

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
Thursday, May 21, 2015**

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

6:30 p.m.

**CALL TO ORDER**

MORASCH: Good evening. I'd like to call to order the May 21st meeting of the Clark County Planning Commission. Can we get roll call.

**ROLL CALL**

MORASCH: HERE  
USKOSKI: ABSENT  
BARCA: HERE  
QUIRING: HERE  
JOHNSON: HERE  
BLOM: HERE  
BENDER: HERE

Staff Present: Chris Cook, Prosecuting Attorney; Jan Bazala, Planner II; Jim Vandling, County Forester; Sonja Wisner, Administrative Assistant; and Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for May 21, 2015**

MORASCH: Thank you. All right. Approval of the agenda. We have a change to the agenda tonight. We're going to take Items IV.A and B in the reverse order. We're going to do IV.B first, and then we're going to do IV.A. And the reason is that I have a conflict of interest on IV.A, the wineries, one of my partners represents a winery that's affected. So I'm going to recuse myself from the wineries and will be stepping out of the room after we finish with the open space.

**B. Approval of Minutes for March 19, 2015**

Moving on to approval of the minutes. Does anyone have any comments on the minutes? If not, I'd get a motion to approve the minutes.

QUIRING: So moved.

BLOM: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? No. Okay. Motion passes.

### **C. Communications from the Public**

Now we're on to the item on the agenda for communications from the public. I don't actually see any members of the public in the audience tonight that aren't County staff, but if anyone would like to come up and testify, now is the time. Seeing no one, we will move on and we will move on to Open Space/Timberlands.

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

### **A. OPEN SPACE/TIMBERLANDS**

Planning Commission will consider staff recommendations for approval or denial of Timberland or Open Space Applications for Current Use Assessment pursuant to Chapter 84.34 of the RCW. The criteria for Open Space or Timberland was established by Resolution No. 1977-10-32, adopted November 7, 1977 and Ordinance No. 1982-02-65 adopted March 17, 1982, and Ordinance No. 1996-02-30, adopted February 27, 1996.

**Contact: Jim Vandling (360) 397-2121, Ext. 4714**

**E-Mail: jim.vandling@clark.wa.gov**

VANDLING: Good morning, Mr. Chairman, fellow Commissioners. I'm Jim Vandling, county forester. I work out of the Department of Environmental Services. I am here for what is the County's 28th year of reviewing current use applications for open space, and this year it's just open space. And we are holding this hearing as our required duties to comply with RCW 84.34 as a growth management county.

This year we have two applications which fall under the review of our Chapter 3.08 of the County Code and they're both for open space soil conservation. As you will see on the second page of the staff report, it has a brief summary of the criteria used to evaluate these two applications. Both applications meet that criteria.

One is 2014, Number 30, for the Hammacks, and they applied for 19.26 acres and we approved them for 19.26 acres. The next one was 2014, Number 29, the Nielsons, they applied for 20 acres and we approved them for 20 acres. The soil types need to be Class 1 or Class 2 soils and they both have those soils.

So really we don't have any other types of categories of application this year. I can explain briefly after we go through the formal motions of moving these on for approval to the Board of Commissioners.

I have attached a couple of other documents that are not related to this particular review, but they're meant for discussion and backup for upcoming anticipated hearings that will be coming to you.

MORASCH: All right. Well, does anyone have any questions about the applications?

BARCA: So, Jim, just in general, normally we have timberland/open space applications and --

VANDLING: Correct.

BARCA: -- and some of the other current use applications.

VANDLING: And I will discuss that here very shortly here with you.

BARCA: Okay.

MORASCH: Okay. No other questions on the applications? Any member of the public wish to testify? Seeing none, I will close the public hearing and turn it over to the Planning Commission for deliberations and/or a motion. Does anyone have any deliberations or a motion?

QUIRING: I would have a **motion** if there are no deliberations.

BARCA: It appears that we're moving in that direction.

MORASCH: It appears that we don't have any deliberation, so I'll let you go ahead and make your motion.

QUIRING: I **MOVE** that we **approve** these applications or approve moving it on to the Board of Commissioners, the applications that are before us for open space.

