



## Clark County Planning Commission

Steve Morasch, Chair  
Ron Barca, Vice Chair  
Bill Wright  
Karl Johnson  
Richard Bender  
Matt Swindell  
Robin Grimwade

---

### CLARK COUNTY PLANNING COMMISSION THURSDAY, NOVEMBER 15, 2018 MINUTES OF PUBLIC HEARING

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

6:30 p.m.

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

JOHNSON: Good evening. I'd like to call this meeting to order for the 15th of November, 2018 of the Clark County Planning Commission. I am acting chair, Karl Johnson. Could we have roll call, please.

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

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

##### **A. Approval of Agenda for November 15, 2018**

JOHNSON: Next on the agenda, I'd like the approval of the agenda for November 15th, 2018, I'll take a motion.

WRIGHT: So moved.

SWINDELL: I'll second it.

JOHNSON: Moved and seconded. All those in favor?

EVERYBODY: AYE

**B. Approval of Minutes for October 18, 2018**

JOHNSON: All those opposed? Let's see. Next I'll take an approval for the minutes for October 18th, 2018.

GRIMWADE: So moved.

SWINDELL: Second it.

JOHNSON: So moved and seconded. All those in favor?

EVERYBODY: AYE

**Planning Commission Procedures**

JOHNSON: All those opposed? Okay. So before I begin tonight, is there anybody on the Planning Commission that would like to disclose any conflicts of interest?

WRIGHT: I have a conflict with Item A, so I would recuse myself out in the hall when that --

JOHNSON: During that time. Okay. Thank you. Our procedure tonight is as follows: We will begin the hearing with a staff report. The Planning Commission members will ask the staff questions if there is any at this point. I will then open the hearing for public testimony.

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

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

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

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

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

**C. Communications from the Public**

JOHNSON: With that said, what I'd like now, is there any communications from the public other than things that are on the agenda? Seeing none, we will move on, and I will read it.

**PUBLIC HEARING ITEMS:**

**A. CPZ2018-00021 Urban Holding I-5/179th Street Area, Phase 2:**

The proposal will remove the comprehensive plan and zoning urban holding overlay. The proposed comprehensive plan map amendment will occur on six properties (181581000, 181548000, 181466000, 181580000, 181701000, and 181702000). These properties are designated with Single Family Residential Land Use and Zoning. The approximate area of the proposal is 143 acres

**Staff Contact: Matt Hermen at (564) 397-4343 or [Matt.hermen@clark.wa.gov](mailto:Matt.hermen@clark.wa.gov)**

JOHNSON: So the first public hearing scheduled tonight is CPZ2018-00021, Urban Holding on the I-5/179th Street, Phase 2. It is my understanding tonight that staff along with the applicant's representative are requesting to continue this hearing until a certain date. Matt, can you let us know what's going on here.

HERMEN: Sure. For the record, my name is Matt Hermen with Clark County Community Planning. Staff and the applicant are requesting that the hearing scheduled tonight be postponed until February 21st, 2019, at 6:30 p.m. Staff would like to take the time in between that date to conduct financial analysis for the funding the critical links and intersection improvements necessary to remove urban holding from the 179th/I-5 area. This analysis will provide staff as well as the County Council with all of the options to consider whether the improvements are reasonably funded. Therefore, we are requesting that the Planning Commission approve a motion to continue the Planning Commission's public hearing on CPZ2018-00021 until February 21st at 6:30 p.m. This continuance will keep the record open for any members of the public to submit information or argument on this matter.

---

JOHNSON: Would the applicant like to address the Planning Commission?

HERMEN: I don't believe he's present.

JOHNSON: Okay. Thank you. Does the Planning Commission have any questions for Matt? With that, I'll ask for a motion to continue public hearing CPZ2018-00021 until February 21st, 2019.

BENDER: I make a **MOTION** that CPZ2018-00021 be carried forward until February 21st.

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

JOHNSON: Hearing the motion and seconded, I'll ask for a roll call to continue the hearing.

