

O'BRIEN: Okay. Let's move then to the public hearing on the Shoreline Master Program Periodic Review and, Jenna, looks like you're up. Thank you.

ORJIAKO: Yes, Councilors, before Jenna let me just quickly thank you for taking this up and with your approval we will be sending that to the Department of the Ecology.

I want to thank the staff that worked on this project, Jenna in particular and Brent Davis and Kim from Ecology, appreciate the funding that they provided us and Kim is online listening in and also our legal counsel Chris Cook.

Jenna will go over the project background which includes the intent of the Shoreline Management Act as well as the goals of the Act and the public outreach that was undertaken as she was working on the project and then briefly the proposed changes or clarifications and the Planning Commission recommendations which was unanimous and then the initial determination from the Department of Ecology.

So with that, I will turn it over to Jenna. And before I forget, I don't brag about my staff, but let me just also let the Council know that Jenna passed her AICP so she's an accredited AICP and I'm very happy to have Jenna on my team. With that, let me turn

it over to Jenna.

KAY: Thank you, Oliver. Good morning, Councilors. For the record my name is Jenna Kay. I work in the Community Planning Department with Oliver and I'm the project manager for the Shoreline Master Program Periodic Review which is CPZ2019-00030.

As Oliver mentioned, joining us today for this presentation we have Brent Davis, Brent is the County and Shoreline Administrator so he leads the implementation side of the Shoreline Master Program in the Community Development Department.

And then also as Oliver mentioned, Kim Van Zwalenburg with the Department of Ecology is also listening in. Today Ecology does also need to approve any amendments we make to our Shoreline Master Program and we have been coordinating with them throughout this process. So for today's presentation I'll go through the items on this agenda slide. Yeah. So next slide.

The Shoreline Management Act was passed by the legislature in 1971 and adopted by voters in 1972 to protect shoreline resources. The Shoreline Management Act is one of the state's land use laws and it provides an overarching framework of goals and policies which emphasize water dependent uses, environmental protection and public access. Implementation of the Act is through local

Shoreline Master Programs developed and adopted locally and approved and adopted by the state Department of Ecology.

Clark County adopted its first Shoreline Master Program in 1974 and then comprehensively updated the program in 2012. The County Shoreline Master Program Policies live in Chapter 13 of the comprehensive plan, the regulations are in Chapter 40.460 of Clark County Code and then there's also a shoreline map.

The County Shoreline Program only applies to the unincorporated areas in Clark County that fall under shoreline jurisdiction and water bodies and their associated shore lands are included in the program if they meet certain lake size or river flow thresholds.

So in the county's unincorporated area there are close to 300 miles of shoreline that fall under County jurisdiction and that corresponds to about 25,000 acres in the program. Next slide.

Clark County is undertaking a periodic review of its Shoreline Master Program and this is required by the Washington State Shoreline Management Act in RCW 90.58.080(4). And the Act requires that each master program be reviewed and revised if needed on an eight-year schedule established by the legislature and the review ensures that the program stays current with changes and laws and rules, remains consistent with other plans and regulations and

is responsive to changed circumstances, new information and improved data.

Ecology provides a periodic review checklist which summarizes amendments to state laws, rules and applicable updated guidance that may trigger the need for local shoreline master program amendments.

So as staff we followed the procedures that are outlined in WAC 173-26-090(3)(b) and reviewed the checklist to document our review consideration to determine if changes are needed to the program in order to maintain compliance.

In 2012, the County I mentioned completed a comprehensive update to its Shoreline Master Program and it was the first major update since 1974 and that was a very large project, it required a lot of data gathering and analysis as part of the update. This is the first periodic review that the County has done and it's defined differently from a comprehensive update, it doesn't require all of the comprehensive data compilation and analysis like was done back in 2012, instead it's a bit smaller in scope and more focused on keeping things current. Next slide.

So the County Council, you all adopted a public participation plan for this project in September of 2019, and after that County staff

we collected informal feedback in the fall of 2019 through some community outreach activities and developed an initial draft proposal towards the end of last year.

A further revised proposal was published for a 30-day public comment period in early 2020 and that feedback was, the feedback reviewed on that version was reviewed and then another version of the proposal was developed and that is what was brought before the Planning Commission in August of this year.

The Planning Commission's recommendation was then shared with the Department of Ecology and they conducted a preliminary review and issued an initial determination on the proposal and now we're at the stage for the County Council for you all to do your review and decision-making. Next slide.

This slide highlights the major outreach action taken as part of the project. In 2019 we had in-person open houses held at locations throughout the county near to proposed map change locations. We also offered online options for those who may not be able to attend an open house in person where residents could view open house information and interactive maps and provide feedback online.

And we communicated regularly with the public through the local

newspapers, e-mails, mailers and the project web page. We had opportunity to make a CTV segment early on in the project. We had made ourselves available to meet with interested community groups as well and had two groups take us up on that offer.

We checked in with you and the Planning Commission periodically throughout the project and also consulted with other county advisory groups that might have an interest in this project including the Development and Engineering Advisory Board, the Parks Advisory Board and the Clean Water Commission. Next slide.

From August in 2019 when we started this project until now more than 40 written comments have been received, those comments were provided to you in Exhibit 5 in today's hearing materials, plus the additional hearing testimony that we have received in the past couple of days which I believe has been shared with you as received.

I think I've seen four comments, there was one that just came in just before the hearing started, so I've seen four comments in the past couple of days come through as hearing testimony. We assume that you've had a chance to read those comments that have been sent to you and will consider them in your deliberation today.

And for members of the public who may be watching, this slide provides a long list of many of the topics that are raised in those

comments, you know, at a very high level, you know, there's a lot of items on this list, there's a wide range of items, many of them are related to environmental concerns things such as climate change or mitigations for impacts to critical areas near shorelines, you know, there are other comments or questions about specific water bodies in the county, about, you know, people have questions about their own property or questions about the Shoreline Management Act itself.

A summary of the comments that were received during the 30-day comment period and the Planning Commission hearing were provided in Exhibit 6 in today's hearing materials, this is something we have to do as part of our submittal to Ecology and it also includes a staff response to each of those items and we tried to make it as transparent as possible in that document on how staff made, you know, how we sorted through the comments and provided them, what were included in our proposal and what to not include or what to defer to you all to let us know if you want us to adjust any of those items. Next slide.

So Exhibit 1 in the hearing materials includes a copy of the proposed amendments to the Shoreline Master Program. The proposal includes amendments in the Comprehensive Growth Management Plan Chapter 40.440, 40.450 and 40.460 of Clark County Code and to the shoreline designation map.

A summary of each amendment with some background, context and references was provided in Exhibit 2 of today's hearing materials. We're assuming you've had a chance to look through the proposal so I will just touch on what's in the proposal briefly for those who may be watching. Next slide.

In the comprehensive plan amendments are all housekeeping in nature such as edits to background checks and updating appendices to keep them current. And amendments in Clark County Code address the following topics.

So regarding critical areas, there are a number of proposed amendments, for instance, there are updated references to the critical areas ordinance so that the current versions of those ordinances are included in the Shoreline Master Program. The proposal also includes amendments to improve clarity on defining priority habitat and species areas and includes amendments -- and includes updating the best available science documents that are listed in our code.

And the proposal includes several amendments intended to bring the Shoreline Master Program into alignment with the current wetlands guidance. This is an item on the periodic review checklist from the Department of Ecology and we talked through these items during

the October 21st work session we had with you, there are minor revisions to Chapter 40.450 so that again that's our wetlands ordinance, and if adopted those amendments would then fold into the Shoreline Master Program by reference, and the edits there include things like text edits to clarify wetland delineation information requirements and edits for consistency with current wetland guidelines on the data that's used to establish wetland buffer widths.