BLOM: **Second.**

MORASCH: It's been moved and seconded. Is there any discussion on the motion? Without hearing none, I'll ask for a roll call.

## **ROLL CALL VOTE**

BARCA: AYE  
QUIRING: AYE  
JOHNSON: AYE  
BLOM: AYE  
BENDER: AYE  
MORASCH: AYE

MORASCH: Motion carries. All right. Well, thank you, Jim. You had a presentation you wanted to make on these new statutes.

VANDLING: It will be brief.

MORASCH: Okay. Good.

VANDLING: So Commissioner Barca's question is actually what I'm trying to get across very briefly to you. Effective June 12th of last year, Senate Bill, Washington State Senate Bill 6180 went into effect. It had been under deliberation since March of that year in the House and the Senate and it was finally passed. The Governor signed it and it's now in effect. I have given each of you a copy of the bill. It's 26 pages long. I can summarize it in two short sentences.

It effectively eliminates the open space/timberland designation as they have reduced the minimum acreage for designated forest land which is covered by another RCW down to the same minimum acreage as open space/timberland. The purpose of it was to reduce redundant paperwork on the part of many County Assessor's Offices across the state, and as it is a new piece of legislation that's been implemented, whether or not that works is remained to be seen, but what we have to do here in the County is make some rather administrative changes within the code that we have been using for these hearings ever since I've been here.

So it would be Chapter 3.08 will be the focus of upcoming administrative changes which will end up coming before the Planning Commission. So I wanted to give you a heads up that this minor change is coming.

The other categories of open space will not change. The criteria for approval and review will not change. They will still be there. We'll have all those designations still there except timberland is no longer part of 84.34.

So we have formed a committee between three departments and Chris, our attorney, is helping us. We do need wisdom and so we rely on Chris for that wisdom and we've developed lots of questions. We've solved some of these ourselves. We've gone to the State and the State actually after we kept haranguing them, came up with this question-and-answer sheet. So I think a lot of you will maybe peruse through this Senate Bill and arrive at some of the same questions that are raised in this question-and-answer brochure and I hope that they answer some rather than creating more questions.

So it will be -- I anticipate sometime before the end of this year we'll have somebody from either Community Planning or administration on the 6th floor before you. We will support them as far as any backup information what historically has happened in the program, I anticipate that before the end of the year. So with that being said, do you have questions?

BENDER: Let me make sure I understand. They combined the functionality down to one agency versus two? And the criteria was 20 acres and 5 acres and now it's all 5 acres or larger?

VANDLING: It's all 5 acres. We're not reducing the number of agencies involved. The Department of Revenue still runs the program from the State level. We still administer it and the Board of Councilors is still the legislative body that renders final approval. That part doesn't change. The agency roles don't change; the definitions do.

BENDER: Okay.

BARCA: So, Jim, do you in the brief amount of time we've had to have your organization look at this, do we anticipate that there's going to be any effects, positive or negative, towards Department of Revenue review of the way that we're doing business?

VANDLING: Actually, they really don't need us to make any changes in our overall process. It's just that the timberland designation will not be part of what comes before the Planning Commission. Is what comes before the Planning Commission is only covered under 84, RCW 84.34.

BARCA: Right.

VANDLING: 84.33 is entirely an administrative process outside of the Growth Management Act.

BARCA: But now we're going to have this designated forest land --

VANDLING: Yes.

BARCA: -- and that will be just like from a particular point in time going forward?

VANDLING: Right. It would be like farm and ag. We here at the Planning Commission don't review farm and ag applications. So it's under that RCW, farm and ag and what is now timberland becomes designated forest land, it's all going to be under 84.33. It's non-GMA review and approval item.

BARCA: Okay.

MORASCH: Okay. Any other questions for Jim? All right. Well, thank you.

And now before we move on to the next item on the agenda, I'm going to recuse myself, as I mentioned earlier, and I will turn the meeting over to Ron Barca. Ron, take it over.

(Commissioner Morasch left the hearing.)

BARCA: All right then. Do we need a break? No? Okay. I guess we'll move forward. So we are going to ask staff for then the presentation of Item IV.A on the hearing agenda, Wineries: Noise Measurement Standards.