**ROLL CALL VOTE**

SWINDELL: AYE  
GRIMWADE: AYE  
BENDER: AYE  
JOHNSON: AYE

JOHNSON: Moving on. Next up, Jan, I believe it's you.

**PUBLIC HEARING ITEMS**, continued

**B. BIANNUAL CODE AMENDMENTS**

BI-ANNUAL CODE CHANGE ITEMS – FALL 2018			
No.		Title/Chapter/Section	Description
<b>Scrivener's Errors</b>			
1		Tables 40.210.010-1, 40.210.020-1, and 40.210.030-1	Add Accessory Dwelling units as allowable uses in the Rural district use tables
2		Section 5.5.1 of the Highway 99 overlay standards	Correct / Clarify that Highway 99 Overlay residential developments must meet the parking requirements in Title 40
<b>Fee Updates</b>			
3		Table 6.120.040	Include a re-inspection fee for multiple failed fire inspections
4		Table 6.110A.010	Include a submittal fee for Type I land use applications

Clarifications			
5		40.540.030.E	Provide additional clarification that tracts created in short plats are not buildable unless subsequently approved through the platting process
6		40.540.040.E	Add clarifications that tracts created in subdivisions are not buildable unless subsequently approved through the platting process
7		40.520.010.E.1.b(5) and 40.540.020.B.4.d	Clarify circumstances under which the County will recognize court orders as exemptions to platting
Minor Policy Changes			
8		40.260.220.E	Remove requirement to post a bond for temporary uses
9		40.350.030	Several changes including stopping sight distance reductions, addition of a section on yield controlled intersections, barricades, passing sight distance reductions, and school zone traffic control
10		40.450.030.E and 40.450.040.C&D	Update wetland code to enable reduced wetland buffers in areas of low habitat function
11		Appendix F, Section 7.6	Remove separate cottage housing standards from the Highway 99 overlay; instead defer to the standards in Section 40.260.073

(Items 3 and 4 are not development regulations and are not subject to Planning Commission review)

**Staff Contact: Jan Bazala, 397-2375, Ext. 4499**  
**Email: [jan.bazala@clark.wa.gov](mailto:jan.bazala@clark.wa.gov)**

BAZALA: All right. Good evening, Commissioners. My name is Jan Bazala, I'm with Community Development. We're here tonight to conduct the Planning Commission hearing on the fall Biannual Code Amendments. Every now and then staff's batch minor amendments to the Clark County Code to correct scrivener's errors, update references, clarify standards and also to make some minor policy changes at times. These batches of code changes are kindly known as the Biannual Code Amendments.

County Council gave staff the go ahead on 11 main items, 2 of the items that they gave us the go ahead on are fee items that you will not need to deliberate on. All the items as currently drafted have been reviewed by the Development and Engineering Advisory Board and they have provided a motion of support for the items as written.

SEPA determination of nonsignificance was published in the Columbian on October 29th. Legal notice of the hearing was published in the Columbian and Reflector newspapers on October 31st. We held a work session on these items on November 1st.

Haven't received SEPA comments on these code amendments, but yesterday we did receive a comment letter from Futurewise and they also submitted a number of supporting documents

that I believe that you have copies of. Futurewise commented on Items Number 1, 5 and 6 in our list of amendments that we're going to discuss tonight.

So starting off, I'll start out with Item Number 1 which starts out on the first page of the Attachment A which is the main large attachment that you have that has the text of all the code amendments.

This first item has been revised and you should have a copy of the Revision to Attachment A in your packets, it's the proposal to Add Rural ADU's into Resource, Rural and Rural Center use tables. Do you guys have all that? All right. So please refer to that version and we'll use that as the one to review tonight.

Back in January of 2017 the code was amended to allow accessory dwelling units in the rural area and a special use section, Section 40.260.022 was created and it spells out the requirements for ADU's in the rural areas. However, when that was done, the listings for accessory dwelling were not put in the use table, so the special use section explicitly spells out where they are allowed. So we're not changing anything about where they are allowed, all we're doing here is making them as a line item in the rural use tables.