It also includes text edits to correct a habitat function rating score required to meet habitat corridor standards. An amendment regarding functionally isolated buffer areas that would remove vertical separation as a de facto characteristic for exclusion from buffers otherwise required, and addition of a code reference regarding standards and authorized activities in the buffer.

There are also text edits that add a mitigation credit reduction when required buffers are not or cannot be provided. Additional revisions to Chapter 40.460 of Clark County Code, the in the County Shoreline Master Program chapter includes those items that would only apply to wetland or wetland buffers that are located within shoreline jurisdiction.

So for instance there's an amendment that clarifies exceptions to the critical areas ordinance wetland buffer width standards and

wetland buffer reductions when in shoreline jurisdiction. For instance, in this case, there's an amendment that clarifies that the maximum width reduction for a wetland buffer in shoreline areas is 25 percent from the required buffer at any location within the shoreline management area.

There is also a code section regarding wetland buffer width exceptions in urban plats and subdivisions and their placement in non-buildable tracts except for a few specific circumstances. The proposal includes an amendment in which the exception to the placement of those wetlands and buffers do not apply in shoreline management areas and instead in alignment with the Shoreline Management Act maintains the avoidance and minimization process instead.

There is an amendment that impacts low impact development land use intensity modification measures that typically count towards wetland buffer reductions but would not apply in shoreline management areas. And the proposal includes clarifying text that the avoidance, minimization and mitigation sequence applies to wetland buffers.

Edits correct the habitat score for wetlands with low habitat function from a five to a six and clarify that stormwater facilities should be located in the outer 25 percent of the buffer with

additional criteria.

Additional revisions clarify that the allowance for separate ratings of wetlands within each hydro-geomorphic classification do not apply for the purposes of the Shoreline Master Program and clarify the ability of the mitigation in-lieu-fee program. And then there are a few places where critical areas related references have been updated to just help link different sections of county code together.

So the proposal also adds text regarding floating homes and on-water residences to provide more clarity on specifics such as where you can move a legally established floating home and clarifying that legally established on-water residences are a conforming use.

The proposal includes an amendment to update the cost threshold for freshwater docks to determine at what dollar amount a freshwater dock require a shoreline substantial development permit versus being exempt from requiring one.

The proposal includes an amendment to add a statement to the aquaculture section in the Shoreline Master Program to reference a 2018 law which is RCW 77.125.050 that prohibits marine net pen aquaculture activities for nonnative finfish species unless these

activities are performed under a lease of state-owned aquatic lands in effect on June 7th, 2018.

The proposal includes an amendment in the recreational uses section to allow public boat ramps to be located in a floodway. And the proposal includes amendments to help clarify the procedures for granting relief from a shoreline restoration project within an urban growth area resulting in a shift in the ordinary high water mark.

The proposal also includes an amendment to improve flexibility in the shoreline management review committee membership, this is an internal county committee that reviews all projects requiring a shoreline substantial development permit, conditional use permit or variance.

And the proposal includes an amendment for shoreline project where there's a concurrent Type III land use action such that the shoreline management review committee may cede its authority to the Hearing Examiner to help streamline county processes.

The proposal includes amendments to better align with permit filing procedures and use of return receipt requested mail on permit submittals to the Department of Ecology. The proposal includes amendments in a few places that update the location of the shoreline

map so that it's clear it can be found in the county's comprehensive plan. And then there are a few additional scrivener error corrections. Next slide.

And then finally the last batch of amendments are to the shoreline map. So the proposal includes incorporation of updated data layers such as the Department of Natural Resources water feature data on the map so that means we have updated lakes and stream layer as well as their labels. The amendment applies throughout the whole map, it doesn't actually change where shoreline jurisdiction ends.

The proposal also includes adding Carty Lake to the shoreline map. Carty Lake falls under the shoreline of the program but it's currently missing from the County shoreline map. This slide shows the current map on the left and proposed change outlined on the right. As you can see Carty Lake is mostly located outside the City of Ridgefield but the southern portion of the lake is the City's responsibility to add to their shoreline map. Next slide.

The proposal also includes an amendment to update the shoreline map to incorporate the revised FEMA Insurance Rate Maps for the southeastern portion of the county that went into effect in January of 2018 and delineate the 100-year floodplain. This slide shows the current shoreline map on the left and proposed map change

outlined on the right. Next slide.

And the proposal includes an amendment to fix inconsistencies between the 100-year floodplain and boundary of the shoreline jurisdiction along Lacamas Lake. This slide shows the current map on the left and proposed map change outlined on the right. Next slide.

The proposal includes an amendment to remove a section of wetlands from the shoreline map near Shanghai Creek. This slide shows the current shoreline map on the left and proposed map change outlined on the right. The supporting documentation for this change is in your hearing materials as Exhibit 13 and explains how this area of wetlands does not technically meet the definition of being within shoreline jurisdiction. This was discovered through project related site investigations where staff learned that the area is not associated with a shoreline of the state. Next slide.

The proposal includes amendments to update the shoreline map near the confluence of the Lewis and Columbia Rivers to integrate new data collected on properties in the area. The property owner in this area is in the process of establishing a wetland mitigation bank and has done a lot of on-site data collection and mapping and noticed some discrepancies between the County shoreline map and their site-level data and so they provided that information to the

County and it's been reviewed by both County and Department of Ecology staff and there was support to incorporate that data to refine the shoreline map in this area and this slide shows the current map on the left and proposed map change outlined on the right and there's a lot of supporting documentation on this in the hearing materials in Exhibits 10, 11 and 12. Next slide.

And the new shoreline map will also reflect current city boundaries. So since the shoreline map was last updated in 2012, the cities of Camas and La Center have annexed land that includes some shoreline areas. So upon annexation those shoreline areas shift from County jurisdiction to City jurisdiction and just to highlight where that is, on the left map you can see the City of Camas is shaded in gray and then there are a few areas highlighted in pink around its borders that indicate shoreline areas that used to be in County jurisdiction but no longer are, and on the right map you can see the City of La Center with gray shading and there's one small area along the East Fork Lewis River that has changed jurisdiction. Next slide.

So at the August 20th Planning Commission hearing on this project, the Commission unanimously recommended approval of the proposal. The key findings were outlined in the Commission's report including the evaluation criteria, and the full evaluation criteria used are established in WAC 173-26-201 and these are criteria that need to

be met in order for the County's program amendments to be approved by the Department of Ecology and the Planning Commission did find that the proposal meets all four criteria. Next slide.

So after the Planning Commission hearing, the Department of Ecology reviewed the proposal and issued what is called an Initial Determination, so this is essentially a formal record of their preliminary findings and Ecology found that the County's proposed amendments are consistent with the Shoreline Management Act and applicable guidelines.

They did make a few minor recommendations, one was to update the ordinance number in two places in the shoreline code and that suggestion has been incorporated in the proposal in front of you today and this was just missed as an oversight earlier on in the project. They also requested that we document shoreline areas annexed into the cities and removed from the County Shoreline Program which we just discussed. Next slide.

So we have a draft ordinance ready today in case you are ready to adopt it. Of course if you would like to make any changes to the ordinance we can work on that and then come back. Once you do adopt an ordinance it will be submitted to the Department of Ecology, so they'll do a final review and approval before it can go into effect. And in closing, Oliver, Brent and I are happy to answer

any questions you have about the proposal or comment received.

