

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF DELIBERATION
THURSDAY, SEPTEMBER 17, 2015**

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

6:30 p.m.

CALL TO ORDER & ROLL CALL

MORASCH: Okay. Well, welcome to the September, 17, 2015, Planning Commission hearing. We'll call the meeting to order. And, Sonja, can we get a roll call.

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

GENERAL & NEW BUSINESS

A. Approval of Agenda for September 17, 2015

MORASCH: Thank you. All right. The next item on the agenda is approval of the agenda. Before we do that, I'm going to make an amendment to the agenda to add a Item B for public comment on matters not on the agenda, that's something we typically allow and we're going to allow the public comment on items not on the agenda, so... Can I get a motion to approve the agenda as amended.

BENDER: I make a motion to approve the agenda as amended.

BARCA: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? Great. Okay.

B. Comments from the Public on Non-Hearing Related Items

MORASCH: So we now have an amended agenda and we are moving on to Item 3.B, which is comment from the public on matters not on the agenda tonight. So is there anyone in the audience that wants to speak to an item that is not on our printed agenda?

All right. Hearing none, we will move on to the item on the agenda tonight, which is Planning Commission deliberations on the 2016 Comp Plan Update Draft Environmental Impact Statement Preferred Alternative.

PLANNING COMMISSION DELIBERATIONS

MORASCH: We've had two joint public hearings with the Board of County Councilors and taken lots of public testimony, and we've also got a large stack of documents that have been coming in. I believe the record is now closed to both written and oral testimony. So the purposes of tonight's hearing is for the Planning Commission to deliberate on the testimony that we've heard and read and make a recommendation to the Board of County Councilors.

So we will start off with staff. I believe staff has some comments they'd like to make before we begin our deliberations. I'll turn it over to you, Oliver.

ORJIAKO: Thank you members of the Planning Commission. For the record, my name is Oliver Orjiako, Community Planning Director. With me this evening is legal counsel, Chris Cook, and Gordy Euler who is the project manager on our SEPA process. We also have some city staff here that when you get to the city requests, if you have questions, that they will be able to answer. You call them to answer the question, not to testify, but to answer the question and we are here to help you during your deliberations, so that's why some of them are here.

Before I turn it over to Gordy, let me just quickly make a very brief remark, some you have heard me make. As you stated, Planning Commission member Steve Morasch, the purpose of the PC hearing tonight is to deliberate and make a recommendation on a preferred alternative plan to the Board of County Councilors for their consideration and approval. As you stated, there were joint hearings held on September 3rd and 10th with the Board of County Councilors for purposes of taking testimony on the four alternatives that were analyzed in the Draft Supplemental Environmental Impact Statement, which we refer to as DSEIS. The Board will consider the recommendation of the Planning Commission and approve a preferred alternative plan to be studied in the Final Supplemental Environmental Impact Statement on October 20th, 2015, at 10:00 a.m. and that will be here in this room.

As stated in the staff report, the preferred alternative plan must be consistent with the Growth Management Act, known as GMA, including its specific provisions which we provided you in our staff report, the goals of the GMA and the Washington Administrative Code, WAC provisions, that implements the Growth Management Act.

Let me just briefly touch upon the Growth Management Act and Clark County planning on that State statute. As you all are aware, the State legislature passed the Growth Management Act in 1990 and it was signed by the governor, so it became the land use law for the state of Washington, and Clark County happens to be one of the counties fully planning under the State statute.

Before the county developed or approved the first growth management plan in 1994, the county engaged the community. Included in that were all the seven cities in the county. They began with development of a 50-year vision. That 50-year vision later became the community framework plan. And in this document, which is our current plan document, the community framework plan is the first chapter. You all received this when you were appointed.

The community framework plan is not required by the State statute; however, the community did that to provide us a vision of what the county would look like in the coming years, if you will. The 20-year plan that was developed in 1994 and approved was to be consistent with that framework plan. So the community framework plan became the 50-year vision of which the 20-year growth plan was prepared and adopted in 1994.

In 1994 after the adoption of the first growth management plan, that plan was appealed. In that plan, it has the rural element. The rural element in it has five-acre lot minimum zoning. There was a significant downzoning that occurred as part of that 1994 plan, but when it was adopted, the county had five-acre lot minimum.

The county also provided for what was known as Ag Forest 20-acre minimum, provided for AG-20 and then two types of forest, Forest Tier I, 80 acres, and Tier II, 40 acres. The plan was appealed, and I will not go into details in terms of that appeal, some of that is in your record by some of the comments that you've received.

But when the plan was appealed, it was appealed and there was court rulings and growth board rulings as well as other. One of the things that was ruled not in favor of the county was the designation of ag forest. The court interpretation was that the ag forest was not consistent with the Growth Management Act because the Act does not call for a hybrid. It could be either resource ag or resource forest. Some of the ruling also touches upon the fact that the county did not designate, as was called in the community framework plan, hamlets and villages which later the county responded to.

So I'm just going to focus on those two areas for a minute. There were other rulings that came as a result of that dealing with public participation, SEPA, (inaudible) and so forth, but let me focus on those two as it pertains to the rural area.

How many acres were designated as ag forest? 37,000 acres was designated as ag forest. And the county appointed a two task force to review what that should be. And that task force recommended that those 37,000 acres be zoned or designated as rural. So remember the county had Rural 5, 20, 40 and 80. So when the ruling came out, the

county working with those two task force rezoned that 37,000 acres to Rural 5, Rural 10 and Rural 20. About 3500 of the 37 was zoned Rural 10 and Rural 20 to buffer the ag and the forest as required by GMA.

The other thing that the county did was to also convene the task force, which Gordy headed, and there designated about six or seven rural centers which later came to be known as limited areas of more intensive rural development.

So in designating rural centers, the county complied with the variety of density requirement, if you will. Because in the rural centers, what the county did was to set in the rural centers, there will be one-acre lot minimum, two-and-a-half-acre lot minimum and five-acre lot minimum limited in that confined rural centers and it has a boundary. Examples of those are Hockinson, Meadow Glade, Brush Prairie and Fargher Lake - and I'm missing some - but about six or seven rural centers that were designated following the appeal.

What is it that the county did? I believe in 1999, the county allows for rural cluster development in the rural zoning district, that will be in Rural 5, Rural 10 and Rural 20, which maintains rural character, maintains and conserves larger remainder parcels, protects and all enhances sensitive environmental and wildlife habitats and minimizes impact to necessary public services.

Since then, there have been other code changes that have been made in the rural area. I won't go into detail in some of those. Some of you have seen winery ordinance, kennel, how the county and you have dealt with that over the years.

After the 1994 plan and going through some of the appeals, the county went into development or update of the comp plan again in 2004. You know that the 2004 plan was appealed and that resulted in the 2007 plan. And the county never changed the year, because when we started in 2004, even though we did the 2007, it was still for 20 year, from 2004 to 2024, even though we did the plan in 2007. So the 2007 was a response to that appeal of the 2004 comp plan, and you know that the 2007 plan was appealed. And the appeal pretty much, among other things, centered on about 45 or more hundred acres of ag that was brought into the UGB. We worked with you, if you recall, to move those properties back to resource and designated them as ag.

A good example was the piece in Battle Ground known as the Bergeron property; some you recently did was in Washougal. You also removed all the properties at the La Center Junction, put it back to ag. You also responded with the county putting the Lagler property back to ag. There was some properties in Ridgefield that were returned to ag, just to give you an example of some of the things that we did which you participated in, and some properties in Camas and Ridgefield escaped removal and reverting back to ag because those properties were annexed before a resolution of the appeals. So that, in a nutshell, has been what has happened from since the 1994 to now.

So what you have now is the what is known as Alternative 1 in the DEIS. So as we begin

this deliberation with you, Alternative 1 is your starting point, so anything you're doing is in addition to Alternative 1 so you know. Alternative 1 in staff opinion has been found to be in compliance with State statute, so you know. I will turn this over to Gordy Euler now to go over the SEPA process.

And as you mentioned, we have provided you with all the testimonies, comments that we have received to date. I apologize that they're all coming to you today and you're deliberating today. We allow for about -- we are supposed to allow for 30 days comment. We give it the date to 40, 43 or 45 days or thereabout, so if you have to, our goal tonight is to really help you make a recommendation to the Council. Where you decide -- we'll see how far you go, but my goal is to see you complete that tonight. If for some reason -- we'll see how far you go before we decide whether to move to another date.

So I'll turn it over to Gordy. And as I said, our legal counsel, Chris Cook is here, I'm here, Gordy is here and city staff. They're all here to answer questions that you may have. So thank you very much.

MORASCH: All right. Thank you, Oliver. Gordy.

EULER: Thank you, Oliver.

Good evening members of the Planning Commission, ladies and gentlemen. I'm Gordy Euler in Clark County Community Planning. I was the program manager and also the project manager for the SEPA process. You've got lots of material in front of you.

As Oliver said, the goal is here to deliberate and I'll talk in a minute about what we are proposing is the best way to do that. So please next, first slide, I'll give a brief staff report. I'm going to give you a brief overview again for everybody's benefit of the alternatives that were considered in the environmental document, and then we'll get into a little more detail, so...

Here's a slide that you've seen over again. We're using this, we're updating this as we go. We're in the process there in the middle of the green column in the middle where it says in process, that's about where we are now, so doing the SEPA analysis and public review.

As Oliver said, the comment period closed today and tonight is your chance to talk among yourselves and with us about what you heard, and the goal is to get to a preferred alternative. As Oliver said, our starting point is what we call Alternative 1 or No Action. It's really not a no action, because if we don't take an action, this is what we end up with. This is what we're left with, so its called a No Action Alternative. That's how the State Environmental Policy Act and the WACs consider it, but this really Oliver has said is our starting point. Let's just hold the presentation right here for the moment.

Alternative 2, there's about 13 or 14 elements to that, and our proposal is to go through

these one-by-one, and we have maps to go with each of these. In some cases they're not maps. They're more code or text changes. These are things that were, for lack of a better term, were county ideas, things that came from staff.

Alternative 3, again which we'll get to, is the cities requests and there are five of those and we'll talk about each one of those individually, show you maps of those as well.

And Alternative 4 are changes to rural areas, the rural lands, the forest lands and the agricultural lands, and again, we'll show maps of those when we get to this point.

In your staff report what we tried to do, this actually started out as a fairly small document and we added to it and added to it, what you have in here are things like the GMA goals, so when you think about what a comprehensive plan update is, what does GMA tell you are sort of the guiding principles, not the only things you need to consider, but the 13 goals, they're not in any order of importance. None is more important than another. They're just listed there, a good place to start.

There's also information in the staff report about what you have to do in terms of designating and protecting resource land, that's ag and forest. There's information in there about rural centers as Oliver spoke about. There's information, again this is all from the Growth Management Act, about what a definition of rural character is.

And as we -- as you get down towards the end of the document, there are actually some Board principles and values that they talked about at a couple of work sessions more than a year ago. So that's kind of an overview of what's in the staff report and essentially what the four Supplemental EIS alternatives are, so... Questions before we proceed?

BARCA: Is your process to go into further depth with each one of these alternatives or do you want to entertain questions about them in any random fashion?

EULER: What we've got, if we can toggle the other document, Sonja, toggle the other document, what we have is a table. You should have a copy of this in front of you. This kind of breaks down sort of the elements in each of the alternatives. And to make it easier on you, I thought we'd -- the best thing to do would be to just -- we'll just vote. You can deliberate and vote on each one of these and you can decide whether it's you want to have it in the preferred alternative or not.

And so I thought we'd start with Alternative 1 and we'll just move right through these. We'll answer your questions as best we can, and you can decide how you want to vote. We're prepared to take roll calls on each one of these. We'll put the results right up here and move on to the next one, so...
Does that answer the question, Commissioner Barca?

BARCA: That answers the question about what your intended process is. I think I'd like to talk about some of what we've received in testimony before we proceed through this process, because I think it will change our potential thoughts on each one.

If I might address legal staff, we had a lot of testimony about what was potentially the intent of the -- I think it was Clark County versus Achen outcome and what the County should have done versus what the County chose to do, and I think it's important for the rest of the Planning Commission who wasn't part of that process to understand what the County believes their obligations were as a result of that and whether we complied with the ruling. Could I get a comment on that, please.

COOK: Sure. And I am pulling up a document as I speak that will help with that. To be clear, the County believes that it has complied with every order of a tribunal that resulted from the appeals by, I think, it was 64 different petitioners following the adoption of the '94 plan, and that was a lot.

So one of the things that we hear is that the County didn't comply with SEPA. Well, it was held that the County didn't comply with SEPA with respect to the agri-forest designation and with respect to initially eliminating rural centers from the plan. In no other respect was the County found to have violated SEPA. And subsequent to the appeals, the agri-forest designation was eliminated after a good deal of citizen input, and all of the land that had been designated agri-forest was designated rural, it ended up not being designated for any resource use, so... And again, that was after task forces and committees and public input.

So there was no -- there was no SEPA violation for lack of public input there, nor was there a SEPA violation for the County's establishment of rural centers. Once the rural centers were established with R-1 and R-2.5 and R-5 zoning as well as the rest of the R-5 zoning in the rural area and the R-10 and R-20 zoning, which the County was told to do in order to buffer resource zones, the County then complied with the requirement to have a variety of rural zones and there was no assertion that the County did not comply with the public input aspects of SEPA there either. So that is not something that was ongoing. The County cured those things and did comply.

In addition, one hears that the County did not correctly designate agricultural and forest land in violation of GMA and violation of -- I'm not sure exactly what else, but it's important to note that the famous Judge Poyfair order says, and once I get there I can quote from it, this is not the fastest technology in the world. My apologies. Here we go. Okay.

It says, "There is substantial evidence in the record to support the County's designation of agricultural resource lands." So this was in the 1994 appeals that included appeals by Achen and others including CCCU where they were represented by counsel. That argument was settled right there and it has been settled since by several other rulings of the Growth Board that the County's plan complies with the Growth Management Act.

So I strenuously disagree with any assertion that the County did not comply with what it was ordered to do in the aftermath of the adoption of the 1994 plan. To the extent that it was found that the County did not comply, there were appeals filed and appeals of the appeals and so forth. At one point, the appeals were going on three different tracks

because compliance orders were being issued by the Board and those were being appealed at the same time that the initial order was being appealed and so forth and so on. Ultimately it came to a point where the County made new decisions and everybody quit appealing. Anybody who wanted to appeal further could have done so and did not.

And ultimately in 2004, the Growth Board looked at these decisions and said, we haven't heard anything from anybody about this for a while. There are no outstanding appeals. We find that Clark County is in compliance. So that is the way things stood at the end of the litigation about the 1994 plan.
Does that answer your question?

BARCA: Yes, that answers my question. Does anybody else on the Planning Commission have any questions concerning this item?

MORASCH: Not on that item, but I had some comments I wanted to make about the kind of the general process that we're going to be --

BARCA: Sure.

MORASCH: -- if you're done with your questions.

BARCA: I've got more questions, but we're going to be here for a while, so go for it.

MORASCH: We'll be here for a while. All right. Let me jump in here.

Thank you, Gordy, I appreciate this list and I think we can probably go through it one-by-one if you think that will be helpful. Commissioner Madore challenged us to, you know, do some outside-the-box thinking about a hybrid, so I'm just I'm a little worried that sticking too rigidly to a, you know, one, two, three approach might stifle out-of-the-box thinking, but we can certainly take that as a starting point.

Before we, you know, jump in, you know, to just going line-by-line though, I mean we've sat through two hearings, the second one was pretty long, and we've read a lot of stuff. I think I would like to hear from my fellow Commissioners for maybe just three minutes each to give kind of general overview thoughts that they might have about the process tonight, about the plan in general, the testimony, kind of just if anyone has, you know, kind of from the 30,000 point foot view, thoughts that they might want to share just so I can get an idea of what, you know, what other people here are thinking before we start to kind of march through one-by-one. So if that sounds okay to the commission, I'll turn it over to whoever wants to speak first.

Ron, do you -- I can go first if, but you seem like you had --

BARCA: Well, go ahead and lead off and then we'll go for it.

MORASCH: All right. I'll lead off then since I was the one that had the idea.

You know, I have a lot of sympathy for the landowners, especially people that have owned the property, you know, since before 1994. I mean, we heard a lot of testimony from people that have owned their property for a long time, so, I mean, I'll start off by saying that. I do have quite a bit of sympathy for that.

At the same time, you know, when you hear John Karpinski and Steve Horenstein both agreeing that Alternative 4 and to some extent Alternative 2 just, you know, don't meet the Growth Management Act, I mean, I've got to take that seriously, so I'm a little bit torn on that.

We heard a lot of testimony about, well, we should just stop and reset the process, and I've got some sympathy for that because there was a lot of testimony that the growth rate may be too low because it's based on, you know, what was the growth rate at the lowest point of our, you know, recent recession and we were supposed to be looking 20 years ahead. Maybe in 2007 it was maybe set too high because it was based on a global market, but now we're swinging, you know, too far in the opposite direction. So I've got some sympathy for that point of view.

On the other hand, I think the growth rate is an issue for the County Councilors, maybe not so much for the Planning Commission, so I'm kind of hesitant to just recommend a reset and then go home, because I think we owe the Board of County Councilors a little more in-depth analysis.

Alternative 3, the city, you know, I'm pretty sympathetic to the cities that say they want modest expansions, and we're not talking about very big expansions, so I'm pretty sympathetic to Alternative 3.

We did hear some concerns from the cities about not allowing parcelization of rural property next to their borders, and I think the reason is because they want to be able to urbanize that land in the future, and if the property's divided up into five acres with a nice house on each piece, that creates an economies of scale problem for future development because you want to be able to aggregate large pieces and develop them as a whole, and if you've got a bunch of very nice houses scattered right through the middle of your large pieces, then that creates potential problems for redevelopment at urban densities because those people aren't going to want urban densities right in their backyard. And so then that creates conflicts that I think the cities are legitimately concerned about, especially when you're talking about employment lands because, you know, who wants the light industrial right, you know, right next to their, you know, nice what was a rural house? So I'm sympathetic to those issues.

You know, one out-of-the-box suggestion on that might be a buffer around the UGB where we don't allow parcelization if you're within a mile or a half a mile or whatever distance from the UGB, that would preserve the lands for future expansion and development while still allowing some relief further out in the rural area.

And finally I guess I'll conclude that I am sympathetic to the argument that the GMA

includes property rights No. 6 as one of the policies. And so as I said in the beginning, I do have sympathy particularly for property owners who have owned that land for a long time and I'm wondering if an out-of-the-box solution might be to expand the County's reasonable use program where people apply for a reasonable use of their property, expand it to include some concept of investment back expectations for people that have owned the land for 30 years or since before 1994 and they might be able to apply based on their investment back expectations for some additional parcelization in the rural area if they've owned the property since before the 1994 comp plan. So those are just, you know, my general overview thoughts.

And I guess I'll turn it over to anyone else that wants to speak just, you know, about what they thought from the evidence and what they think about the itemization going through the process one-by-one or just kind of whatever you want to say about your general thoughts. Karl, you're looking at me.

JOHNSON: Commissioner, you're looking at me, so I figure we're going left.

MORASCH: Well, that would be nice. Go for it.

JOHNSON: Well, I appreciate the opportunity to kind of step back from this. I need to say for the record that I was very concerned with the process. This is the second time that this body has been put in a position in a joint hearing that the beauty and the power of this organization here is that we really ferret out, we really think about it. We're well read. We don't come to hasty decisions. It's not a football game. It's not a political talking point. It's really looking at it from not an us versus them or what is best.

And I appreciated Commissioner Barca's question to one of the people that were talking with, you know, is there kind of limits to property rights, because I too am a big property right guy and I am torn here because I feel that from a process standpoint that we have not heard from everybody, and I know we heard from a lot of people and it's dense and it's gruelling. The process for one lady was cut off while another one was allowed to speak, which is fine. I wanted more people to speak, but how the rules were set up, you know, we've never really had that. We've always been let's try to get this information to us.

I believe the duty that we have is to really listen to the people, look at the law, ask staff their position and really come up with the best proposal that our Councilors can look at and say, yeah, that's the best step. Not, like I said, a political talking point or in what my fear is now, political expediency. So I'll get off my soapbox on the process. And that's the second time.

And just to mention, if it ever comes up, Oliver, personally I'm nobody -- I don't like joint groups because we can't do the work. I felt like I sat there and watched. I watched them and then it was somewhat highjacked. I'm not sure whose meeting it was the first day, was it ours the first day, theirs the second, is it Commissioner, are we a group that sits behind them and makes it look like -- and by the way, I appreciate that you said I'd like to hear from the Planning Commission at the end. I didn't even have time to reflect, so I

walked out thinking this is wild, man. This is not what we do here. And so -- and that's just a positive critique, if I may, because I appreciate the work that you guys pour into it and I know the position you're in is tenuous.

So I have a couple of questions if I may. One, and it's just -- it's a general question, the speed of this process going forward, I talked about the testimony and two things were just rampant. One is, both sides of the issue were saying the EIS, in their opinions, of course, I'm just saying what was stated, was done too fast or the information wasn't there. We had DEAB, WSDOT, (inaudible), numerous cities all say slow down. Wait. Hold on. We had candidates from -- one candidate testify that said - and I don't know if he's going to get elected, it doesn't matter, we have four, we have two more councilors that are going to be seated - it would be nice to have more eyes on it to make the right decision.