Futurewise, in their letter, they had concerns about allowing detached accessory structures in the rural area; however, detached accessory dwelling units are not allowed under current code as it's written now, so nothing is changing in that regard. The County does not allow detached accessory dwelling units in the rural area, so I don't think, well, that aspect is a moot point because we don't allow them under the current code and nothing is changing.

They also noted some concerns with detached guest houses; however, the use table that you have in front of you makes no changes to guest houses, so hopefully pretty straightforward. And at any point if you have questions, feel free to stop me.

And I should have asked first, do you want to go through each item and then make a motion on each item as we go through it or group them all together and make a motion on --

JOHNSON: I don't know how we feel here, but we were talking about that. So maybe we just keep block them out and vote on them as they're blocked out, the scrivener's errors, fee updates, the clarifications and then the minors. Is that okay with you guys?

BAZALA: All right. So then if there's no questions on the first one, I will move on to Number 2, now we're back to the main Attachment A.

So the second item starts on Page 3. So this is amendment to correct and clarify the Highway 99 overlay standards to require, to clearly state that residential developments have to meet the minimum parking requirements in Title 40. In 2000- -- well, let me step back a little bit.

Highway 99 overlay area has its own standards that generally supersede those in Title 40. Prior to 2017, the Highway 99 standard specifically exempted all developments from meeting the minimum number of parking spaces that are found in the regular Title 40.

So the code was amended in 2017 to change that all residential developments now did need to meet the minimum parking numbers and we made that change, but the change was incomplete, and there's additional language that still exists that make it appear that, that non-- that, sorry, that residential developments are only encouraged to meet the minimum standards.

So now we're going back to the drawing board making a more complete and hopefully clearer version that clearly states that residential developments have to meet parking standards. Nonresidential, that is commercial developments, still do not have to meet the minimum parking standards. So any questions on that one? Okay. All right.

Numbers 3 and 4 are the fee items that we do not need to discuss. So we'll move on to Items Number 5 and 6, I'll kind of talk about these as a pair. Number 5 starts on Page 4 and also Number 6 starts on Page 4 also.

So these are amendments to the short plat and subdivision approval criteria to clarify that tracts that are created for nonresidential purposes must go through a separate platting process. Now, tract is an area of land that's created with a land division, typically these are for stormwater purposes, private streets, maybe habitat and wetland tracts, possibly like a public park, although, or a private park, excuse me.

There's existing language in the short plat code that states that non-building tracts have to go through a platting process in order to be converted to a buildable lot, but there isn't that same language in the subdivision code.

A Hearing Examiner found in one case that some subdivision tracts could be converted to residential use without a separate platting review processes and those tracts were never reviewed as building intended, they were not originally intended for buildable lots. And one of the reasons that or part of the rationale is that the language prohibiting or the language requiring additional review was in the short plat code, but it was not in the subdivision code.

So we're proposing to update the language in the short plat code, elaborate a little bit and then replicate that language in the subdivision code to make it clear those tracts that weren't originally created as buildable lots have to go through a separate platting process in order to be converted. Questions on that? Okay. So that covers 5 and 6.

So Number 7, we are now on Page 6 of the Attachment A. Number 7 is to clarify the

circumstances under which the County will recognize lots that are created through exemptions to platting. There was a potential loophole that was discovered lately in the County's legal lots and land division codes that could be interpreted to mean that court orders that divide land may not need to be consistent with the exemptions from platting that are found in the RCWs.

The existing language might support an argument that any court order partitioning or dividing property could qualify as an exemption to platting regardless of the circumstances or the number of lots that are created. So we're trying to close that loophole with the revisions to the legal lot and the short plat codes. Any questions on that one? All right.

We'll move on to Number 8 which is we're getting into the minor policy items now. So it's pretty minor. Number 8 is a change to the temporary use code to eliminate the need for surety bonds for temporary uses.