O'BRIEN: I have a question, Jenna. First of all, it's actually on the ordinance, Page 24, Line 31, it says wetland buffers required for mitigation, it says wetland mitigation shall and then what's added, at a minimum be protected by water quality function wetland buffers required in Table X, Y, Z, anyway, when you say, when that states "at a minimum," can you tell me what a maximum would be and why did you feel you need, why was that, why was that wording added, what was the purpose of that?

KAY: Sure. Brent, is that something you can chime in on and, Commissioner Quiring, could you mention the, where in the ordinance again just so I can look it up that I'm (inaudible).

O'BRIEN: It's actually in my copy it's on Page 24, Line 31 of the ordinance.

KAY: Brent, do you remember the specifics? I think this was in reviewing the wetland code with Department of Ecology it's something that they pointed out.

DAVIS: That's correct. So the -- so there's a couple of things here. One is, you know, some sites can't accommodate the full appropriate buffer and what happens in those circumstances is where

this minimum buffer cannot be provided, the wetland mitigation itself generates less credit because they don't have the adequate buffer.

And then to your question regarding what would a maximum be and why did we need to put "at a minimum" in this statement, that's because, you know, wetlands and site boundaries don't always match up and so your geometry can be quite complicated and you may, a developer may be using buffer averaging to provide, provide that the total buffer area that's required but it may not be symmetric because of its site shape and so we may have cases where that buffer would be larger, there may also be specific cases where a developer would propose a larger buffer to meet some other mitigation need and essentially the "at a minimum" establishes what the minimum buffer is.

As staff we would not, unless there was a mechanism or need for additional mitigation, we would not impose a larger buffer, we would be looking for the applicant to meet this minimum standard, and if they've mitigated for all of their wetland impacts, that would be sufficient.

O'BRIEN: Do developers often create a larger buffer than is required? That's kind of a surprise to me that they would. I'll just use that as an example, but before you, and I mean that's kind

of rhetorical, but maybe, maybe not, maybe you can give me some facts about why they would do that, but I am I guess I'm curious about is that wording really needed "at a minimum," you're saying that the Department of Ecology noticed it and said it should be in there?

To me it, what it does is even though it says "at a minimum" what that means to me is that you're going to, you're really going to enforce that although it does say wetland mitigation if you don't have it it says it shall be protected by water quality function and wetland buffers, etc.

I just to me this gives license, and I may be wrong, correct me if I am wrong, but what it looks to me like it's giving license actually to create more, a more onerous requirement because you're stating this is going to be the minimum but we may ask for more. Am I wrong?

DAVIS: Well, I mean we won't ask for more, we only ask for what at a minimum is required given the context of the proposal and so when we apply wetland buffers there are buffers that are related, minimum buffers that are related to water quality functions and then if the wetland or the mitigation site is intended to address habitat functions as well, the code says those buffers need to be larger to protect those functions, but when we're doing buffer

adjustments to deal with those geometry issues, the water quality buffer is the minimum that we try to achieve.

The other reason a developer might do a larger buffer is they may be adjacent to a priority habitat area and they may be creating a corridor between the two and getting credit for having that additional area that goes far beyond what's required to their buffer to get more mitigation credit.

O'BRIEN: Okay. That definitely explains why they would come in with a larger buffer. Thank you. Is it correct to say that the Department of Ecology required, that they noticed and they required that on Line 31 "at a minimum" be added?

KAY: I feel like I need to double-check my notes to be able to confirm that, Councilor Quiring, but that is what I am recalling but I can try to look that up as we are, yeah.

O'BRIEN: I would say if they are not absolutely requiring it of us I think it's superfluous and would actually like it stricken.

The next question that I have has to do with, and I apologize for taking so much time Councilors if you have other questions, but when you get these public comments, and there were several bullet points in your presentation, Jenna, that it makes me curious to

know, do you if it makes sense do you implement some of those comments before you bring it to us or do you just leave it as you have created the draft even if some of these comments make sense and then just bring it to us to be able to find these comments, research whether it makes sense or not and then ask you to change it or do you actually work with these people who come, take the time to comment and have some actually cogent reasonable things to ask for these amendments?

KAY: Yeah, that's a good question. So for this project we, so we collect the feedback at different points in time and basically our starting proposal was pretty, you know, barebones like going through Ecology's checklist, what do we have to change based on this checklist, plus early on we did hear from some folks with some very specific feedback, so for instance the map changes near the confluence of the Columbia Lewis River, you know, we were in contact with those folks very early on, so that was something that we could fold in pretty early very specific, we had the technical review already done, you know kind of thing.

So for the most part it was the what do we have to do but there were some specific cases where we could incorporate some other folks feedback early on that was just very consistent with the program and guidelines. And then that version of the proposal that then got, we had to hold a 30-day comment period. That is where

we started to get, you know, this really wide range of comments, right, which includes a lot of suggestions that tied to policy decisions, you know, they're not things we have to address, you know, based on Ecology's guidelines but are really Council decisions and then, you know, some of that feedback was, you know, we got some very specific feedback that when looking at it and looking back, you know, against the state laws we were like, you know, this really is right in line with the guidelines, we probably need to do this because as well.

So we folded in those items that seemed like they were going to improve our likelihood to be in compliance with the state laws or were just like a clarification because we were getting feedback that some code language was confusing or a correction because there were some things wrong in our code, so that's really what's in the proposal that went to the Planning Commission, but there are like there's all these policy suggestions that come up in the feedback that aren't folded into this proposal and I think for us we really do that as a, you know, we love Council feedback on do you want us to address any of these things or not.

I also think for most of the policy items, and, you know, if you did want us to address any of them, they're all, you know, they could be projects in them themselves a lot of them and so given just how things have worked out this year with the pandemic and

such our thought was we want to make sure we flagged those items so that you as Council members can review them and think about them but we would also be comfortable, you know, adding on a project down the road to address any of these items or address them now, that's certainly something that is an option as well, but those policy items we really are looking to you all to provide guidance.

O'BRIEN: I understand that and I appreciate that. As far as the Planning Commission and their hearings on this, these hearings took place virtually; is that correct?

KAY: Yeah, they were in August.

O'BRIEN: And so did they have written testimony that came in or do you invite or were people invited to tune in and comment, I'm assuming it's the former and not the latter?

KAY: So we actually did both, so there were both written testimony and also oral testimony was an option. I believe we had one person provide oral testimony. We did get some feedback though after the hearing that there were some people who wanted to provide oral testimony who had trouble, you know, anyway, we had technical issues and it didn't quite work out, but we did have one person successful and I believe those who tried to provide oral testimony did also have some written comments as well, but we tried to provide

the opportunity for both.

O'BRIEN: Thank you. Oliver, did you have a comment, I see you're unmuted.

ORJIAKO: No, I think Jenna covered it very well. We provided both options. There were some technical issues but they were also given opportunity to submit their comment in writing prior to the hearing.

O'BRIEN: Great. Thank you. Okay. Thank you for taking time to answer those questions. Are there other comments by Councilors or questions?

MEDVIGY: Madam Chair, I have a few.

O'BRIEN: Councilor Medvigy.

MEDVIGY: And some of them, excuse me, somewhat follow along with some of the questions that you just had. And, Jenna, I, you know, I sit on the Lower Columbia Fish Recovery Board and participate but did not vote on the letter that they sent to you and Community Planning and I note that you probably just received it, it was just dated the 30th although it was in the works for some time, excuse me, and I know it came up for vote the last executive committee

meeting that we had.

I want to focus on that letter because they provided some very specific recommendations and offers on the Shoreline Management Plan and how they believe it could be improved. So I guess the first question in light of what the Chair just asked, did you in fact receive that letter in time to incorporate the substance of it into this draft that we have in front of us because it seems like the timing was a little bit too close?