Again, as a person that is a strong believer in the rights of people to do with their property, I was driving out of my property today, I live in rural way up in the north, and I looked over at my wellhead by chance, I don't know why I did, and I said, wow, if my neighbor cut their property into 1-acre plots or 2.5 and drain my well, that's not right. And I know this is a little bit simplistic, but I went somewhere in the middle is a reasonable process, so I am caught.

The other thing I need to touch upon is, and I know a lot of this is redundant and I'm a school teacher and I tell people that because I have a job, I read these on my planning time which I'm, for the record, I'm sure Battle Ground School District is going to love but, and some of this is redundant, but this is what I've read.

This is what was delivered by courier to my doorstep last night when I got home at 9:00. I haven't had time to look at it and I'm going to say something a little controversial. Off the record, I heard one of the Councilors say it really doesn't matter what these people say. It's just feelings. For the record, that's disgusting. I care about both sides. I'm trying to figure it out. I want this input. And for me to sit here and watch it be pushed through, the only thing I can lean to is there must be an ulterior motive.

So my question to you probably, Chris, is can this be delayed legally? I mean, do we have some time, and I don't mean us tonight, I mean can we take a breath? Can we read this stuff? Can we educate ourselves? Is it possible to open testimony again for the Planning Commission? It's not my business what the Councilors do, if there is any more testimony, and that's just a question. Start with that first.

COOK: Is it possible to open testimony? Yes.

JOHNSON: I mean, it's not illegal or something that I don't understand?

COOK: No, it's not illegal, except that people have been told that testimony was closed. People probably have relied upon the fact that it was closed, and because they thought it was closed, they didn't send something in or they took less time sending something in or

they didn't come to testify.

JOHNSON: If I may interrupt. Kind of like when a rule was made, whether legal or not, to say testimony was for one day and then those people couldn't come in the second time, kind of the same thing as that. I'm being a bit facetious here. But my point to you is is that, and I appreciate what you said was, and it wasn't in the political and it wasn't, to me I want to be very clear where I stand. I am looking to find as much information as I can, and if that means slow the process, the legal interpretation is, and, yes, if my fellow Commissioners are rolling their eyes, like, oh, my goodness, Karl, here we go again till midnight, I'm not -- I'm saying I want to be able to really, really understand this and that is what I want. That's why I asked that question.

COOK: So, yes, it is possible to slow it down some and there is another day that's being held for further deliberations if they're necessary. So, yes, it is possible. What I don't see as possible at this time is slowing it down like, oh, let's just talk to the Department of Commerce and see if they'll give us some extra time. The statute says when we have to get it done, and people who want to have this thing finished later than when the statute says are partially relying upon their ability to persuade two houses of the legislature and the governor to agree to change the statute.

JOHNSON: If I may and I flip the question, then, and say, can something be approved and it opened back up again or is this where it's in that window of when it would be reviewed again? Do you understand? So...

COOK: All I can say is that the County took a similar, not the same by any means, but the County approved a comprehensive plan in 2004 which was appealed. In settlement of that appeal, the County reopened things a year later and there were a number of tribunals that were seriously offended by the fact that the County did that and I had a court of appeals judge literally yell at me about the fact that the County had done that. As to whether -- so that is not something that I think is a good option if there is any way to get around it.

JOHNSON: Okay. So the final question I have is this, one of the things, and the word was hybrid that came from our Councilors, and then it was kind of -- that's why I talked about it because the dialogue was very strange to me, that's why, because it was kind of directed at us. Commissioner or Councilor Mielke further clarified and said, no, I'm not talking to the Planning Commission, but if we make a hybrid, their word, or some type of let's put it together and move it apart, does that take another -- does that reset the process or how do I do -- if I have these four alternatives that have been reviewed in the DEIS and I start putting them together or taking them apart, isn't that different or is it okay to do that?

COOK: The hybrid, I think what Councilor Madore was referring to and what he said was between 0 and 100 percent of each of the alternatives. And if you look at the document that's in front of you now, you'll see that each of the alternatives has been divided into its separate pieces. So Alternative 4, for example, includes three pieces: one having to do

with rural lands, one having to do with agricultural lands and one having to do with forest lands. Alternative 2 is what, 13 you said, Gordy, something like that. So you can --

JOHNSON: I see what you're saying. We can mix and match.

COOK: -- mix and match and create a new one. All of these different pieces have been studied in the DSEIS, and regardless of what preferred alternative decision you come up with and recommended to the Board and then that the Board acts on, the Draft SEIS needs to become a final, and so that continued study will occur once the preferred alternative is selected.

JOHNSON: Thank you.

MORASCH: All right. Thank you.

COOK: Right. But Alternative 1, as Oliver points out, is something that is not broken up into pieces and that you pretty much can't ignore because we're --

JOHNSON: So I can't --

COOK: -- kind of relying on Alternative 1 to keep the lights on and the water running.

JOHNSON: So I can't do 1 and 4 together; right? That was a joke, right.

COOK: Yeah, you could. You could.

JOHNSON: No action and action.

QUIRING: I thought you were a teacher.

COOK: No action is kind of a misnomer.

BARCA: That's the new math.

MORASCH: All right. Bill.

WRIGHT: Well, I'm the new member on the Commission and I don't think my fellow Commissioners know me very well and I believe that would be the case with most of the folks in the public. And although I worked for Clark County for 16 and a half years, I think it's important that folks note that I am a constitutional, constitutionalist I guess would be a way to describe me, and that over the years I've had significant reservations about the Growth Management Act.

Some of the challenges in 1995 were from my neighborhood association where we protested the extreme densification of the Salmon Creek area with 60 unit per acre housing which had been R1-10. We actually filed suit against the County. So I'm still

troubled by growth management. There's been some unintended consequences of it.

There's some real -- some urban counties that have gone the full tilt for GMA, notably King County, and the rural road fund is basically bankrupt now, and we see rural roads in King County being turned back to gravel because there's not enough tax base to support paved roads. So I think that underlines my basic belief that government is not the wellhead of all knowledge. And it saddens me that we don't have more flexibility in the growth, in the GMA Act and the process.

But 20 years hence from when it was passed to 25 years hence, the challenges have been made. I think the law is well-established and it's the duty of this Board to bring forth an alternative, a recommendation to the Commissioners or to the Councilors that will be sustained.

Legal challenges are expensive both in staff time and treasurer and also lost opportunities to get many grants and loans that are available only to agencies that are in GMA compliance, and I know that kind of personally having tried to get some of these programs funded and the transportation department only to be told that, no, the County's in remand and you're not eligible for this loan. So my heart is in one area but my head is telling us that Alternative 1 is the safest route to follow.

You know, I'm not saying I couldn't entertain some amendments to that that would provide some of the County initiated alternatives or the City initiated alternatives. That's totally possible in my mind, and I would like to hear the discussion on those individually, though, as we've lined out tonight.

And I guess in closing, I'd like to give a different interpretation of what Steve mentioned as far as the cities desire to prevent the subdivision of parcels outside the GMAs of the cities, and when the representative from Washougal was commenting on that, I was offended by that, frankly. We're not talking about this comp plan, this 20-year cycle. We're talking about properties that may or may not be needed in the next cycles, 40, 50 years hence. And I guess I have -- I'm kind of an old-fashioned guy. I think if you want to control somebody's property, especially that far out in the future, that maybe you ought to buy it, and that's just a little too far for me to be comfortable with. So I will close on that.

QUIRING: Thank you. Well said. I would say just from as an overview, a 30,000-mile view, I'd state too that I'm very much a property rights proponent. And having heard -- and as far as the process has gone, I as a Commissioner or Planning Commissioner actually appreciate the joint Council and commission meetings. I think it helps for the two bodies to hear the same testimony. I don't see any harm in it. I don't see any over influence in any way. So I'm just stating that for the record that I appreciate them.

So back to the property rights things and the testimony that we heard over the time that we've taken the testimony, I would say by and large most all of the testimony was pro rural lands, people saying they wanted a voice in this process and they wanted to be able to do

something with their -- something reasonable with their property.

And the opposition to those, to that testimony seemed to be not all because there were other rural landowners who did not want it and they gave reasons and I can reason through as well, I mean, I can understand what some of their reasoning was, but much of the testimony that was in opposition of the rural lands owners were from people who live in the city, who like to drive out to the country and enjoy looking at other people's land and want it set aside for their enjoyment, and I just, I just don't agree with that. When somebody owns land, it's their land.

And actually the constitution, one of the individual who testified twice about the constitution, originally it was written the pursuit of life, liberty and the pursuit of property and then they changed it to happiness. So property is happiness, but in actuality that is how our constitution was set up. People who came here didn't have an opportunity to own their land. They got to work the land for the master.

And so from that testimony, I'm just very sympathetic and I'm particularly sympathetic to families who want to divide their property and hand it off or have some of their children live on the property. One gentleman who has a large parcel of forest land has kids who he wants to help work it. Well, the forest land doesn't necessarily allow for the kind of income for three or four people, so they have to work, but it would be better for them to live out there to help care for what's going on out there as well.

As far as transportation, in some of these reports we see about C-TRAN going out to rural areas. Well, I think that's completely ridiculous. C-TRAN isn't going to go out to rural areas. If you want intermodal transportation, pick up your iPhone and dial Uber and have somebody pick -- you know, get a ride. Mass transit is meant for urban areas; not for rural areas.

I understand the other thing about roads, I completely understand that, and congestion and everything else, but the assumption seems to be from everybody that is in opposition to this rural lands division is that these people who own property in rural areas are going to rape and pillage the land. They're all going to subdivide into these dinky little subdivisions. That is an absurd thing to think. They love living in the country. They want to keep the country. They just want to be able to divide it slightly because it's their property. And so I think that there should be some flexibility in some way.

GMA calls for citizen participation and I think it's a very healthy thing for our citizens to participate. And we've had that, but it needs to not -- it needs to continue and be a joint effort by many people.

As far as the attorneys, as I told one of my colleagues, if you ask five attorneys what their opinion is, you'll usually get five different opinions on it. The same with a doctor, you might get, you know, a different opinion every time you ask. So I don't want to create any legal action for the County, but certainly I don't think it's just the end when you get somebody who comes forward and says, you know, it's never going to be accepted.

Finally, I have a question about this chart and how we might go through it if we are going to do up and down votes on each of these and if one wins, that part can be part of -- like if some pieces of 2 have a majority vote.

MORASCH: As I understand, that is the proposal that staff is making that we do up and down votes through this chart, and then when we get to the end, the ones we voted yes for would be our final recommendation. Is that -- are we understanding your process correctly?

EULER: That's correct.

QUIRING: Okay. All right. So thank you for allowing me to vent.

MORASCH: Ron, you're up.

BARCA: Okay. So getting all the testimony, Commissioner or Councilor Madore stated that this was not a popular vote. This isn't going to be just the more people that send in written testimony wins the decision. We have looked at this repeatedly through the rural lands component. The challenges have gone before the court time and time again, we've lost, we lost, we lost, we've accommodated, we've changed.

From 1994 until 2007, there hasn't been an opportunity to say that we're going to deviate from what the Poyfair decision was that has put us in good standing with the court. For us to think that we're going to do this now, I think is this Commission setting ourselves up for that exact challenge downstream.

When you get the diverse opinions of John Karpinski and Steve Horenstein both at opposite polar ends, yes, they're two attorneys, but for them to both believe that it's a fool's errand to go down that road, they've been in front of the courts that we would have to be going back to. They understand the way that that has worked in the past. That is why they gave us that counsel. They didn't say that you could do something and probably make it work. Steve gave some suggestions about some higher density tools that are already in the Growth Management Act that we could look at.

But having been here from the beginning and even using the testimony of the tree farmer that had 288 acres in trees, he basically kind of laid it out that said if you had your property in 1994 and you had chosen not to subdivide, there must have been some reason why you didn't act prior to that because you saw that this change was coming. If you've bought your property since then, then you bought it with the market value of understanding that you had a piece of property that wouldn't be divided more than the legal allowances were for it.

I think, perhaps, we could talk about a tool of some sort that would give those property owners that had their property prior to 1992 some opportunity for a family compound or something of that nature that says if, indeed, it's your wish to have your family on the

property, there's some increased density that we could do for you. Perhaps it comes in the form of a condominium-style development where you have multiple unattached dwellings, but it's an undivided piece of property. When we talk about it in the context of land division, then you're back to the idea that, perhaps, it's for an individual and the family. But, perhaps, that person chooses to sell it and then it's just a windfall.

And if we look at the marketplace right now and you look and see and somebody, some kind person sent us real estate listings and five acres with utilities on them are going for about \$200,000 right now and that's not bad. Should the County have compensated those landowners in 1992? It's my belief that that would have been fair and that would have been the right thing to have done at that time.

But with all of the court action that took place, I truly believe if there had been constitutional taking, somebody would have figured that out and somebody would have cashed in on the County by now on that. So when we talk about it in the context of fairness, we have to talk about the entire citizenry of Clark County, because to reward the landowners in the rural areas is to also say that there is an increased burden that's going to come across for every individual in the county.

I read out the costs of implementation of Alternative 1. It's close to a billion dollars of infrastructure from the terms that was presented in the 2007 document. Those were all cost estimates based on that period of time without inflation. What's going on now, and I think Bill alluded to it, I don't think we can afford Alternative 1. And everything that we add on to it from any one of these components here, I think this group has to really do our due diligence to understand whether we are layering an additional burden on the tax base by doing that before we go forward. If we walked away and did only Alternative 1, it's not a no action alternative. It's the least harm alternative for the entire citizenry of the county.

But I do think that there's potentially some tools that we can offer in the way of trying to create fairness for those people that were here owning land in the rural areas before 1992, and I would really like to have us spend a lot of our time this evening talking about what those might look like. Okay.

MORASCH: Thank you, Ron. All right. You're up.

BENDER: All right. I took a look at this and figured that this is going to impact a lot of citizens of Clark County, in some of them small ways, some in large ways, both positive and negative. I thought to myself, what tools do I have in order to evaluate this? So I fell back on the GMA goals, and there's 13 goals listed in the GMA goal register here. And I subjected Alternative 1, 2, 3 and 4 to all those 13 goals. One met all of them, possibly a third or a second one meeting the goals also. Two definitely did not.

Next tool, economic impact. Whether it be WSDOT, whether it be the County, Bill's correct, we're turning paved roads in the county into gravel slowly but surely. And as Ron said, the impact of a billion dollars of County inflation has to come from somewhere.

That's an impact on the citizenry of the county. How do we meet that? I don't have an answer at this point.

The third thing I looked at was the effect on the environment. What's going to be the drawdown on the aquifer especially with the weather patterns that are changing? Less snow. Less rain. What's going to be the impact on the new regulations coming out from the Clark County Environmental Department involving stormwater management and wetlands, et cetera? Those will be out sometime next year, which will be far stricter than they are right now. So with that in mind, those are the only tools I had.

I also read a lot, most of the comments, some of them I just received tonight and have not read. I feel that the process is gaining a momentum of its own and it's hard to hang on to. I would like to see us slowing down the process to where we can deal with it in a more intellectual, educated manner. And I have a question for Chris. If we come up with a hybrid, Chris, does that open it up to a new public comment period?

COOK: Whatever recommendation this group gives to the Board of Commissioners can itself be commented on, but there's -- I mean, if you go with a hybrid, it will incorporate pieces that have been studied, so there won't be a new comment period for your action with regard to the preferred alternative.

BENDER: Okay. In conclusion, our job up here is tough and it was made even tougher with the short time period and the amount of material that we've been given. The bottom line for me, though, is that I serve the citizens of Clark County. I can't serve all of you to your liking. I have to serve the majority, in my mind, the best I can and there's going to be people that are going to be happy with the decisions we make and there are people that are not happy with our decisions, but respect the fact that we do work for you and your interest. Thank you.

MORASCH: All right. Thank you. So before --

WRIGHT: Mr. Chairman.

MORASCH: Do you have a question? Yes.

WRIGHT: I'd like to clear up, I think both Richard and Ron may have misunderstood that I was predicting that we'd be having our paved roads returned to gravel roads in Clark County, and my reference was to King County where that is actually happening, so...

BENDER: Well, I can take you around the county and you know the areas that, you know, aren't getting their chip work done anymore and they're starting to fracture and crack up.

WRIGHT: But I think the important thing to understand is that the urban and the suburban areas have subsidized the transportation system in the rural areas historically. And so as cities expand and incorporate the suburban areas, there's less funding for the

rural roadway systems, and so that's an unintended consequence of GMA. And also I think one of the troubling factors of Alternative 4 is that there has to be considerable subsidization of the rural road improvements by the suburban and urban areas of the county in order to make that work. Thank you.

MORASCH: All right. So, Gordy, was the plan to give us a little, like, brief report on each one of these items, like, before we then deliberate on the item on your chart here?

EULER: If that works for you, yes.

MORASCH: Yeah, I think it probably does. But before we do that, I think Ron was in the middle of asking some questions before I sort of highjacked the meeting to give everybody their three minutes, some people took longer than three minutes, but I thought it was important that each of the Commissioners, you know, give some general comments before we get into specifics. And, Ron, do you have any, or does anyone have any just general questions of staff before we start getting into the specifics?

BARCA: Well, I think we actually ran through some of this already, and the idea that I was going to ask legal staff specifically to discuss the idea of constitutional taking in that we have not, even though we had a lot of testimony describing what we were doing as some form of taking, we have not had a lawsuit that has put us as the County being responsible for any taking, nor have we had to compensate anybody as a result of our land use decisions. Is that a correct statement?

COOK: As far as comprehensive plan designations --

BARCA: As far as the comprehensive plan.

COOK: -- that is absolutely correct. I don't know of any such instance. Do you, Commissioner Morasch?

MORASCH: Not off the top of my head, not as a result of comp plan designations. There's been other cases, but, yeah. Dolan kind of --

COOK: Occasionally permit conditions or denials --

BARCA: Right.

COOK: -- but not comp plan designation. So folks who have had these designations for quite a long time have not contested them in that arena.

BARCA: Yeah. Okay. And I think this is important for us going forward in the context of saying as we look at the proposed changes, none of these would be something that we would necessarily need to do to satisfy some concern that people's rights were being violated if we didn't accomplish a change to the zoning designation.

And I just want to make sure that we all understand that the testimony, as it was laid out, makes it desirable for everybody, that people feel that they should have the right to divide their land as much as they want to, and in the context of saying that it's the only way that they have to pass their wealth down to their heirs, we don't have a legal requirement to satisfy that any more than we have the ability to have people that are in residential zoning decide that they want to turn their zoning into duplex or apartment complex and give each one of their children one of the units inside the condominiums or anything of that nature.

So my point of going there is I think we need to look at each one of these changes in the context of what does it do in the form of impact to the entire community, and what is it that we think we're going to be gaining by making any one of those changes. Thank you.

MORASCH: Any other questions, general questions of staff before we start getting into specifics? All right. Gordy, was your plan to have us vote on Alternative 1 as a component of our entire deliberations?

BARCA: We have to.

EULER: Yes. And let me just make a brief remark. Alternative 1 basically is the 2007 plan. That's the plan that's in place today and that's one of the reasons there's already been a full environmental actual impact statement that was done on expanding the boundaries which was done in 2007. That's one of the reasons in 2016 we're doing a Supplemental EIS, that document supplements the 2007 EIS because the impacts of developing all the land that was urbanized in 2007 have already been documented. Does that make sense?

MORASCH: Oh, yeah.

EULER: So when we say No Action, we're saying we're basically -- we're furthering --

MORASCH: I'm just not sure how we could vote no on Alternative 1 without going back to the drawing board and doing something else.

EULER: Right. And the idea is some action going forward the next 20 years is going to be the No Action Alternative, so...

MORASCH: Right.

QUIRING: So if it was in place, why do we have to vote on it? Somebody voted on it at some time.

MORASCH: In 2007 they voted on it, yeah.

QUIRING: Yeah. Why are we voting on it again?

BENDER: You have to continue it.

EULER: What we've done is we've said we've moved the goalpost now from 2024 out to 2025. We're keeping it --

COOK: 2035.

QUIRING: '35, yeah.

EULER: Yes, 2035. Sorry. Right. And so that's the No Action is already the current action. The idea is to reaffirm that and decide whether you want to add anything else to it, so...

MORASCH: So if we vote on Alternative 1 and we vote yes for it - I just want to be clear just for everybody in the public and the record - that does not mean that we might not also vote yes for these other components?

EULER: That's correct.

MORASCH: Right. Okay.

WRIGHT: Could I offer a question on procedure. If Alternative 1 is proposed as a motion to adopt Alternative 1, it gets seconded, it's open for discussion, then it's open for amendments, I believe, and we could take each of the following as amendments, either vote them up or down and then return to what remains as approved amendments to the original Alternative 1 question?

EULER: That's -- what you want to do is you're not voting Alternative 1 per se. What we're getting to is a preferred alternative. We're starting with Alternative 1 as your basis, then we're going to add the provisions of Alternative 2, then which you'll vote on individually. Then we're going to look at the provisions of Alternative 3, which you'll vote on. Then we're going to look at the provisions of Alternative 4. The alternatives are going to go away in the fashion that they've been presented to you so far. You're going to come up with a preferred alternative. That's the goal of tonight's deliberations.

COOK: And that will be everything that you voted yes on.

WRIGHT: Okay. If that works, that's good.

