grade, and be within a half mile of a major road and a freight line.

And we also looked at the percentage of critical areas and there were a number of other factors that are stated in the inventory document. And then took a look at sites also that either had an overlay designation in the comp plan as being industrial or commercial or base designation and came up with five sites, four being rural and one being in the urban area. It was actually a compilation of two different sites that were looked at in the land for job study. So that was our beginning of our process, and as part of the Addendum, that's Part I of that document.

Go to the next slide. Okay. So for each of the sites, we did a view of constraints and took a closer view of topography and roads, and so these are some examples for Alternative Site 2 north of Ridgefield. We looked at the developable area and noticed a ribbon of streams and riparian areas there, and then in Site 3 between Ridgefield and Vancouver, less concentrated areas of developable land.

And then going on. Site 4 east of Vancouver, another dairy, Andersen Dairy, very constrained, very little developable area. And then Site 5 is formerly called Section 30 and then it was -- it was master planned by the County and then ultimately master planned by the City and it consists of a number of property owners. It was formerly, I think, a mining area, so it's got some steep slopes. And so those are the four options to Site 1 which Gordy introduced the docket sites along SR-503.

So next slide. There's an alternative sites analysis that's Part II of the Addendum where we looked at a number of criteria and looked at each of the sites. So Site 1 is 600 acres and about nearly 400 of it is buildable and it's got the most flat territory. It does have some critical areas. And we compared that to the other sites.

Site 4 you'll see there, we didn't further evaluate it because it was so constrained. It didn't have sufficient developable area compared to the other sites, so we sort of

stopped short on that one. So we went through for each of them and showed which ones had more or less the features that were called for in the law. So how available are utilities, how constrained are the sites, that sort of thing.

So go on. This is the master land use concept prepared for the docket site, and MacKay Sposito led that analysis. And the main thing here was just to determine is it feasible, aside from policy considerations, would it be physically feasible to develop an industrial land bank.

And so the yellow areas there represent the developable areas which all together are about 380 acres, and then the green are potential wetlands. We looked not only at mapped features, but we also had a biologist go and walk the sites. And then we -- the blue areas would be connected stormwater features so that it would be sort of a connected habitat and low impact development feature.

In addition, we tested what would it mean for roads, both in the regional traffic model but also based on the recommendations of County staff, and Kittelson looked at what the arterial plan would need to be in order to support this. And you'll see in the middle there on the State route, there's a signal proposed in between the two sites and then there's a series of internal access roads that are the blue dashed lines and then connections to the arterial system.

It's a little hard to see on this feature. We did have some blowups of the boards, but there is a note that there would be a perimeter buffer. So not necessarily along the roads, but on the exterior where it abuts rural and agricultural land, there would be a 100-foot planted buffer.

Go to the next slide. One of the other requirements in the law is to develop development regulations that meet certain parameters. One is to identify that the primary uses in the land bank will be industrial and manufacturing and there's a limit on the percentage of commercial uses. So I think it's as advertised. It's supposed to be an industrial land bank so the predominant use there would be that. And the County last -- in 2014 already established that the appropriate zone would be light industrial, so not heavy but light industrial, so we are looking at uses in that zone.

Buffers, we'll see a view of it conceptualized, but the buffers would be 100 feet and would be between the development and adjacent agricultural areas and there could be agriculture that continues in that 100-foot area and perhaps elsewhere on the site. For the environment, you have critical area regulations that would continue to apply, and any regional or local air quality and water quality standards would need to be met.

There's provisions in the draft development regulations that development would be required to provide infrastructure or provide impact fees and they could do interlocal agreements with service providers and they might do latecomers agreements for

example as well.

There's a requirement in the law that there be a provision showing how transit would work and the County has some code already for encouraging transit, so we've connected to that existing portion of your code.

And then per the law, there would be a public hearing for each application on the site that would come in the future, so with a 30-day notice period. That's the overview. There's a little bit more detail in these slides.

I think we've kind of covered that there would be buffers and that there would be the hearing process. And you'll see in the use table that we've proposed a Light Industrial - RILB overlay, so we've used the IL zone as the base and then identified uses that would be allowed or not allowed, so it's largely similar to the IL zone, but there are a few uses which we're suggesting not be part of the land bank. Things that might be land consumptive are not necessarily appropriate. Schools or energy-type facilities that would not necessarily match the intent of the area.

So we can go to the next slide. We talked a little bit about the environment, so we linked to your stormwater standards and low impact development standards and there are even some street sections. There's a view of that down below showing where biofiltration swales could be appropriate and what would be the appropriate street section given that it's both industrial and still in the rural area, so it's showing how that would work.

Again, the applicants would be responsible for the cost of infrastructure and impact fees and system development charges, and commute trip reduction would apply as well as if they needed to provide transit shelters and so on. And there are some transit routes that run on the State highway, but how else, you know, they might need to work on how that would circulate to the site.

And this slide shows two different ways that the 100-foot buffer could be implemented. One would be a full dense screen, so you can see conifers and really dense vegetation, and then another view where perhaps, you know, half of it could be in agriculture and then there would still be another half that would be that dense screen so that if you're viewing this from the rural or agricultural area, you would have a screen to the buildings.

Gordy mentioned that because the site is and actually all the rural sites have some amount of agricultural zoning. We needed to do what's called a de-designation analysis and that means we look at the Washington Administrative Code and we look at the criteria that suggest when property does or doesn't meet the provisions to be considered agriculture of long-term commercial significance. So this is a summary, the provisions in the WAC are a little wordier than this, but this is the highlights.

So there's a number of criteria we look at. One of the provisions is that we not only look at the site, but we look at an area-wide study area, and so what we looked at for each of the rural sites was not only that site that was under consideration, but anything that was zoned AG-20 abutting north, east, west and south all the way around with that same agricultural designation of long-term significance.

The WAC criteria also look at whether the land is characterized by urban growth or not, whether it has prime soils, whether there's public infrastructure, whether they're in the current use taxation program, how close are they to the urban areas, what are the parcel sizes, what's the intensity of what's happening nearby, what's the traffic on the road, proximity to market.

So there's a number of things, I won't read all of them, but a number of factors. And for each of the sites, we had a matrix in the de-designation analysis that went through each one and a series of maps to show how the sites compared to the criteria.

The next slide. So this is just an example of a map showing on the right there, the docket site which is in the blackout line and then the red boundary shows all the AG-20 zoned land that abuts the sites that were also considered in the area-wide analysis. And for each of the sites including the docket sites, they meet some of the WAC criteria and not others, and so that's detailed in the report. And it is a policy choice, and if you chose to designate the land or recommend designation of land bank, it would convert from the AG-20 zone to an industrial zone.

EULER: I think it's important to note for the record for this analysis that the statute requires to look at alternative sites. The ones that BERK picked were all designated ag. We went beyond that requirement because we thought it was the thing to do, not only look at the site itself, but if that site was picked, how would it affect the agriculture around the site. So that's what this graphic is showing. It's not just the 600 acres or the 300 acres at another site or the 200 acres, but if you were to pluck that out of agricultural land, what would the effect -- and make it industrial, what would the effect be on the rest of the land that surrounds it. So I wanted to make sure that got into the record.

GRUETER: Right. Right. And so for this example, the docket sites are near about 600 acres and that whole study area is more like 3200 acres that we were looking at. The next slide.

EULER: Okay. Thank you, Lisa. Stay right there because I'm sure there's going to be questions.

So a little bit about public involvement. We've mentioned this. We've had a web page up since the very first day we got the application back in February. We've already talked about some of the Board work sessions and neighborhood groups that we met

with. We've met with the Brush Prairie Neighborhood Association and the Meadow Glade Neighborhood Association. Our four open houses, as you can see there, were all at the CASEE Center out on 149th just so that we were meeting in the area that was going to be affected by, potentially affected by the redesignation.