Temporary uses are occasionally issued for odd situations where an applicant needs a temporary expansion like some outside storage on a nearby parcel. Another example would be short-term use of a portable office, those are a couple of the situations where we've seen temporary uses.

The current code requires that the applicant submit a \$2500 surety bond or cash with the application, and the idea is that if the temporary use isn't removed at the end of the 180 days, that the County would get something to help defray the cost of removing it. But this is the only circumstance in land use world where we hold somebody's money, except for when somebody's platting property and they're bonding for those types of improvements.

So there is a current process already in place for Code Enforcement to get applicants in cases into compliance and the current process of holding people's money has just really proven to be cumbersome. So we're proposing to get out of that business and just defer back to the Code Enforcement processes if they're, if a use is not removed in a timely fashion.

Number 9. These are a number of changes to the transportation code in 40.350.030. There's changes being proposed to stopping sight distance, sight distance triangles, yield controlled intersections, barricades, supplemental publication references, passing sight distance and school zone traffic control. So if you want to discuss these, I will have Ejaz in transportation kind of explain some of these, but if you don't have questions on them, we can continue on.

JOHNSON: No? No questions.

BAZALA: Okay. All right. Move on to Number 10. This is a proposal to update the wetland code which will enable reduced wetland buffers in areas of low habitat function, and it almost sounds like I know what I'm talking about but I really don't. Brent Davis in habitat wetland review is very familiar with what this code entails.



I can sum up that basically Ecology recently made changes to the wetland buffer guidelines based on public feedback and review of various wetland data and so the Department of Ecology is updating their wetland forms and these changes would be consistent with those. And if you wanted further elaboration, I'm going to hand it over to Brent if you have further questions. No? Okay.

Number 11, the last one, is to eliminate the special Highway 99 cottage housing provisions and to also update the Title 40 cottage housing section accordingly. So, again, we're talking about Highway 99, they have special standards for lots of things that are different than Title 40 and title, I'm sorry, Highway 99 has their own special cottage housing standards as there are also special housing standards, cottage housing standards in regular Title 40. The differences are not that many.

The Highway 99 standards have a couple differences, they allow smaller homes than what is already allowed in other sections of the code. Basically the limit on square footage in Highway 99 cottage housing standards is 1200-square feet; regular Title 40 standards is 1600-square feet.

So there's also a difference in the codes in that in the Highway 99 cottage standards the main entry must face the open space, and in the regular Title 40 standards there isn't a requirement like that. So there aren't that many differences.

Team 99 which is the citizen advisory group that helped develop the Highway 99 standards, they support the change and it will help eliminate confusion, and again, the differences are not that great, so they're okay with just deferring back to regular Title 40. It doesn't mean that cottage housing won't be allowed, it will still be allowed, it will just be allowed in the same places under the same circumstances, it's just that the standards will be the same as those in Title 40. So that wraps up my presentation.

JOHNSON: Any questions for Jan? With that said, we will take comments regarding the Biannual Code Change Items 1 through 11. I have five people here signed up.

### **Public Testimony**

Mary, I can't read the writing. Is Mary here? Mary, 4418 N.E. 179th Street. No? Okay. Carol, I know you're here to address the biannual code items.

LEVANEN: Carol Levanen for Clark County Citizens United, spelling C-a-r-o-l, L-e-v-a-n-e-n.

Specifically we're concerned about Item Number 10 which is the update wetlands code to enable reduced wetland buffers in areas of the low habitat function. This leads the public to

believe that there's going to be a reduction in wetland buffers when in fact if you look on your, in the detail page, they're actually increasing buffers on 8 or 9 points from 130 feet to 150 feet for low intensity, 195 to 225 feet on moderate and 260 to 300 feet. So it's real easy to get these numbers here on the Department of Ecology's form. It's a subjective form. I talked with the Department of Ecology and they've already confirmed to me it is a subjective form.

Wetlands are supposed to be determined by three items, by Federal, State and local law and that happens to be water, it happens to be soil and it happens to be vegetation. So there are specifics about wetlands regarding this and it is not to be called a wetland unless in fact they have all three of those parameters correctly determined. That form does not since it's subjective cannot determine those adequately, you have to have a full scientific study, the best available science has to be used.