MORASCH: So it won't be an amendment, but it will be however many, 20-some, however many -- there's no numbers here.

COOK: 27 I think.

MORASCH: 27. There will be 27 separate votes and then they'll all be added, the yeses will all be added together to form our recommendation.

EULER: You may decide that 23 of them you want to see proceed and there's 3 or 4 that you don't, and that will be the recommendation to the Board of County Councilors.

QUIRING: Mr. Chair, although I perceive how some of this might turn out already, I would like to know, there were some alternate things that were suggested both by you and Ron about what we might add in lieu of some of these other things. Is that going to come at the end or are we going to know that there's some -- do you see what I mean?

MORASCH: I think we'll probably get into the discussion of that on the third one down, maybe sooner. And then, I mean, I think --

QUIRING: As we go we'll be --

MORASCH: As we go, yeah.

QUIRING: Okay. All right.

MORASCH: And then once we start getting through some of these, I think probably a lot of the rest of them are going to follow suit because we'll probably know how everybody's voted.

QUIRING: Yeah. Yes. Right. I have a distinct feeling I already know.

MORASCH: So I guess we need a motion on Alternative 1. Is that where we're at right now?

BARCA: Before we go there, I need to, I guess, understand something. So this body has had brought before it the rural industrial land bank which is approximately 35 percent additional amounts of industrial land that we're going to expect to roll into the comp plan. Why is that not part of this process, since we have had so much discussion about changes to this comp plan?

ORJIAKO: Good question, Planning Commission Member Ron Barca. If you'll recall, the rural industrial land bank is required by statute and it could be done any time, and that's what the county have chosen to do. And it has its own timeline by statute, and the provision as it's written now allows Clark County to designate rural industrial land bank if it so chooses and that sunsets, I believe, December of 2016. It's a separate process.

Could it have been forwarded in as part of the comp plan? The answer is yes. However, the statute requires that it could be processed out-of-cycle. And you have this plan by statute to be completed by June of 2016. You have the industrial land bank, the 367 statute that we're using to be completed by December of 2016. So there is no way of us merging the two. We felt that it should go on its own separate process, different timeline.

Would it have some implications of the total comp plan in the future? Potentially, yes,

because when we begin to look at another review, if I may add, we will be looking at if we are successful in designating rural industrial land bank in the county, we may have to include that total jobs where we do the next update. But for now, I think we have to keep the two separate. I don't know if that answered your question, but that's why we decided to do so.

BARCA: Okay. I think for the record it was important for me to put this out here because so much of what we're going to be talking about is either our willingness or reluctance to change agricultural zoning into any other type of use or even designation, and within a very short period of time of us adopting the comp plan for however it turns out, we're going to turn right around and go after 600 acres of agricultural zoned property and I'm very concerned that it's going to appear disingenuous of us to have not talked about that much agricultural land being consumed for an alternative reason while we're having this discussion about agricultural land.

So I've heard your answer. I'm not going to pursue it further, but I think it's something that the Councilors should be very aware of and that whether it's intended or it's just by circumstance, they're going to be facing a lot of questions about why that 600 acres was left to the sideline.

COOK: If I could. The eight-year periodic review of the comprehensive plan is, of course, required by statute and has its own very broad set of standards that govern it. The rural industrial land bank process is also governed by statute, different statute and it has different criteria than a general review. It has different criteria than de-designating agricultural land. It has some additional criteria, and it was initiated not by a need to comply with this eight-year review deadline but by the submittal of an application by the landowner. So there are a number of reasons that the two are separate, including that it would be a different set of criteria and deliberation process for the rural industrial land bank than you have before you now. So that I think also suggests that separating the two was a reasonable thing to do.

BARCA: Okay. I just wanted to get that out on the record and have everybody be aware of it.

MORASCH: Okay. So any other general comments or do we get a motion on Alternative 1?

BARCA: Make a **MOTION** to have the Planning Commission approve **Alternative 1** as written.

BENDER: **Second.**

MORASCH: Okay. It's been moved and seconded. Is there discussion on the motion? No discussion. I have a little bit of discussion.

I just want to reiterate my comment that I made at the very beginning, I do have quite a bit

of sympathy for the people who said we should reset the process, not so much because there's new Councilors coming, but that, you know, that is a concern, but more so because I think the growth rate is too low and so I would support a reset. I think it could be done by just adopting Alternative 1 and only Alternative 1 now. I don't think the eight-year is a -- I don't think you have to wait eight years. I think you could probably do it sooner if you adopted Alternative 1, although Chris may have a different thought on that, but we did have some testimony from some of the lawyers that that was a possibility, so... That is something I would personally recommend to the Board of Councilors to consider.

I will, however, be voting on the other alternatives because even though I think that's probably the best route to go, I think I owe it to the Board of Councilors to give some alternative recommendations to that, so... I just wanted to say that on the deliberations on the motion.

Any other deliberations on the motion? All right. We can get a roll call.

ROLL CALL VOTE

BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
WRIGHT: AYE
BENDER: AYE
MORASCH: AYE

Alternative 1: The 'No Action' alternative. This option re-adopts the current plan, planning assumptions and moves the planning horizon out to 2035.
Motion to Approve: AYE-6; NAY-0. **Motion Passed**

MORASCH: All right. Alternative 1 passes.

ALTERNATIVE 2 COUNTY-INITIATED ALTERNATIVE RURAL LANDS

Alternative 2.a – Rural Lands Change the comp plan map legend from three comp plan designations to one Rural designation to be consistent with current comp plan-to-zoning matrix table.

MORASCH: Now we can move to the rural lands, change the comp plan map legend. Gordy, can you just briefly explain what this would do.

EULER: Certainly. Can we go to the map, please. So right now we have three rural zones: we have R-20, we have R-10, we have R-5. Each one of those in the comprehensive plan has its own comprehensive plan designation. What this change

would do would be to combine -- we'd have -- to have one comprehensive plan designation of R, capital R, Rural, implemented by three zones, R-20, R-10, R-5.

MORASCH: So my understanding is what this would allow people to do is change, apply for zone changes among rural zones without having to come to the Planning Commission for annual review. It would just be an application that would go to a hearings examiner and up through that process?

EULER: That's correct.

MORASCH: Without a comp plan amendment because it would just be a zone change?

EULER: That's correct.

ORJIAKO: That's correct.

ALVAREZ: That's what the current process is. It's just reflecting the map on the legend.

MORASCH: You might want to sit down and talk in the microphone if you want to be on the record.

HOLLEY: One at a time.

ALVAREZ: All right. That is what the current process is. That's how it's set up in the comp plan in our zone to comp plan consistency chart. It's just not reflected in the maps that we adopt and so we're just changing the legend on the maps to reflect that. It says R-5, comp plan is R-5, R-10 or R-20 --

MORASCH: So this is a --

ALVAREZ: -- instead of just saying --

MORASCH: So this is a technical change then --

ALVAREZ: Correct.

MORASCH: -- because if someone has, like, an R-20 and they want to go to an R-10 right now --

ALVAREZ: That's how we process it.

MORASCH: -- you already process it --

ALVAREZ: Correct.

MORASCH: -- as an application just for a zone change, not a comp plan amendment?

ALVAREZ: Correct.

MORASCH: Okay. And so this just makes our maps consistent with what's in the written plan?

ALVAREZ: Correct.

MORASCH: Okay. Got it.

Is there any deliberation on this change? Is there a motion?

QUIRING: I **MOVE** 2.a.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded to approve 2.a. Any deliberation on the motion? Can we have the roll call.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.a - Rural Lands. Change the comp plan map legend from three comp plan designations to one Rural designation to be consistent with current comp plan-to-zoning matrix table.

Motion to Approve: AYE-6; NAY-0. **Motion Passed**

MORASCH: Okay. That passed unanimously.

Alternative 2.b – Agriculture Lands Change the minimum lot size for parcels zoned AG-20 from 20 acres to 10 acres (AG-10).

MORASCH: This next one we may have a little more discussion on. Gordy, do you want to give us just a brief introduction to 2.b.

EULER: Certainly, Mr. Chairman. The 2.b and 2.c actually I'll speak to together. These can trace their origin back to the rural lands task force which the County convened

back in 2009, I believe it was, or 2010 and it -- this was essentially a nod to folks who said much as you're hearing from CCCU, we'd like to be able to split our property, divide it up, give part to our kids. This proposal was kicked around for a while. It was forgotten. It was brought back. It was forgotten, and basically the Board at one point said take it to the next comp plan update.

So the history of this about a year and a half ago we did what was called a preference census. We sent postcards to every property owner that had, I think, ag, more than 10 acres in ag and more than 20 acres in forest who could essentially benefit by this and asked them the question: Do you like your current zoning or would you like -- would you be amenable to a smaller parcel size? And as you might expect, 60 or 70 percent of the respondents came back and said I think we could go -- we'd like to have a smaller parcel size.

So we thought fine. We're being true to the rural lands task force. We're following the Commissioners' direction and we put this into Alt 2 in this comp plan update and the proposal is to change the minimum lot size for all parcels zoned AG-20, essentially do away with AG-20 make them AG-10, 10-acre minimum, and for Forest 40, make all those parcels a Forest 20, so that's the proposal.

MORASCH: All right. Is there any questions for staff on this proposal? No questions for staff? Deliberations?

JOHNSON: So could this be one of those ways we mitigate the concern of families? Seemed to be a lot of the testimony came from ag and forest that were saying - I'm just off the top of my head - could this be something we look at to allow some of these rural landowners to have their families use their property? It's just a general question.

BARCA: I think the reality is if you go from 20s to 10s, they'll want 10s to 5s.

MORASCH: Well, that's later in the table.

BARCA: Yes, I know. Right. Right.

JOHNSON: Yeah, that's exactly why I'm doing it, Commissioner Barca, because I thought, okay, wait, here kind of we can, you know, look ahead and again without trying to recreate something that's already there, and again, I'm not trying to jump ahead and recreate our thinking, but that's exactly what I was saying.

BARCA: Yeah. I don't think we're going to be able to create that fairness doctrine by doing this in a wholesale fashion. We'll end up with those same concerns, the WSDOT concerns, the budget concerns in general of if it's available for everybody and everybody chooses to exercise it, we can't afford it.

If we were to talk about it in the context of fairness, we would want to really try to target a specific group that we felt like was not initially treated fairly in the process and try and

come up with some sort of limited method of fixing that which we think is unfair. So 2.b, 2.c, 2.d and then going into 4, all of 4, those are wholesale, and I think we have to look at them as wholesale and understand that they would have a very significant and profound impact.

If this is the point in time to start talking about is there something that we could offer, I will go back to the concept of saying transfer of development rights, use of the conservation futures fund to buy farming property where it could be held and some sort of compensation could be given in that regard. The idea of family compounds with some degree of certainty about the number of dwellings that would be put on a specific size, I think there are some things that we could do, and I am open to try and come up with methods of compensation in that regard, but I don't know how we're going to do it here specifically to try and address 2.b, 2.c, 2.d and then go into 4 in the same fashion a, b and c.

MORASCH: Well, my suggestion if we are going to suggest some kind of fairness compromise --

BARCA: Yeah.

MORASCH: -- would be to come up with a fairness compromise and vote on it and then that would, you know, that would fall --

BARCA: Yes.

MORASCH: -- into each one of these others that we agree to add it to. Now, I see a little difference between 2.d and some of these others because 2.d is rural lands. It's not farm or forest. So I think under the Growth Management Act, we might have more flexibility to do a wholesale across the board upzoning of just the rural land. Now, I'm not saying I want to vote for that or not, we haven't deliberated it yet, but I do think it's in a little bit of a different category because of that reason alone.

EULER: And I'd like to treat d separately, if I may. It needs a little more explanation.

BARCA: All right. So...

JOHNSON: Real quick. Gordy, you were saying you're talking about agriculture and forest versus rural?

EULER: Correct. There's a reason 2.d is there and it needs a little more explanation.

BARCA: So b and c in the same fashion as a vote?

EULER: Keep them separate if we can.

COOK: No, please keep separate.

MORASCH: They want a separate vote. But whatever we all -- if we can get a majority that agree on some kind of a fairness concept, I think we would --

BARCA: Do we want to do that now?

MORASCH: -- most likely add it to, you know, whichever one that we voted on. But Chris Cook has got her hand up. She --

COOK: Yeah, my hand is twitching. I will tell you that my office does have some concerns about this and that is because there is evidence in the record that opposes this and it opposes it on grounds of what it will do to the agricultural industry in the county. And in order to, I think, adopt this under GMA, the County will need to find that eliminating the AG-20 minimum lot size would maintain, enhance, preserve, promote and conserve the agricultural industry which is why agricultural resource land is agricultural resource land. I understand what you're saying about fairness. If there is a way to harmonize those two, that is a possibility.

But the agricultural resource zone I don't think is designed to provide a place for family compounds, though there might be innovative ways to come up with housing that would work for that. In any event, I am concerned about this and I am concerned that it will be troublesome before a court.

MORASCH: I guess my comment or question on that is if the County is prepared to across the board defend smaller zones in the ag lands, wouldn't it not be able to find a way to defend more limited areas of smaller zones in the ag lands?

COOK: Well, more limited areas isn't on here.

MORASCH: Well, I mean, what we're talking about is the limited areas that of people that owned the property since before 1994 or '92 or whatever date we pick.

BARCA: Yeah.

COOK: I would find, I think, that would be troublesome before a court for the same reasons I just enumerated. The establishment of this zone has been to the Growth Board and has been appealed and has been found compliant. So I am not sure that there are grounds that are currently put forth that say that the same people who appealed it in '94 should be taken back to what was pre-'94.

MORASCH: It almost sounds like you're saying you don't think that Alternatives 2 and 4 can be defended.

COOK: No, I'm not saying that they are not defensible. I'm saying that --

MORASCH: You see potential issues.

COOK: Yeah. It definitely raises potential issues, and if it needs to be defended and can be defended, I will certainly do that.

MORASCH: Okay. All right. Further deliberations?

BARCA: Well, I kind of lost track of where we're at.

(INAUDIBLE. EVERYBODY TALKING AT THE SAME TIME.)

QUIRING: We're on 2.b.

MORASCH: Well, I think we were talking about 2.b and we were talking about whether we wanted to just vote on 2.b or do we want to discuss some type of a fairness proposal that we could include with our recommendation as an additional component.

BARCA: And that's the part where I got lost at because I was thinking we were going to talk about some type of fairness proposal in lieu of 2.b. And so my question that I guess I wasn't very articulate on was, did we need to vote 2.b down before we could have that fairness discussion or --

MORASCH: I think we can have it and then find out who makes a motion and what the motion's for and if it includes a fairness component or if it in lieu of a fairness component just, you know, whatever the motion is and if it gets a second and we'll vote it.

BARCA: Okay. Because I think they're two separate discussions actually. What Chris just articulated, even though you got her to say that she would defend it to the best of her ability, my experience from going through these since I've been on the Planning Commission and from the very first one is they're not very defensible. We just haven't had any grounds to be able to pull that off so far.

So I guess I would just say let's do an up or down vote on 2.b and 2.c and then hear what Gordy has to say on 2.d and then I'd like to have the fairness discussion, if that's okay with the Planning Commission. Is that an okay way to do it then?

MORASCH: If you want to make a motion on 2.b and if you get a second, we can vote on it.

BARCA: Well, then all right.

MORASCH: Or do you want to make a motion on 2.b and 2.c? I want to wait and hear what Gordy says.

BARCA: No, I want to do them one -- I was told we do them one at a time.

MORASCH: Let's do them one at a time, yeah.

BARCA: But I guess I would make a **MOTION** to **deny** the change 2.b.

WRIGHT: I'll **second** that.

MORASCH: All right. It's been **moved and seconded to deny 2.b.** Discussion?

WRIGHT: This is a very attractive proposal in my mind or in my heart, rather, I guess I should say, because it seems to be a salve or a balm to some of the troubles that folks have brought to us in testimony. But I also note that there was considerable testimony against it by the parties who are also strongly against Alternative 4. And when you look at 2.b, it's going to add about 1,000 lots in the rural area that presently would not be developed, potentially 2500 people. That's a fair amount of traffic. That's a load on rural systems. And so I will vote against it to be consistent, although it saddens me. And I'll be encouraged when we can talk about some of these fairness mechanisms later on.

QUIRING: Just to clarify. If you're voting against it, that means you're for it because this is to deny it.

WRIGHT: Thank you.

MORASCH: You're for the motion against Alternative 2.b.

WRIGHT: Yeah. Thank you. Anybody else?

QUIRING: What was the motion that was made?

MORASCH: Dick, do you have comments on the motion?

BENDER: I just want to make sure that my yes vote means that we're turning it down.

MORASCH: Yes means no.

BENDER: There you go.

MORASCH: All right.

EULER: Okay. That's clear.

MORASCH: Any other discussion? I find myself agreeing with a lot of what Bill said. I will probably vote yes on the motion, but only because I also want to have a fairness discussion in a little while because I do support property rights and I do really feel for the people that testified, particularly the ones that have owned the property for a long time.

And, you know, it's easy to say, oh, gee, you should have subdivided in 1992 when you

had the chance, but there's, you know, a lot of reasons why someone might, you know, not have subdivided and had then lost their opportunity, and I do feel for those people, so... If I vote yes on the motion, it's only because I want to re-address it in a little while on a fairness property rights kind of issue.

JOHNSON: And, you know, again, this goes back to process, I would have loved as much as we've heard from them to had a discussion with Ms. Levanen and Ms. Rasmussen regarding what else could we do because I wanted to ask questions. And that goes back to process which is the speed of this, trying to figure it out, both sides were saying slow down.

So I'm going to vote no, but again, I totally respect what's happening here because we're both torn with what we perceive or what is the legal ramifications, what both sides were saying. But my heart, Bill, on this one says somehow I've got to try to meet both, and I'm going to try to do it here. And I understand the position we're in, so... But I appreciate the opposing side on this very much and how we are kind of trying to do both things between property rights and, again, process.

MORASCH: Well, just to follow up on what you said, my first recommendation was to reset the whole process.

JOHNSON: That's right. And I think we're -- I just want to keep hammering that so hopefully someone reads this and that hopefully when we're talking about this that, again, we are giving logical reasons why those of us that feel firmly about property rights have to say wait a minute, you know, we can't get to the bottom of this. So again, I respectfully will vote no, which means yes, if I'm not correct. Anyways, go on. I'm sorry.

MORASCH: All right. Any other discussion on the motion?

BARCA: So just to be clear, the motion is to deny it. So if you vote yes, you're denying it. Okay. I started this. This is my fault.

JOHNSON: By the way, really quickly, Commissioner Barca, I appreciate we're doing that and not just not letting these sit waiting for a motion, that we actually are putting them up so we can all talk about them, even if we're not, we still get our vote out on the record, so I appreciate what you're doing.

MORASCH: All right. I think we're ready for roll call on the motion.

ROLL CALL VOTE

WRIGHT: YES
BARCA: YES
QUIRING: NO
JOHNSON: NO

BENDER: YES
MORASCH: YES

WISER: 4/2.

Alternative 2.b Agriculture Lands. Change the minimum lot size for parcels zoned AG-20 from 20 acres to 10 acres (AG-10).
Motion to **Deny**: AYE – 4; NAY – 2 **Motion Passed**

MORASCH: 4/2.

Alternative 2.c Forest Lands. Change the minimum lot size for parcels zoned FR-40 from 40 acres to 20 acres (FR-20).

MORASCH: Okay. And that moves us on to 2.c. And is there any discussion on 2.c before we ask for a motion that's any different than the discussion we just had on 2.b? Does anybody see a difference between these two or want to talk independently about it? In which case, I would ask for a motion on 2.c.

QUIRING: I **MOVE** that we **accept** 2.c.

JOHNSON: I **second**.

MORASCH: Okay. It's been moved and seconded to accept 2.c. Any discussion on the motion? All right. Can we have a roll call.

ROLL CALL VOTE

WRIGHT: NAY
BARCA: NO
QUIRING: YES
JOHNSON: YES
BENDER: NO
MORASCH: NO

Alternative 2.c Forest Lands. Change the minimum lot size for parcels zoned FR-40 from 40 acres to 20 acres (FR-20).
Motion to Approve: AYE – 2; NAY – 4 **Motion Failed**

MORASCH: All right. That motion --

WISER: 2 yes; 4 no.

MORASCH: -- did not pass. Do we have another motion?

ORJIAKO: That's it.

EULER: That's the recommendation.

QUIRING: No.

BARCA: It passed.

QUIRING: It's done.

MORASCH: That's the recommendation. Okay. We don't need to do another motion.

QUIRING: Nope.

MORASCH: All right. Now we're on to 2.d.

Alternative 2.d Rural Lands. For parcels zoned R-20, from 20 acres to 10 acres, in some areas.

EULER: Thank you, Mr. Chair. The reason this is here is because, if you think about it, we have some R-10 and R-20 parcels that are essentially alongside the larger ag and forest parcels, and Chris can explain this better than I can, but they were put into place to buffer some of the smaller R parcels from resource activity.

So the reason we included this in is if we were going to go to smaller ag, say, to AG-10, you don't need a Rural 20 that's sitting next to an AG-10 parcel as a buffer. So that's why I wanted to give you a little more explanation about R-20. This would not be a wholesale change. This would be essentially sitting down and looking at a map and making the change where it makes sense. And the fact that you've denied the first two means you probably don't even need to vote on this one.