Next slide. So one of the things that became evident to me was, well, somebody looking at, you know, this stack of material, what is it that the Planning Commission is actually being asked to do? So we thought we'd cut to the chase, and I talked with Lisa a little bit about this this afternoon before we got here, so this is called -- I just call this the rural industrial land bank package for lack of a better term.

What's already been adopted, again as I said last year as we updated our code to allow for a master planning process for rural industrial land bank sites, previous to that we had no -- there was nothing in our code that says, one, that you could do that; and, two, how you would do that.

So what's to be adopted, and again this relates to the information that's in the updated staff report that has today's date on it, we proposed some comprehensive plan policies that say if we're going to adopt a rural industrial land bank, it should look like this. It should have these policies. Those are in the staff report. Those were came from BERK. We would be approving a change in zoning of the parcel from ag to light industrial and again with a proposal that's in the draft development regulations of a new category of uses that we would call the rural industrial land bank light industrial overlay, so it would be a real IL overlay.

Then the development regulations that Lisa just mentioned would be a new column with use tables and specific sections for things like roads, cross-circulation, buffering, landscaping, that sort of thing. There's some arterial atlas amendments and those are listed in the -- and there's three that we're proposing in here again for how to connect the site, not necessarily with SR-503, but this is going to be a fairly large site and it needs some other connectivity, so there's arterial atlas amendments. And then essentially the master planning concept.

The rest of the material as has been presented is basically supporting documentation that we're going to put into the record that one is, number one, establishes the record, but, number two, shows how we're meeting the statutory requirements of GMA.

As I mentioned earlier, the industrial lands inventory, the CREDC study, we've adopted that as part of the record, we're using that as our lands inventory. The de-designation analysis again is part of the record because in this particular case we're proposing to take land that's zoned ag out of ag. The alternative sites analysis that was done. That's the programmatic level of environmental review and that's -- again that's a statutory requirement. And then the last thing we did was the transportation and utilities analysis and those were appendices in the Addendum. So we've got some specific things that

are going to happen as a result of your recommendation and/or the Board's action and the rest of this then is going to be supportive documentation, so...

Next slide. Next steps, there aren't very many, the first one there is we're here. It's the hearing tonight. We have not gone to the Board's office and said when do you want to have a work session if you do and when do you want to have a hearing partly because we've got a lot going on with the comp plan, partly because it's the holidays and partly because we wanted to see since we're kind of pioneering this entire process what the results of tonight's hearing is going to be, so...

Next slide. That concludes the staff report. Certainly be happy to answer any questions that you may have before you get on to testimony.

MORASCH: All right. Thank you, Gordy. I do have a quick question. I'm looking at the November 4 letter from the Clark County Railroad Advisory Board, they made two requests for, it looks like, changes. They wanted to add some uses to the use table from the IR zoning and they wanted to include a provision regarding development not precluding extension of spur tracks. Did those get incorporated into the December 17 staff report?

EULER: I do not believe so, but there's a member of the Railroad Advisory Committee here who -- Dan Weaver is in the audience. I'm guessing he'll testify and --

MORASCH: He signed up, yep. Before he comes up though, what was staff's reasoning for not including that in the proposal?

EULER: We are at this point just including all of the comments we've got into the record. We don't have a position one way or the other. We'll take your recommendation and submit that on to the Board.

MORASCH: Okay. Thank you. Any other questions from members of the Planning Commission for staff before we open it up to the public?

WRIGHT: I had a question about the development regulations that you're proposing for the overlay. Are there any in State law or in WAC or would these entirely be County code?

EULER: The statute basically says you will develop regulations that will apply to any development that is on a parcel that you include in the land bank. And what we did since we already have an industrial code is we started there and said what are the things you generally might -- generally do to buffer or to mitigate for any kinds of effects that you would have from industrial development. And that's what BERK did and that's what's being proposed, so... And the way to implement those then was just create essentially a separate industrial, light industrial zone, call it rural but call it an overlay.

GRUETER: And I might add, on Page 5 of the draft development regulations, we've listed what's in the law, that has the categories of things that development regulations need to cover, things that we mentioned, the critical area regulations, the commute trip reduction and transit-oriented development infrastructure, that sort of thing.

WRIGHT: As would be the 10 percent limitation on commercial use?

GRUETER: Correct. Correct. And the hearing that's required for when development applications would apply.

WRIGHT: Okay. Very good. Thank you.

EULER: This is an interesting process. As Lisa mentioned, it's not only are we going through this process, but any time there's a proposal to develop property that's in a rural industrial land bank, there has to be a public notice given, I think it's 1,000 feet, and it requires a 30-day notice. That's different than the standard that applies to development in the rest of our code, but that's statutory so that's what's written into the development regulations in terms of process, that's once the bank is established.

MORASCH: All right. Any other questions?

BARCA: I have a comment that I'd like to bring forward to my fellow Commissioners. We have an application in front of us for a very specific parcel, and at the same time, we are tying it to a rural industrial land bank, but these are actually two separate issues.

The way that I read the RCW 36.70A.367 and then the follow on is 370, they talk about establishing a rural industrial land bank and it says, but does not need to specify a particular parcel or parcel of properties or identify any specific uses or users except as limited by this section.

So I would like our discussion to be at least two-fold in the concept of the rural industrial land bank as a policy for us to decide that that is really an important thing for us to do, and then in that context, look at the idea of this particular parcel on this particular application that's come forward.

I think there is relevance to the idea that we are charging in to take a particular piece of agricultural designated property that has its designation as resource land held up in court as recently as 2007 without regard to the idea that we even have a need for 600 acres of industrial land.

We are just coming off of a comp plan review where we purposefully did not look at any urban requirements or change any urban requirements, and now we are looking at the concept of growing our urban industrial land, but we're putting it in the rural area. We're

growing industrial inventory by 35 percent, and yet we didn't have the need to do that two weeks ago when we went ahead and passed this.

I find it a little incongruous as if we are trying to make these two items seem unrelated, and granted, we have the application here, but the County could have certainly come forward and put this into the comp plan. We chose specifically not to and it masks the full impact of what we're trying to accomplish. So as we go forward, please think about the idea of rural industrial land bank at any location and then we can be site-specific when we make that decision. Thank you.

MORASCH: All right. Gordy or Chris or anybody, do you want to respond to that? You don't have to, but I'll give you the opportunity if you have something you want to say about that. It looks like Oliver's coming up to --

ORJIAKO: Thank you members of the Planning Commission. For the record, Oliver Orjiako, Clark County Community Planning Director.

The issues that Planning Commissioner Ron Barca raised are a good one; however, there is nothing in the statute that requires the County to put this application in the comp plan. That's one. Two, the statute requires that you consider designation of rural industrial land bank out-of-cycle; in other words, you can do it at any time. It doesn't have to follow your periodic review which is what we are going through now.

The application was submitted February and 2014. We started the plan update July of 2013 recognizing that the statute that governs the periodic review and the statute that governs or the requirement that governs designation of rural industrial land bank are two separate thing. And because you can do it out-of-cycle, we chose to look at the application and process it as an application that we received.

Secondly, the statute requires counties planning under the GMA to designate two sites. A, you can use Section 265 if you have a user. Secondly, if you don't have a user, Section 367 requires you to designate it as a bank, which is what we are reviewing, and the provision allowed by the State sunsets December of 2016. The timeline for the County periodic review for the comp plan update is June 30th, 2016. So you have two different timeline.

If we were to include this in the comp plan update, we would have -- we will be obliged to complete the process before June 30th, 2016. Now, you have the provision that says you can complete this by the end of December 2016. So you have two conflicting -- we just want to separate the two for a variety of reasons. If we are appealed on the comp plan, that stands on its own and on its own merit process whatever the substantial issues may be. If this one is appealed, it stands on its own. So I made the decision to process the two applications separately and I think it's the right call.