KAY: Right. So we did receive the letter I believe shortly after you did I think yesterday, so we had reviewed it but have not incorporated any changes or anything like that based on it, yeah.

MEDVIGY: Okay. So I kind of figured that so I'm hopeful that one as you may know and I know certainly Oliver does because he's participated in some meetings with me, I was clearly hopeful that the Shoreline Management Act would give us some tools not only on watershed issues but specifically on the Lacamas Lake, Round Lake, Fallen Leaf Lake area and we do have some adjustments on our map adjacent to and touching on Lacamas Lake.

I understand there are some limitations and the Management Act really is looking towards development in and adjacent to whatever designated areas we have, so it may be a limited tool but there

may be others like clean water, Department of Ecology, where there are impacts on areas covered by the shoreline management as well as all inclusive watershed that, you know, the impacts continue on flowing down into bodies of water.

And as it pertains specifically to fish habitat, I thought the offer by the Lower Columbia Fish Recovery Board, which has a lot of technical expertise in monitoring, and that was one of the shortfalls they saw in the current plan update basically comprehensive monitoring, it's not really, in their words it's largely absent in our plan, and certainly as it impacts Lacamas Lake and that watershed testing is a huge issue, we know that, and, you know, whether you're monitoring for purposes of fish recovery or fish habitat it also impacts human recreational use in many respects, so they were offering to meet with County staff and also to develop a more comprehensive monitoring plan than is currently anticipated by the amendments that you have. So is that something you would welcome and pursue?

ORJIAKO: Councilor --

KAY: Oliver, I guess, yeah.

ORJIAKO: -- yeah, we will work on that, you know, sometimes when we say lack of resources, you know what that means because

monitoring will require some resources in order to do and, but we welcome that.

In addition to that the difficulties sometimes or the challenge that we face sometimes is we have to establish a base and establishing that base is often difficult so that we can begin to say, okay, from this period forward what is the condition of the shoreline and then establish that and what condition do we want it to be and what type of improvement we want to see.

So those are some of the issues that will come into play, but I will welcome the opportunity. We have worked very cooperatively with the Fish Recovery Board and will continue to do so, so I will welcome that.

MEDVIGY: Yeah, thanks, Oliver. And you touched on my next question, whose responsibility is it, is it fish, State Fish & Wildlife, I mean are there other resources and state agencies that would help and form and provide resources for such monitoring and testing?

ORJIAKO: Sometimes, Councilor, it might depend on what the issue is and whether that falls under the responsibility of Fish & Wildlife or fall under the responsibility of Ecology or whether they give us funding to do so, so there are different mechanism

where that could happen.

The Fish Recovery Board is a stakeholder in environmental issues, so we will look at what options are available and whether they, often the state government will ask local government to implement state laws or rules so, but I think it's something that we can all work together and identify what needs to happen.

If it means that they're going to fund a position or someone who's going to be doing the monitoring or how we're going to partner with that, it may just be a collection of data, but we, the state doesn't issue permit, you know, per se so it's done at the local level, so they may ask us to be the one taking the lead as we approve to monitor to do what is necessary in terms of their recollection so, but I am open to that and Brent, you know, can chime in as well.

MEDVIGY: Thank you. I did want to, one last point, and the Chair started with this and also focusing on this letter from the Fish Recovery Board, you know, they, and I don't know the details of this and I'm hoping as you move forward and maybe work with them in more detail, they were talking about the site potential tree height which is a new term to me and I missed the description in detail previously, but that will impact buffers if that is adjusted and I don't know what that means for protection of the riparian, I think that will need some really detailed work if you go down

that path to protect our shoreline areas. So if you're aware of that and can comment on that new term of art if you will or how it will maybe impact buffers in the future.

ORJIAKO: Councilor, I -- Jenna, are you stepping in? That's a new term so which may require --

KAY: I think --

ORJIAKO: -- some clarification.

KAY: -- Brent -- yeah, Brent I think is most familiar with it as our technical expert. So, Brent, do you want to respond to Councilor Medvigy.

DAVIS: Sure. So, yeah, the Department of Fish & Wildlife is working on updating their riparian management recommendations as we speak, they do not have a final draft available yet so it's not something that's been incorporated in this process, it's something we are prepared to look at with the Critical Areas Ordinance update that we're starting next year.

But what I can tell you is that the current riparian habitat conservation zone for shoreline streams is 250 feet and the largest 200-year site potential tree height that's published for Clark

County soils is in the ballpark of 242 feet. So the current standard is actually potentially more protected than where we might end up if we move toward a site potential tree height.

The other impact that that approach will likely have is that there will be more variability on a site-by-site basis based on the soil classification and those soils ability is to grow trees. So really what we're talking about is how tall can a tree get on this site and the taller the trees, the further distance back those trees can have an influence on the waterway.

O'BRIEN: Does that answer your question, Councilor Medvigy?

MEDVIGY: I didn't know if I was muted or not. Thank you. I appreciate the work you've done on this and that answers those questions.

O'BRIEN: Okay. Are there other questions or comments from the Council?

LENTZ: Yes, Madam Chair.

O'BRIEN: Councilor Lentz.

LENTZ: Yes. Jenna, Brent, Oliver, staff, thank you so much for

the extensive work on this. I wanted to engage a couple of the comments that were received and I'm looking at the Public Comment Summary.

I really appreciate the structure of this and the citing of all of the comments and then also your thoughtful responses to them, so thank you for that, and I recognize that a number of the comments have been addressed and there were a number that you said, you know, we need to check with the Council on.

I wanted to touch on a couple of them because they -- your comments about needing to check with the Council so perhaps we can move some of these to another more appropriate study. So, for example, one of the comments 8-2 I'm looking at from the September 4th update of the Public Comment Summary, the discussion of preventing wildfire danger and you had said that while there's no requirement to consider wildfire danger, it does come into consideration, but that perhaps a way to address this might be to look at it during the next critical areas ordinance update and Brent just mentioned that.

So I would like to, I'd love to see that. As we know wildfire is going to be an increasing problem it sure looks like, so being able to address that more completely would be fantastic. That was more of a statement than a question.

So related to that in kind of interesting section a lot of the questions that we received about mitigating the impacts of climate change and specifically in this case of sea level rise and water level rise, I appreciated your responses to a lot of these and citing how at least water level rise is accounted for in this program.

A question that I have is, you know, you said some comments in here about how this particular update may not be the best place to address some of these questions related to the impacts of climate change, and that's understandable, so my question is what and where would be the most appropriate place to address some of the questions like those that are brought up in a number of these comments?

KAY: Yeah. Well, it's interesting because this the scope of this project I think raised a lot of questions more than helped us necessarily address some of the, you know, the comments and questions that came up. I think for something like climate change, you know, as far as I know, you know, there isn't some countywide policies around that, right, so it's hard to sort of start with shoreline because it's just a piece of the county, right. So for us, right, it didn't, and I think there's also Department of Ecology hasn't really issued guidelines. There's some guidelines in the related to shorelines that are more focused on those like

communities that are on the coast, they haven't really done a lot, provided much guidance for more inland communities such as ours.

So, you know, no, I think for as I was thinking about it, right, I mean one is definitely a policy thing for the Council, right, and that we would need you to say, hey, could you please work on this, and, two, I think, you know, in my head I would like to look at it wholistically, you know, and then you could see maybe there's something you can do in the shoreline program, but I imagine that would be one piece of a much larger puzzle. And, Oliver, I don't know if you have anything you would want to add to that.