QUIRING: That's what I was going to ask. I mean, it almost seems moot. We don't need to vote on it.

EULER: Yes. So that's why I wanted to give you a little explanation, a little more explanation about 2.d.

MORASCH: Okay. But I'm more sympathetic to approving a bit of upzoning in the rural lands where it's not burdened by the ag or forest designation.

EULER: We didn't study that in the EIS. That wasn't, I mean, a wholesale proposal, like the change to go wholesale from AG-20 to AG-10, Forest 40 to Forest 20.

MORASCH: So if we voted to approve 2.d, you think that would be something that wasn't studied in the SEIS and --

EULER: That's correct.

MORASCH: -- and is not appropriate then for us to move forward on?

ORJIAKO: If I may jump in, Planning Commission members, your action on 2.b and 2.c makes 2.d moot.

QUIRING: Yeah. Because it's only beside these two.

BARCA: That was from the Achen.

QUIRING: See, it's only some areas.

BARCA: Oh, we'd be going up against that.

MORASCH: All right. Well, then so you don't need a vote on that?

EULER: We don't need a vote on it. If 2.b and 2.c then 2.d, and you voted not 2.b.

BARCA: Not 2.b.

EULER: No, we're not going there. You got it.

Alternative 2.d Rural Lands. For parcels zoned R-20, from 20 acres to 10 acres, in some areas.

No Vote Taken

Alternative 2.e Rural Centers. Combine rural center commercial (CR-2) and rural commercial (CR-1) into a single comp plan designation of 'rural commercial'.

MORASCH: Okay. Then rural centers, is this another technical thing to make our map consistent with our text or would this actually be a change? I'll let Jose explain it. He's got a better track record than I do.

ALVAREZ: Yes. Jose Alvarez. This would be another technical change. Currently we have comp plan designation of rural center commercial which is rural center within the rural center boundaries, and then we have a rural commercial for the commercial that's outside rural centers. The idea here is just to create one rural commercial. The zoning will tell you whether it's inside or outside the rural center. There wouldn't be any real effective --

BARCA: So aren't there specific uses allowed --

ALVAREZ: Yes.

BARCA: -- that are different --

ALVAREZ: Yes.

BARCA: -- between the two today?

ALVAREZ: Yes. And they wouldn't change.

ORJIAKO: It wouldn't change.

ALVAREZ: The zoning --

BARCA: So we're going to say that it's the same designation but you have to look on the zoning map to say whether you can or cannot do a specific use?

ALVAREZ: Just the way you do today.

ORJIAKO: You have to look on the zoning map to see whether you are on inside the rural center or you are outside. A good example will be all the properties that are in the Duluth, which is north Duluth area which is not in the rural center, will still carry on the zoning map the CR-1.

BARCA: Right.

EULER: Correct.

ORJIAKO: And the CR-2 on the zoning map, if you are in Brush Prairie, Hockinson, Dollars Corner, if you are within the rural center, you will still have a CR-2. It doesn't change the uses.

ALVAREZ: It would just create one comprehensive plan designation that's rural commercial. They're both commercial; they're both in the rural area. The CR-1 is outside the rural center; the CR-2 is inside the rural center.

BARCA: Okay. I hear what you're saying, but I guess I think of this a little bit more in truth in packaging. By having a unique designation, we're not having somebody have to discover whether they are or are not in a rural center and that there are specific uses that are available inside the rural center. When they look at their piece of property, it will be designated as rural center commercial and then they'll immediately know and they can go and look and see what allowables are in that.

ALVAREZ: In talking to many property owners, that doesn't ring true. They are confused by it. And the rural commercial, you're outside, the zoning essentially will tell you and people will look at the zoning and not the comp plan because that's what rules is the zoning.

MORASCH: You'll still have a CR-1 and CR-2 on the zoning map.

ALVAREZ: And those will be distinguished.

MORASCH: Yeah. And then you'll go to the comp plan map where you'll just have CR with no 1 or 2, basically --

ALVAREZ: Right.

MORASCH: -- but the zoning map will still have those distinctions. And from what I understand, if you want to do a zone change now, you don't go through annual review anyway. You go through, like, a hearings officer process and this is just making the map consistent with the way you process it under the code.

ALVAREZ: In this case it's different because you're either in the rural center and you get that commercial zoning and those use of lists allowed uses; if you're outside of that, you can't get the other.

MORASCH: So you can't do just -- you can't just do a zone change.

ALVAREZ: Right.

MORASCH: So what difference does it make then whether we approve this or not?

BARCA: Yeah.

ALVAREZ: Well, that's why I said it's just a technical. We have an extra column. We don't need that extra column. It's just it's redundant.

BARCA: I'm finding a hard time to understand how this serves the public, so... Okay.

ORJIAKO: I hear you, but it's very similar to what we do now. For example, in the urban area, we have urban low on the comp plan designation which comes before you. You implement that with R1-6, R1-7.5, R1-10, R1-20, but on the comp plan you see urban low, very similar concept. It makes it very easy. It says rural commercial on the comp plan, you could get to the zoning, it tells you CR-1 is outside and CR-2 is inside. The use list doesn't change. It's just to make it much easier for us to -- I wish we have one zoning map like the City of Vancouver. You just get it; that's what it is. But we use two maps, we just want to make it as clear and as possible as it can be.

MORASCH: Okay. Any other discussion or do we have a motion on this one?

QUIRING: I'll **MOVE** that we make the technical change listed in 2.e.

JOHNSON: I **second** it.

BENDER: **Second.**

MORASCH: It's been moved and seconded. Is there any discussion? Can we have a roll call.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: NO
QUIRING: YES
JOHNSON: YES
BENDER: YES
MORASCH: YES

WISER: 5/1.

MORASCH: All right. The motion carries 5/1. I think that we need to take a break now. How long do you need?

Alternative 2.e Rural Centers. Combine rural center commercial (CR-2) and rural commercial (CR-1) into a single comp plan designation of 'rural commercial'.
Motion to Approve: AYE – 5; NAY – 1 **Motion Passed**

Fairness Issue Discussion

MORASCH: Okay. We will take a break for ten minutes and then we will return, and I think at that point we'll want to discuss the public or the -- oh, it's getting late already -- the fairness, the property rights - I knew it started with a p - the property rights and fairness and then we'll move back to urban reserve and some of the other items on the list from staff. So we'll adjourn now for ten minutes.

(Pause in proceedings.)

MORASCH: Okay. We are back from our brief break. And I think this might be a good time to talk about whether we want to make any property rights or fairness type proposal to go along with these other recommendations, so I'll open it up to discussion on that.

WRIGHT: I had a question for staff that I understand that there has been discussion over the years about possible alternatives for lease spot density increases in the rural areas, possibilities of clustering or transfer of development rights and so forth, and I don't know if everybody has the same background here on the commission on what those processes were, but some of those might be part of a recommendation to the Board.

ORJIAKO: I will let Gordy answer some of the question. In 1999, as I indicated, the County passed the cluster provision for clustering in the rural district, in the Rural 5, Rural

10 and Rural 20. So that clustering, as an innovative idea of keeping some large remainder in perpetuity, if you will, that was passed in 1999. So right currently now, the County has a clustering provision, but only limited to the rural area, Rural 5, 10 and 20.

Issue relating to TDR, Transfer of Development Rights, that has been a strategy identified since 1994. When the County commenced the rural task force to review what changes can be made to the rural area, that task force did recommend transfer of development right as one technique that the County can employ. And it's safe to say that, yes, we did brought it to the Council and they decided that we not pursue that and that's the fact.

So if you want to make it your recommendation, those are the two, that's one that I'm aware of. We haven't really looked up -- I will say that we haven't looked at other options. Currently we allowed guesthouse in the rural area.

We also are looking at potentially allowing ADU, Accessory Dwelling Unit, in the rural area. It's a proposal that we are discussing. It's not yet in place, but we do allow guesthouse in the rural area and we allow for rural clustering in Rural 5, 10 and 20. Currently we don't have clustering in the AG-20 and Forest 40. We used to have that pre-GMA and had issues with it and the then Board repealed it, and so the clustering doesn't extend to the resource for the same issues or reasons that Chris have raised in terms of compatibility with resource and so forth. So we don't have clustering in the resource districts except Rural 5, 10 and 20.

WRIGHT: Has it been used much in the rural area?

ORJIAKO: Oh, yes.

JOHNSON: Oliver, is a Assisted Dwelling Unit, is that -- are you talking about for, like, a family member or what is that?

EULER: The term is Accessory Dwelling, Accessory, and it's a --

JOHNSON: I thought he said assisted.

EULER: No. Accessory Dwelling Unit which means it's an accessory dwelling. It means it's accessory to the primary residence.

JOHNSON: Okay. That's another -- all right.

COOK: We don't have those in the rural land right now.

EULER: We do not have those currently in rural areas. We have them in urban areas.

COOK: There are hardship dwellings that are allowed in the rural area which are often occupied by a family member and they are to be temporary for the time of the hardship. Now, the degree to which those remain temporary is not something that I could certify.

There are also guesthouses permitted in the rural area.

WRIGHT: Now, are these sorts of provisions, can they be handled independently of the comp plan adoption?

EULER: Yes.

COOK: Well, those are already in the rural area.

WRIGHT: But I'm not speaking of those specifically, but similar types of proposals, are they precluded or do they have to be in the comp plan or can they be a policy matter to be discussed by the Planning Commission and the Board of Councilors in future years?

EULER: If you want to adopt a change in development regulations, that could be done at any point. So you may see a proposal at some point in the future for language allowing accessory dwelling units, those are development regulations, those could be done independently of the comp plan.

QUIRING: Mr. Chair, that brings up kind of a question in my mind of what he's just brought up is that maybe it's a possibility that we can address these things and set aside and put on the agenda talking about some of the fairness proposals at another time that we're wanting to address or maybe recommend to the Council so that --

MORASCH: And is there a reason you don't want to discuss it tonight?

QUIRING: No. I mean, if we can capture --

MORASCH: Part of my no vote on some of these other things was premised on the idea that we would at least have a game plan tonight --

QUIRING: All right. That's fine.

MORASCH: -- on the fairness or at least have a vote on it. Now, we may not have all the details --

QUIRING: Right.

MORASCH: -- but this is a preferred alternative that going to, you know, go to the Board next month --

QUIRING: Right.

MORASCH: -- so there's some time for it to be looked at between now and then.

QUIRING: And perhaps we can --

MORASCH: And then before we get to the land use changes which are, you know, sometime next year, we'd have a lot more time to kind of flush out some of the nitty-gritty details.

QUIRING: All right. Sounds good.

MORASCH: I would just want to get kind of a concept proposed as part of a recommendation.

EULER: And, Mr. Chair, we've got lots of information about tools that would fall in the category I think you're talking about that we would be happy to have a work session with you at some point, not necessarily that they relate to the preferred, but a lot of them are as opposed to land use in terms of the zoning map or the comp plan, they're more regulatory. And again, those could be done as the need arises.

MORASCH: Yeah. And TDRs, I mean, that presents a challenge because you've got to have a receiving site that's going to then get up -- basically upzoned because you've transferred the right to that, so... I mean, if we're following growth management and upzoning everything in the urban area as much as we want anyway, then where are you going to upzone further to, you know, to allow some development right from a rural area to be transferred to.

So there's a lot of complicated questions like that. And I'm not suggesting that we would have all of the answers tonight, but maybe if we have, you know, at least some kind of a conceptual proposal for where we might recommend.

JOHNSON: Well, is it fair to start with this accessory dwelling idea and say okay, I mean?

QUIRING: No.

JOHNSON: No?

QUIRING: That's something else, isn't it? Isn't accessory dwellings --

JOHNSON: Help me out here.

QUIRING: Well, actually maybe not.

BARCA: Into the microphone, please.

QUIRING: Sorry. I don't want it. I don't want it.

MORASCH: You're not supportive of accessory dwellings?

QUIRING: I'm not saying that.

MORASCH: I'm more supportive of the idea that people that owned the property 30 years ago would get some right to create additional lots. Now, whether those are clustered or not, I'm kind of open to -- whether they're condominiums, I'm a little leery about condominiums just because of the rules for lending have changed so much in the last few years that it's almost impossible to get a real residential loan on a condominium now, you know, and you're pretty much stuck with basically investor rates and variable rate loans on condominiums, so I probably would prefer allowing people to actually create the lots. I know that means that they could just sell them, but I mean, if, you know, if we're really trying to make fairness and property rights, I mean, I think people have the right to sell their property, so...

BARCA: Okay. So to me, when we discuss this in the terms of fairness, I'm trying to come up with tools that bring some form of compensation back to the parties but not a specific windfall of that proportion that says basically everybody gets to cash out and walk away and then we're left with the burden of however many other lots end up being developed there.

So there was some discussion before about the use of conservation future funds which could buy the development rights of some of the agricultural properties where we could then, perhaps, compensate them as if they were at a higher density and thereby not creating more lots but putting some compensation forward.

Transfer of development rights is a complex tool, but I don't think we've explored it. Every time we've brought it forward, we've actually had so much inventory of land available that there's never been an appropriate match between the sellers and receivers of that, and I think to make that work, we have to get ourselves to this place where we accept the fact that the market gets itself somewhat constrained and we're willing to put a higher amount of density into a suburban or an urban area to accomplish that.

Accessory dwellings is a limited solution, but there is a certain amount of fairness and compensation that goes with that as far as being able to bring family members in and have them live adjacent to the primary dwelling. What it doesn't do is it doesn't go beyond that one particular unit, and so we would have to look at that as, perhaps, a parallel path and maybe one that we would consider helping augment but not the solution by itself.

And then I would really like to have staff look at what's out there that other jurisdictions have done in the context of family compound, accepting the caveat that, Chris, that you've said that it would, perhaps, be difficult for us to defend. I think if we looked at it really in the context of limitations similar to the limitations that clustering provided, whether it was one dwelling per five acres up to a certain maximum number, something, that way that we would say there's really a limit to how much impact this would be. If it's for property that was zoned prior to 1994, that would also shrink the impact.

And I think that kind of gets me back to the concept of the root when the Planning

Commission was hearing this, and Lonnie Moss was on the Planning Commission, he asked me, you know, basically don't you think it's fair that there's some form of compensation? And truly I had to say, yeah, there should be some sort of compensation. We went from people having the ability to sell small parcels to being zoned in a fashion that that choice was taken away.

Nothing came forward from the County at that time and I think it's been a lingering division between the urban and the rural community that we've never addressed and it would be really nice to at least acknowledge it, put it out on the table and address it in some fashion. I think with some limited measures, we as a group can probably come to consensus on a fairness plan.

MORASCH: I have a question for staff about the conservation futures fund. Can you just give us a brief thumbnail description of what that is, how much money is available, what the restrictions are on using it, or do you know?

EULER: It's the -- I don't know what the budget is. We can find out certainly. Pat Lee is the manager. It's housed in the Environmental Services Division, and there are criteria for buying and selling of property. There's grant funding that's available. There's partnerships with land trusts. There's partnerships with property owners. There is actually a fairly good website on the County's conservation futures program, so... If you want more information, we could certainly provide it.

MORASCH: I mean, I guess my question is is it feasible to create some kind of program where property owners are compensated for losses that they occurred 30 years ago when the first comp plan was adopted and figuring out how much -- you know, who should be compensated for that and then paying them out of this fund, I mean, is that even a feasible thing to consider?

EULER: No.

WRIGHT: Retroactive vesting or --

QUIRING: Right. Yeah. Come on.

WRIGHT: -- reparations perhaps, I mean.

QUIRING: I was going to say.

BARCA: So I think the fund is used to buy development rights and to hold land as ag land and take away the concerns about it being developed.

EULER: One of the criteria is that -- one of the criteria for use of the funding is for agricultural land, but most of the time it's for habitat, open space, recreation, trail connections. Those are the priorities that the County has put on the targeting the funds that pass through the program, so... My understanding is in talking with Pat that the

preservation of ag land is it qualifies as a legitimate criteria for use of funding.

MORASCH: But wouldn't we have to create the development rights before those funds could then be used to buy the development rights? And I'm not sure if you can create the development rights and use the funds all in the same action.

EULER: Essentially you have a PDR program in this case, which is a Purchase of Development Rights. It's a fee simple purchase. You turn it over then maybe to a land trust to manage or a -- you know, that's where the conservation futures in terms of how the program works, so usually the money -- usually you retire the development rights; you don't transfer them.

COOK: But I think you're right. There's nothing to sell if it doesn't exist, so, yes, I think it would have to be created first.

The other thing is it's State money. It's not just a pot that the County has to use as it determines would be best. It has -- there are State criteria that govern it, and I frankly could not tell you what they are.

MORASCH: Yeah. Okay. So that one sounds like it could be problematic.

BARCA: I think we'll find that any form of compensation is going to be problematic.

QUIRING: Yeah.

MORASCH: That's probably true. But that one sounds like it might be more problematic even more than some of the others.

JOHNSON: It seems to me a work session on this might be prudent, and I understand what we're trying to do today is to get something forward, but I would love to start throwing ideas out there and then we go, okay, let's look at it. Let's find out if it's feasible or not, because I'm with you, Ron. I think it will take a little bit of work whatever it is. But, Steve, I agree with you, a lot of this is being based on, okay, how do we compensate those people specifically those before 1992, I think that's somehow important.

I don't -- the other thing is the testimony reflects that most of the people in the ag and forest group that were for, to or for were -- a lot of their testimony revolved around my kids or my family or distribution of that to my family, and I think that takes a little bit of time to go what do you got for us, staff? Is there some creative things you can throw out? And again, Oliver, I know that this is probably a lot of work, but my fear is that the votes that we're taking now we're going to send forward with nothing there, so what is that, I mean.

MORASCH: Well, yeah, that's my concern. You know, we voted no on two elements, important elements of Alternative 2 --

JOHNSON: Exactly.

MORASCH: -- and that indicates to me that we'll probably do the same with Alternative 4, and I don't want this to go forward without a pretty strong statement from us hopefully that the Commission, that the Board of Councilors should also seriously consider some form of compensation for the rural property owners, particularly the ones with families that have owned their property for an extended period of time.

JOHNSON: And again, I --

MORASCH: Maybe that's just a general motion without any specifics.

JOHNSON: Well, but again, as redundant as it is, we're basically asking for time to get some more information to come up with some creative ideas. The process, the process, the process. And again, I want this not to be a reflection on staff as much as I want it to be a reflection on, boy, I'd sure like to slow this thing down and look at it more and find some ways that absolutely are in the best interest of this county, and I think somehow we're kind of getting pushed in a box because this is a really good discussion.

QUIRING: Well, this is a policy discussion and it's really not for the staff to come up with. This is a policy that we need to come up with and have staff work --

JOHNSON: Or just offer ideas. Yeah, I just thought some ideas would be good.

QUIRING: Well, except that we have some ideas. We've got, you know, six heads here. And while we won't agree on everything, I think that we should -- we should actually say something to the effect --

JOHNSON: I agree.

QUIRING: -- that we want to be able to create an opportunity for those, whether it's a date certain that they owned their property prior to the GMA or whatever plan was set out there or a way for family to be able to divide their property, a process by which they can go through and apply to do this.

I'm not sure how it would be done either, but I just think that we should make the suggestion since we're being told that basically that this is, and we're voting -- I mean, you know, the vote of the group of us is basically turning down a lot of these things and yet we are sympathetic to what we've heard from the community, so... I don't think we should leave this evening, and I just want to clarify, when we're talking about compensation, this is not a monetary thing we're talking about. Is that true?

JOHNSON: It could be.

MORASCH: Well, it could be if we're talking about the conservation future funds.

QUIRING: I mean, I understand what Ron was talking about, but you also used --

MORASCH: My suggestion --

QUIRING: -- the word compensation.

MORASCH: My suggestion was that people that had owned the property since before the '94 comp plan --

QUIRING: Yes.

MORASCH: -- be given a process where they can --

QUIRING: Yes.

MORASCH: -- come in and apply, demonstrate that they owned it before the comp plan --

QUIRING: Yeah.

MORASCH: -- that they had investment-backed expectations in that property, because at the time, they could divide it and then as a result of that, they would get the ability to apply for additional land divisions of more than what would be allowed under the current rules through a reasonable use type application, which is basically the kind of application that people make to say, look, I think you've taken my land and you need to compensate me for that by giving me additional development rights.

QUIRING: Yeah. So by allowing me to divide it.

MORASCH: Yes.

QUIRING: Yeah. Okay. That sounds good.

WRIGHT: Yeah. That was a concern to me when we talk about compensation. And also the term fairness is a bit troublesome because it's so vague. I think if we talk about flexibility and process and push the discussion that way, then you'll have something that we can bite into and staff and the Board can move with.

BENDER: Yeah, Steve, why don't you put in the record that we entertain a motion about the topic we're talking about to hold a future work session and hearing, that way you've covered it now and then we'll cover it in the future.

MORASCH: If someone wants to make a motion, feel free to make a motion.

QUIRING: Go for it.

BENDER: I make a **motion** that we in the future hold a work session and public meeting

on the topic of compensation fairness for those that owned land in the area discussed prior to 1992.

JOHNSON: I **second** it.

MORASCH: Friendly **amendment**. I would suggest that we also recommend that the Board of Councilors consider fairness and compensation or whatever you want to call it in their deliberations on the comp plan.

BENDER: So amended.

MORASCH: Even the second?

JOHNSON: I **second**.