That being said, the Department of Ecology also told me that they're advisory only. They don't have wetland buffers. They don't determine wetland buffers for a county, they let the county decide in their own wetland ordinances. So these buffers that are in this ordinance are indeed buffers that were created when the ordinance was created in this county, it had nothing to do with Department of Ecology's buffers, so...

And I remember we worked through this ordinance because we've been working with this stuff for 24 years and I remember when this wetland ordinance was first adopted and there was a lot of problems with it and the buffers were quite large and there was a lot of issues. And the same with the critical lands ordinance, the same thing.

So just to let you know that actually they're not -- we support the reduction of the buffers because the scientific data, best available science tells you that you don't need this kind of -- sometimes the buffers are much bigger than the wetland - how do I say it? - the whole wetland itself, the buffer winds up being bigger than the wetland, so we are opposing that portion.

So I have to say that we support the reduction, but we oppose the increase on with 8 or 9 points because we know it's very easy to change those points around and we feel that it's a hardship on the landowner to have to do a 300 feet.

When the ordinance was first proposed, one 20-acre piece had a wetland area through it and we found out that it was, it took 90 percent of that land, of those people's land, so that's not what you want to do. We want to preserve the wetland when it's true wetland and preserve it in the best way so that people who pay the taxes on that land and own that land will have an opportunity to use the land and take care of it for the county because actually those are the folks who do that.

Also, there was a number of people who came to give testimony regarding the urban holding. I understand that you want to have more time to talk about it, but I really think the Planning

Commission should have taken the testimony from those people who drove. I drove 45 minutes in here and I'll drive 45 minutes back and I'll have to come back again another day.

I really think that you, it would have been nicer to have taken the testimony from those elderly people who came in today because they thought that they were going to be giving testimony. So I have a written testimony, I will turn it in for that.

But, anyways, I highly encourage you to stop and consider what's happening with wetlands and habitat ordinances in this county, there's where the problem lies and I think it's time for this county to go through those ordinances and make good sense with them. Thank you.

JOHNSON: Thank you. Next up Shirley is it Morgan? This could have been people that wrote on the wrong sheet. Greg Zilke. Dane Brooks. Okay. That's my list.

Is there anybody else in the audience wishing to speak on the Biannual Code Change Items Numbers 1 through 11? Seeing none, bring it back to the Planning Commission. Comments or motions?

### **Return to Planning Commission**

GRIMWADE: Do you want to give the person from the natural resource area --

COOK: We can't hear you.

GRIMWADE: Do you want to give the person from the natural resource section the opportunity to comment on that statement on the buffers.

JOHNSON: Jan, is that person here?

BAZALA: I'll have Brent comment on that.

DAVIS: Good evening. I'm Brent Davis, I'm the Wetland and Habitat Review Manager in Community Development.

A couple of things. It is true with the proposed buffer revisions that in some cases buffers will get larger. What Ecology essentially did was they revised the rating form that we use to determine the level of protection that a wetland gets in terms of how important it is, how hard it is to replace and how big the buffers that are needed to protect the functions of those wetlands.

And after using that revised form statewide or, well, it's Western Washington, on the western side of Washington for three years, they looked at the data and realized that the new form had

really kind of skewed the wetland buffers that are based on the habitat scores.

And essentially the science suggests that when you have habitat functions in a wetland, that the buffers need to be larger to protect those functions and to protect all the needs of the species who rely on those wetlands and that's why the buffers get bigger with higher habitat scores, the habitat score represents the level of importance of the habitat functions in that wetland.

And so what they found was compared to how the prior rating system was working, their threshold for what they considered low habitat function was set too low with the new rating system.

So the rating form scores wetlands between 3 and 9 points and they set the threshold for low habitat at 4 points, and what they found was to be consistent with how the buffers were applied under the old rating system in terms of the distribution of wetlands on the landscape that they could lower that low habitat function to 5 points.