Now, in terms of employment land and jobs, there is again, if you were to look at it individually, there is nothing in the statute that says assuming we complete our comp plan and meet our deadline by June 30th, 2016, and continue this application and review it given the timeline that it has, there's no way we could have made the correction. In the future periodic review, we can include the number of potential jobs on this site when we look at it again, but I don't think we've missed that opportunity.

MORASCH: All right. Thank you, Oliver. Are there any other questions for staff? John.

BLOM: I have two questions. You talked about the transportation. This infrastructure within the site is going to be paid for by the developers; correct? You mentioned impact fees, though I'm assuming that they would still fall under the County's impact fee waiver, so they would not be --

GRUETER: They would be subject to the same impact fee standards as any other proposal.

BLOM: Okay.

BARCA: Impact fee waiver.

BLOM: Which is currently, so they would currently be -- okay. What about the direct impact off-site? Would there be as part of the development process if 117th or 503 needs to be expanded, is that money paid for by impact fees or would that be a site-specific review requirement that says there needs to be improvements at this intersection and the developer is going to bear some of those costs?

GRUETER: Well, I think the code is that they be responsible for the infrastructure related to their impact. And what the modeling showed is that with the proposed network, as you saw in the concept, that the system could handle this bank plus the general cumulative growth that's planned for in the future.

BLOM: Okay. And in the study, so my second question, do you have an idea of what percentage of the 600 acres is currently being used for agriculture?

GRUETER: I think except for the wetland areas and there's some habitat areas, I think it's largely in use for agriculture on both sides of the road, a dairy on the east side and hay on the west.

BLOM: Okay. Thank you.

MORASCH: Any other questions?

All right. With that, we will open the public hearing, and the first person on our sign-in sheet is Daniel Weaver.

WEAVER: Do you want me to come up there?

MORASCH: Yep. Come on up if you want to talk. If you can give your name and spell your last name for the record.

WEAVER: My name -- do I have to turn this on?

BARCA: Just lean close. It's on.

WEAVER: My name is Daniel Weaver, and I'm a member of the Railroad Advisory Board.

I've been chairman a number of times and I'm currently the vice chairman for the board of that advisory board. I've been involved for over a dozen years with the railroad. And the railroad passes through the western part of this industrial land bank and I would have to say that we have been instrumental in trying to get properties for the railroad. And if you look at the industrial properties along the railroad all the way up and down, they are very fragmented at best in the ability to place a major industrial company along the railroad. So we've had difficulty in getting people there.

And I always characterize it as we have three eggs and no chickens. I mean, we have a railroad that needs repair, we have few, if any, industrial customers and we have little land to be able to utilize for the industrial use of the railroad, and so that's why we've pushed for getting some properties. And in terms of when I say "push," we've just tried to get it brought forward and now the study has been done and that's the piece of property that's adjacent to the railroad that makes the most sense for us to be able to develop properties along the railroad.

And in addition to that, we have added the things from our letter that we wrote in support of this, we have pushed for provisions that would make it more conducive for railroad use. If somebody comes in and does industrial development, we want them to have an impetus to use the railroad in their planning process, rather than just put an industrial site there without use of the railroad because that's what's happened now along the rail is a lot of industrial uses, but very few of them supporting the railroad or using the railroad, and we have an operator that obviously needs to make money and the County will make money eventually when we get to a point of higher production along the railroad.

Now, that rail line is a very valuable resource to the County that they paid a lot of money for several years ago and we'd like to be able to utilize it by, like I said, getting customers, and then we can get grants and support from developers to develop the line

to fully utilize it and that's what our purpose is.

MORASCH: All right. Thank you. Any questions?

BARCA: Mr. Weaver, what is the condition of the railroad up to that point right now?

WEAVER: Up to that point, up to the what we call the Rye yard around 78th Street, it is in very good condition. We have some upgrades. I wish I had the examples here, but the rail was put in there in the late 1800s and it's a very small rail, and the current usage of cars now is significantly heavier than they were in 1890, and so the rails need to be upgraded in some places. Some places have already been upgraded, but it's in pretty good shape up to 78th, and then from 78th on to that industrial site would need to be upgraded.

BARCA: So do you have a dollar value on what it would cost to upgrade the railroad so heavy freight could run from the industrial lands to, I'm assuming, the Port of Vancouver or onward beyond the Port?

WEAVER: I don't have those numbers with me, but it's around 10 to \$12 million to upgrade that fully in there.

BARCA: And who would we project would be providing that 10 to \$12 million to upgrade the railroad to get it ready for the industrial site?

WEAVER: It's, again, back to those three eggs and no chickens. But if you get an industrial, a heavy industrial user, not heavy industrial, but a large industrial user on situated on property there, they would help upgrade that property. We would also have the ability to go to the State legislature and even to the Federal legislature to get funds, grant funds to complete that land. We have gotten grants every year up to the tune of about \$6 million for improvement of that line up to the 78th Street, and again, we just need to fully upgrade it.

One of the issues is Burlington Northern would pull cars all the way up the line to that point if we were fully upgraded to the large track and everything was fully brought up-to-speed. Right now they have to leave them down at Fruit Valley Road and we have to take an engine down and pull them up from there. They have to leave them on that hill and then we pull them up. If the line were fully upgraded, they could bring a large section of cars up and park them up there on in our yard either at the Rye yard or further up for an industrial user.

BARCA: Thank you.

MORASCH: Any other questions? All right. Well, thank you for coming tonight. The next person on our list is Steve Jagelski. You don't wish to testify?

JAGELSKI: No, I don't.

MORASCH: Okay. Thank you.  
That brings us to Steve Horenstein.

HORENSTEIN: Thank you, Mr. Chair, members of the Commission. For the record my name is Steve Horenstein. My business address is 500 Broadway, Suite 120 here in downtown Vancouver.

Thank you for the opportunity to appear before you tonight. I do represent the applicant, Mr. Lagler and Ms. Ackerland and their LLCs. First I want to say, I want to thank staff for the hard work on this. I have been doing this kind of work for a long time now and I've never seen the kind of staff effort that has gone into this. They have really taken this application to a level beyond what we filed and have done a great deal of work and I believe it's a very defensible application. It's an important project for the community.

The only other industrial park, light industrial park, business park that we have in Clark County of any that's comparable at all is Columbia Tech Center that's on 164th. We worked on that in early to mid-'90s and it is now within about 50 acres of being built out, about 450 acres, and the developer is also buying maybe another 50, so we're really getting to the end of the developable property there.

The CREDC study was mentioned some as being the basis, inventory basis for meeting the inventory requirement, if I might say, for the application, and it was completed in 2011. Not much happened between 2011 until recently as the economy started to pick up and I think it remains pretty accurate. There's not a site in that inventory that is greater than 78 acres, and even that site has some constraints.

I do want to provide a slightly different perspective than Mr. Barca did tonight on our need for industrial land. I do serve on the Board of the Columbia River Economic Development Council and on the Land For Jobs Committee and I can tell you we are struggling to find land for new larger development in the community.

And the different, slightly different perspective I want to impart to you is this. In the 2008 update to the comprehensive plan, we included more industrial acreage than we're proposing on this site. Almost all of it was ag land and it did not survive challenges before the Growth Management Hearings Board. Almost all of that had to come back out and into ag land.

This application has been pending for a couple of years now, almost two years now as Oliver said, and it seems like a long time, but there's been an awful lot of work done between then and now, and we were working on this project probably for three years

before that.

So let me say that a different way to look at it is this. We thought we needed more acreage than this for industrial land in 2008. We were not able to sustain it. This is an alternative way to actually go into the rural area and create large parcels of industrial land, and this really becomes the replacement for what we tried to do in 2008 but doing it under different statutory mechanism that does allow for industrial land in the rural area.

