



## **Clark County Planning Commission**

Karl Johnson, Chair  
Matt Swindell, Vice Chair  
Bryant Enge  
Steve Morasch  
Bryan Halbert  
Eldon Wogen  
Jack Harroun

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### **CLARK COUNTY PLANNING COMMISSION THURSDAY, SEPTEMBER 21, 2023 MINUTES OF PUBLIC HEARING**

Public Service Center  
Council Hearing Room, 6<sup>th</sup> Floor  
1300 Franklin Street  
Vancouver, WA  
6:30 p.m.

#### **CALL TO ORDER**

#### **Planning Commission Rules of Procedure**

WISER: We're ready to begin.

SWINDELL: Good evening, Planning Commissioners, members of the public and staff. I'd like to call this hybrid public hearing to order for Thursday, September 21st, 2023. My name is Matt Swindell and I'm the co-chair of the Clark County Planning Commission.

The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes, and other land use related issues. We follow a public process including holding hearings during which the public has an opportunity to provide additional perspectives and information.

In legislative matters, the role of the Planning Commissions is advisory. The County Council will hold separate hearings, consider our recommendations, and make the final determination. The Planning Commission will conduct a public hearing tonight and take testimony. If any public comments were received before tonight's hearing, they have been sent to the PC members and entered into the public record.

County staff will present first and then Planning Commission can ask questions. Next, we will invite the applicant to speak, if there is one, then members of the public who wish to provide testimony. When we get to the public comment portion of our agenda, we will provide more information on how to participate both virtually and in person. However, if you are in person tonight and wish to provide comment on hearing agenda item, please sign up via the sign-in sheet in the back of the room.

During public testimony you will have three minutes to speak and remarks should be directed to the Planning Commission only. Please do not repeat testimony that has already been provided.

At the conclusion of public testimony, staff and the applicant may respond to comments and the public

portion of the hearing will then be closed. The Planning Commission will then deliberate and make a recommendation to the County Council. For both the virtual and in-person members of the Planning Commission and staff, please ensure that your microphones are muted unless you are speaking. Planning Commissioners, when you are making a motion and/or second, please state your name for the court reporter.

Conflicts of interest. Do any members of the Planning Commission have any conflicts of interest related to tonight's hearing? Hearing none, Sonja, will you call the roll.

### **ROLL CALL VOTE**

ENGE: ABSENT  
HALBERT: HERE  
MORASCH: ABSENT  
WOGEN: HERE  
SWINDELL: HERE  
HARROUN: HERE  
JOHNSON: HERE

Staff Present: Oliver Orjiako, Community Planning Director; Christine Cook, Senior Deputy Prosecuting Attorney; Jose Alvarez, Program Manager II; Bart Catching, Planner II; Sonja Wiser, Program Assistant; and Cindy Holley, Court Reporter.

### **GENERAL & NEW BUSINESS**

#### **A. Approval of Agenda for September 17, 2023**

SWINDELL: Okay. Thank you. And with that, can I get an approval for the agenda for September 21st, 2023.

HALBERT: Bryan Halbert here. And I make a **motion** we approve the agenda for tonight.

WOGEN: This is Eldon. I **second** that motion.

SWINDELL: Sonja, would you call the roll.

### **ROLL CALL VOTE**

HALBERT: AYE  
WOGEN: AYE  
SWINDELL: AYE  
HARROUN: AYE  
JOHNSON: AYE

SWINDELL: Motion passes?

WISER: Yes, 5/0.

**B. Approval of Minutes for August 17, 2023**

SWINDELL: 5/0. Okay. Can I get a motion for the approval of minutes of August 17, 2023.

HALBERT: Bryan Halbert here. And I make a **motion** that we approve the minutes from August 17, 2023.

HARROUN: Jack Harroun. I'll **second** it.

SWINDELL: We have a motion and a second. Roll call.

**ROLL CALL VOTE**

HALBERT: AYE

WOGEN: AYE

SWINDELL: AYE

HARROUN: AYE

JOHNSON: AYE

WISER: 5/0.

SWINDELL: All right. Motion passes. All right. Now we're at the point where we have communications from the public. Sonja.

**C. Communications from the Public**

WISER: Bart and Susan, can you share the comment instructions on the screen. Thank you. For attendees using their computer or Webex application, if you'd like to speak, please use the raised-hand icon.

For attendees using the telephone audio only option, press star 3 on your phone number panel to raise your hand. For those in person that would like to provide comment, please raise your hand. Once acknowledged, you may come to the microphone toward the front of the room.