WISER: I didn't hear. Steve, I couldn't hear the amendment.

MORASCH: The amendment was that we also recommend that the Board of County Councilors consider these same issues in their deliberations on the comp plan of fairness and compensation and, I don't know, what did you want to call it, flexibility?

WRIGHT: Yeah, I preferred flexibility in the process.

QUIRING: And process.

MORASCH: The only concern I have about the word flexibility is I'm really focused on people that have owned their property since before 1994 and flexibility might sound like it's open to, you know, the whole entire rural land.

WRIGHT: Well, I'd offer a friendly amendment that we consider a process, a flexible process to deal with those --

MORASCH: Flexible process.

WRIGHT: -- particularly those parcels that had development rights prior to 1992.

MORASCH: Well, you have to get his approval for the friendly amendment.

BENDER: **Amended**.

JOHNSON: And I so **second**.

MORASCH: And then --

COOK: Please restate your motion as amended because I don't think any of the people who are supposed to have recorded what it is have an idea of what it is now.

BENDER: Okay. Reiterating the motion with the amendments, if I can do that, that we hold a work session and a public hearing on the subject of flexible --

WRIGHT: Flexible development processes.

BENDER: -- flexible developmental processes --

MORASCH: And fairness.

BENDER: -- and fairness with the purpose of compensating those who owned land prior to 1994, that land being the land in question, the larger acreage of what, 20 acres forest and 20 acres.

WRIGHT: Again, I'd offer --

QUIRING: I think this is getting a little out of hand.

ORJIAKO: It is, yes.

QUIRING: That is a little bit too much of a motion. Sorry.

WRIGHT: Again, I'd offer the friendly amendment we --

QUIRING: I guess I could just vote no.

MORASCH: You could vote no and then we can have another motion.

QUIRING: That's right. Why don't we do that then.

MORASCH: So has it been seconded?

JOHNSON: Yes, second it.

MORASCH: All right. Any discussion on the motion? Eileen says she wants to vote no --

QUIRING: Yeah.

MORASCH: -- because she wants to restate the motion herself.

QUIRING: It's just -- well, I'm not -- I don't know that I'll restate it. I just -- it needs to be restated. It's way too broad.

COOK: Yeah, I would question, does it include something about large land holdings? I'm not -- I wasn't clear whether that was part of the motion.

BENDER: Large land holdings in question.

COOK: I'm sorry?

BENDER: The large land holdings in question.

QUIRING: What are they?

EULER: How large?

COOK: How large?

BENDER: Let's see here. Forest lands, I believe, was 40 acres; is that correct?

ORJIAKO: Yes. Forest Tier II.

COOK: But that doesn't --

BENDER: And agricultural is 20.

COOK: That doesn't mean that that's the size of what somebody owns in that zone. That's the zone. That's the designation. That's not necessarily the size of the lot.

BENDER: Okay. Can you help clarify it?

COOK: No. I'm sorry. I don't know what you mean.

BARCA: Why don't you withdraw and then --

BENDER: Withdraw it and restate it.

MORASCH: Okay. We'll start over. Eileen, can you maybe make us a motion.

QUIRING: Okay. I would make a **motion** that we create -- that we allow or recommend to the Board with this comp plan that we are voting on, a process of -- well --

MORASCH: It's not so easy, is it?

QUIRING: Flexibility isn't the word I want to use, I guess, flexibility or opportunity for individual landowners who have owned property prior to 1992 to possibly divide for -- what was the other? There was another word. I'm sorry. Not divide, but --

MORASCH: Compensation.

QUIRING: Well, compensation wasn't the word I wanted to use.

COOK: Are you thinking cluster?

QUIRING: I think divide is the word, but divide -- to divide their property.

COOK: And question, just a question. Are you using the word flexibility or opportunity or both? I wasn't clear.

QUIRING: Flexibility, I believe, if we're having the caveat that the land is owned prior to -- or prior to or 1992.

COOK: And can I assume that you're talking about people who owned it in 1992, they still own it?

QUIRING: Yes.

BARCA: Yes.

COOK: So continuously?

QUIRING: Yes.

COOK: I don't know. 1992. Well --

QUIRING: It's prior to the '94 plan.

MORASCH: Do we need to repeat that motion or does everyone understand?

QUIRING: Does everyone understand that motion?

JOHNSON: I understood the other one before too.

QUIRING: Do we have a second?

WRIGHT: Oh, I'll second that.

MORASCH: All right. It's been moved and seconded. I'm not sure that that was --

QUIRING: I hope somebody wrote it.

MORASCH: Do we have any discussion?

BENDER: Are we talking about just a recommendation to the Councilors or are we talking about us also holding a planning session?

QUIRING: I'm talking about a recommendation to the Councilors.

JOHNSON: I think I understand that this is not part of the motion, but I think further for the record that, Bill, I would like that too, that we would have some type of a, you know, group meeting where we could get together and ferret some of this out because I think we're all on the same sheet of music. I just think it's kind of a little difficult. And as the hour is getting later, we're getting a little foggy, so...

QUIRING: Yes. I under- --

JOHNSON: But I really appreciate what you were saying because I think we all understood it. Regardless of legal's position on trying to get it right, I just -- I don't want to lose what you're saying because I do agree. We need to -- it would be nice to have a session that we could sit down and talk about this, but I also understand, Mr. Chairman, that it's important that this is part of the record that we're sending forward to the Commissioners that state, look, we are looking for some type of just - I'm using the word compensation in the context of something to do, not money, it could be money, it could be other things - alternative avenues for those people whose property were adversely affected prior to the 1994 --

QUIRING: Comp plan.

JOHNSON: -- comp plan. And again, that I know that that's --

MORASCH: And I think we all agree on that --

JOHNSON: -- that's just a discussion.

MORASCH: -- in concept --

JOHNSON: Yes.

MORASCH: -- but there's some question about how that should be implemented.

QUIRING: Right.

JOHNSON: And thank you, both of you, for standing the fire to try to get it right because we all were understanding what you were saying.

QUIRING: And I don't disagree that we should have a work session, but I'm not making that part of this motion.

JOHNSON: Yeah. That's great, and I appreciate that. But for the record, I just -- it would be nice.

MORASCH: I too think we should have a work session and a maybe a hearing and --

QUIRING: Yeah.

MORASCH: -- I would hope that maybe the Board of Councilors would start a program and then send it back to staff and then to us and then like we usually do.

JOHNSON: Exactly. Great. The motion's been seconded.

MORASCH: Any other discussion on the motion?

BARCA: I think long before we should give anything to the Councilors, we should have it clear in our minds what we want the outcome to be, so I'm ready to vote.

MORASCH: All right. Can we get a roll call.

ROLL CALL VOTE

WRIGHT: AYE

BARCA: I believe in the fairness concept; I don't believe in this motion. NO

QUIRING: YES

JOHNSON: YES

BENDER: YES

MORASCH: YES

WISER: 5/1.

A **Motion** was made for the councilor's to allow for a process for flexibility and opportunity for land owners who continuously owned property prior to the 1994 plan to possibly divide their property. There was discussion as to whether the effort, discussion of the process will come to the PC work session, meetings, etc.

Motion to Approve: AYE – 5; NAY – 1. **Motion Passed**

MORASCH: All right. Well, that brings us back to the sheet that staff has provided us on Item 2.f, I believe. Gordy, do you have a summary for Item 2.f?

Alternative 2.f Urban Reserve. Urban reserve (UR) becomes a true overlay. Zoning defaults to underlying zone; some parcels given R-5 zoning. UR code moved to the overlay chapter of Title 40. No change in allowable land uses.

BARCA: And now pinch hitting for Gordy is Jose.

MORASCH: Jose.

ALVAREZ: Okay. So the urban reserve becoming a true overlay. I think we have a

map that shows. So the hash mark is the overlay, and we're just trying to make it consistent between the comp plan and the zoning designation as having hash marks. In some areas, we have a solid gray color. That's urban reserve. So we're just trying to be consistent between the two. In some areas, there's hash marks; in some areas there are solid blocks. And so in our code, we want to move that urban reserve overlay into an overlay section we have in the zoning chapter, and that's essentially what -- just trying to be consistent within that. In some cases, there's -- we want to use the underlying zoning.

So there's the urban reserve either has a 10 acre or a 20-acre overlay, so it's a minimum parcel size of 10 acres or 20 acres. What you can do with the property, we want to have the underlying zone in the urban reserve. It's going to be a rural designation, so it would either be more than likely R-5 zoning. We have some zoning that for the urban reserve, but it's not as permissive as some of the things that you can have within R-5.

So the distinction is just going to be -- with the overlay is just going to tell you 10 or 20 acres, that's how much you can divide it into. If you have 40 acres, you can only divide it into 10-acre lots or 20-acre lots, but what you can do on the land is going to be determined by what's the underlying zone which for the most part is going to be rural zone, R-5. In some instances, there's ag, but primarily the R-5 or R-10.

BARCA: Wow.

ALVAREZ: Clear?

WRIGHT: Would it make the map hurt my eyes less when you do this?

ALVAREZ: Hopefully. And I think we're --

BARCA: So --

MORASCH: Any discussion on that or questions of staff?

BARCA: -- what would happen if we just took the overlay off completely?

ALVAREZ: If you took the overlay off both the comprehensive plan and the zoning map, then the underlying zone would be the zoning in the comp plan for that designation. So R-5 would be rural and have R-5. The people who have that property wouldn't have any indication that we would be looking at that area the next time we expand urban growth boundaries. It's really just a signal to let people know that the next time we look at expanding urban growth boundaries, we're going to look in those areas first.

MORASCH: And if it's zoned UR-20 and your underlying zoning is R-5, can you divide into 5 acres or are you stuck with the 20? Because from a planning standpoint, I mean, preserving those large lots near the urban growth boundary in areas where you're planning to expand in the next cycle or two, I mean, makes sense from a planning

standpoint. Is that --

ALVAREZ: Correct. So, yes, you would have the 20 acre would be the minimum, not the R-5. That's the purpose of the overlay is to say, okay, yeah.

MORASCH: Preserve the parcels so you have economies of scale when the property is brought in and also so you preserve large properties for employment lands.

ALVAREZ: And I'll give you an example of where it might work. Say you have 100 acres and you're in an Urban Reserve 10 with an R-5 underneath that. Right now the urban reserve doesn't let you to do -- doesn't let you do cluster development. So if you're a property owner and you're zoned R-5, we'd allow you to do the cluster but at the 10-acre threshold; whereas right now you couldn't do that at all.

And it would allow some development, but it would also preserve a large piece of it so it's abutting the urban growth boundary or close to that, you're still preserving it for when an urban expansion occurs, so it gives the property owner some flexibility and some ability to use their land where they currently don't have that opportunity.

BARCA: So that makes it sound like a good thing. But what I just heard you say sounds different than what this proposal is.

ALVAREZ: No.

BARCA: Because it sounded like if the overlay was off of it, it would revert to 5s. They could still cluster, but they'd be clustering at the 5 level --

ALVAREZ: Correct.

BARCA: -- as opposed to leaving the overlay on when they would have to cluster at the 10 level.

ALVAREZ: Well, with the current overlay, the cluster isn't an option. By changing this, because the R-5 zone allows clustering, you could cluster, but the parcel size that you could cluster to would be the higher parcel size.

BARCA: At the 10-acre level.

ALVAREZ: Right. So that would preserve future development but allows property owners currently to do something with their property.

EULER: What you're not seeing, Commissioners, is what the actual code language would look like. What we're saying is this is a concept. If you look in Title 40 right now, there's Rural 5 as a zone. There's urban reserve. It's in the zoning code.

So the question is is urban reserve really a zone? What we're proposing to do here is

say, no, it's not a zone. It's an overlay. But we've got some urban reserve right now that doesn't have an underlying zone. So part of that is -- part of it is we're going to give it rural zoning because urban reserve is put on property that's in rural areas. So there really isn't going to be a -- there's going to be no change in the allowable land uses, nothing gets better, nothing gets worse, but we're going to call urban reserve what it really is which is an overlay.

And as Jose said, it is that signal to property owners that we're supposed to look at those parcels the next time we expand urban growth areas. So the policy of urban reserve, how we use it as a planning tool isn't going to change.

BARCA: Okay. So looking at this map, the lines on the map that hash particular areas, they're all within an urban growth boundary now?

ALVAREZ: Correct.

BARCA: So we're not talking about those. We're talking about urban reserve outside of the growth boundary; right?

EULER: Correct.

ALVAREZ: Right.

MORASCH: The gray area.

ALVAREZ: So if you look at the gray area -- so if you could pull the map down a little bit.

MORASCH: The gray area is now going to look like those ones with the lines on it because it will have an underlying zone of rural residential --

ALVAREZ: See, if you look at the --

MORASCH: -- and then it won't have those lines on it for the overlay.

ALVAREZ: Yeah. The red hash mark where the yellow is above 209th --

BARCA: Yeah.

ALVAREZ: -- that's an urban reserve overlay. The gray at 199th Street is the urban reserve zone. So we want to change that gray to hash mark and make what's underlying it, I believe that would probably be R-5.

EULER: Yeah.

ALVAREZ: And so right now there's an inconsistency, some properties have the zone and some just have the overlay, so we're trying to be consistent between the two.

BARCA: And since we already appear to have urban reserve all the way from the Vancouver urban growth boundary to the Battle Ground growth boundary, it looks like you've already designated that entire corridor. Why do we even need the urban reserve outside of the growth boundaries protected at all? Why do we still have urban reserve in those locations?

ORJIAKO: I think the idea is to look at potential areas that could come into the UGB upon working with local cities, then identifying what potential area will come in, and I think that's the reason we put that urban reserve. You look at areas that are already looking like it's going to urbanize and you use that to put that area on notice that if and when the urban growth boundary expands, that's the likely area that we would like to consider.

What we have pushed and continue to push is that we want to work with the cities so that these urban reserve areas are not urban reserve for a long time so that they're not looked over when we begin to consider areas to come into the urban growth boundary. So that's what we mean by let's take a look at this. While we're putting property owners on notice, we also want to give them the opportunity to further utilize or use their land, you know, that's really what we are proposing, in such a way that it provides them the opportunity to use for their allowable use now.

But there are some areas, as Jose tried to explain, there are some areas on the comp plan now that just have the gray area with no zoning on it, if you will, and the way that our code is written in our comp plan, there's very limited use the property owners can come in and apply for given what our code says. This approach will give them that opportunity to do so while at the same time preserving the area for when we think that area should come into the UGB.

Remember that the Act also says you have to look at an area that is already characterized or there is some benefit in that area coming into the urban growth boundary. These are areas that immediately are brought in the urban growth boundary. They're, by their location, provides the opportunity for those areas to be considered, and at the same time you want to preserve it in a large tract so that when they come in, there is some utility that could be gained out of that. So that's really what we are trying to do.

MORASCH: And you're not asking us to vote on whether or not the County should have urban reserves. You're asking us to vote on whether they should just have one kind of urban reserves and it be an overlay --

EULER: Correct.

MORASCH: -- instead of having two kinds which we have right now, an overlay and a base zoning?

EULER: Correct.

ORJIAKO: Yes.

EULER: Well said.

MORASCH: Thank you. Any other discussion on Item 2.f? Can I get a motion on Item 2.f.

WRIGHT: So moved that we adopt 2.f.

JOHNSON: Second.

QUIRING: Second.

MORASCH: All right. Any discussion on the motion? All right. Roll call.

ROLL CALL VOTE

BARCA: NO

QUIRING: AYE

JOHNSON: AYE

BENDER: AYE

WRIGHT: AYE

MORASCH: AYE

Alternative 2.f Urban Reserve. Urban reserve (UR) becomes a true overlay. Zoning defaults to underlying zone; some parcels given R-5 zoning. UR code moved to the overlay chapter of Title 40. No change in allowable land uses.

Motion to Approve: AYE – 4; NAY – 2 **Motion Passed**

MORASCH: So 2.f passes.

Alternative 2.g Commercial Lands. Combine the three commercial zones (C-2, C-3 and GC) into a single comp plan (C) designation

MORASCH: 2.g. I assume this is the same, basically the same as what we did with 2.a and --

JOHNSON: B.

MORASCH: Well, 2.a because 2.e was kind of unique, but...

EULER: 2.g is the same concept, yes, to go to a single commercial comp plan designation that would be implemented by the three zones.

MORASCH: And the text, that's how we already do it anyway; right? This is just to

make the map consistent with the text or is this an actual change this time?

ALVAREZ: This is an actual change and it will allow people to do -- to go through a zone change as opposed to --

MORASCH: Comp plan amendment.

ALVAREZ: -- a comp plan amendment.

MORASCH: So they wouldn't come to us. They would just go to the hearings officer --

ALVAREZ: Correct.

MORASCH: -- for their zone change.

ALVAREZ: Correct.

MORASCH: And they could do that at any time. They wouldn't have to only do it once a year and blah, blah, blah.

ALVAREZ: Correct. Yes.

MORASCH: All right. Any discussion on this?

BARCA: So when we allow these uses to change and it just goes before a hearings examiner, the people that are adjacent to these changes of uses, how will they understand what is the potential impact of that zoning change?

ALVAREZ: There's --

ORJIAKO: I think you raise a good point and a good concern. I think what we will do is look at Title 40 and look at this criteria for zone change and see whether there is any additional criteria or additional proposal we can make to Title 40. Because what we don't want to do is make it difficult for the hearing examiner to be arguing what, you know, is this a strip commercial or is this the pattern of land use that we want.

So while I am in support of this, that's my only concern that we may have to, not really tighten up the rezone criteria, but do it in such a way that it still provides a distinction, because if you go to the comp plan now, the purpose statement identifies what each of the district is supposed to do, you want to be able to make that consistent with the zoning so that -- I recall a long time ago we were debating whether changing from limited commercial to general commercial is a form of strip commercial, along Highway 99. We couldn't come up with what is a strip, definition of what is a strip commercial.

But I think this is one area that we may have to look at our Title 40 and add some language dealing with zone changes, but I think this makes it very -- in terms of process,

it still has to be what are the impacts if you're going from, say, C-3 to a neighborhood commercial or vice-a-versa. All these are going to be considered and the hearing examiner have to weigh that.

It's the same, similar to when are you -- when you're changing a zone from R1-6 to R1-10 or R1-10 to R1-6, what are the impacts to the neighborhood, very similar concept as we are proposing here. When you look at uses that are permitted in each one, I could see where some property owners might say, okay, there's more uses and more latitude allow in CG, for example, which is general commercial. I want my C-3 which allowed for community commercial Safeway or whatever to go to the general commercial which allows you a broader use, a broader use list, I could see that happening. But I think the hearing examiners, they're well trained. They will consider the impacts, traffic, otherwise before they grant a zone change.

MORASCH: And if we move forward, I assume you would come with some code changes later on this year or early next year that would implement this.

EULER: Yes. This would require a review of our, as Oliver said, of our Title 40 regulations.

MORASCH: And the neighbors are still going to get notice of a zone change --

EULER: Oh, yes.

MORASCH: In other words, get notice to go to the hearing --

EULER: In a Type III process, that's correct.

MORASCH: -- before the hearings examiner as opposed to come to our hearing.

ORJIAKO: Stop. Stop. One person at a time.

MORASCH: All right. So I just want to make it clear for the record and everybody, that if we adopt this, the County staff is going to, later on this year or early next year, going to come back with some code language to implement it so that the hearings officer has a good code to work with and people will still get notice of a zone change and an opportunity to be heard. It will just be a hearing before a hearings examiner instead of a hearing before us.

ORJIAKO: That's correct. And if I may add, not to belabor the issue, we may even draft that code language and bring it in front of you when we go through the comp plan policies and consistency with those policies, so this is something that you may see again.

MORASCH: Okay.

BARCA: So for my fellow Commissioners, I just think that the draft of this Supplemental

EIS does not need this. This is good stuff for us to do. This is good work, but it's not necessary for us to do this tonight, and I have the concern about compatibility and the methods. As Oliver said, there's more work to be done. I just think it should come to us at a later time more flushed out.

ORJIAKO: That's fine.

MORASCH: Well, if we vote against it, is it going to -- if we vote against this and if the Board of Councilors agrees with our recommendation, would it come back to us at that point? I would think the only way it's going to come back is if we vote for it and then it will come back in a more flushed-out form.

BARCA: Yeah. It will come back in a more flushed-out form.

MORASCH: If we vote for it. If we vote against it, it will not come back at all.

BARCA: It will come back.

MORASCH: Well, only if we get overruled by the Board of Councilors.

BARCA: That's what I just said.

QUIRING: Yeah. Having said that, I **move** that we approve 2.g, the commercial lands to combine the three commercial zones into a single comp plan designation.

MORASCH: All right. It's been moved. Is there a second?

WRIGHT: **Second.**

MORASCH: It's been moved and seconded. Discussion on the motion?

JOHNSON: Commissioner Barca, help me out here because I'm not clear on this. So your position is if we vote it down, we won't get an opportunity to come back to it, relook at it with the changes that would come back and because it would have to come back to us. Is that -- help me out here.

QUIRING: No.

BARCA: It's my belief that this is good policy to be reworked and that it would end up on staff's agenda and it would come back. It just won't come back as part of the preferred alternative, unless Oliver's going to say if we vote it down, you will never see this again.

ORJIAKO: If you vote it down and the Commissioners or Councilors agree with you, you will never see it again. If you vote for it --

COOK: They'll never see it again?