So I don't think it's accurate to say we don't need more industrial land today; I think it's more accurate to say we've got two processes going on to get to the same place we tried to get to in 2008. One is the comp plan that does have some job creation land in it. The update to the GMA plan, you all have seen that, it's been through the Planning Commission and at modest at best, and then this process which gets us to a great deal more industrial land as we needed in 2008.

So let me go a little further and say that I don't want to repeat all the details you heard from staff and you've had workshops and I think you know the application very well so I'm happy to answer questions about that, but I'm not going to get into the details of that.

A couple of things where I differ with staff to a certain extent, number one, the application puts an emphasis, itself puts an emphasis on mitigating the loss of farmland by including organic farms which are generally smaller in nature in the open space areas of this project, and I really would like any recommendation to move forward to the Board of Commissioners that is positive from the Planning Commission to highlight that issue because I think that's a very important mitigation piece. I think it addresses a lot of the concerns from the farming community. It is smaller organic farms are what's happening for farming today. Large dairy farms west of the mountain -- east of the -- west of the mountains are not happening any longer, and I really think I'd like to see that emphasized a little more as the project moved forward.

The second thing, and I think I have mentioned this before, I do as one of the three drafters of the rural industrial land bank legislation and always in my experience in drafting legislation in hindsight you could do better than you did, but the issue of looking at the rural sites I think is a bit of a distraction here.

The intent behind the legislation was to require jurisdictions considering using the rural industrial land banks statutory scheme to create large industrial parcels required them to first look inside the urban growth boundary, and if you had large enough parcels inside the urban growth boundary, that would be a basis for turning down an application to develop in the rural area.

Comparing and looking at other rural sites seems to be a non-starter to me because you have one application before you, even if you liked one of those sites better, you couldn't

pick it because you don't have an application before you. So I really would ask that you de-emphasize the issue of, well, what about other rural sites? I just don't -- that isn't what we intended when the legislature was drafted.

I'm very pleased with the support we have from the Railroad Advisory Committee. The only thing I would caution about modifications to the uses for the rural industrial land bank is that it is required to be light industrial. Now, sometimes if you go down to, oh, Columbia Business Center, for example, on the river, that's pretty heavy industrial and the rail is there. That's the only real water and rail served heavy industrial site in the county that has both water and rail, and it's pretty heavy stuff if you drive through down there. This site can't be that heavy. It has to be light industrial under the rural industrial land bank statute. So we have to be cautious about what uses we bring in, and that probably isn't even before you tonight, I think we have to create the bank first and address that issue as we go.

The two issues that were raised by I think Mr. Blom, at least raised one if not both of these, the impact fee waiver. Today if we were to develop the site, there wouldn't be impact fees developed or charged to the site. This is a very large site. It's a 15-, 20-year build-out, probably.

If you just compare it to Columbia Tech Center which is started at 120 acres and it grew to 450 acres, we are 20 years into that site, if not a little more now, and it's just now getting to the build-out stage, so this is a long-term project. My guess is it will be not that far in the future before we start charging impact fees again to commercial industrial developers. I guess time will tell, but today it wouldn't happen. In the future, I think it's likely.

Also the good news is 503 is fully built out today as an urban arterial, I guess it would be. Would it be an arterial? Yeah. Yeah. I don't think that means that there wouldn't be on-site or even some off-site transportation improvements required of the developer or developers of this site over time, and both the County code and then the law generally place requirements and limitations on what that could be, but I would fully expect even though we have a pretty robust cross-circulation plan proposed for this site, I would expect there to be some additional transportation improvements required, and the site is of such a size that it could support that obviously. It's one thing to be developing a Minit Mart and having to put in a signal at an interchange. It's quite another to develop large industrial parcels and have to put signals in, you know, it works.

That concludes the comments I have, and I'd be happy to answer any questions on behalf of the applicant.

MORASCH: All right. I have a couple of quick ones.

HORENSTEIN: Sure.

MORASCH: You mentioned the rail and the uses. What were your comments on the other request by the Railroad Advisory Board for some policy language that would basically say that the developers couldn't preclude future rail spurs, would have to submit a rail plan showing where a rail spur could locate on the property as part of their development, is there any concern about that?

HORENSTEIN: I'm fine with that because I think one of the most unique things about this site is that it is rail served.

MORASCH: Rail served. Okay.

HORENSTEIN: Yeah. So I'm fine with that.

MORASCH: And then you mentioned the mitigation, the organic farms on the open space. Is that intended to be on some of the internal open space areas or is that just the buffer that staff showed us?

HORENSTEIN: Both.

MORASCH: Both. Okay.

HORENSTEIN: Yeah.

MORASCH: All right. Thank you. Any other questions for Mr. Horenstein?  
Dick.

BENDER: Is there currently any strong applicants for either of these lots?

HORENSTEIN: You mean developers?

BENDER: Yes.

HORENSTEIN: No, it's too premature for a developer to be -- well, I shouldn't say that. At least one and maybe two ports have expressed a lot of interest in this site to be involved in developing it for industrial, so we have port interest, public sector interest. The port would be perfect for a site this size because they have the horsepower to and staying power to build out a site like this over a long period of time as ports tend to do. It's a little early yet for private developers in my experience to show much interest.

BENDER: Thank you.

HORENSTEIN: Thank you very much.

MORASCH: All right. Well, thank you.

HORENSTEIN: I'll be around to answer any further questions.

MORASCH: Jim Hunter.

HUNTER: Jim Hunter, H-u-n-t-e-r.

I own with my wife and operate with my wife a farm, oh, approximately a quarter mile north of the site. Have you all had a chance to read the comments I submitted?

MORASCH: Yes.

HUNTER: Okay. So I don't want to repeat too much of that and I'm happy to answer any questions you have about it. So I guess my wife suggested I make bullets and I whittled it down to two.

MORASCH: All right. That sounds good.

HUNTER: And one is this is about food in our future. Now, there's been some talk about the local food movement, but, I mean, this in a bigger way and I think the Growth Management Act means this in a bigger way, that the reason for preserving agricultural resource land is that we have the capacity to grow food for our community.

And what we need to look at is not just the current trend, but what are the potential changes in our future that might affect how we grow and how food is moved around the region, around the country, around the world. And I think there are some big uncertainties in our future, both environmentally and politically, that would suggest that we be cautious about eliminating capacity to grow food that's close to us.

My second bullet is transportation conflicts, and one of the uses of that is in the approved uses of the light industrial zone is rail activity, and there's been some discussion already about light and heavy and how rail would fit into this site. There's clearly, from my reading of the Railroad Advisory Board's minutes, some pretty intense interest in including rail in this site.

One of the things I read about in their minutes was a company that was looking for a place to unload 100-unit trains of ethanol. And in some of the conceptual drawings that don't seem to make it into the body of the Addendum, there are conceptual drawings that have appeared at the open houses of two big rail circles, one on each side of the highway, and those are a lot like the rail circles that you see for the oil port concept drawings and presumably something large enough to handle a unit train. So if we're bringing unit trains out to Brush Prairie, 100-car trains, have we looked at all the railroad

crossings between the Port and Brush Prairie and what the conflicts will be if we have increased rail traffic, increased semi traffic focused in this area?

I can tell you right now that on 100 and where the tracks cross 503 north of 149th Street in the morning that the school buses are backed up maybe ten because they have to stop at that track. So you've got buses from Battle Ground School District running through there. You've got students in buses and students in cars coming to the CASEE Center for their ag program there. You have Prairie High School at the other end of this area and you have Glenwood Heights and is it Laurin in the middle of it. So you've got all these school buses not only now stopping for empty tracks, but when we start running trains on that and if those trains are unloading to semis, more semis and you've got young students driving cars in irresponsible ways getting back and forth to the CASEE Center and Prairie High School, we've got some pretty serious transportation issues that I don't see anybody really talking about.