In doing so, the other thing that they decided to do was they limited the number of options that they recommend to local jurisdictions in adopting their wetland regulations with regard to how you scale the buffers related to those habitat scores.

They used to have an option where you could essentially create a linear line so that each point incrementally increased the buffer between the low end and the high end, and in the current guidelines that they issued in the summer, that option turned into more of a sigmoidal curve so that you very quickly got to bigger buffers.

So as you went from 5 points to 6 points to 7 points to 8 points, instead of doing that in linear increments, essentially shot up very quickly, and then at 8 and 9 points was as high as it is for the option that we're proposing which is essentially use three steps, low, moderate and high.

And so when I initially reviewed this, I sent it out to a number of the consultants that work in the County for private clients and got their feedback on which option they thought might work best as well as whether or not they thought it was even worthwhile to do this now.

Because we are not required to do this update right now, but we will be required to consider these recommendations when we do our next critical areas ordinance update which is currently scheduled to begin in 2020 or 2021, to be in advance of the comp plan update.

And so the thinking was that since there's a pretty substantial benefit for wetlands that score 5 points for habitat relative to some of the increases in some of the other areas, and there are other circumstances where it decreases as well, the consensus was that it was a good idea to go ahead and move forward with it and we presented the same information to the DEAB and they

agreed as well.

I did an analysis with two-years worth of rating data from the current rating system, we adopted it a year after Ecology made it available. So we've only been using it for, well, we're getting close to three years now, but I had two years of data from applications that we have reviewed.

In that time, about 220 wetlands, and I looked at the distribution of the different habitat scores and the different ratings and how these changes in the buffers would affect those wetlands, and I concluded that the two highest cases, most frequent cases are habitat scores of 5 and 6 points. That represents about 40 percent of the wetlands, about a little, a few more of the 6 points versus the 5 points countywide.

And the distribution in the urban and rural area, the data that I had, was pretty, pretty consistent, there wasn't really a difference between the urban and the rural area. And when you applied the actual magnitude of the changes up and down across that distribution, it's a net decrease over all.

So it's about four percent from current, the current standards over all, though in some cases there will be some increases. I will also point out that the reaching habitat scores of 8 and 9 points is very infrequent, like two to three percent of the cases we see.

And in addition to that, we have provisions in our code where the buffer cannot be more than twice the area of the wetland, and that comes into play almost every time we run into these larger buffers unless it's a very large wetland system. And that's actually a provision that Ecology doesn't like in our code and has expressed concern about for future updates. So we may be revisiting that flexibility in the future, but currently it's still there and we do apply it. And we actually we don't wait for applicants to ask for it, we look at it when we assess the buffers.

With regard to the subjectivity of the rating form, there is subjectivity in it. Ecology provides training two or three times a year. We send all of our staff to that training and we consistently, you know, work with consultants who have been through the same training and work.

As we work with the new system longer and longer, we're getting more and more consistent in the overall results. There's always going to be variability in the individual scores and how we get to the end result, but, you know, it is a methodology and there is a rationale to it.

There's a large manual that talks about each of the metrics and how they're to be interpreted and applied, so it isn't entirely subjective. It's not like I pick a number, there is a rationale behind it. And at the end of the day we go to Department of Ecology for a final interpretation if we don't agree with a landowner or a consultant or, you know, if we're not sure we're

interpreting something correctly.

And I think on the last thing there was a comment about how you define a wetland, and I just want to make it clear, there is a distinction between delineating a wetland and the definition of what a wetland is and how it's rated to determine how important it is for protection, and we are not proposing any changes to how a wetland is defined.

GRIMWADE: Thanks very much for that. I think you've actually done a really good job in putting this together and I think probably, if anything, I'd say you're a little conservative on your buffers and in some cases they probably will need to be increased.

WRIGHT: Was the citizen accurate in stating that buffers are optional and are just merely a recommendation from Ecology?