Public comments are limited to three minutes per person in order to accommodate all speakers. Again, this portion of tonight's agenda is only for items not listed on tonight's agenda.

So we'll begin with those in the hearing room who would like to make a general comment. Please raise your hand and the Chair will call on you to come up front to the microphone, and please provide your first and last name for the court reporter, and this is only for non-agenda items. Okay. So there are none.

So we'll now call on those people on Webex on the phone that have raised their hand. Bart and Susan,

are there any people who have raised their hand? None? Okay. I'll return it for public hearing.

**PUBLIC HEARING ITEM**

**CPZ2023-00001 Fire Districts Impact Fees:** A proposal to amend Title 40 Clark County Unified Development Code to adopt a new section for the calculation and implementation of Fire District Impact Fees.

**Staff Contact:** Bart Catching, [bart.catching@clark.wa.gov](mailto:bart.catching@clark.wa.gov), 564-397-4909.

SWINDELL: Okay. With that, we will turn it over to staff to look at CPZ2023-00001, Fire Districts Impact Fees.

CATCHING: Good evening. My name is Bart Catching. I'm a planner with Community Planning. I'm joined in the room by several staff members, Oliver Orjiako, Community Planning Director is there and he will be available also to answer questions that I may not be able to field here remotely. I at the outset I apologize for not being there in person, I'm fighting a head cold so it was best that I participated remotely, so thanks for your patience with that. Next slide, please, Susan.

As Matt just stated, we're here tonight to consider CPZ2023-00001, Proposal for Fire District Impact Fee Code Updates. Just a quick summary of what we're going over tonight.

The county is served by seven fire districts as well as various cities. State law allows fire districts to partially fund their public facilities with development impact fees. Right now in this jurisdiction that is not done and is not part of County Code.

The imposition of new impact fees would meet the criteria of the Growth Management Act, GMA, our County Comprehensive Plan, the Comp Plan, as well as the most relevant sections of the Washington Administrative Code, the WAC, and the Revised Code of Washington, RCW.

Impact fees that we do have in the county are found in Clark County Code Chapter 40.6, there's several sections within that chapter. The general fees that we have are parks fees, traffic fees and school fees for impact fees. Fire district fees are not part of that list at this time.

So, again, the proposal is to make some additions and code amendments to include language so that fire districts may in the future collect development impact fees as part of their funding portfolio. Next slide, please, Susan.

Just to give a little context of for the discussion, fire protection facilities are classified in State statute as public facilities, so they are in the list along with schools, parks, transportation facilities, et cetera, that are eligible for proportional funding through development impact fees to go along with levies, bonds, et cetera.

As I stated a minute ago, Clark County currently uses or allows the imposition of impact fees for traffic, parks and schools but not fire districts. Again, the GMA and associated State statutes allow fire districts to use impact fees provided certain steps are taken and one of the critical foundation steps to

take is to have code language in the county's regulations to allow that to happen.

Certain fire districts as well as members of the County Council have requested that staff bring this proposal forward for these code updates to include fire impact fees in the County Code, that's why we're here tonight. Next slide, please.

This is just a quick summary table to give you a sense of what the proposed changes involve. There are five sections that would need to be either changed or added, two of the sections would be new language. I won't read through this verbatim, but the first section would be to add fire districts into the definition of public facilities to go along with the other items in the list, that would be 40.610.020.

The second portion would be to add a new section, 40.620.050, that would create the procedure for fire districts to impose the new impact fees after, and this is important to remember throughout this discussion, after a capital facilities plan is approved. The third change that would need to be made would be another new section right after that, we're numbering it 40.620.060 which adopt a fee, the impact fee formula that could then be used by the fire districts after they had an approved capital facilities plan to fill in the details.

And then 40.630.030 adds fire district impact fee and some other code references to an existing code section. And then finally 40.630.090 adds fire districts to the impact fee code section that discusses interlocal agreements and allowing fire districts to go into those with the County and relevant cities. Next slide, please.

So the best place to start with understanding what we're trying to do tonight is to understand that the Growth Management Act and our County Comprehensive Plan not only allow impact fees, but envision them as a part of funding for capital facilities.

This is most clearly stated in Goal 12 of the GMA for public facilities and services which mandates counties and other planning jurisdictions to ensure adequate public facilities and services to serve development at minimum service levels.