ORJIAKO: No, I think you provided very well. Councilor, that's a good observation. I will only say that Jenna is right, there is no guidance yet. I know that the legislature is potentially considering, they did last time but it did not pass, considering our legislature to require incorporation of climate change into the GMA, that may come back up again.

I know there was some funding which was very small, 20,000 to counties and cities to begin conversation or incorporating climate change into their comp plan, but I think that's where that was that. Jenna is correct, shoreline is just one piece when we begin to look at other aspects of climate change and potential impact if we have to start with some policies that are regional in nature, and we

have to work in collaboration with our local cities, we will start with our land use, it will start with our transportation, those are the key areas that I think could make an impact.

The update to the critical areas will predominantly address wetland buffers and geohazard areas and, you know, priority habitat areas, not so much of our climate change other than those, may have some minimal impact in terms of protection of, you know, critical areas, but I think that if the legislature because there is nothing we can point to to say now we are mandated, but it doesn't mean that we cannot be proactive, you know.

If the Council asks us to, you know, essentially to come up or address climate change policies, it is something that we can work on. I have confidence with the staff that we can come up with some proposal for the Council to consider, but that's going to be your directive to staff. There are some communities that have a chapter dealing with climate change in their comprehensive plan, it's not mandatory, but, you know, if the Council direct us to do so, we will certainly work on one. That's my response.

LENTZ: Excellent. Thank you. I appreciate those responses. And I would just say with regard to the upcoming ordinances or working on geohazard, working on critical areas, would love to see the comments that came in so that you said might be more appropriate

for those, would love to see those considered, and of course for the folks who commented many of you we hear from every time we do these, so please check those out and submit those comments there as well. Thank you.

ORJIAKO: Just one other comment if I may, not to take your time, Councilors, is the net ecological issue that came up in some of the comments, there is no, again there is no directive coming from Ecology or the legislature, but that may come up again.

I've been participating with the Washington Association of Counties Regional Planning Directors and this issue is coming up and up and up and so we don't know one of the or two legislatures that are participating at letting us know that they may introduce that again, so we will see where that lands, and I know I don't think that our Council is warming up to that idea yet, but I just throw it out there, if it comes from the legislature we will respond to that, but we flag that as one of the comments. Thank you.

LENTZ: Thank you.

O'BRIEN: Other comments or questions?

OTTO: Chair O'Brien, this is Kathleen --

O'BRIEN: If there are none -- oh, go ahead, Kathleen.

OTTO: Yeah, this is Kathleen, I just want to make sure that you remember there are three public comments that we need to read into the record when you're ready.

O'BRIEN: Yes, I just remembered that. So thank you for that reminder. If there are no further comments by the Council at this time we will have those comments read into the record by Rebecca.

DAVIDSON: Okay. This first comment is from the Lower Columbia Fish Recovery Board and it reads Dear Ms. Kay: The Lower Columbia Fish Recovery Board appreciates the opportunity to comment on the Clark County Shoreline Master Program Periodic Review Proposed Changes.

The County Shoreline Master Program is identified in the Washington Lower Columbia Salmon Fish & Recovery Wildlife SubBasin Plan as an important regulatory tool for contributing to the recovery of Endangered Species Act listed salmon, steelhead are both in Southwest Washington. The LCFRB has therefore reviewed the proposed changes to the SMP in light of the recovery plan properties and offers the following comments for your consideration.

The proposed changes generally appear to further strengthen the

SMP and should therefore improve progress toward achieving broader salmon recovery goals. A notable change includes references to the most recent Washington Department Fish and Wildlife Priority Habitat and Species document which include the updated 2020 riparian habitat management recommendation.

The updated Riparian Ecosystems, Volume 1, Science Synthesis and Management Implications report conclusions that the protection and restoration of riparian ecosystems continues to be critically important because: a) they are disproportionately important relative to area for aquatic species, e.g., salmon, terrestrial wildlife; b) they provide ecosystem services such as water purification and fisheries; and, c) by interacting with watershed scale processes they contribute to the creation and maintenance of aquatic habitat.

The report further states that the width of the riparian ecosystems is estimated by one 200-year site potential tree height measured from the edge of the active channel or active floodplain. Protecting functions within at least one 200-year SPTH is a scientifically supported approach if the goal is to protect and maintain full function of the riparian ecosystem.

The Lower Columbia Fish Recovery Board therefore recommends that to adhere, to adhere to best available science full SPTH buffers

should be required for all new development adjacent to fish-bearing shorelines and associated floodway, channel migration zone and floodplain areas. Including these recommendations in the Shoreline Master Plan will help improve and maintain water quality and quantity, fish habitat and watershed process throughout Clark County.

And here's another one from the Friends of Clark County. I am representing Friends of Clark County and appreciate the opportunity to comment on the Washington State Shoreline Management Act update. This is a good piece of legislation but needs continued revision.

We gave credit to Jenna Kay your planner in helping us to understand this process. To meet the new County Council video format I will highlight my main points, then go on to expand as time permits.

We would like to see the County do the following: 1. Clear up and consolidate language in the update. 2. Conform to the hierarchy of mitigation. Avoid if possible, keep disturbance to a minimum, mitigate on-site, and if that is not possible, mitigate in the same reach. 3. Monitor new and existing mitigation efforts for functions and values and to ensure full compliance over time. 4. Prepare for and anticipated climate change effects of rising sea level, increased water temperature and reduced summer stream flow.

And Number 5. Embrace a shift from no net loss to net ecological gain to meet more modern standard.

The County has determined the Shoreline Master Program is a set of policies and regulations required by state law that has three basic policy areas; fostering reasonable and appropriate uses; protecting natural resources; and promoting public access.

There are seven shoreline designations; aquatic; natural; urban conservancy; medium intensity; high intensity; rural conservancy residential and rural conservancy resource. Some of these designations are somewhat confusing. Clear descriptions should be developed.

Terms, values and descriptions are similar to those in the wetlands, stormwater, habitat and critical area ordinances. Can terms be combined and unified to reflect more, a more holistic approach rather than specific definitions in each individual ordinance?

A mitigation hierarchy of management options have been established to address environmental impacts in descending order of priority; avoidance; minimization; rehabilitation or restoration; offset; and compensation. We believe mitigation activities should be avoided if possible, this should be the County's first choice.

If the action cannot be avoided, then it should be minimized. If mitigation is to occur it must stay on-site or at least in the same watershed. Often mitigation efforts can occur outside the basin or anywhere in the county. Differing ratios per mitigation activity should be listed and the rationale clearly described to the public. With climate change, we believe increasing the ratio of mitigation for disturbed lands is appropriate and should be instituted.

And the third comment is from the Loo Wit Group - Sierra Club. To the Clark County Councilors. The complex nature of -- sorry. The complex nature of the Shoreline Management Program requires the County planners to circumnavigate the demands of the Growth Management Act, state laws and regulation and County code and local businesses as well as citizen concerns. Satisfying these diverse considerations is no simple task.

County planners are to be commended for their work and including the public process in its process. Much of the County Shoreline Management Program is constrained by state laws and regulation. This is unfortunate because this approach is significantly lagging current reality. Our democratic process is not known for being proactive or quick to address systemic issues. An example of this is climate change.

Scientists have been warning the public for decades about how climate change will impact our society, the poor, indigent, refugee, our economic wellbeing and the planets ability to sustain life itself, for decades they've been warning us but democracy moves slowly and we continue to neglect implementing actions that would mitigate these impacts.

Clark County Planning has done its due diligence ensuring aspects of the Shoreline Management Program are current, updating 100-year floodplains and shorelines, ensuring the County is following state law and regulation, making certain the accuracy, clarity of local code, buffers, mitigation rules and priorities, but what is missing from the County's program is the impact climate change will have on the County's ability to fulfill the goals and priorities it states. This is not meant as criticism.