DAVIS: It's not a cut and dried answer. Growth Management Act requires us to use best available science in developing our critical areas ordinances. When I say use, what I mean is we're supposed to consider it and we're supposed to show our work when we do our analysis.

So if we are not going to follow recommendations of best available science, we need to explain why and, you know, that explanation basically, you know, needs to hold water. And part of the regulation from the State is states that in terms of defining best available science, that the Department of Commerce will provide a list of documents that have been provided by various state agencies. And while it may not have been the intent of the statute, that essentially sets the bar for local governments of what best available science is.

And part of that list is Ecology's wetlands in Washington State documentation, it's two volumes about this thick each. One is a summary of the science. They did an exhaustive nationwide search for documentation and did a white paper level synthesis of all kinds of things related to wetlands, including buffers, and then the second volume is basically how to interpret that science into a policy and regulation.

And so part of that is a model ordinance which we're not required to use. And our ordinance has many significant differences from that model ordinance, and then also specific recommendations for certain standards like wetland mitigation ratios, like wetland buffers.

We could vary from those standards, but we would have to have the scientific support to do that and that comes with a lot of risk. If we had the funds to do that research, we may come to a conclusion that is similar to Ecology's, we may come to a conclusion that the buffers need to be bigger, we may come to a conclusion that maybe we could have smaller buffers, we wouldn't know until we did the science.

And regardless, there would also be an increased risk on any decision based on that alternative

science of litigation on both sides of the issue because it, you know, it's just a lot harder to challenge something that Ecology has put out and is being used statewide, you know. When we try to do something a little different, it's the burden is on us to really justify what we're doing. So I guess that's a complicated answer, but...

WRIGHT: No. Thank you. That was a good answer.

JOHNSON: Any other questions for staff? Okay. So I'd like to kind of break this up if we may, and if you have a better idea, gentlemen, let me know, but I'd like to take the Scrivener's Errors first, Number 1 and 2. Is there any problems with that, do it that way? Just break up each section so then we come down. Okay. So I'll take a motion on the Scrivener's Errors, Numbers 1 and 2.

WRIGHT: So **MOVED** .

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

JOHNSON: Okay. We have a motion and a second to accept staff recommendations of the Biannual Code Changes to the Scrivener's Errors, Number 1 and 2. Can I have a roll call, please.

SWINDELL: AYE

GRIMWADE: AYE

BENDER: AYE

JOHNSON: AYE

WRIGHT: AYE

JOHNSON: Moving on to the Fee Updates.

JOHNSON: Yeah. Bill what? So now with Bill included we will move on to the Fee Updates, Items 3 and 4. I will take a motion on those.

BENDER: Make a **MOTION** that the Fee Updates be accepted.

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

JOHNSON: There's a motion and second for the Fee Updates, Numbers 3 and 4 of the Biannual Code Change items. Roll call, please.

**ROLL CALL VOTE**

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

JOHNSON: Moving on, 5 and 6 of the Biannual Code Changes, Clarifications. Motion, please.

BENDER: 5, 6 and 7.

JOHNSON: Excuse me. 5, 6 and 7. Thank you.

GRIMWADE: I'll **MOVE** staff recommendation be accepted.

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

JOHNSON: There's been a motion and seconded on staff's recommendations on Biannual Code Changes on Clarifications Number 5, 6 and 7. Roll call, please.

**ROLL CALL VOTE**

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

JOHNSON: Finally, we'll take the Minor Policy Changes, staff recommendations of the Biannual Code Changes Numbers 8, 9, 10 and 11.

GRIMWADE: I **MOVE** that staff recommendations on those be accepted.

WRIGHT: **Second** it.

JOHNSON: We have a motion and a seconded on staff's recommendations to Biannual Code Change items, the Minor Policy Changes Number 8, 9, 10 and 11. Roll call, please.



**ROLL CALL VOTE**

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

JOHNSON: Okay. I believe that was all we had; correct?

BAZALA: Correct.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

**ADJOURNMENT**

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

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

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

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

*Minutes Transcribed by:*

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

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