There was some talk in the comments in the response to the comments about my cranberry criticism and it really isn't enough to add cranberries to the list of or caneberries rather than cranberries to the list of crops that are grown in the area, because if you didn't recognize the difference between cranberries and caneberries when you were doing the analysis, something's wrong. You're not comprehending the agricultural activity that's going on here.

And part of my appeal that I've filed and my comments regard the fact that really the western part of this area has the better soils. And I understand that when they chose how to or what areas to include in their study, they were talking about abutting AG-20 parcels to the property. Well, to the north, the anomalies that create the situation that there aren't AG-20 parcels directly to the north really are exceptions that you ought to factor in. The property directly north is the CASEE Center. I don't know how that's zoned, but it's public property, but there are portions of that property that are leased to berry growers and the berry growers, grower that leases that property then abuts that property to the north. So to not consider what's happening to the north is missing.

And the other big issue about that is that grower grows on both sides of the Lagler or the Ackerland parcel. So you put 3,000 people coming in cars and trains and trucks and he's trying to get to his fields, you've just blown a big hole in an agricultural production area and those farms are going to drop away as well. And so you're not just removing 600 acres, you are blowing apart an agriculture production area.

I guess I'll -- I could talk to you all night, but I'll leave it there and answer any questions.

MORASCH: Okay. All right. Thank you very much. Any questions?

BARCA: So, Mr. Hunter, what I'm hearing you say is basically that on the western portion of this application we have agriculture going on to the north of it, to the west of

it --

HUNTER: And to the south of it.

BARCA: -- and to the south of it. And what I guess I need to point out to my fellow Commissioners is that it appears like we have AG-20 in orange throughout this map and what we're going to do is we're going to take a big divider and put industrial land right between that. And when we do that, what we're doing is we're segregating then the activities of each side and creating two smaller islands of activity that goes on there. So to take 600 acres and to mitigate it with organic farms in the areas not fit for industrial habitation, do you see that as being able to help sustain what's going on there?

HUNTER: Certainly not the type of -- one of the things I wanted to say here was when it comes to agriculture, size doesn't matter. Now, it does matter, but it doesn't matter the way you think it does. And so -- and I'm digressing, and I tend to do that so haul me back in -- for the kind of activity I just described of the medium-sized berry growers, it's not going to do anything for them. It's going to add insult to injury to have those whacko organic people getting the land and them not having access to it if that's the way you're going to parse it out and say it has to be organic. It might help a few more people like me get a start, but I think in terms of the, you know, the conservation or preservation of commercially productive agricultural lands, I don't think it does what is required in this case because you're still going to destroy those existing operations.

BARCA: Thank you.

BENDER: Any idea as to the loss of dollars if the ag in the area is depleted?

HUNTER: I don't have the answer. I'm not really a number cruncher person. I can say that those from what I understand from one of the farmers involved that berries produce about 7 to \$10,000 an acre. And one of the things -- you know, part of what we're dealing with here is are we going to let Dennis Lagler out of here, you know?

And I -- one of things I want to say is that I have a lot of respect for Dennis and I don't really want to oppose Dennis. I'd rather be sitting with him discussing about how we're going to figure out how to use this land in a productive way, but I can't let the train leave the station without being worried about what might happen. So 7 to \$10,000 an acre. Now, I don't know how much berry land is around there, but I think that's one of the things that should have been included in the study and that question answered.

BENDER: Thank you.

MORASCH: I do have a question. You said there was ag going on to the north, and I'm looking at the zoning map, it looks like it's not AG-20 to the north, and I can't read the fine print. Do you know what the zoning is or does staff know what the zoning is to the

north?

BARCA: It's rural.

ORJIAKO: It's rural, but as you know, ag is allowed in any zone in the county.

MORASCH: Right. I'm just curious because it's not an ag zone. So is it Rural 5?

BARCA: Yeah, it is.

ORJIAKO: Yes.

HUNTER: Yeah, some.

MORASCH: Okay. And what kind of ag again is going on up there?

HUNTER: There's berry farming kind of scattered, and there is some more AG-20 beyond the 5.

MORASCH: Further, yeah, that's quite a bit up.

HUNTER: And so it's, anyway, primarily a number of kind of berries farming. There's blackberries, strawberries, blueberries. There's a new blueberry operation that's just started just on that north of Salmon Creek.

That's the other thing you need to look at is Salmon Creek breaks up the parcels there. I have canyons on both sides of my 10 acres, so there wasn't going to be a 20-acre parcel there. So the fact that there's some Rural 5 in there doesn't -- I mean, if you want to -- it's one of things that I kind of object to in the approach of the study is, you know, we have to have these precise definitions of what's in and what's out, rather than looking at what's going on. So berries, a lot of berries, quite a lot of berries, actually.

MORASCH: Okay. Any other questions? No? Okay. All right. Well, thank you very much for coming.

Sue Marshall.

MARSHALL: Hello, Chair, Commission members. My name is Sue Marshall.

My family owns a 20-acre farm in Ridgefield and I'm a board member of Slow Food Southwest Washington. My comments tonight are on behalf of Slow Food Southwest Washington. Our concern is not with the merits of any proposed project on this site, but with the de-designation of 600 acres of agricultural land with no meaningful mitigation to offset this loss of farmland.

This land qualifies as agricultural land of long-term commercial significance and continues to have an agricultural comprehensive plan designation. We believe that the County is overdue in developing tools that can ameliorate conflicting land uses related to agriculture. These tools can serve as a catalyst to create win/win opportunities and can protect farmland for the long-term.

There have been two excellent reports that point the way forward. The Agriculture Preservation Strategies Report, one of their principle recommendations from the report is the designation of agricultural production districts in the county. These would be prioritized area for the preservation of agricultural lands and the focus for application of purchase or transfer of development rights and aggregation of land dedicated to farming.

We encourage you to follow up with this report and convene a task force that will focus on identification of agricultural production districts and implementation of strategies to enhance and protect these districts in the long-term.

The other report, Promoting Agriculture Food Production in Clark County, I see was included as part of your packet. Their recommendation was that during the current update of the comprehensive plan that you consider voluntary measures to protect and maintain agricultural productive lands. The Clark County Food System is, I think, ready and available to assist you in that task. Now, we recognize that you may not have the power to set up such a task force or a commission, but we urge you to be proactive in making this recommendation to the County Council.

Agriculture has long-term commercial significance in Clark County and income from farm-related resources is up sharply by about 41 percent from 2007 to 2012, according to the USDA National Agricultural Statistic Service of 2012. This increase, I think, is in part due to the access to direct markets and a customer base that is very motivated to buy locally. We need to build on this momentum.

To the other issue, not just this particular parcel, but how do you go about designating rural industrial lands? We believe that any regulations should include a requirement and guidance to mitigate for the loss of agricultural land. Our land is designated AG-20. If the comprehensive Alternative 4 goes through, there's not going to be very much AG-20, and if that's a criteria for determining significance of agricultural land, it's going to pretty much wipe it out.

Just to comment a bit on the organic farming that is intended to be used as mitigation, I'm not sure what the viability of that would be. I think that if you're putting it into a 50-foot buffer, I think that raises a lot of concerns about potential conflicts, water sources and I don't know how viable that will be, and I don't know how many resulting acres that would provide for agricultural land.

So thank you for your consideration and we urge you to postpone this designation until an adequate mitigation plan can be put in place. Thank you.

MORASCH: All right. Thank you. Any questions? All right. Thank you.  
Next we have Val, and I can't read the handwriting.

MARSHALL: Alexander.

MORASCH: Alexander.

MARSHALL: And I'll be reading for Val.

MORASCH: You'll be reading for Val. Okay.

ALEXANDER: So, Dear Councilors, Staff and Planning Commission. My name is Val Alexander.