ORJIAKO: Well, unless --

MORASCH: Never say never, but we probably won't see it again.

ORJIAKO: Well, I won't say never. Thank you for correcting me there. I won't say never. There's never never. We may come back during the annual review cycle and have you take a look at this, so I take the word never back. So you can see it through the once a year annual review or code amendments, if you will.

I think the idea is that this provides an opportunity for us because this we can do this as part of the comp plan update and we can rewrite our policies, which some of you have seen, and also Title 40 that's yet work to be done, which will come back to you. So if you recommend approval, it is on our to-do list if the Councilors so agree.

MORASCH: So if I can sum up what you just said is if we recommend approval, it's on the to-do list. It will come back to us in a more detailed form. If we recommend against approval, it's not going to be on your to-do list. It may or may not come back at some future date if, you know, if somebody says it's important enough to add to some future to-do list.

COOK: And the earliest would be 2017 because there are no annual reviews before then.

MORASCH: Next year. Okay. All right. Any other discussion on the motion? All right. Can we get a roll call.

ROLL CALL VOTE

BARCA: NO
WRIGHT: AYE
QUIRING: AYE
JOHNSON: YES
BENDER: AYE
MORASCH: YES

Alternative 2.g Commercial Lands. Combine the three commercial zones (C-2, C-3 and GC) into a single comp plan (C) designation
Motion to Approve: AYE – 5; NAY – 1 **Motion Passed**

WISER: 5/1. MORASCH: So that passes 5/1.

We're on to 2.h. Gordy.

Alternative 2.h Public Facilities. Creation of public facilities zone.

EULER: 2.h. Very good. This is would create what we call a public facility zone. For a long time we've had essentially a parks and an open space comprehensive plan designation but no zoning that corresponds with it, no underlying zoning. If you click on parcels that have that comprehensive plan designation, they carry all kinds of whatever, you know, rural designation, ag designation, residential designation. And so this was an idea we thought we'd create a public facility zone, essentially it would be for public lands, lands that have public buildings on them, and so this is a, call it, map correction, so we're not going to change any of the land uses or anything on that.

MORASCH: Okay. I have a question. Are there any privately owned lands that have this comp plan designation on it?

EULER: We would not apply it to any private lands. This is for public facilities.

MORASCH: Right. So you've got an existing comp plan designation. It doesn't apply to any lands that are privately owned currently?

EULER: We'd have to check that for each parcel, but we don't believe so.

MORASCH: You don't believe so. And if you adopt this zone, is it going to automatically apply to all those comp plan designated parcels or are you going to go do some site-specific analysis before you go apply the new zone to the map?

EULER: We'd want to make sure when the Board adopts a new comprehensive plan map that we've got it right.

MORASCH: Okay. Great. Yeah. Any other questions?

BARCA: And fire departments, schools, things of that nature.

EULER: Yes. Government buildings, transportation facilities.

ORJIAKO: Yeah, that's true. I want the PC to know that I don't think that all the school districts are on board with this, and I'll tell you why.

As you know, some of them buy property for a school site, and if through their own planning process they determine that they need to surplus some land, we want to give them the opportunity to do so; however, I think it makes sense for if we applied this zone and include some school district that haven't developed and we apply the public facilities on it, they have to go through some zone change, if you will, if they sell the property as a public facility and for whatever reason, right now it may be zoned for residential, but it's owned by a school district, so they will have to go through a process to rezone it if they want to sell it for higher use.

So I just want to put that out there that some school district may have some issues with

this, but this is something that we still think that we ought to consider because it is being applied to publicly owned facilities, and if it's truly for a school site, I don't see any problem applying that.

MORASCH: So let me ask you a question about the school site. Isn't that something that could be addressed when you actually go and implement the map and you could do some determination that maybe particular school sites, even though they have the comp plan designation, wouldn't necessarily be appropriate to apply this particular zone?

EULER: Correct.

MORASCH: And all we're doing is creating a zone that you would then apply as you thought it was appropriate and then, of course, we'd have to approve the map when it comes to us so we'd have our chance to look at the map.

ORJIAKO: You can condition this that we apply it to already developed public facilities including schools, you can motion it that be the case.

EULER: And again, this is one we've got a draft, we're working on a draft of what, this would be a new code section that would say 40-something or other public facilities, have a list of uses that would be allowed there. And again, the idea is not to change the land use, just to more formalize the fact that these are public facilities.

MORASCH: Okay. Any other discussion?

QUIRING: I just have a question about what about surplus land -- so it wouldn't -- that the county, city, somebody owns but it's not in a specific facility?

ORJIAKO: And that's why I'm putting it out there that you can condition --

QUIRING: So applied to existing public facilities.

ORJIAKO: Yes. You can condition it that as we over time, when we come before you and update our comp plan layers that we apply public facilities to already developed schools or publicly developed site that may be a school and any other, fire station, whatever the case may be. We don't know where some of this may be located, like a fire station, for example, we don't know. So in the future, we want to be able to apply this as we update our plan, and park, if it's developed, you apply a public facility on it.

So right now you may have a bubble, here's a potential area that a public park will go, but they haven't acquired the property. I don't want to go out there and designate a circle a public facility. I want the opportunity to designate it as a public facility when the site is fully developed.

MORASCH: Right. But all we're doing tonight is recommending that we create a zone.

ORJIAKO: Yes.

EULER: Correct.

MORASCH: Whether you apply it to any property at all is something that will be decided in the future and will have to come back to us before it gets finalized.

ORJIAKO: Yes.

EULER: That's correct.

BARCA: Okay. So I guess for the record, I'm definitely in favor of this concept, because when we look at the vacant buildable lands analysis, we would be pulling the public facilities out of that designation and not have to wonder about whether it's actually part of the available inventory or not.

On the flip side of that, my concern would be that any public entity, whether it's a city or a school, could be banking property in some fashion by holding it but not developing it, so we'll have that discussion once we vote this up.

MORASCH: All right. Any other discussion or can we get a motion?

JOHNSON: I motion we accept 2.h, the creation of a public facility zone.

BARCA: Second.

MORASCH: All right. Any discussion on the motion? All right. Can we have a roll call, please.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.h Public Facilities. Creation of public facilities zone.
Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

Alternative 2.i Urban Holding. Urban holding (UH) becomes a true overlay. Zoning defaults to underlying zone. UH code moved to the overlay chapter of Title 40. No change in allowable land uses.

MORASCH: 2.i.

ALVAREZ: See 2.f.

MORASCH: Is that the same as 2.f? That's what my question was.

ALVAREZ: Very similar, yeah.

MORASCH: Okay. So we're just -- we've got two now. We've got a true overlay and we've got some that are actually a zone and so we're going to move those all to an overlay, but this isn't going to actually change how it's implemented --

ALVAREZ: Correct.

MORASCH: -- other than making it an overlay. Correct. Okay. Any other discussion on 2.i? Then could I get a motion on 2.i?

QUIRING: I move that we recommend 2.i, the urban holding overlay.

BENDER: **Second.**

MORASCH: It's been moved and seconded. Any discussion on the motion? All right. Can we get a roll call.

ROLL CALL VOTE

JOHNSON:	AYE
WRIGHT:	AYE
BARCA:	NO
QUIRING:	AYE
BENDER:	AYE
MORASCH:	AYE

Alternative 2.i Urban Holding. Urban holding (UH) becomes a true overlay. Zoning defaults to underlying zone. UH code moved to the overlay chapter of Title 40. No change in allowable land uses.

Motion to Approve: AYE – 5; NAY – 1 **Motion Passed**

Alternative 2.j Battle Ground UGA. Changes comp plan and zoning designations to better reflect surrounding land uses.

MORASCH: 2.j. Gordy or Jose, who's going to tell us about 2.j? Let's get it up here first.

ALVAREZ: I can.

EULER: Yeah, go ahead, Jose.

ALVAREZ: So this was a property that was brought into the Battle Ground urban growth area, I believe, in 2007. At that time, apparently, there was a subdivision that had begun but we designated this as business park. As you can see, the parcelization there and the lot with the water is -- I believe that was done as conservation as part of the subdivision, so none of that land can be developed as a business park.

So we're recommending changing the zoning to that to R1-20 to essentially reflect -- I believe they're acre lots, that's sort of the closest zone in our urban area, and put an urban holding on it because it's not been annexed by the City of Battle Ground yet. And I believe there's some parcels to the north that just kind of made sense to make that change also. They are smaller lots, but they weren't part of that subdivision, but it just sort of made sense to have the same zoning.

MORASCH: Any questions? Any discussion on 2.j?

BARCA: I'm having a hard time understanding where that actually is.

QUIRING: Is it where the water is, the pond?

BARCA: Yeah, I understand that part.

MORASCH: Well, it's that and it's where the pond is and the subdivision immediately to the west.

ALVAREZ: Yes.

MORASCH: But I think Ron is saying he doesn't know where that is in relation to the --

QUIRING: Kramer. Oh, I see.

ORJIAKO: That's on the east side of --

(INAUDIBLE. EVERYBODY TALKING AT THE SAME TIME.)

ALVAREZ: It's Meadow Glade.

ORJIAKO: -- what is it, NE --

BARCA: Okay. Yes. Okay. So it turns into SW 10th. Okay.

ORJIAKO: Right.

WRIGHT: And the City of Battle Ground has weighed in in favor of this one?

ALVAREZ: Yes. This was something that was referred to us from the City of Battle Ground at one of the open houses we had.

MORASCH: Any other discussion? I mean, it makes sense to me. If it can't be developed because it's a fully developed subdivision and a natural habitat area that our industrial zoning doesn't make sense for that property.

ALVAREZ: Right.

BARCA: And the City didn't ask for any type of job creation land in lieu of this change?

ALVAREZ: Alternative 3 is coming up.

ORJIAKO: Alternative 3 is coming. But, you know, as you are aware, this is what happens when you're doing a comp plan and there are applications in the process and sometimes we don't catch it, and this is one that is now fully developed and we have to consider that. Had we known that this was in place at the time, I think a different designation would have been made.

MORASCH: Okay. Any more discussion or can we get a motion?

JOHNSON: I **move** that we accept 2.j, the Battle Ground UGA and the changes to R-20 and the urban holding.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded. Any discussion on the motion? All right. Can we get a roll call.

ROLL CALL VOTE

BARCA: AYE

QUIRING: AYE

WRIGHT: AYE

JOHNSON: AYE

BENDER: AYE

MORASCH: AYE

Alternative 2.j Battle Ground UGA. Changes comp plan and zoning designations to better reflect surrounding land uses.

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: All right. That passes. 2.k.

Alternative 2.k Ridgefield UGA. Add the Tri-Mountain Golf Course to the Ridgefield UGA retaining Parks and Open Space (P/OS) zoning and adding an Urban Holding UH-20 overlay.

EULER: The proposal here is to add the Tri-Mountain Golf Course to the Ridgefield urban growth area and would retain it in parks and open space which again P/OS zoning comp plan designation and we'd put an urban holding overlay on it.

MORASCH: What's the need for the urban holding overlay if it's underlying zoning is parks and open space?

ORJIAKO: I think, if I may jump in, we typically have used urban holding on properties that we add to the UGB, and in this case, I think it makes sense to be consistent. If you look at all the properties that we brought into the UGB abutting city limits until annexed, we do apply urban holding on it, so to be consistent, that's why. If in the future when this property is annexed by the City and there is a different zoning, that yet is going to be into the future, but to be consistent we have to apply urban holding to it.

MORASCH: Is the owner of the golf course in support of this and is there anything in the urban holding that would be inconsistent with operation of a golf course?

ORJIAKO: Not to my knowledge. We, the County, owns the golf course.

MORASCH: The County owns the golf course.

QUIRING: Oh, I thought it was you, Gordy.

EULER: No. No. We, we, the County, yes.

MORASCH: All right. And the County is supporting this then?

EULER: Yes.

ORJIAKO: Yes.

MORASCH: All right. Is there any other question for staff or discussion? That clarifies a lot for me, yes. Thank you.

BARCA: So the County's going to put a public facility inside of Ridgefield?

EULER: The thinking is if there was somebody who wanted to buy the property, it would be more salable if it were in an urban growth boundary already, which is one of the reasons we're doing this.

ORJIAKO: But to answer your question, yes. Yes.

MORASCH: Any other questions of staff or discussion? If not, can I get a motion?

QUIRING: I move we accept 2.k putting Tri-Mountain Golf Course into the Ridgefield UGA as an urban holding overlay. Is that right?

MORASCH: Yes. Is there a second?

JOHNSON: Second.

MORASCH: Any discussion? Can we get a roll call.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.k Ridgefield UGA. Add the Tri-Mountain Golf Course to the Ridgefield UGA retaining Parks and Open Space (P/OS) zoning and adding an Urban Holding UH-20 overlay.

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: All right. 2.k passes. We're on to 2.I. Jose has left the building. Gordy, I guess it's you or Oliver.

Alternative 2.I Vancouver UGA. Remove reference to the Three Creeks Special Planning Area.

ORJIAKO: I think I will take this one.

MORASCH: Oh, he just moved around the corner.

ORJIAKO: That's fine. You know that we applied this overlay right after the approval of the 2007 comp plan and put a language in the comp plan that identified this whole area as the Three Creeks Special Planning Area, and if you'll recall, that language in the comp plan established the Three Creeks Advisory Council which some members of the PC asked why certain things go to the Three Creeks Advisory Council and come back to the Planning Commission for your consideration. And we -- the reason that was created was that the neighborhood out there realized that there's a need to address both

transportation and land use issues in the Three Creeks Special Planning Area.

If you'll recall, at one point the County had a moratorium on the Salmon Creek interchange area. This extends all the way to almost 179 interchange. So it's an area that has had land use issues as well as transportation. What is special Three Creeks planning area did was to subdivide the area into eight distinctive areas.

If you'll recall, the Planning Commission, staff prepared the subarea plan for the Highway 99 which the Planning Commission approved. We did Salmon Creek. We also did fairgrounds. So some of the issues relating to land use have been addressed. I think Phase 1 of the Salmon Creek interchange have been completed. There are also pending Phase 2 that needs to be completed. 139th have gone through and there's discussion about funding for 179th. So we believe that -- and also the Three Creeks Special Planning Area has been dissolved. They no longer meet.

So we felt that it's necessary now to remove this overlay in the Three Creeks Special Planning Area. And if you do this, this will be consistent with the subarea, Salmon Creek subarea plan that have been before you that you approved as well as the fairgrounds subarea plan that have been completed. So this action will take care of both m, 2.m and 2.n. So that's my overview of why we're doing this.

MORASCH: 2.m, 2.l, 2.n. So can we vote on all those together then or --

ORJIAKO: I would recommend you do.

MORASCH: Okay. That sounds good to me. Is there any questions for staff on any of these three?

ORJIAKO: But to be consistent, vote on them individually, please if you can.

MORASCH: Well, it just it takes us a lot more time.

ORJIAKO: But your call, yes. I'm just saying that's -- if you want to combine --

MORASCH: Okay. I guess we'll see what kind of motion we get.

QUIRING: Okay. I **move** that we accept 2.l, removing a reference to Three Creeks Special Planning Area.

MORASCH: Is there a second?

BARCA: **Second.**

MORASCH: Discussion?

WRIGHT: Amen to that.

MORASCH: Roll call.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.l Vancouver UGA. Remove reference to the Three Creeks Special Planning Area.

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

Alternative 2.m Vancouver UGA. Approve the Discovery/Fairgrounds subarea comp plan map and zoning change

MORASCH: All right. Can we get a motion on 2.m.

JOHNSON: **Move** that we accept to approve the Discovery/Fairgrounds subarea comp plan map and zoning changes, 2.m.

WRIGHT: **Second.**

MORASCH: Moved and seconded. Any discussion? Can we get a roll call.

WISER: Who seconded it?

MORASCH: Bill Wright seconded it. Can we get a roll call on 2.m.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.m Vancouver UGA. Approve the Discovery/Fairgrounds subarea comp plan map and zoning change

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: It's been passed. Can I get a motion on 2.n.

Alternative 2.n Vancouver UGA. Approve the Salmon Creek subarea comp plan map and zoning changes

QUIRING: So moved, 2.n, Vancouver UGA. Approve the Salmon Creek subarea comp plan map and zoning changes.

JOHNSON: Second.

MORASCH: It's been moved and seconded. Any discussion? No? Can I get a roll call, please on 2.n.

ROLL CALL VOTE

BARCA: AYE
WRIGHT: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.n Vancouver UGA. Approve the Salmon Creek subarea comp plan map and zoning changes

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: Thank you. 2.n passes. That moves us on to 2.o.

ORJIAKO: Gordy, do you want to go?

EULER: Go ahead.

Alternative 2.0 Vancouver UGA. Change some parcels that have a mixed use comp plan designation to a comp plan designation that matches current zoning.

ORJIAKO: Okay. What 2.o is is changes to some parcels that have mixed use comp plan designation to a comp plan designation that matches the current zoning or the actual structure on the property. There are areas throughout the Three Creeks and the unincorporated area where we applied the mixed use zoning as the comp plan, and if you'll recall our mixed use zoning requires -- I believe it's -- is it -- what's the split?

EULER: 80/20.

ORJIAKO: 80/20, 80 percent can be residential and 20 percent commercial or vice-a-versa. We looked at some of the areas that have been designated as mixed use, some of them have developed fully as commercial brand-new. We believe that some of those areas will never redevelop within the next 20 years, if you will.

Some areas has ML and manufacturing and machine shop. We take a look at this and said it makes sense to return what the current zoning or current use on the property is rather than applying the mixed use on the property. Because unless you're redeveloping a dilapidated structure and you're doing first floor commercial and apartment on the top, don't know how soon that's going to happen, but if you have a brand-new commercial or industrial facility, why not just make that ML or commercial and then leave areas that are yet vacant that could develop as mixed use/as mixed use, that's what we are recommending here. So if you approve that, we will make those changes. Want to jump in and add to my --

ANDERSON: Colete Anderson. To add to what Oliver said, back in 2004 when we established the mixed use zone and we did the zone to consistency chart, we ended up with a footnote at the bottom of that chart that basically said if you had mixed use comp plan and different underlining zonings, like R1-6 as an example or general commercial, you were grandfathered in and we were not going to change your zoning to mixed use to match, so mixed use/mixed use. Okay?

What we're doing in predominantly most of this is getting rid of the mixed use comp plan designation and giving them the comp plan designation that matches how their property was developed. So we have R-18. We've got commercial. We've got light industrial where they've built under that particular zone, but the comp plan designation is mixed use. It's basically cleanup, we're getting rid of the footnote at the bottom of the zone to consistency chart. And we've contacted all the property owners. They're all in agreement with this and we've done our homework on this, so it's basically cleanup.

ORJIAKO: Thank you, Colete.

MORASCH: Thank you. Any questions? Ron.

BARCA: Yeah, I do have a question concerning compatibility. So if we're allowing a grandfathered use to come in, does it present our existing mixed use zoning with potentially a compatibility problem with what was the grandfathered usage?

ANDERSON: Well, in all cases they're built and it's built under the zone that was applicable with it which wasn't mixed use.

BARCA: I understand that part. The part I'm wondering about is the adjacent properties that may retain that mixed use.

ANDERSON: There aren't any.

BARCA: There aren't any.

ANDERSON: Yeah. There aren't any. The mixed use that was applied in '04 was out on the perimeter and it was mixed use/mixed use, so it was mixed use comp plan and mixed use zone. These parcels are all in the interior of the old Vancouver urban growth

area at that time. We just didn't go in and change it at that moment, so their surrounding zones could be R-18 or light industrial. It's not going to create spot zoning or problems with the adjacent properties.

BARCA: So we're eliminating it completely from those sites, so there's no mixed use adjacent to them any longer?

ANDERSON: That's correct.

MORASCH: All right. Any other questions? Discussion? Can I get a motion then.

WRIGHT: I'll make a **motion** that we adopt or recommend 2.0 in the Vancouver UGA to change some parcels that have mixed use comp plan designations to a comp plan designation that matches the current zoning.

QUIRING: **Second.**

MORASCH: All right. Any discussion on the motion? Can we get a roll call.

ROLL CALL VOTE

BARCA: AYE
QUIRING: AYE
WRIGHT: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.0 Vancouver UGA. Change some parcels that have a mixed use comp plan designation to a comp plan designation that matches current zoning.

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: All right. That passes. How are you doing? Do you need a break or are you okay? I'm looking at the court reporter. Oh, you're looking at the clock. Okay.

HOLLEY: Where are we on here? I don't even know where we're at on here.

MORASCH: Well, we're actually getting kind of close to the end, but we --

HOLLEY: Okay. Let's finish 2 --

MORASCH: Okay.

HOLLEY: -- and then we'll take a break.

MORASCH: Take a break. And then I don't know how long 3 is going to take. We

have 3 and 4. I think 4 will probably be quick based on the voting on 2, but I don't know how long 3 will take. So you want to finish 2 and then take a break?

HOLLEY: All of 2.

MORASCH: Okay. 2.p. Jose, back in the building. He was never gone. He was hiding from me.

ALVAREZ: So we're proposing to remove urban reserve on properties - is it the yellow? - yeah, and then I believe the ag.

MORASCH: Right.

Alternative 2.p Vancouver UGA. Remove UR adjacent to the Vancouver UGA and replace it with R-5 and AG-20 zoning.