So the County Comp Plan has flushed that goal out in several different ways, but primarily it's in the Chapter 6 capital facilities and utilities portion of the Comp Plan where Goal 12 is implemented through both planned policies and some planned strategies to allow the County to work with impact fees, so...

And I didn't put the actual language into the PowerPoint, but just to give you a sense of the language that we're talking about, the Policy 6.0.9 states that the County and its municipalities and special districts will work together to develop financial tools and techniques that will enable them to secure funds to achieve concurrency. This is on Page 183 of the Comp Plan, the 20-year plan.

Plan Policy 6.1.4 states to encourage and assist other utilities and service districts and providers to pursue the use of impact fees, special assessments and improvement districts and other local financing techniques to fund new facilities and services, and this is on Page 184 of the current plan.

Then when you move into the Strategies of Chapter 6 it gets even more specific. For instance, there's a

fee and user charges strategy on Page 194 which states the GMA provides cities and counties with the authority to implement a variety of taxes for use in mitigating the impacts of growth on capital facilities, I won't read the whole section, but impact fees are one of those.

And then impact fee specifically are addressed on Page 195 of the plan and where it states that several cities and counties in the region impose fees on developers to finance parks, schools and roads through the provision of the GMA. These impact fees are assessed on the construction of new homes and other buildings. These fees must reflect the cost of providing capital facilities needed to serve new development.

So clearly the Comp Plan and GMA don't shy away from impact fees as being part of one of the core funding mechanisms for capital facilities for essential public facilities and fire prevention is one of those. So we have found that the adoption of these impact fees for fire districts in public facilities is both contemplated and appropriate under the GMA and associated Comp Plan sections. Next slide, please, Susan.

Then we have some very specific sections of the WAC and the RCW. Normally I like to do RCW first and then WAC but in this case it makes a little more sense to approach the WAC first.

And a pertinent part Washington Administrative Code 365-196-850 authorizes counties to collect impact fees for public facilities financing including fire. It limits impact fees to up to three specific limitations.

They first, part a, they can only be used for system improvements, so that refers to improvements for the whole capital facilities plan, not just something specific to one development. Part b, they must be proportionate.

And, c, they can only be for system improvements that would reasonably benefit the new development. And that's just a summary, there's more detailed code sections that could be expanded on if there's questions.

Then at the end of WAC 365-196-850 it says that any fees implemented under this must comply with RCW 82.02.060. RCW, this section has quite a few additional requirements, most importantly it says that a local ordinance in regulation must be used to start this process and make it legal, so that's what we're doing tonight.

It has more details about the fee formula and factors for proportionality and, you know, the take home from this is that our current impact fee section code language meets these sections and we have used the existing code section in 40.06 to draft the new proposed language and specifically we've used a lot of the framework from schools which has worked well for many years and so we're not breaking any new ground here, we're simply proposing language that is allowed under both the GMA and the WAC and the RCW. So we have found that the proposal would meet the general criteria standards found in the WAC and RCWs for imposing impact fees for public facilities. Next slide, please.

So that is basically what we would need to show to move forward on a legal basis with this and get the regulation in front of Council. So we have included -- concluded that adopting these fire impact

development fees code updates would be in line with the existing fees for parks and roads and schools, the other major public facilities that utilize impact fees in this county and that what we are doing, what we are proposing tonight for and recommending approval for is just to create the County regulatory framework to allow fire districts to propose fees in the future.

It's important to remember that no fees are imposed with the language that we are putting forward tonight, this is simply to create the framework so that any interested fire districts could come forward with a capital facilities plan and work that all the way through the process so that then would come before this body for full work session and hearing and then go to County Council before it ever became part of the supporting documents for the Comprehensive Plan, and then at the end of that, a Governmental Agreement would need to be entered into between the district and the County and any participating cities to work out the details.

I bring that up, we discussed this at the work session that it's important to remember we're in the midst of the periodic review for the Comprehensive Plan. This for any of these capital facilities plans to be approved, that's a change to the Comprehensive Plan.

The earliest that that could possibly happen would be at the conclusion of the periodic update two years from now, but quite possibly it would have to happen in the next annual review cycle if a district was moving forward with that and would have to go through full public hearing process, so...

That no, no fees would be imposed by this language and no fees would be collected for quite some time as we move through the process of reviewing new capital facilities plans.

Next steps are to take your recommendations tonight to County Council for a work session and hearing, we haven't set dates on that yet but we will shortly after tonight. And with that, next slide, Susan. I'm happy to answer any questions, entertain any discussion that I can, and if not, I imagine Oliver could pick up the slack. Thank you.