As a rural landowner, farmer and board member of Friends of Clark County, I want to ask that you reflect on the long-term result of de-designating some of the finest ag land in Clark County. I can understand the situation that Dennis Lagler has with his parcel, but I am hoping that you will find a way to help him and yet save much of this land to provide food for our county residents.

It is large enough that huge amounts of produce could grow there to supply our grocery stores in case of earthquake, the loss of the Columbia River Crossing and being cut off from trucking from California where most of our produce comes from except for that that is grown locally.

One of the limiting factors in growing food here and keeping it in the county is the lack of a processing plant. We used to have the Robinson Cold Storage on NE 10th Avenue in Ridgefield. The plant is still there but being used as a winery now. It would be helpful if some of the Lagler property could be used for a place for farmers to take their produce for freezing or canning and keep the money here in Clark County. I know one -- I know of one berry farmer who has to take her produce to the Willamette Valley for processing, and I assume most others do too. The berries grown in the Woodland bottoms would also be a good potential for such an endeavor.

I'm hoping that your priorities will be for the future and not for a short-term break that will cost us all. Let's use up the other industrial land first. Thank you.

MORASCH: All right. Thank you. Any questions?

QUIRING: I guess just a comment or maybe a question to staff. Wouldn't a food processing plant be an appropriate thing in a light industrial bank?

EULER: Yes. It's actually on the list. We've been asked that question many times and agriculture is allowed in any zone, would be allowed to continue here, and certainly food processing is something that's contemplated in a light industrial zone.

QUIRING: Okay. Thanks.

ALEXANDER: Thank you.

MORASCH: All right. Any other questions? No. All right. Well, thank you.  
Sydney, Sydney Reisbick.

REISBICK: Good evening. Sydney Reisbick, S-y-d-n-e-y, R-e-i-s-b-i-c-k.

Friends of Clark County has just a couple of comments. One on the master plan, the work of landowner Dennis Lagler and County staff on the master plan for the industrial land bank has created a master plan that raises a level of such plans.

The neighbors in critical areas have 100-foot buffers and the owner, as I understand it, intends to keep ownership of the land even though a port or someone else like that would develop it until each part is sold off.

While the County historically has sold plots on a first come, first permit basis, the landowner can and, as I understand it, intends to use criteria such as job quality and relevance to the railroad.

The other one thing is the de-designation of the agricultural land. Our continuing concern is the de-designation of close to 100 (sic) acres of prime agricultural land. The GMA mandate to protect ag lands stands in the way of this de-designation and the Growth Management Hearing Board may disallow one or both parcels. Our Friends of Clark County position is that the de-designation should be refused unless there is some replacement for this large amount of ag land and/or creation of a way for citizens to protect other agricultural lands.

We refer to and support input from the other agricultural groups that have given input and also the work of the three citizen committees that have made specific recommendations in their reports for how to protect ag lands. The rural lands task force -- okay -- those are the rural lands task force, the rural lands study and especially the agricultural preservation strategies study and report, and that includes agricultural production districts which would be large areas under ag that weren't conflicting with other uses and divided in ways that were hard on both themselves and the conflicting uses.

And I think I would like to add one more thing and that's the other market that's coming up and maybe rather lucrative is not just organic but non-GMO and people are willing to

pay a lot for the non-GMO products as well. So we do -- if we're decreasing agriculture in the face of an increasing local demand and even international demand for special agricultural products, that might not be the best idea. Thank you.

MORASCH: All right. Thank you. Any questions? No questions. Okay. Thank you very much.

Well, that is all the names we have on our sign-in sheet. Is there anyone who didn't get a chance to talk that wants to come and talk to us about this issue? All right. Seeing none, we will go ahead and close the public hearing, and I guess I'll turn it over to staff. If you have any response that you'd like to make to any of the testimony or are you okay?

EULER: We'll respond to your questions about the testimony, sure.

MORASCH: Our questions. Okay. All right. With that, I'll turn it back to the Planning Commission for any additional questions of staff and any deliberations.

BARCA: I'd like to start out with we have an opportunity to discuss Site 5, Site 5 that is not in the ag land. When we are supposed to be reviewing a variety of parcels and we find that this particular parcel is not in ag land, that's a particular threshold that we wouldn't have to overcome, that this property is available. It has all of the utility requirements. It's inside the City of Vancouver, I believe.

GRUETER: That's right.

BARCA: So doesn't that by itself put us in a position that says creating the industrial land bank is outside of our purview when we do the review and we find that there is a parcel of significant size available for industrial use?

EULER: Do you want to respond?

GRUETER: So some of the differences are that with that site, it's about 325-gross acres versus 600-gross acres for the docket site, so the size. And then the number of owners is a factor. There's two owners with the docket site and many more with Site 5. It was Site 5 is a collection of a couple of sites looked at in the land for jobs study, so we put them together in consideration as Site 5, but there's -- they don't in and of themselves achieve the same land area and they have constraints in terms of steep slopes.

So, yes, there are some abilities to extend utilities. There are, you know, it does have employment zoning and it is more than 100 acres, but it has some other challenges related to slopes and ownership that this site doesn't have.

BARCA: Right. Everything that you stated does not preclude it from the rural industrial land bank criteria. What you're just stating is preferences. We don't have a market study that says we need 600 acres. We don't have a market study that says we need railroad adjacent property. So what we're faced with is you're coming before us and saying that it's necessary to de-designate some agricultural land and I believe your own study shows that there is an alternative.

GRUETER: I think what we were showing is that it's a policy choice and you need to weigh and balance Growth Management Act goals, and we were looking at rural industrial land bank designation and we had an application and we were looking at alternative sites per the statute and so it is before you.

BARCA: Yeah. Can we pull up again the matrix that shows the criteria and the different designations, please, of properties. There we are. So as I see the matrix, we have strong and moderate features all across Site 5 except for rail access.

BLOM: And topography.

GRUETER: And topography.

BARCA: And topography which it's already in a jobs generating zoning. So to say that the topography is a consideration, I would say, yeah, it's a consideration, but in the context that is a judgment call about what type of development is actually going to end up there; right?

GRUETER: We're looking at, you know, what --

BARCA: Light industrial.

GRUETER: Right. And typically the more suited sites have slopes less than 8 percent. This site has some challenges because it's got ribbons of steeper slopes that make parcel consolidation and development of typical light industrial a little more difficult and more property owners to contend with.

MORASCH: If I recall, the City has a development agreement with the property owners on Section 30 requiring mixed use with a residential component. Did you look into that with the City?

GRUETER: I did not review the development agreement. I think there on the previous slides, there's a real rough concept that does show some pockets of -- I think the circles imply some mixed character there and I think some of the other zoning in the lower southeast also has a different character than -- right. It's not necessarily a traditional industrial park. It does have --

MORASCH: Right. That was my recollection --

GRUETER: Right.

MORASCH: -- that the City wasn't supporting traditional light industrial there. They were looking for more mixed use type employment uses.

ORJIAKO: That's correct, and that's what has been master planned for.

MORASCH: Okay. Thank you. Any other deliberation or comments or questions?

BARCA: Can we talk about the de-designation process. So we're specifically looking at Site 1 and it's a working farm with current use taxation?

ORJIAKO: That's correct.

BARCA: Okay. Type 1 soils?

GRUETER: Prime soils.

ORJIAKO: Yes, prime soils.

BARCA: Okay. Yes. It appears to me that it hits just about every one of the criteria necessary in the WAC to be designated as resource land agricultural. We've taken a run at de-designating this property before and we're taking another run at it now. What has changed in the thought process that says we're going to be able to say this property is now ready to be taken out of the land inventory as agricultural land?

ORJIAKO: I will like Lisa to chime in on that, but I will only add that with all due respect to the work that the County did in 2007 and '08, I think this is a more thorough review, if you will, and a much, much more in-depth analysis than what was done in 2007.