County planning efforts are much appreciated, yet the simple fact is that the County's program doesn't address how climate change will impact our county. We already know what the scientific community projects will happen with respect to local weather patterns, hydrology, wildlife intensity, et cetera.

We have resources such as the U.S. Fish & Wildlife Service and the University of Washington's Climate Impacts Group that provide data

and insight into local impacts. We already know what effects El Nino and El Nina have on our local weather patterns.

We already know that in the last 40 to 70 years temperatures have raised 2.5 degrees Fahrenheit, we also know that scientists are projecting temperatures to rise 3.2 degrees Fahrenheit by 2040 compared to the 1970 temperatures and 5.3 degrees Fahrenheit by 2080.

These projections are based on what is referred to as the medium emissions scenario. We already know that the current greenhouse gas emissions exceeds these projections. And that is all of the public comments.

O'BRIEN: Okay. Thank you. If there are no other questions of the Council I would entertain a motion or --

MEDVIGY: Madam Chair, I did have one other point of discussion.

O'BRIEN: Oh, okay. Thank you. Yeah, Councilor Medvigy.

MEDVIGY: It just relates to the process, obviously the three letter writers probably hadn't rehearsed nor did they know that they were only going to have three minutes to have it read into the record, so I want to assure those people and the agencies behind

them that, you know, I think each and every Councilor certainly read the entirety of the public comment and it will be posted I understand.

So I just, I mean we're doing the best we can during the pandemic to allow for public comment and input so I just wanted to make that comment because obviously the buzzer went off on all three of them before they were completely read.

O'BRIEN: Right. And, but of course if they had come in person they would still be limited to their three minutes and I don't think Rebecca was reading exceedingly slow, she was reading at a clip that's probably normal.

So I do appreciate all of the public comment and this is tough to actually do a lot of these things without hearing from the public directly in person, so I appreciate all of our constituents kind of, you know, bearing with us during this time. Other comments? If not --

COOK: Yes. Chair Quiring.

O'BRIEN: Yes. Proceed.

COOK: This is Christine Cook and I understand that there is

another set of public comments that might have come in today that you probably may not have before you but I believe that Jenna has that comment and could read it if you would like to hear it.

O'BRIEN: Okay. Jenna, do you have that?

KAY: Yeah. Actually, Rebecca, you can pull it up if you go back to the project tab, I think our team got it posted, yes, the Comment Number 4, it just came in I think right before the hearing. Let's see. I think it's this one, and if not, I can pull it up. Yeah, that's the correct one that just came in.

O'BRIEN: Did you want to read it for us, Rebecca?

MESSINGER: Sure. Dear Council Chair O'Brien and County Councilors: Thank you for the opportunity to comment on the Clark County Shoreline Master Program Periodic Review Project CPZ2019-00030.

Futurewise strongly supports the review and update. The update is an important opportunity to provide for the recovery of important fish and wildlife resources such as the chinook salmon and begin addressing the adverse effects of global warming including sea level rise and increased wildlife danger.

We have recommendations to address these important issues and to strengthen the SMP review and update included in this letter below. Futurewise works throughout Washington State to support land use policies that encourage healthy, equitable and opportunity rich communities and that protect our most valuable farm lands, forest and water resources.

Futurewise has members and supporters throughout Washington State including Clark County. This letter will first summarize our recommendations. We then explain the recommendations in more detail. Summary of recommendations.

Please clarify that the SMP protects fish and wildlife habitat depicted in the PHS GIS database as points, lines and areas and requires the review of developments that can harm these habitats. This is needed to protect all priority species and habitats and to comply with the Shoreline Master Program Guidelines. Please see Pages 3 and 14 of this letter for more information.

Futurewise agrees with Friends of Clark County and the Sierra Club recommendations that avoiding impacts should be required whenever possible. The Shoreline Master Program update should include stronger avoidance and minimization requirements. Please see Page 3 of this letter for more information.

Futurewise recommends that Clark County require wider setbacks between development and shoreline and critical areas buffers to protect homes and property from wildlife danger. Please see Page 5 of this letter for more information. Go down a little bit.

Futurewise strongly recommends that the Clark County Shoreline Master Program should comprehensively address sea level rise and include regulations protecting people, property and the environment from the adverse effects of sea level rise. As is documented below, sea level rise is accelerating and buildings need to be protected from increased flooding. Please see Page 5 of this letter for more information.

We recommend that the County require analysis of all geologically hazardous which can adversely impact a proposed development -- sorry, that's all I could get through.

O'BRIEN: Okay. Thank you, Rebecca. I appreciate that. Okay. Are there, I'll go back to the Council, are there other questions or comments by the Council? And, if not, I would entertain a motion. I don't know, Jenna, I guess I don't know how to handle what I had asked to be stricken if it's not something that is required by the Department of Ecology and I'm not sure other, I don't know if other Councilors are on board with that either, but I just I think it's something to watch as we change ordinances.

So at any rate, I'd entertain a motion if somebody would do that.

COOK: Pardon me, Councilor O'Brien.

O'BRIEN: Yes.

COOK: This is Chris Cook again. If you would like to amend the ordinance before you, you could do so or in order to give planning the opportunity to check on the requirement whether there is a requirement you could continue the hearing to a time and date certain like the next Council meeting and planning could come back to you with that information.

O'BRIEN: I figured I could do that. I just I wasn't sure and I guess the only way to be sure is to have, is to suggest the amendment and see if the Council was interested in having them in holding over this remainder of this hearing to our next hearing which would be on December 15th I believe.

So I'll go ahead and make that motion that the ordinance be passed with the amendment on Page 24, Line 31 of striking "at a minimum" if indeed the Department of Ecology has not required it.

MEDVIGY: Well, I'm not sure how we can do that without continuing it to the next date so that that can be researched and so I like

that idea that Christine proposed especially since there's some very substantive last minute public comment.

I do want to ensure that Oliver and his team really takes a good hard look at all of the specific recommendations in each of those letter documents, so maybe the best thing is to hold it in abeyance, have those issues researched and then continue this hearing until the 15th or whatever date would be appropriate.

O'BRIEN: Yeah. I'll withdraw that motion and I will ask either the County Manager or Rebecca, the clerk, whether, when would be the next, most appropriate time to have this addressed.

OTTO: Chair O'Brien, this is Kathleen, so, yes, the next hearing date is on December 15th, we do have five hearings on that particular date, but that is the next scheduled hearing date.

O'BRIEN: Is there, Oliver or Jenna, is there a drop dead date when this has to be passed and if so what is it and if we needed to move it to the following, not the 15th, but the next hearing date, would that work?

KAY: We have time. Go ahead, Oliver, you can.

ORJIAKO: We do have some time, Councilors. If the request is just

a mere clarification, you're not going to be hearing this over again, so we may just come back, it may be two minutes, three minutes and say yes, the clarification from Ecology is X or Y.

If you ask us to research the comment from Futurewise, I will submit that that, those recommendations or issues are very similar to the other comments you hear from Friends and others that have submitted comment all relating to potential impact of sea level, I cannot address that at this time.

O'BRIEN: Understood. I am thinking that this will be a fairly quick process as well, that it would just be clarifying was this a requirement of the Department of Ecology, and if not, are other Council members basically in favor of striking that particular statement in there. So I think that we could put it on the 15th. Hopefully it will not be, you know, an onerous hearing, so...

OLSON: Madam Chair, if I may.

O'BRIEN: Councilor Olson.