### **Questions from the Planning Commission**

SWINDELL: All right. Thank you, Bart. Great presentation. Okay. Back to the Planning Commission. Bryan Halbert, do you have any questions at this point?

HALBERT: Yeah. No questions at this time.

SWINDELL: All right. Eldon, do you have any questions?

WOGEN: So, Bart, you mentioned before I think you said in Clark County, Battle Ground and is it Vancouver are already collecting fire impact, Washougal, Washougal and Battle Ground? Okay.

CATCHING: Yeah, I didn't say that, but I know we got that information.

WOGEN: Somebody did.

PUBLIC: Is that all three or just one (inaudible)?

ORJIAKO: I believe Camas may also be - this is Oliver Orjiako, Community Planning Director - I believe

Camas is likely also collecting fire impact fees, but we know of Battle Ground and Washougal.

WOGEN: Does anybody know on our staff if any of the neighboring counties are also doing this, like Cowlitz or does anybody know?

CATCHING: I did not do a thorough, you know, statewide survey, that was not part of the scope of work for this, but I did check some neighboring counties. The nearest county that I found fire fees in their impact fees was Thurston, but it's -- there's a lot of the medium and major sized cities do it, so it certainly would not be breaking new ground with this.

WOGEN: All right. Thanks. That's all.

SWINDELL: Okay. Jack, do you have any questions?

HARROUN: Yeah, a few. Kind of following up, we left some questions open from the workshop that I was hoping that you could address. What were the costs, you were asked to look at the other jurisdictions and see what the costs of a fire impact fees were across the state, what were those numbers?

CATCHING: I don't have a comprehensive list of that, Jack. They vary widely between jurisdictions and for instance in Thurston County they -- their code is structured slightly different than ours so they just refer back to each capital facilities plan for each district, so it would be completely specific to each district and I'm not in a position to give you a comprehensive summary of numbers.

HARROUN: So there's no examples of any numbers of what fire impact fees could be?

CATCHING: They vary so much that it wouldn't be -- I don't have any examples for you, no, I apologize.

HARROUN: Okay. And then we talked about proportionality, what is the county's stance on proportionality, what does that percentage look like, what's the definition for Clark County?

CATCHING: It's not a specific percentage, it's a set of guidelines found in RCW 82.02.060. So, again, the determination of whether a fee is proportional and legal is determined through the evaluation of the capital facilities plan and so there's not a strict percentage that you can apply across the board, that's not how the analysis works unfortunately.

HARROUN: Okay. I had brought this up at the workshop because the City of Vancouver establishes 95/5 for proportionality was their legal argument, so I didn't know if the County had come to a similar policy for that, so that was kind of why we were trying to kind of get to the meat of that.

And then one of the other questions that we had had was what was -- what can exactly be purchased or what can fall under the envelope of the impact fees with that, is it training? Is it personnel? Is it just fire engines or just the building or what falls under that, what category?

CATCHING: I believe there's some folks in the room that will testify in a moment who have more experience with what exactly can be in, but my basic understanding is that it's the brick and mortar



infrastructure and then other equipment that can be capitalized, so I believe that includes apparatus, you know, the expensive large apparatus, but I would defer to the folks from the fire districts that are in the room to flush that out a little bit.

HARROUN: And one more question. On the, in the code it says Interlocal Agreements, so does that mean if the City of Vancouver decides to build a new facility and that those, and that particular fire station serves some areas in unincorporated Clark County that the County can collect impact fees on the City of Vancouver's behalf for that facility and then would it just, and if that is the case, would it just be for the county residents or does it affect the city residents as well?

CATCHING: My basic understanding is that that could be worked out either way depending on how the County and the cities want to, but if there's someone at the podium that would like to expand on that, that would be great.

COOK: Yes, this is Chris Cook, Senior Deputy Prosecuting Attorney. The capital facilities plans of the districts will specify the area that is subject to the impact fees. And you don't kind of grab a little more area because you want to build something else, that does not happen.

The Interlocal Agreements are because the fire districts are special districts, they're viewed as a local government district, so an Interlocal Agreement would be an agreement between the County generally and the fire district that would specify that the County would collect the funds and hold them for the fire district and then when they can be distributed to the fire district, that's what the ILAs are about, they're not about put more territory in or out of the collection process.

HARROUN: I didn't say territorial. I was trying to understand the -- so a fire district can incorporate city and county property. And so if the County, a fire district that serves within a city, the people within the city or the development within the city also gets charged?