The second comment I will make is that, yes, this property meets and is designated as resource. We made an attempt in 2007 to bring it into the urban growth boundary and did do a de-designation which the Growth Board found to be not adequate. This, to me, took a different approach to it and did a much more in-depth analysis in terms of how does the criteria no longer meets the WAC. It is your call whether the analysis is stronger this time. It is before you to review.

One of the things that we've struggled is that, yes, all the testimony we heard today are very strong testimony in terms of the agricultural issues that have been raised. Recognize also - and this may be commentary on my part - but recognize also that there is nothing in the statute that says you cannot designate agricultural land for industrial land bank, period. This property happens to be ag and we took the effort to

go through the designation process.

If this is rural, we wouldn't be doing that, but we're just obligated to look at using the WAC to go through the de-designation process, but I also maintain that there is nothing the way that the legislation is written that says that you cannot designate agricultural land for. It just ask you to find a way to mitigate the impact, if you so choose.

Secondly, it requires that in your de-designation of rural industrial land bank, it has to be in close proximity to the urban growth boundary, and this happens to be at the application in front of us. I don't know how you designate, if you were to look at the county and go to somewhere, and again I say this as commentary, and go to somewhere out in, say, northeast county passed Yacolt, I don't know how you provide urban services or essential services to those site. So this one is the site before us that we are reviewing.

I'm not going to convince you, but this is going to be a policy call that you will make in your recommendation to the Councilors. I believe that we would have done this in-house just like we did in '07 and brought Bruce, I can't remember the last name, to also give us additional support for what was done in 2007.

EULER: (Inaudible.)

ORJIAKO: Thank you, Gordy. But if you review what is before you and find it to be thoroughly done, then I will say you make a recommendation to the Council whether you designate this property for rural industrial land bank or not.

EULER: So can we go to the map. So keeping in mind that it's -- I think it's fairly clear that the work that BERK did shows that this property meets some of these designation criteria, but not all of them. Another thing to keep in mind is here's the zoning map. All of the parcel to the east side is in an industrial urban reserve overlay zone, that and again, I'm not arguing either way, I just want to make sure that this fact is recognized, and that's been on the County's comprehensive plan map since 1994. And the parcels to the west, just a small part of the Ackerland property there, is also in industrial urban reserve. The area south of that, that's in rural along the railroad is so similarly designated.

And again, without appearing to argue either for or against, somebody at some point in the past as we look at this said this is going to be an industrial, another industrial hub in the county someday. This is not something that Mr. Horenstein or Mr. Lagler proposed when they submitted their application in 2014. This has been on the comprehensive plan map for 20 years. So that's one of the things that we look at.

I think your question, Commissioner Barca, was, and it's a good one, what's changed since 2007 when we kind of drew the boundary and said we're going to bring all this

land in? I would argue that in terms of the economic growth in the county, not a lot has changed. We had the great recession. What we do have before us is this zoning map with this zoning criteria which is ag and the industrial overlay, and we have Mr. Lagler's own anecdotal information that says, you know, I can't get across Highway 503 with my cows. That sounds a little rural but that's the truth.

And so given the fact that we have an application to respond to, what we're trying to do for you is to provide you all enough information and so you can ask the kinds of questions is this the right thing to do for this property, and through our work and the absolutely over the top excellent work that BERK has done, we've tried to respond to Mr. Lagler's application and say it's not 100 percent. There's some things that are still iffy, but we're bringing those before you so you can discuss them, but this is what the map shows. This is the overlay. This is the lay of the land. I can't answer the question as to what really has changed since '07, except that we have the application to respond to, and that's what we've done.

GRUETER: Maybe a couple of things. The analysis that was done in the rural lands study and then also the application by Mr. Lagler showed there's been a decline in the mid and larger size farming and a greater increase in activity in the smaller farms. We've also seen in some of the material collected that about half the dairies in Western Washington have moved eastward because they can better meet the water quality standards and size their operations to a greater extent. And so that was some of the backdrop that we were looking at.

And then as both Oliver and Gordy pointed out, it's Page 37 of the de-designation analysis section, 2.4, we summarized the analysis in the matrix and as was pointed out, the property meets some criteria and not others. It is still in farming. There is prime soils. It's in current taxation. Some of the other features that Gordy mentioned, it's right adjacent to the urban boundary. There's traffic on 503 that makes it difficult to use both sides of the operation. There's permitting activity to the south, so there's some pressures there to bear.

So there's nothing in the law that says what percentage of the criteria you meet to be considered designated or not designated. It's a weighing and balancing of the information, and so it's not a cut-and-dried analysis.

MORASCH: All right. Anybody else want to say anything?

WRIGHT: I would say that I think the proponents and the staff have done an excellent job in presenting the information and doing their homework. It's not a perfect proposal, but where are there perfect proposals. I think that this could be a very important economic hub for the county in the future. It has a symbiotic effect of tying in the railroad activities which are very important, possible activity from the Port and I think it's all in all a good proposal that we should support.

MORASCH: All right. Thank you.  
Eileen, did you want to say anything?

QUIRING: I would just agree with what Bill said.

MORASCH: All right. Dick.

BENDER: Yeah. Loss of agricultural land is really a tragedy in my mind. I watched the Kent Valley from Renton to Puyallup disappear over a course of 30 years, some of the richest soil in Washington west of the Cascades and the strawberries and the other crops that were grown there are totally nonproductive today. With that being said, growth will occur and has to occur.

What really bothers me, though, is the lack of fees, a fee waiver program. The intersection of 117th or SR-503 and Fourth Plain is close to failure now at rush hour both in the morning and in the afternoon, and I don't particularly like to bet on that the fee waiver program will be any time soon changed, so I have a real concern with that.

MORASCH: John.

BLOM: Yeah. We're faced with a really difficult decision here. I'm very sympathetic to a lot of the elements raised about the local food movement, not only as an element of choice, choosing to go to a farmers market to get stuff that's grown locally, but also as an element of food source. Diversity and security of having local food, I think, is important for our long-term well-being as a community. But at the same time, you look at the study from BERK and some of their comments.

Commissioner Barca raised the elements of the gross acreage of industrial land, but what this study looked at is also the site-specifics and how many large sites are there and CREDC found that there's only three large sites, two of which are in Site 5 which, as we heard earlier, are not planned for traditional light industrial use. So there is a need, not necessarily for the gross acreage but for the kind of industrial sites that this could provide. So we have two very important economic interests for our county that are conflicting here.

In my mind what this site provides that other potential agricultural land doesn't is the access to urban growth boundaries as Gordy was talking about, the access to transportation. So I tend to support the move towards the rural industrial land bank, but I would like to see something done to set up some kind of task force to look at local food sourcing to be able to come up with some ways that while we're doing this, let's identify some other sites that could be a local food growth center.

MORASCH: All right. Well, I would tend to agree with Bill and John and I would also

support the point too made by the Railroad Advisory Board to include some provision that says we're not going to allow development that would preclude rail spurs, but other than that, I'm in support of the proposal for the reasons Bill and John outlined.

And, Ron, I'll give you the last word if you want. Do you have any more comments?

BARCA: Well, colleagues, I don't think this is planning. I don't think the Planning Commission is planning right now. I think we're reacting to an application and it's vital that we give the application its appropriate due in a hearing.

But if this was something that was really important to us, we had industrial land put on our comp plan review from the City of La Center and it was just outside their urban growth boundary and we turned them down, and now we're putting four times, maybe it's five times as much acreage in just outside of the City of Vancouver's urban growth boundary or a little further away from Battle Ground's urban growth boundary. And the criteria about major industrial development is there is the need for long-term annexation feasibility of the site. There is a need for urban services.

We have been shown a different site that has all the urban services. We've had an opportunity to talk about what is best for another municipality in the county in the case of La Center who's gone begging for jobs. I am for jobs and I believe they can be done appropriately.