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

**B. WINERIES: NOISE MEASUREMENT STANDARDS**

Amend Section 40.260.245.D to defer to the state noise standards when measuring noise associated with winery events. Currently, noise associated with wineries is measured using the dBC weighting system instead of the state standard which uses dBA.

**Contact:** Jan Bazala (360)-397-2375, Ext. 4499

**E-Mail:** jan.bazala@clark.wa.gov

BAZALA: Good evening. Jan Bazala with Community Development. A change is proposed to the wineries code to measure noise associated with outdoor events using the same State standards as the County applies to other uses.

Currently noise associated with wineries is measured using the dBC weighting system instead of the regular State standard which uses the dBA weighting system. In addition, the current code has allowable noise levels that are five decibels less than what the State standards allow.

And, unfortunately, I don't have a qualified sound consultant on hand to provide, you know, technical details on it, but in general terms, when you use the A-weighted system, the decibel values of sounds at low frequencies are reduced, and that's compared to using the dBC weighted system which does capture low frequency sound.

So basically noise levels are going to register higher when using dBC versus dBA, and that's especially so when there's a lot of low frequency noise. So the use of the dBC scale combined with having maximum levels that are five decibel less than the State standards using the dBA has proven to be significantly more restrictive than what's allowed for other uses. I think the idea of using the dBC for wineries was well intentioned to try to capture base levels of music, but in practice, it appears to be too limiting.

My understanding is in one case traffic noise from a road nearby itself was higher than the allowable noise levels using the dBC measuring method, so in that case it was impossible for them to comply.

So currently we use standard State noise levels using the dBA system. We apply those to event facilities in the resource zones that are not associated with wineries, home occupations, occasional outdoor events that are reviewed under Section 5.32, kennels, temporary uses, mining and industrial uses.

The existing code that reduces the allowable noise levels by 10 decibels between the hours of 10:00 p.m. and 7:00 a.m. will still apply, because if we defer to the State standards, there's something in the State standards already that reduce allowable noise levels by 10 decibels during those same hours. So that sums up my presentation. So do you have any questions?

BARCA: All right.

QUIRING: I guess my question would be, I just was thinking -- okay. I have my answer. I just looked at it a little more closely. You're leaving the comply with the standards in Chapter 173-60 WAC; correct?

BAZALA: Yes.

QUIRING: You're leaving that there?

BAZALA: Yes. Yeah. Basically just saying defer to the State standards.

QUIRING: Right. This is all highlighted and then so that's -- thank you.

BARCA: So, Jan, for the record then, are we saying that we are going to have a single standard that we will use for all commercial enterprises by moving this change forward?

BAZALA: Yeah.

BARCA: Okay. Are there any other questions for staff?

BENDER: Are these standards 24/7 or is it like a 10:00 curfew or not on Sunday or --

BAZALA: They are -- let's see. I've included the permissible noise levels. Basically, yeah, they're seven days a week. I don't think there's any restrictions in the wineries code as to when you can have events. So basically they're seven days a week, and again between the hours of 10:00 p.m. and 7:00 a.m. the noise levels are reduced by 10 decibels.

BENDER: I found it. Thank you.

BARCA: Okay, then. If we don't have other questions.

JOHNSON: I make a **motion** that we accept staff request and forward a recommendation to the Board of County Councilors to amend County winery code to reflect the new noise standards or what we struck out.

BARCA: Is that clear enough for somebody to second that?

QUIRING: Yeah, I'll **second** it.

BARCA: Okay.

JOHNSON: Right out of there.

BARCA: Yeah. All right then. It's been motioned and seconded. Any discussion before a vote? We call for a vote, please.

### **ROLL CALL VOTE**

QUIRING: AYE  
JOHNSON: AYE  
BLOM: AYE  
BENDER: AYE  
BARCA: AYE

BARCA: So it looks like we'll move that forward.

BAZALA: Great.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

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

None.

### **ADJOURNMENT**

The hearing adjourned at 7:10 p.m.

*The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at: <http://www.clark.wa.gov/planning/PCmeetings.html>.*

*Proceedings can be viewed on CTV on the following web page link:  
<http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13>.*

*Minutes Transcribed by:  
Cindy Holley, Court Reporter/Rider & Associates, Inc.  
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