ALVAREZ: Right. The parcelization in there, we're just proposing to remove the urban reserve from those and return it back to the Rural 5 and the AG-20.

QUIRING: Why?

BARCA: Why just these places? Don't we have this throughout the Vancouver UGA?

ALVAREZ: We do. I'm trying to recall what the rationale was.

ORJIAKO: No, finish your comment.

BARCA: He's done.

ALVAREZ: I can't recall what the rationale was.

MORASCH: Do you recall, Oliver, what -- Oliver, do you recall what the purpose for this is and why it's here and not other areas?

ORJIAKO: Honestly, I cannot recall. We have been discussing this internally. If the PC wants to return the urban reserve and leave the underlining zoning as-is, that's the motion you can make as well. So the whole concept of doing this is just to recognize you have and we don't want to use - what is it? - the road as the divider. In some cases, that's what have been done on the -- if you look on the west side, that area is already in urban reserve. You look at immediately to what will be the northeast, on the south side where that what look like a puddle of water is, you can see the line of the urban growth boundary already. So your call.

We were looking at this and saying that it probably makes sense what is on the east side that we'll return it to abut the rural and the ag zoning. That's really the rationale.

Nothing more. In some areas like 162nd, you have used that road, which is okay, to be the divider between urban and rural. So your call on this one. I have no other rationale why we are proposing this, but unless staff has anything else to add, that's why we are proposing that this be done.

MORASCH: Okay. Any other questions of staff or deliberation?

WRIGHT: I'm a little confused on which parcels exactly we're removing, would be removing.

ALVAREZ: So that -- yeah.

MORASCH: Oh, now the map's all clear, yeah.

BARCA: Yeah. But if we zoom out on that, there's much more gray than what we're proposing to remove.

MORASCH: Yes.

ALVAREZ: Right. So on the southern portion, you can see this is, I think, part of the Mill Creek area and I think what we -- it's very wet there. It's not likely to be redeveloped urban. On the southern portion and the northern portion, I think that's what was the primary rationale for making that decision to remove it.

MORASCH: Okay. So we're thinking these areas are wet and probably won't urbanize because of that. And even if they do urbanize, they're wet so they don't have a lot of development potential anyway, so we might as well remove the overlay.

ALVAREZ: Yep.

MORASCH: Okay. Any further questions or deliberation? And, if not, I would entertain a motion.

BARCA: Well, I'd like to briefly discuss the idea that the City of Vancouver didn't weigh in on this at all. And I know that the moment we do this, we're going to have every other landowner that is in this same predicament but not being given this type of change or relief coming in and asking why this area and not another area that they're already involved in, and I don't see the City of Vancouver moving out in this direction. I don't see the City of Vancouver consuming this area.

And I'm -- I guess I'm just wondering why we're not doing more to reel some of this back in and give the people the options of accepting their rural zoning as it is and just working with that, rather than keeping this urban reserve over them.

We had years and years of doing this same thing in the Salmon Creek area and it was horrible for those people and they never got brought in and they never got to develop to

their potential, and I just I think we could do better. Maybe it's not the right time to do it or we do this one, but we got to get the rest of it on the record about what we're going to do with the rest of the property so when the people ask why not them, we can at least have something to say.

MORASCH: Any other discussion?

WRIGHT: I appreciate Ron's comments.

MORASCH: Yeah. I guess my only concern is about removing it from the rest of the property is it doesn't seem like we've analyzed the rest of the property to know whether it would be developed or not. So I'd kind of like to have that analysis done before we start removing overlays.

WRIGHT: Well, we couldn't do that now, but it might be an annual update in 2017, perhaps, to continue this process to reviewing those, so...

ORJIAKO: It's going to be your recommendation. You can move that we return this and probably do a further analysis. And I agree with your observation and this is something that we too struggled and struggled in the sense that if you look at the update that occurred in 2004 and 2007, I don't know why the urban reserve areas that was applied in '94 wasn't considered, and I think some of this have been, as you correctly observed, have put some of those property owners wondering why they have been put as urban reserve in a likely area that will come into the urban growth boundary, and since 1994, there have been subsequent urban growth boundary expansions and they were passed over, if you will.

So I think it's beneficial to take a hard look at some of this areas. If you lend itself properly to be in urban reserve, it makes sense to apply urban reserve to them. If it doesn't, I think we can come to you and present you with that analysis that it no longer meets the intent of keeping it as urban reserve. What potential implication that will have, I don't know, but I think it makes sense to take a hard look at some of these areas and determine what the appropriate designation of those areas should be, and I think this type of major update provides that opportunity to do so. But your call. If you want to recommend that this particular 2.p remain as-is until a further analysis is done, we will work on that as well. So your call or your recommendation.

MORASCH: Okay. So if someone wanted to move to approve 2.p and also add to that that you would do some further analysis of the other urban reserve areas as part of the remainder of the work that needs to be done for the comp plan between now and 2016, that's something you could do or is that something that would need to wait until some further cycle?

ORJIAKO: I think it needs to wait, because if you include it in and if you remove it into something that has to be studied as part of the Final EIS, what are the implications of doing that? So that may be where we ask our consultant to consider that as part of what

is in the preferred alternative to be looked at.

MORASCH: Okay. And it's getting late, so I'm not sure if I understand what you just said. I guess my question is is it possible for us to recommend that you look at removing other urban reserve areas besides these as part of this process, this comp plan cycle between now and 2016 or not?

ORJIAKO: I think it will be -- we haven't considered all the urban reserve areas as part of this process. We just looked at selective areas that we think makes sense to be considered at this process, and as a result of that, what you recommend and if the Councilor approve will be part of the preferred that will be studied in the Final EIS and if there are questions that you may have on this, then that answer will be provided when we do the Final EIS.

QUIRING: Sounds like no. It sounds like it's a no.

ORJIAKO: It's a no, yes.

MORASCH: That's a no.

BARCA: Oh, I thought you were saying as part of the hybrid and we could go for it.

MORASCH: Well, I think I heard him say no, we can't do it now.

QUIRING: That's right. So we both --

(INAUDIBLE. EVERYBODY TALKING AT THE SAME TIME.)

MORASCH: So I wasn't a hundred percent clear on this.

ORJIAKO: Yes. Yes. It sounds like a no. But again, you'll be the one making the recommendation.

MORASCH: Okay. Well, I guess someone -- if there's more discussion, otherwise somebody can make a motion.

BENDER: I **make a** motion that 2.p, Vancouver UGA, remove UR adjacent to the Vancouver UGA and replace it with R-5 and R-20 zoning.

JOHNSON: I **second** it.

BARCA: No, AG-20.

BENDER: Reject it.

QUIRING: AG-20 zoning.

ALVAREZ: AG-20 zoning.

BARCA: AG-20.

JOHNSON: AG-20.

BENDER: AG-20.

JOHNSON: I second it.

MORASCH: All right. Any discussion on the motion?

BARCA: Well, I just think in fairness, there's a lot of people that are going to ask the question and we're going to say, well, this stuff was wet and that's why we did it, so... When we have the vote, you'll know why.

MORASCH: You know, and I'm probably going to vote in favor of this, but I kind of agree with Ron, but it sounds like this isn't something -- because it wasn't studied in the Draft EIS, it's not something that we really can do now, but I would encourage maybe a future look at whether there's other areas that we could look at to see whether they're appropriate for urbanization, and maybe if not, remove the overlay in the future.

WRIGHT: I agree. It's a good idea in the future to look at some other areas appropriately, but this would be quite a burden on staff within the current schedule of the comp plan update and some things just have to be put back and, of course, there's the EIS questions, so...

MORASCH: Any other discussion? All right. Can we get a roll call.

ROLL CALL VOTE

WRIGHT: AYE

BARCA: NO

QUIRING: AYE

JOHNSON: AYE

BENDER: AYE

MORASCH: YES

Alternative 2.p Vancouver UGA. Remove UR adjacent to the Vancouver UGA and replace it with R-5 and AG-20 zoning.

Motion to Approve: AYE – 5; NAY – 1 **Motion Passed**

Alternative 2.q Vancouver UGA. Remove UH in the Fisher Swale area between Vancouver and Camas.

MORASCH: All right. That passes. We're on to 2.q.

ORJIAKO: Again, this area, unlike the one you just voted for, we are recommending that you remove the urban holding in the Fisher Swale area between Vancouver and Camas.

ALVAREZ: Yeah. It's the purple horizontal lines on the bottom there. And then on the top, which the R1-7.5 zoning, those are the last two remnants of urban holding in the Fisher Swale area. The southern property pretty much have one-acre zoning. There's a few properties that could be further divided. We occasionally field calls about when that will be lifted.

There is the City of Vancouver hasn't expressed any interest in annexing this area. There is sewer coming up 182nd. It's not quite to these properties yet, so it would have to be extended. But it's -- there's also sewer just above the R1-20.

There's a subdivision going in in that area that we lifted urban holding from a couple of years ago that came through the Planning Commission. So at that time we looked at that and we were thinking it might make sense just to remove the urban holding from the rest of that property to the south, those properties to the south, and so we thought this would be a good time to bring this forward.

MORASCH: So just so we're clear, if we remove the urban holding, then that would allow those properties to develop to urban densities without annexing but they would have to provide public services --

ALVAREZ: Correct.

MORASCH: -- in order to meet the development standards to develop?

ALVAREZ: Yes.

MORASCH: Okay. Any discussion or questions for staff?

QUIRING: Again, and it was just that area above 13th Street to 18th?

ALVAREZ: Both below --

MORASCH: Well, there's also --

QUIRING: And then that little --

ALVAREZ: Below 13th -- right. So below 13th that's in yellowish and then above 13th, yeah.

QUIRING: Oh, okay.

ALVAREZ: Yeah, that the blue, that's business park is in the Camas UGA and we're not talking about that one.

WRIGHT: So it's already substantially parcelized?

ALVAREZ: Yes. And some of the larger parcels have larger expensive homes that might not be divided. There might be a few opportunities to redevelop, so if those folks wanted to, they would have that opportunity, but it's just not likely that the City is terribly interested in annexing that. And I think there's a provision in the comp plan now that requires annexation for development to occur.

MORASCH: Any other discussion? All right. Does anyone have a motion?

QUIRING: Yes. I'd move 2.q, remove the urban holding in the Fisher Swale area between Vancouver and Camas.

BARCA: Second.

MORASCH: All right. Any discussion on the motion? It's been moved and seconded. No? Let's have a roll call, please.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 2.q Vancouver UGA. Remove UH in the Fisher Swale area between Vancouver and Camas

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: All right. One more and then we'll take a break. 2.r.

Alternative 2.r Washougal UGA. Correct mapping error on parcels with city zoning inside the UGA but outside city limits

ALVAREZ: Okay. So these are parcels that are in the Washougal urban growth boundary but they're outside of the Washougal city limits; however, they have Washougal city zoning and the property is in the unincorporated county. So the proposal is just to change the zoning on those to county zoning that closely matches what the city zoning is. This was done in 1994.

Typically what we do is put urban holding on those properties. It was never done in this

case. I'm not sure why. But we field a lot of phone calls with people who have city zoning but they're in the county and they want to know what they can do. For the most part, services wouldn't be -- it's -- they're urban zones, so they wouldn't be served unless they're -- until they're annexed. They're not going to develop, but they need to have a county zone while they're in the unincorporated county.

MORASCH: So is the proposal to put an urban hold on this or to just put county zoning on it and leave it as-is?

ALVAREZ: I think we were going to put the urban holding on it, yes.

ORJIAKO: This will still have urban holding on it, but it will be consistent with our own zoning until it's annexed by the City of Washougal. And some of this, I will say, is that these are type of changes, if I may add, that you do quickly post-GMA plan adoption, but for some reason some of this were not done and as they come to us and we have no other choice but to do it within this major update.

Sometimes we collect this, if you will, field these calls and put it on the docket and do it that way, but because of the suspension of the annual review and docket for '15 and since we felt that this all should come through this process so that we can do the map cleanup, there was some post-plan adoption cleanup that we did which, Ron Barca, you were a part of, and this have taken some time to do it. So I'll stop talking. Let's hear your vote on this one.

MORASCH: So one more question. You say you fielded calls. Are property owners aware that this change is being considered and do they support it?

ALVAREZ: They -- it's just a lot of confusion and this would help clear up some of that confusion. When we talk to them, we let them know that essentially that they're not going to be able to develop in the unincorporated area, that they're going to have an urban zone, but they can't do that until they're annexed. And I think the property on the east side near Crown Road is in an area that the City of Washougal is currently looking at annexing, so we'll make that change. It may be annexed by the time the plan's adopted, but just to give you an idea.

MORASCH: All right. Any other questions or discussion?

BARCA: That answers my question. Why doesn't Washougal just annex it and be done with it?

ALVAREZ: Well, they're not ready to annex the properties at the time.

MORASCH: Yeah. Well, it sounds like they're maybe in the process of annexing some of it --

ALVAREZ: Some of it, correct.

MORASCH: -- but not all of it.

ALVAREZ: Correct.

ORJIAKO: And their annex depends on their ability to provide services.

BARCA: And who's providing the services now?

ALVAREZ: County.

ORJIAKO: And we don't provide sewer.

ALVAREZ: Right.

MORASCH: All right. A motion.

JOHNSON: Make a **motion** we accept 2.r, the Washougal UGA, correction on the mapping error on the parcels in the city zoning inside the UGA but outside the city limits.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded. Any discussion on the motion? No discussion. Could we get a roll call, please.

ROLL CALL VOTE

BARCA: AYE

WRIGHT: AYE

QUIRING: AYE

JOHNSON: AYE

BENDER: AYE

MORASCH: AYE

Alternative 2.r Washougal UGA. Correct mapping error on parcels with city zoning inside the UGA but outside city limits

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: Motion passes. That leaves us to Alt 3 and I said we were going to take a break. Before we do that, I guess I'd like to poll the Planning Commission to make sure, it's 10:30 now, is everyone okay with going, you know, maybe another half hour or so and see if we can't get a good part of the way through this and then decide maybe if we can get all the way through? All right. Is ten minutes going to be enough?

HOLLEY: Yes.

MORASCH: Okay. We will take a break for ten minutes, so we'll return at 10:35.

(Pause in proceedings.)

MORASCH: We are back. Gordy --

EULER: Yes.

MORASCH: -- 3.a or Oliver, I guess, whichever one of you wants to do 3.a.

ALTERNATIVE 3 CITY REQUESTED UGA EXPANSIONS

Alternative 3.a Battle Ground. Add 80 acres, now designated R-5, to the UGA for jobs.

EULER: All right. Thank you, Mr. Chair. Let me get the map caught up with you so you can see what we're talking about. Barb, we're going to Alt 3.

ORJIAKO: And while we're getting the maps up, as I indicated in my opening remarks, we have some of the City staff here, so... They're not here to testify, but if you have questions of the City staff, we'll just, like Jose helped us out, we'll have them come and help answer questions you may have.

If you recall, maybe you won't recall, but we did ask the cities and collaborated with our city partners and the public, but, you know, the cities were going through their own planning process or update process, we asked them to let us know what their desires are in terms of expanding their boundary or not expanding their urban growth boundary. Some cities said no, they do not want to expand their urban growth boundary, but there was consensus that we make them whole, not those that doesn't want to expand, doesn't want us to shrink their boundary either. We did send letters to the cities asking them to submit their desire to the County and I think we did receive proposals from the City.

We did another second letter that went out to the cities asking them again, giving them another deadline to submit their proposal to us and they did. In that letter, I think we articulated that we would like them to, if they're bringing ag property into the urban growth boundary, that they have to do a study or de-designation of that ag because it's required, and some of them, I believe La Center and Ridgefield, have submitted studies into the record. I think that is in our FTP site. I don't know if you have a copy of those studies that have been submitted by the cities, but if you don't have it, I think we've made reference to our FTP site where all the comments relating to the 2016 plan update is housed so you can access that.

I know the difficulty of you not having received or reviewed all the comments because you received them tonight, I recognize that, but I just want to put you on notice that we have

been working with not only our city partners but everyone else to have a voice in the process. So the cities are here to help answer questions that you may have. Some may relate to need; some may relate to this idea of submitting a study on de-designation of the ag land, in this case La Center and the City of Ridgefield. But Gordy will go through this.

There are some other cities that are requesting expansion, but they're rural, so we wouldn't require them. There's just no de-designation required. So that will be not -- that will not be the case in the case of Battle Ground and Washougal. So let me turn it over to Gordy. Gordy.

MORASCH: All right. Thanks.

EULER: Thank you, Oliver. So we're on Alternative 3 and we have five requests to bring forward to you. Here's the first one on the screen. I'm assuming you're seeing that at the same time we are. This is a request from Battle Ground. It's West Main or 219th Street and 92nd Avenue. 80 acres for mixed use employment, in this case some residential, but this is a request primarily for jobs.

MORASCH: All right. Any questions for Gordy? Any discussion?

WRIGHT: And you say there was no study of this area that discussed traffic impacts or other impacts that would result from this zoning?

EULER: Not in the draft supplemental, that's correct.

MORASCH: But if you'll need to do that, at least we'll have the capital facilities plan as part of the land use --

EULER: Yes.

MORASCH: -- which is a later part of this process, so it will be looked at.

WRIGHT: Okay.

ORJIAKO: And to add, we will also ask the cities to show their ability to service the area in their own CFP work that they will be submitting to the County.

MORASCH: Okay. Any other questions or discussion?

BARCA: It looks like another traffic light on 219th.

QUIRING: I move we add the 80 acres now designated R-5 to the UGB for jobs in Battle Ground, which is No. 3.a.

JOHNSON: Second that.

MORASCH: All right. It's been moved and seconded. Is there any discussion on the motion? All right. Well, can we have the roll call then.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: AYE

Alternative 3.a Battle Ground. Add 80 acres, now designated R-5, to the UGA for jobs.

Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: All right. The motion carries. Gordy, 3.b.

Alternative 3.b La Center. Add 17 acres, now designated R-5, for a school site.

EULER: All right. We're off to La Center. We had a request from the La Center School District to include a 17-acre site indicated there in the shading for a school site currently designated as R-5.

MORASCH: Any questions for Gordy on the school site?

QUIRING: Are school sites generally about that size?

EULER: I'm sorry. What was the question?

ORJIAKO: Your question, I think Gordy can answer that, but I think this is probably more than five acres. They haven't decided whether this will be a middle school or a high school or elementary and middle combined, but I think this site is probably more than five acres.

EULER: No, it's zoned R-5.

QUIRING: 17.

EULER: It's 17 acres.

ORJIAKO: Yes, it's zoned -- so it could accommodate a middle school.

JOHNSON: I know that La Center is bursting at the seams just from being a parent in that district, and so they've grown. They're starting to grow both their elementary and their middle school.

WRIGHT: Well, I can attest from past practices where school sites were constructed in the rural areas but yet the demand was for urban services, sidewalks, things of that nature. This, on the other hand, is an urban facility that would be within an urban area and that's a good idea.

JOHNSON: I make a **motion** we add the 17 acres designated R-5 for a school site.

BENDER: **Second.**

MORASCH: It's been moved and seconded. Is there any discussion on the motion? All right. Can we get a roll call, please.

ROLL CALL VOTE

QUIRING: AYE
BARCA: AYE
BENDER: AYE
JOHNSON: AYE
WRIGHT: AYE
MORASCH: AYE

Alternative 3.b La Center. Add 17 acres, now designated R-5, for a school site.
Motion to Approve: AYE – 6; NAY – 0 **Motion Passed**

MORASCH: Oh, we got some feedback. All right. That wasn't very pleasant, but it seems to have calmed down whatever it was, so... Gordy, can you take us on to 3.c.

EULER: Certainly.

MORASCH: Let's see how far we can get by 11:00.

Alternative 3.c La Center. Add 56 acres, now designated AG-20, for jobs.

EULER: This is a 56-acre site. It's currently designated as AG-20, but this is at La Center Junction and this would be -- La Center has submitted a de-designation proposal. It's in the record to go along with this. Chris, what did you want to add?

COOK: I believe that this land was de-designated from agricultural use and added to the La Center UGA in 2007, and the Growth Board ruled that that de-designation had been improper, that was affirmed by the Court of Appeals, and the County removed that area from the UGA at the time and redesignated it for agricultural use. So I don't know

whether the result would be different now or not. This is virtually just across the freeway. Well, it is just across the freeway from the reservation land as additional info.

MORASCH: All right. Any other questions or discussion?

JOHNSON: Yeah. With the potential of the casino coming into this area, one of the things that La Center School District struggles with is their funding for their schools, and so a lot of this is helpful, believe it or not, to the schools, so... I know that in the district is a property poor district in the context of levies and a shortage of funds in schools, so I would support this.

MORASCH: Any other discussion or question or further questions?

BARCA: It can -- just for the record, our attempt to de-designate this property, as Counsel has already told us has failed once, for us to align ourselves up with this is to be saying that we're going to ignore that and somehow we think we got it right this time, but from the Planning Commission, I don't think we've done any kind of homework to see that we've got it right and we're just voting on it because we either like it or we don't like it. So I think right now, this Commission has not done its homework to say that we're going to back a de-designation of agricultural land.

MORASCH: Well, let me ask staff a question. If we include this in the recommended preferred alternative, does that bind us to bringing it into the UGB once we get the final map, or can we relook at that issue later on in the process when we're looking at the land use map?