I know that by me being in opposition to this, it puts me in a position that makes people believe that I am against growth and against jobs, but what I'm truly against is going back to court again and trying to de-designate another piece of agricultural property when I believe we have alternatives, and that's my problem about not planning. We were given a chance to do some planning and we didn't do it. Now we're going to react to the need for our rural industrial land bank and a specific application. We should have been out in front of this. The County staff should have been able to show us something.

How long have we discussed the Discovery Corridor along the I-5? We get nowhere in making any kind of changes with that. The Discovery Corridor was supposed to be our movement for commercial expansion and the utilization of that transportation corridor. Quite frankly, I have a lot of skepticism that the railroad is going to play an important component in this development.

My fear is what happened in Ridgefield will happen with the industrial lands here. It will be utilized with very, very low job-producing opportunities. We're just not out in front of this. We are reacting, and I'm disappointed that this is how it's going to come down because once we put this 600 acres under the industrial land bank, any other municipality that wants to come forward and get more land put on to their urban growth boundary is going to have to fight the fight that we can't even justify the amount of industrial land we have now.

And so I know how we're going to go forward and I understand that, but I just want to really be clear about the idea that what galls me the most is that we're not planning this. We're reacting to it and that isn't how we're supposed to be using this Commission.

MORASCH: All right. Anybody want to respond to that?

QUIRING: I just disagree. I'm sorry. I just have to say I disagree with that, period.

MORASCH: Okay. My recollection of La Center was it was a 3 to 3 tie and we didn't have all seven of us there. Am I remembering that right, Oliver?

ORJIAKO: Yes, Mr. Chair, it was 3/3. And if I may add, when the Council considered their preferred plan, they voted to include the 56 acres that the City of La Center requested.

Now, to answer your question, I don't think that, unless there is a change that I'm not aware of, but I don't think that this community has walked away from the Discovery Corridor concept. I think that that vision is still there. One of the issues, and I think Bill will agree, one of the issues that the County faces is infrastructure investment.

If you were to go back to the Ridgefield interchange as an example, that stood there for many years until the Port Director, who was -- and who took the foresight and went after a lot of funding from the State to make the improvement at the Ridgefield Junction. Now, I will attest that the price of land in Ridgefield, you cannot afford to buy because of the investment made at the Ridgefield Junction. Had a similar investment been made at the 179 interchange and other corridors, I think the vision for the Discovery Corridor would have still been realized by now, but I don't think that is still lost. And I will leave it at that.

This is your review of this application. The statute requires Clark County as one of the fully planning GMA county to designate two sites for industrial land bank. It happens to be on this site, what a coincident, but that is the application before you. You either review it, reject the analysis or make a recommendation that the County designate that.

As I mentioned in my earlier remarks to a question, that provision sunsets December 2016, so this is an opportunity. If it's gone, unless the legislature reinstates that, that will be gone forever. Steve Horenstein mentioned that he participated in the drafting of that legislature; I participated in reviewing it. That bill was written using County code draft that legislation. That's where the 10 percent limitation came from is from county planning staff. So we do do some work.

I don't think that this application -- it's up to you to make a recommendation to the Council to review what is before you, either you recommend that we designate one.

The struggle we also have is that, and Lisa who we brought in can say so, how many of these have been designated throughout the state? The criteria is not that easy to meet. There's so many conflicting provisions. We've done the best that we could.

Like I said, we could have done this in-house. We brought a consultant to help us answer some of these questions, and in my opinion, they've done a good job. If you review this and don't agree, then you make a different recommendation to the Councilors.

BARCA: Oliver, a point of clarification. Are you asking as a staff recommendation that these two parcels are done as separate land bank because you said two? The way that the statute states, it says it's a maximum of two, but I've been under the impression that you are asking for this to be a single entity.

ORJIAKO: The application came to us as two separate entities.

BARCA: Okay. So this will be both of the land banks that the County can designate. And we're dividing them along the 503, is that how we're doing it?

EULER: That's the way it turns out. If these are indeed two sites, regardless of what happens with the statute, we're done. There will never be another opportunity because we get a maximum of two sites, period.

ORJIAKO: It came to us as two sites and I believe Steve Horenstein can attest to that, it came to us as two sites and that's how we are processing it.

BARCA: Okay. So we're saying that this is two master planned locations?

ORJIAKO: Yes, sir.

BARCA: Okay.

MORASCH: Okay.

BLOM: I just want to disagree with the idea that we're not planning by doing this. I think when this was brought, if you look at what we need, we need large parcels for light industrial, and so when this application came in, I mean, my belief is that County staff saw this as, yes, this fits a long-term need for our county. This is a 15- to 20-year build-out. This is long-term, medium long-term needs for the community, so I don't see how you can say this isn't planning, but that's my opinion.

QUIRING: And I'd also like to say that the issue about the fees, if this is a 20 or more year build-out, I think we can be pretty confident that fees will be reinstated in 20 years. It may not be that long.

MORASCH: All right. Is there any more discussion? No? Does someone want to make a motion?

BLOM: I'd make a **motion** that we adopt the staff report, staff recommendation incorporating the elements raised by the Railroad Advisory Board. And also as Steve Horenstein said, if there's a way to emphasize the importance of the organic farms in the open spaces, I don't know if that fits in the motion or not.

MORASCH: Does your motion include both elements? Because there was the uses --

BLOM: Yes.

MORASCH: -- that we had some testimony about and then there was also the don't disturb the possibility of a spur.

BLOM: Yes, both.

MORASCH: Okay.

QUIRING: I would **second** that motion if it's -- because I think John asked the question is this an okay motion. Can that -- well, of course it is. He made it. He's a board member. I'm seconding it.

MORASCH: All right. So it's been moved and seconded to adopt the staff recommendation with the two additional recommendations by the Railroad Advisory Board. Did I summarize that correctly?

BLOM: Yes.

MORASCH: Yes. Okay. Is there any discussion on the motion?

WRIGHT: I think there was also the reference to the organic farming in the open spaces as well.

MORASCH: That's correct.

BLOM: Making that emphasis as part of the recommendation.

MORASCH: Any other discussion on the motion? All right. It's been moved and seconded to adopt the staff recommendation with the two additional recommendations by the Railroad Advisory Board and to put additional emphasis on the organic farming as Mr. Horenstein testified to. There's no further discussion. So can we have the roll call.

**ROLL CALL VOTE**

BLOM: AYE  
QUIRING: AYE  
BENDER: NAY  
WRIGHT: AYE  
BARCA: NO  
MORASCH: AYE

MORASCH: All right. So the motion passes 5 to 2. Did I count that right?

BARCA: No.

WISER: 4/2.

MORASCH: 4/2. I'm sorry. 4/2.

BARCA: Karl's not here.

MORASCH: Oh, okay. That explains it. 4/2.

BARCA: Get him on the phone.

MORASCH: All right. With that, that concludes the public hearing on the railroad advisory, for the rural industrial land bank, let me get my acronyms correct here at this time of night. And that brings us to old business. I'm not sure if we have any old business. Do we have any new business?

WRIGHT: I had a thought that I wanted to present in response to Richard's mentioning about the fee waiver.

MORASCH: Yes.

WRIGHT: I have a great concern that not collecting the commercial fees is not funding a major leg of the capital facility plan and could potentially put us in jeopardy of a GMA remand in the future. So I wanted to amplify your concern about that issue and raise it on my own, so...

BENDER: Thank you.

MORASCH: All right. Oliver, do you have any response to that?

ORJIAKO: I don't, and I think Bill knows what he's talking about. I don't know what, if

any, action the Council may take in the future when you have a five Council member, so I will just say stay tuned.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

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

MORASCH: All right. Any other new business? All right. Well, then with that, I think we are adjourned. Thank you all for coming.

BARCA: Happy holidays, everybody. Happy new year.

### **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 CDTV on the following web page link:

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

*Minutes Transcribed by:*

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

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