OLSON: Could we pull up that section that we're talking about here with the "at a minimum." I'm not really sure, I don't really understand the concern with regard to that particular language. If you take it out it says wetland mitigation shall, sorry, move

this out of here, be protected by the water quality function wetland buffers as required in this table, so it leaves no flexibility, it says it will be required based on this table.

So I think with the explanation that staff provided with regard to that language makes sense to me whether or not Ecology requires it, so I would not be in favor of spending any more time really removing it or researching whether Ecology required it because I think I don't have the same concern that you're expressing with regard to that language.

O'BRIEN: Okay. I think you did make my point however and that is is that it already states it shall be done, not at a minimum, but it shall be done and therefore I believe here's my explanation it is should and actually could be actually taken to mean only at a minimum what we do, this must be at a minimum but we may require more, that's my concern.

OLSON: Yeah, I understand that and I think we heard staff say that that's not going to happen, that that's not what it says and that that's not --

O'BRIEN: You may have heard that, I did not hear that.

OLSON: Okay. Well, I did hear that, I think he said that

specifically, so... Anyway, that's my, those are my comments with regard to that. So I would be in favor of moving the hearing forward and approving the resolution today.

BLOM: Madam Chair, so is there a motion on the table to move to the 15th or are we still waiting on another date?

O'BRIEN: There is not a motion on the table. I guess I was waiting, Councilor Olson stepped in prior to a motion being made to move it to the 15th and stated her rejection of that idea, and I don't know, Councilor Olson, if what you have just stated is a motion. Is that a motion?

OLSON: Let me pull up the ordinance number here. I will move that we approve Ordinance No. 2020-12-01, Shoreline Master Program, CPZ2019-00030.

LENTZ: Second.

O'BRIEN: It's been moved and seconded to pass Ordinance No. 2020-12-01. Further comments?

MEDVIGY: Well, just I mean I want to vote for on behalf of all the hard work that's gone into this, but I would rather not rush through this since we do have time as Oliver just said and quite

frankly I'm not in favor of adding it to five items in December.

I'd rather have all of the public comments in detail be considered. I'd like to see contact made with the Lower Columbia Fish Recovery Board to see what specific recommendations they may have and continue this to January just to see if there are other further changes based on the letters that we've received in the last minute today as well as just yesterday.

So I feel like we're rushing through just to rush through and I don't like to do that, and even if it was only to take a few minutes in December, we already have way too much on set for that day.

OLSON: Madam Chair.

O'BRIEN: Councilor Olson.

OLSON: So I appreciate the interest in considering public comment that's why we take it. I wouldn't agree that we're rushing through this process. We've been working on this for over a year. We had a work session with this information in October and I think that staff has done a fabulous job on this process and answering to public comment.

If there are other policy type issues that we want to take up in

the future as a result of some of the communication we're getting, I think we should do that and we should take the time to do that, but I don't think that, I don't think that requires us to continue this hearing today given the work that's been done and the information in front of us, so... If there are policy issues that provide further comment, then I think we should address those in the future, but I think we should move forward today.

O'BRIEN: So my comment is --

BLOM: Madam Chair.

O'BRIEN: Councilor Blom.

BLOM: Chris, can you clarify, if we were to strike that language "at a minimum" and it came back that Ecology had required that, could that be just a simple revision that could be made later to add those three words back in?

COOK: Councilor Blom, yes, that could be revised but that would be a -- I think unless you continued the hearing and if you had voted on the ordinance I'm not sure what the basis for continuing the hearing would be, but unless you continued the hearing you would have to notice a hearing and go through Planning Commission and so forth.

BLOM: It would have to go back through Planning Commission.

Okay. Thank you.

COOK: You're welcome.

O'BRIEN: So my comment but just before we vote is I'm disappointed that there's not a little bit of a collegial opportunity here for, you know, others to have their say and just be voted down for the just to move, move things on.

I do appreciate all the work that has gone into these changes, but obviously it comes before the Council before it's actually made law or ordinance for us to examine it and I'm disappointed, but it looks like this is, this is going to be another one of those we don't really care what other Councilors say, if we've got three or four votes, let's just go for it. So I guess unless there are other comments we'll go ahead and vote on this. Any further comments?

BLOM: Yeah, Madam Chair, we've had this for months and I think there is plenty of willingness to work and be collegial when things aren't brought up at the last minute. This was a question that had it been brought up even on Monday in our meetings with the County Manager, her last work session, we could have had a discussion about

it and staff could have looked it up and we could have made changes, but to bring something at the 11th hour and then complain that other people aren't being collegial that's just infancy, so I am happy to work with people but the work has to be done in advance not just brought up at the hearing at the last minute.

O'BRIEN: All in favor say aye.

OTTO: Chair O'Brien. Chair O'Brien, we actually need a roll call vote.

O'BRIEN: Okay.

LENTZ: AYE

OLSON: AYE

BLOM: AYE

MEDVIGY: AYE

O'BRIEN: NO

O'BRIEN: Motion passes. Moving on to the next public hearing, Pedestrian Access.

OTTO: Chair O'Brien, this is Kathleen, I just wanted to check in to see if anybody wants a two-minute break before the next public hearing?

O'BRIEN: I'm hearing, I see some heads nodding. I wouldn't mind a two-minute break. Let's make it two minutes if we can at all, and we'll be back at 11:46.

OTTO: Thank you.

(Pause in proceedings.)

OTTO: Chair O'Brien, we're live.

O'BRIEN: Okay. Let's move on then to the hearing, the public hearing on Pedestrian Accessways. Ahmad.

QAYOUMI: Good morning, Council. This is Ahmad Qayoumi for the record, I'm with Public Works. We're one of the few counties around the state that has a lot of urbanized area that are still in the county's jurisdiction and they're rapidly growing and developing, so one of the things we want to make sure that our residents have access to a lot of our transportation facilities and modes without having to walk around or have to go a lot of detours and so short distances.

So with that we're asking for your approval for some of the amendment we're going to do for county codes to allow that and

enforce that during the new development. I know we had a workshop about this one, but today we're going to ask for your approval on the code amendments.

With that I'll turn it over to Matt Hermen with our transportation planning team to give you a little bit more detail presentation about the changes that are coming up. Matt.

HERMEN: Thank you. Thank you, Ahmad. For the record my name is Matt Hermen, I'm a transportation planner with Public Works. This hearing today is to consider a Title 40 Code Amendment.

A code amendment is intended to improve connections between neighborhoods and services that are along collectors and arterial streets such as bus stops and public commercial services. The proposed code amendment recommends changes to the Pedestrian Circulation Code which is 40.350.015 and 40.220.010, this is also known as CPZ2020-00013. Next slide.

As you'll recall on November 4th we had a work session, this presentation is very similar to the presentation given during that work session, but it is intended to allow the public information to what is proposed. I will address these following topics as I move through the presentation. Next slide.

So when we talk about pedestrian accessways we're talking about a 10-foot wide pathway that connects a subdivision to a residential street that the subdivision currently does not have access to. These accessways exist sporadically across unincorporated Clark County.

The reason why you do not see more of them more frequently is because they're not as defined criteria in the Clark County Code that requires them. Typically they exist where transit was available before the subdivision was built. Next slide.

Currently Clark County Code Section 40.350.015.E states, The review authority may require an off-street accessway be constructed to provide direct routes for pedestrians and bicyclists not otherwise provided by the street system to mitigate the impact of development, end quote.

This requirement is often enforced when transit routes are adjacent to proposed developments but the requirement remains at the discretion of the review authority which without providing certain criteria for applying that code. In most circumstances the neighborhood is developed before the transit is present and those commercial services are available.