ORJIAKO: It will bind us to bring it into the UGB. I think the question will be without knowing what will happen, we have looked at a case I have, I can put that into the record that I've read, the de-designation report that the city submitted, can I ascertain that it meets the WAC? I don't know, and I cannot say that it doesn't or it does.

What happens is, if we are challenged, then it becomes an issue of the courts and the Growth Board to rule whether the de-designation meets the WAC criteria for de-designation. Just like we use the same WAC criteria and factors to de-designate, you have to use that same WAC criteria to de-designate.

As Counsel indicated, we did this in 2007 and did other reports to support the ag lands that we were bringing into the UGA in '07 only to be appealed and in some cases we lost most of that. So if you include it in, we will submit the report that they've done and this will be further looked at in the Final EIS, but an issue of de-designation, you have criterias and WAC factors that needs to be considered. I will leave it at that. So I don't know if that answered your question.

MORASCH: And the report they submitted is a new report. It's not the same report from 2007. They went out and did a whole new report?

ORJIAKO: Yes.

MORASCH: Okay. And it just looked at this 56 or this -- yeah, this 56 acres?

ORJIAKO: That's correct.

EULER: Right.

MORASCH: Because I seem to recall that the report we did in 2007, I mean, there was a lot of land, so it couldn't be as site-specific maybe as this.

ORJIAKO: We did general GlobalWise, what is known as the GlobalWise report.

MORASCH: Right.

ORJIAKO: We also did site-specific metric or analysis going through the WAC criteria to justify why they should come in, so they were intensive, that report as well as the matrix that we used to go through the WAC factors, if you will, all that was submitted into the record, and I will say, well, we pretty much weren't successful.

COOK: And in addition, attorneys for many of the property owners submitted additional information concerning their properties, and some of the La Center property owners were represented and had information submitted. I don't know whether this land fell into that.

WRIGHT: Was the rationale submitted pretty much linked to the casino or is it independent of the casino?

ORJIAKO: This will be independent of the casino. Remember in '07 when we included the entire 300 acres, we looked at that area, there was also a study done at that time. But I think the removal of that whole area, and Chris may correct me, is not relevant or related to the casino. It was just that the properties were designated as agriculture and the de-designation that was done didn't meet the test, if you will.

QUIRING: And the previous action was on a larger part, did I understand that? It was like 300 acres instead of 56?

COOK: There were several properties involved there, some of which were west of the freeway.

QUIRING: Okay. So it's possible this could be justified.

COOK: And a number of the statements in the study are related to the casino.

WRIGHT: And the casino is not a done deal actually at this point (inaudible).

COOK: It is not a done deal.

MORASCH: All right. Any further questions or just deliberation? Okay. If not, I'd take a motion.

JOHNSON: I make a **motion** that we accept 3.c, the La Center addition of 56 acres that is now designated AG-20 for jobs.

QUIRING: I'll **second** it for the sake of moving forward.

MORASCH: All right. It's been moved and seconded. Any discussion on the motion? No discussion? Could we get a roll call.

ROLL CALL VOTE

BENDER: NO
JOHNSON: AYE
BARCA: NO
QUIRING: YES
WRIGHT: NAY
MORASCH: YES

Alternative 3.c La Center. Add 56 acres, now designated AG-20, for jobs.
Motion to Approve: AYE – 3; NAY – 3. **Tie Vote/No Recommendation**

WISER: 3/3.

MORASCH: That's a 3/3. What do we do with a 3/3?

BARCA: Pass it on.

COOK: That's a tie.

MORASCH: That's a tie.

COOK: There is no recommendation.

MORASCH: No recommendation. All right. That one is a tie. That brings us to 3.d.

EULER: Be my guest.

COOK: When you're done.

Alternative 3.d Ridgefield. Add 111 acres, now designated AG-20, for residential

EULER: This is a proposal for the City of Ridgefield, approximately 110 acres zoned for ag and the purpose for this would be residential.

MORASCH: Questions for Gordy?

QUIRING: What size residential? R what?

ORJIAKO: I'm not sure. And City staff are here to answer that question. I'm not sure that -- I will invite Jeff Niten to see what they're proposing, whether it's R1-10 or 20, let him answer that. And I will also add before he sits down, they also submitted a de-designation report into our record.

NITEN: Good evening, Planning Commission. Jeff Niten with the City of Ridgefield. The purpose of this expansion would be for single-family residential, likely RLD, in the City of Ridgefield's code, RLD-6 and RLD-8, which is a mixture of 7200-square-foot lots and a little over 10,000-square-foot.

MORASCH: Any other questions for Jeff Niten? I guess I just had one. Can you just briefly describe kind of the process you went through for your de-designation report since there were a lot of questions about the La Center de-designation report. I'm sure that will be an interesting issue for the Planning Commission.

NITEN: Sure. We hired a consultant to complete that report for us with a private party owner of the land and the City in partnership and looked at basically the commercial viability of those parcels moving forward. And after the study sales report and the commercial capability, the consultant determined that that was not viable for long-term commercial significance on agriculture pieces in the county.

MORASCH: What's the parcel size? It looks like it's pretty well parcelized already.

NITEN: It is. The vast majority of those parcels are 10, 10 to 15 acres in size. There are a couple that are a little over 20, but it is fairly parcelized already, and one of the reasons we looked at this area for our expansion was for our needed residential expansion.

MORASCH: And you said the owners. Is it all under one ownership?

NITEN: It's under a variety of ownerships. The vast majority of it, however, is under single ownership.

MORASCH: I see. And is there any current farming going on?

NITEN: Not that I am aware of.

MORASCH: Christine Cook has her hand up. Yes.

COOK: If you have further questions of Mr. Niten, please go ahead and talk to Jeff. When he is finished, I would like to submit some information that I have.

MORASCH: Okay. Well, I think that answered all my questions. Does anyone else have any questions? All right. Thank you. Go ahead.

COOK: Okay. With apologies to Jeff, the land is absolutely currently being farmed. It is all in one ownership right now. I think there's something like 16 or 17 parcels, most of them are 5 acres, and it's a checkerboard pattern of ownership by, I think, LLCs, all of which are ultimately owned by Milt Brown, so there's all one owner. He rents it to a farmer who farms it on a commercial scale. There are only a couple of structures located on the 111 acres. It has no urban services or facilities. It is in farmland, agricultural tax deferral status, so it's assessed as farmland.

The urban growth boundary is to the south, immediate south of the property. On the west and the north there is R-5. On the east and the north there is further agricultural land. So it is compatible with agricultural practices for it to remain in agriculture. Although, urban development is headed towards ultimately the urban growth boundary of the City, it's not there yet and there is considerable vacant land within the urban growth area of Ridgefield.

MORASCH: What is the farming? Do you know what kind of farming is going on? It looked like it was not a hay field based on the aerial photo, but...

COOK: I am not sure entirely. I know that there have been cattle on it, but it's not just pasture.

QUIRING: And you said it's deferred?

COOK: Yes.

QUIRING: So it has to produce something --

COOK: Yes.

QUIRING: -- in order to qualify for that.

COOK: Yes.

MORASCH: All right. Any other questions? Deliberation?

BARCA: I think just about everything I said for the 56 acres is just multiplied to 111 acres in this case and there's even more of a record that's been built for its continued use as ag, so... Whenever we talk about de-designation of agricultural land or any type of resource

land, I think it's really important for this body to do the necessary work. Chris laid out some of the details for us, but I think it's a significant step that the Growth Management Act takes so seriously that we should be either doing our homework or not passing judgment on this type of change.

MORASCH: Any other deliberation? Someone want to make a motion? Ron.

QUIRING: I move --

MORASCH: Okay. Go ahead.

QUIRING: I was going to move that we don't accept 3.d and add the 111 acres now designated --

WISER: Can't hear you.

QUIRING: I move that we do not accept the de-designation of the AG-20 land of 111 acres in Ridgefield.

BARCA: Second.

MORASCH: It's been moved and seconded to reject Alternative 3.d. Any discussion on the motion? Can we have the roll call, please.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BENDER: AYE
MORASCH: NO

Alternative 3.d Ridgefield. Add 111 acres, now designated AG-20, for residential
Motion to Deny: AYE – 5; NAY – 1 **Motion Passed**

MORASCH: Motion carries. 3.e.

EULER: All right. The last city request is for 40 acres. This is in Washougal. And this is land currently designated R-5 and this would also be for residential.

MORASCH: Discussion? Questions for Gordy?

Alternative 3.e Washougal. Add 41 acres, now designated R-5, for residential

BARCA: Well, of course the question that pops up is a previous Washougal property that we took in because Washougal hasn't annexed it and now we are going to add to their urban growth boundary in a very unusual shape as well, and I am wondering whether this is already a conclusion that this is going to come in before the other property that we just looked at?

ORJIAKO: And I wish someone from Washougal was here to help answer that question. I don't know whether this is property-owner driven, but this is a piece that they've looked at and believe that in meeting their own planning process and engaging the community out there that this is a piece that they would like to add to their UGB.

I recognize your observation, if you look at the dotted line on the east and to the north, that's the existing urban growth boundary of Washougal. So this will be adding this piece on the west to the Washougal urban growth boundary. My primary concern, if you will, will be the little piece that is between --

BARCA: Yes.

ORJIAKO: -- but this is the piece that they submitted to us and that's what is before you. I wish they would have taken the entire piece and then you have a straight line to the north, but they didn't submit that to us so this is what we have, and there is no one here from Washougal to help answer your question. So that's what is before you Planning Commission members.

MORASCH: Any other discussion?

ORJIAKO: And if it comes in, we're going to ask them to show their ability to serve the area. Just like any other city, we will ask them to submit their capital facilities plan and show their ability to support this inclusion. And if you include it, we will also look at it in the Final Supplemental Environmental Impact Statement.

MORASCH: All right. Any other questions for staff or any discussion?

BARCA: I think just the idea that it's a single parcel and we're ignoring that northeast corner gives me pause.

MORASCH: It's also odd, I mean, it sticks out. I mean, we're ignoring the parcel to the south.

BARCA: Yeah, to the south as well.

MORASCH: Well, to the south and that may be somewhat parcelized, but it doesn't look like it's all that parcelized.

BARCA: Yeah. There appears to be some type of opportunistic change here that we're not being made aware of.

ORJIAKO: Maybe Planning Commission members, and I'm not speaking on behalf of Washougal, I ask their representative to come, but I know that they've had difficulties, if you will, serving the areas in between with what look like a valley, and Washougal has no other place to go. You have the Gorge to the east, and when they expand, you have seen this, they can only go north. On the west side they have Camas.

I'm not making their case for them, but that's the reality. So I wish a representative is here to help answer your question, but I know where you see Washougal (inaudible) some of those areas they have difficulty serving and they're going to look at areas that they have the ability to serve in consideration of what area they brought -- they ask us to consider for inclusion in their UGB.

QUIRING: I'm going to make a **motion**, Mr. Chair, that we add the 41 acres now designated R-5 for residential in Washougal. That's No. 3.e.

WRIGHT: **Second.**

MORASCH: It's been moved and seconded to approve adding 3.e. Any discussion on the motion?

BARCA: I think if this was really important for Washougal, they would have showed up. I think this was just a dart toss that they threw out and it stuck.

JOHNSON: Well, I do remember in testimony about the discussion about increasing their boundaries to the north and being bound in, that there was -- that that was the idea behind their -- I'm just not sure why they didn't take the property --

BARCA: To the north.

JOHNSON: -- from the line to the south.

MORASCH: To the north or to the south, yeah.

JOHNSON: I understand -- like, I understand, okay, that's kind of weird, just the little chunk that's out of there, but why did we not take it to the south between their line at that property in there? Yeah, I don't know. Yeah, I'm just curious. But again, just don't know.

MORASCH: All right. Any other discussion? All right. So it's been moved and seconded. Can we get a roll call.

WRIGHT: PRESENT

BARCA: What did Bill say?

QUIRING: Present.

WRIGHT: Me present.

BARCA: Present?

QUIRING: I.e., he said present.

BARCA: NO

MORASCH: Is that the same as an abstain?

ROLL CALL VOTE

BARCA: NO
WRIGHT: ABSTAIN
QUIRING: YES
JOHNSON: YES
BENDER: NO
MORASCH: NO

MORASCH: And I lost count.

QUIRING: 3/2/1.

EULER: 2/3/1.

MORASCH: -- he abstained, so...

JOHNSON: He said present.

BENDER: 2/3/0, yeah.

WISER: Oh, he abstained?

MORASCH: He abstained.

WISER: Oh, I didn't understand.

MORASCH: His present that meant abstain. So I think that's a 2/4, which means the motion did not carry.

Alternative 3.e Washougal. Add 41 acres, now designated R-5, for residential
Motion to Approve: AYE – 2; NAY – 3; ABSTENTION – 1 **Motion Failed**

MORASCH: All right. So 3.e is a no.

WISER: 2/3 and 1 abstention.

ALTERNATIVE 4 RURAL, AGRICULTURE, AND FOREST LANDS CHANGE

Alternative 4.a Rural Lands. Eliminate R-10 and R-20 zones unless publicly owned property. Create R-1 and R-2.5 zones. Maintain R-5 zone

MORASCH: That brings us to Alt 4. Is everyone all right with staying a few more minutes and seeing if we can get through this? Okay. Gordy, 4.a.

EULER: Okay. Why don't we wait for the maps to catch up with us. Let's start with rural, Barb. There we go. All right. Thank you, Mr. Chair.

Three proposals in Alt 4, we'll start with 4.a is rural lands. The proposal here is to eliminate the R-10 and R-20 zones, unless it's publicly owned property, and to create R-1 and R-2.5 acre zones and maintain the R-5 zone.

MORASCH: All right. Any questions for staff? Discussion?

QUIRING: Is that the yellow?

EULER: That's correct.

MORASCH: No discussion?

BARCA: So...

MORASCH: Yes, discussion.

BARCA: Yes, there is some discussion. And we've covered this ground, but just to reiterate for the idea that we're dealing with 4 now, the variety of sizes of parcels and zoning densities are two methods that were used to help create that buffer around natural resources. It's one of the fundamental findings that we had to deal with coming out of the Western Washington Growth Board hearings decision and then it was upheld in Poyfair's court. For us to undo this here I think just leaves us totally exposed. Plus, I don't genuinely believe the County could afford the infrastructure to make this work.

WRIGHT: I agree completely. This particular 4.a would add, according to my rough

calcs, about 4200 lots, basically creating a small town in the rural area of 10,000 or so people. To service those people with water and electricity and safe roads with the capacity would be an insurmountable cost for the urban and the suburban residents of the county to subsidize because that's where most of the funds would come from.

I can say without, I think, anyone disagreeing, I probably have as much knowledge about the county road network out there as anybody in the room now, and most of the roads out there were neither designed nor built to any standard. They are game trails turned into farm-to-market roads. They're narrow. They're ditched, steep ditches on both sides, a lot of curves, sight distance issues, substandard intersections, and to put three or four or five or six trips per day per household onto those roads would be unconscionable and so I cannot support this.

MORASCH: Any other discussion? All right. Well, I would just -- I included my thoughts earlier this evening in relation to the Alternative 2 and the property rights issues that we voted on before and I think that applies equally, you know, to this Alternative 4, that I really do hope the Board of Councilors takes that up and looks at some type of flexibility or fairness for people who have owned the property, you know, at least since the '94 plan. Any other discussion? If not, I'd take a motion.

BARCA: I make a motion to **deny 4.a.**

WISER: To do what?

BARCA: Deny 4.a.

WRIGHT: **Second.**

MORASCH: All right. It's been moved and seconded. Is there any discussion on the motion? Hearing none, can we have a roll call.

ROLL CALL VOTE

WRIGHT: YEA or AYE

BARCA: YES

QUIRING: NO

JOHNSON: AYE

BENDER: AYE

MORASCH: YES

Alternative 4.a Rural Lands. Eliminate R-10 and R-20 zones unless publicly owned property. Create R-1 and R-2.5 zones. Maintain R-5 zone
Motion to Deny: AYE – 5; NAY – 1 **Motion Passed**

MORASCH: The motion carries.

WISER: 5/1.

MORASCH: 5/1. All right. So now we are at 4.b.

Alternative 4.b Agriculture Lands. Eliminate AG-20 zone unless publicly owned property. Create AG-5 and AG-10 zones.

EULER: 4.b relates to agricultural lands, Mr. Chair. The proposal here is to eliminate the AG-20 zone unless it's publicly zoned property and to create AG-5 and AG-10 sized zones.

MORASCH: Thank you. Any questions for Gordy on 4.b? Any discussion? It seems like the same issues that applied to 4.a apply to 4.b, except this is actually ag land.

BARCA: Yeah. This is resource land, so we'll lose in court as well.

MORASCH: All right. And do you want to make a motion?

BENDER: I make a **motion that we deny 4.b.**

BARCA: **Second.**

MORASCH: All right. It's been moved and seconded. Is there any discussion on the motion? No discussion? Can we have a roll call, please.

ROLL CALL VOTE

WRIGHT: AYE

BARCA: YES

QUIRING: NO

JOHNSON: NO

BENDER: YES

MORASCH: YES

Alternative 4.b Agriculture Lands. Eliminate AG-20 zone unless publicly owned property. Create AG-5 and AG-10 zones.

Motion to Deny: AYE – 4; NAY – 2 **Motion Passed**

WISER: 4/2.

MORASCH: 4/2, the motion carries.

MORASCH: The motion carries to deny 4.b. 4.c.

Alternative 4.c Forest Lands. Add FR-10 and FR-20 zones to existing FR-40 and FR-80 zones.

EULER: 4.c applies to forest lands in the county. We have currently two zones: Forest 40 and Forest 80. This proposal would add a Forest 10 and a Forest 20 zone for a total of four forest zones.

MORASCH: All right. Any questions for Gordy on 4.c? Any discussion? Oliver, you wanted to say something.

ORJIAKO: I don't want - and this wouldn't perhaps not influence your motion or your how you vote - I will point out that you're not looking at a developmental regulation, but all this were put up that if approved, we will have to consider clustering in some of this. I just don't want that to be lost, but I hope you wouldn't impact your voting one way or the other. I just want to make sure that the PC is aware of that.

MORASCH: I'm sorry. Maybe it's the hour, but can you repeat that. I'm not sure if I understood exactly what you were saying.

QUIRING: I'm not sure either.

MORASCH: I'm not the only one who didn't understand it.

BENDER: I didn't understand it.

MORASCH: You did?

BENDER: I did not.

MORASCH: No, no one understood it. Can you please say that in different words.

ORJIAKO: Okay. I'm sorry. In both Alternative 2 that we advanced taking AG-20 to 10 and Forest 40 to 20, we were going to write a development regulation that include clustering. The same would be true in the ag and forest zone. If approved, there will be a mechanism that would allow clustering. I just want to put that out there. That's all.

MORASCH: Okay. So if we did approve 4.c because we've already voted on the other ones, but if we approve 4.c, you would include a clustering ordinance?

ORJIAKO: I didn't want that to be lost, but I don't think that will change the way you vote. I just want to make sure that's clear.

EULER: Yeah. Clustering would be essentially an implementation measure. It's not --

ORJIAKO: That's not before you.

EULER: It's not a part of the what size parcels, it would be a way we would implement.

ORJIAKO: That would -- that, again, that wouldn't -- I don't think that would impact, would have impacted how you voted, but I just want to make sure that that's not lost.

MORASCH: Okay. Thank you. I think we understood it that time. Sorry to make you say it twice, but it's getting late and we're all trying to keep alert here. So if there's -- is there any more discussion? I don't --

BARCA: It's the same resource land issue.

MORASCH: Yep. Yep. The same only it's forest instead of ag, but, yes. And now I guess we would entertain a motion.

QUIRING: I **move** that we go ahead with 4.c, adding Forest 10 and Forest 20 zones to existing Forest 40 and Forest 80 zones.

JOHNSON: I **second** it.

MORASCH: All right. It's been moved and seconded to approve 4.c. Any discussion on the motion?

WRIGHT: My discussion is a question. Other than adding about 140 rural lots, is there any other advantages, economic advantages to this proposal?

ORJIAKO: I couldn't come up with one. It's late. And it wasn't looked at in the Draft Supplemental EIS that was done. If you want to add something, Chris, go ahead.

COOK: Again, I'm not sure that the economic advantages or disadvantages are a criterion for what you do in the resource zone, except to the extent that it affects that resource industry. And so I don't know of any evidence in the record on that topic besides what's in the Draft SEIS and we did hear from a tree farm owner last week maybe who spoke about owning a large tree farm and the economics of parcelization. So that's the evidence that I'm aware of, but I certainly have not read every comment that has been submitted.

WRIGHT: Thank you.

BARCA: I think we'd have to assume that the house infrastructure and road infrastructure would be taken out of the economic equation for the resource.

MORASCH: Any other discussion? All right. Well, it's been moved and seconded to approve 4.c. Can we have the roll call, please.

ROLL CALL VOTE

JOHNSON: YES
QUIRING: YES
BENDER: NO
BARCA: NO
WRIGHT: NO
MORASCH: NO

Alternative 4.c Forest Lands. Add FR-10 and FR-20 zones to existing FR-40 and FR-80 zones.

Motion to Approve: AYE – 2; NAY – 4 **Motion Failed**

MORASCH: And the motion fails, 4/2.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

MORASCH: No. Great. All right. Well, with that, we thank you all for staying with us and we are adjourned.

The hearing adjourned at 12:10 a.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>.

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