As you know direct access from residential developments to those

major streets, collectors and arterials, is not allowed; therefore the pedestrian has to travel out of direction in order to access the transit or commercial services. The proposed code in front of you on this slide attempts to resolve the out of direction travel for the pedestrian.

The proposed code requires pedestrian accessways to be provided when the certain criteria is met including frontage, access or abutting a collector or arterial classified roadway, pedestrian circulation which is further than one-quarter mile from the collector arterial, and the pedestrian has to travel out of direction to access that collector or arterial. This code was written with in-fill development in mind to allow in-fill development to exist when pedestrian accessways came up. Next slide.

The proposed code also stresses that ramps which are compatible with Americans with Disabilities Act standards are encouraged; however stairs can be provided when the site has physical topographic constraints. Next slide.

We recognize the new requirement will have impact on proposed developments; therefore, we are proposing offsets in single-family zoning districts that may reduce those impacts. The offsets include reduced in interior side yard setbacks and coverage

standards.

The interior setbacks for lots that abut the accessway will be reduced by 50 percent and the coverage standards will be increased by 10 percent. We sought DEABs recommendation on September 3rd, 2020, their recommendations are shown in red as well as included in the Planning Commission's recommendation. Next slide.

So this slide illustrates those reductions in interior setbacks and coverage standards in real numbers. In the previous slide I mentioned that interior side yard setbacks be reduced by 50 percent, this shows what those would be. Two and a half percent, or I'm sorry, two and a half feet in the R1-5, R1-6 and R1-7 districts, three and a half feet in the R1-10 zoning district and five in the R1-20 zoning. Next slide.

The proposed code implements the Commission on Aging recommendation when transportation was their focus in 2018. These recommendations from the Commission on Aging were directed to the Clark County Council. On July 22nd, 2020, the Council directed staff to process the code amendment seeking these recommendations, Bike and Ped Advisory Committee's recommendation and the Planning Commission's recommendation. Next slide.

So the following three slides attempt to show you the problem that

we're trying to solve. Here you see two district neighborhoods with different development styles. On the left is the Hough neighborhood in Vancouver and on the right is the Hazel Dell neighborhood near Gaiser Middle School. Next slide.

Typically transit agencies measure their service area by quarter-mile catchment area. It's typically measured as the crow flies. Here the quarter-mile catchment area is shown in blue. Next slide.

However, that quarter-mile catchment area is not within a quarter-mile walking distance to the nearest bus stop.

So when you move from measuring that quarter-mile as the crow flies to measuring it as the pedestrian sees it, it's very different geographies.

The pedestrian typically has to follow the street network to access the bus stop. The bus stops on these slides are hard to see but they're shown as a pink dot. The pedestrian catchment area is much smaller than the quarter-mile catchment area.

As you can see in these two neighborhoods the pedestrian catchment area depends on the connectivity of the road network. As I advance to the next slide, please pay attention to the suburban neighborhood on the right. Next slide.

This suburban neighborhood was developed with an accessway that connects N.E. 27th Court to N.E. 99th Street. This accessway significantly increases the pedestrian area, pedestrian catchment area to transit zoned in the hatched pink area. Next slide.

This map shows N.E. 99th Street east of SR-503. This neighborhood was developed prior to transit becoming available. As you can see there are lots near the intersection of N.E. 99th Street and N.E. 130th Avenue, I can see the bus stop from the rear window, I have to travel further than one-quarter mile to get to that next bus stop. Next slide.

On October 15th the Planning Commission held a public hearing regarding the proposal. The Planning Commission recommended adoption of the proposed Title 40 Code Amendment. This recommendation includes the language that DEAB recommended.

We've received public comments prior to the Planning Commission hearing, those are posted on this project website. We have not received public comments from the Planning Commission recommendation to this date.

We are asking that Council adopt Ordinance 2020-12 I believe it's 02, you can correct me if I'm wrong, Rebecca, to enact the proposed

code amendment. With that, I'd be happy to take any questions.

O'BRIEN: Questions from the Council?

MEDVIGY: Madam Chair, I have a question.

O'BRIEN: Councilor Medvigy.

MEDVIGY: So at the last session we did discuss the idea of making this available whether the setbacks, the incentives, you know, basically all the improvements that are recommended would be available to existing neighborhoods in somewhat of a painless and expedited process, is that incorporated in this or do we have to look at different code changes to make that available?

HERMEN: Thank you for that question, Councilor. So as we move forward, Councilors added the transportation systems plan onto our work program, during that project or we are going to propose changes that has the availability for neighborhoods to implement these accessways through some sort of public/private partnership.

MEDVIGY: Thank you.

O'BRIEN: So, Matt, it comes later then?

HERMEN: Correct.

O'BRIEN: Okay. Thank you. Other questions of Council I mean for Matt?

KLUG: So, Council, this is Rob if I may. By including this in code it provides framework that would allow for any situation for a person to come in and say we would like to be able to do this. It specifically applies to capital projects and development projects by the code, but that framework could be used if a neighborhood group would like to follow that process, so it's not exclusive, we'd just like to look at how in the transportation system plan we can look at this and a lot of other things to help provide the transportation needs that we have across all the different users. So I'll take any questions if you have any. Thank you.

O'BRIEN: Are there questions for Rob or Matt either one? I guess my question just to make sure and clarify, the additions from DEAB are part of your recommendation for approval; correct?

HERMEN: Part of our recommendation as well as part of Planning Commission's recommendation.

O'BRIEN: Okay. Thank you.

MEDVIGY: Move to approve Ordinance 2020-12-01.

BLOM: Second.

HERMEN: Excuse me, Councilors.

O'BRIEN: It's Ordinance 2020-12-02. It's been moved and seconded. Is there further discussion?

BLOM: Madam Chair.

O'BRIEN: Councilor Blom.

BLOM: I just want to say a big thank you to Ahmad and Matt, this came forward from Planning or from the Commission on Aging a couple of years ago and it was not immediately clear how to make this code change and make it work and it took a lot of going back and forth and trying to figure out how to really meet the intent of what the Commission of Aging was asking for, so just a big thank you to them and going through that effort and a couple of different drafts to get to where we're at, so I just wanted to express my appreciation to them for all their work, thank you.

ORJIAKO: Thank you, Councilor Blom, this is Oliver, I also want

to give you credit because I remember a conversation I had with you after a work session where you directing us to look into this and I greatly appreciate your support in asking us to look into it and the Council directing us to do so, so you were part of pushing this through, so thank you very much.

OTTO: Chair O'Brien, this is Kathleen, can we please receive some clarification for the record on who seconded the motion.

BLOM: I did, Kathleen, Councilor Blom.

OTTO: Thank you.

O'BRIEN: And I failed to actually ask about public comment, was there further, was there public comment on this?

OTTO: We have not received any public comment.

O'BRIEN: Okay. Thank you. So did I hear Councilor Olson's voice wanting to speak.

OLSON: Yes, please.

O'BRIEN: Thank you.

OLSON: I would also just reiterate Councilor Blom's comments and Oliver's comments, I was going to bring that up as well, I know that Councilor Blom worked really really hard on this and worked with staff and with our development community to try to come up with some language that makes sense for everyone and so I just want to recognize his work on that as well, so I think this is a great step forward and looking forward to having move forward with existing neighborhoods as well, so...

O'BRIEN: Other discussion? If not, Rebecca, would you call the role, please.

LENTZ: AYE

OLSON: AYE

BLOM: AYE

MEDVIGY: AYE

O'BRIEN: AYE

O'BRIEN: Motion passes. Thank you very much.