COOK: Not by the County, they get charged by the city.

HARROUN: But it's a fire impact fee that goes to that specific --

COOK: If that city has imposed fire impact fees, then that city will charge fire impact fees, but the County will not charge for territory within the city jurisdiction.

HARROUN: Correct. But I guess my -- I was just trying to understand clarification because there's fire districts that span cities --

COOK: Yes.

HARROUN: -- and counties; correct?

COOK: Yes.

HARROUN: Okay. And then a fee is assessed for that new facility.

COOK: Right.

HARROUN: And then that is distributed amongst that fire district.

COOK: Okay. Yes.

HARROUN: Counselor, please let me finish. And then that, that fee then is either picked up by the city and sent to the fire district or the County and sent by the fire district, but the fee is established with the Interlocal Agreement, is that --

COOK: No.

HARROUN: I'm just trying to --

COOK: Nope.

HARROUN: Forgive me, I'm just trying to understand.

COOK: The fee is established by the code and the capital facilities plan and the code which enables the drafting of capital facility plans is what's before you tonight, but the capital facilities plan will talk about what facilities are in existence, what facilities are planned, what facilities are projected to be needed and will give some formula for and a conclusion as to the amount of the fee.

Now, I'm not really understanding what you're asking. If we have a fire district that's say partly in the City of Battle Ground and partly in Clark County and there's a development in Clark County, the City of Battle Ground can't charge impact fees related to that development in Clark County, nor could Clark County charge impact fees for development in Battle Ground, but Battle Ground can and Clark County is allowed to authorize such fees.

Does that answer your question? What exactly -- I'm not sure what you're asking.

HARROUN: Okay. I'll take one more stab at this.

ORJIAKO: Again, this is Oliver Orjiako. Let me give an example. Vancouver School Districts -- the Vancouver School District expands within their boundary, some of their boundary or their school is in the city proper, city limits, and then some of their boundary extends to some areas in the county, the impact fee that this Planning Commission members reviewed and approve is the same that is assessed by the City of Vancouver for permits within the city limits of Vancouver; and similarly outside of that the County collects the school impact fees for Vancouver School District and puts that into a fund.

Now, the same is true for Battle Ground School District. The fire district boundary is set. It traverses within the city and some portion in the county, we can only collect the impact fees for those areas where the County has land use jurisdiction.

If and when, let's take for example, Fire District 5, Fire District 5 includes a portion that is inside the city limits of Vancouver and also some portions in the unincorporated area of the county, we can only

collect impact fees where we have land use jurisdiction. If and when they come through and we approve a fire impact fee, they will likely ask the city also to see whether they will assess impact fees.

The Interlocal Agreement we are talking about, as our legal counsel indicated, we have the same Interlocal Agreement now with the school districts because like the fire district, they don't give you application, it is the County and it is the local jurisdiction that review application to build or issue building permit, and as you know, impact fees are collected at the time of building permit application.

So if we have a uniform impact fee in a Fire District 5 for example, the city collects that and the County collects that, the Interlocal Agreement we are talking about is as Chris indicated it's just the County and the fire district agreeing on the administration of that, we collect that fees, we put it in a fund for them and they use it, that's what the Interlocal Agreement is all about. It's not within what you look at as Interlocal Agreement between the city and the County.

HARROUN: Thank you.

COOK: And I should add that the impact fee does not have to be equivalent in the city and the county, there can be different impact fees. School districts have had different impact fees inside and outside city limits for years. I don't know that that will be the case here, but that is something that can be looked at when we get the opportunity to look at the things that establish the amount of money.

SWINDELL: Okay. Thank you. Did that get you all answered up there? Okay. I've just been informed that Commissioner Morasch has now joined us. Do you have any questions?

MORASCH: Thank you. I apologize for being late. I've been here for a few minutes but I was a few minutes late so heard most of the presentation and I also read the presentation. I think it's a good presentation. I don't have, I don't really have any questions for staff at this point. Thank you.

SWINDELL: Okay. Thanks, Steve. All right. Karl, do you have any questions.

JOHNSON: No. No questions.

SWINDELL: All right. With that, I don't have any questions either. So with that, so Sonja.

### **PUBLIC TESTIMONY**

WISER: So, we'll open it for public testimony. Bart and Susan, can you provide the instructions up for the people to comment. Thank you.

For the audience, please note to be a party of record you must submit written testimony before, during, or prior to the close of tonight's hearing, or provide oral testimony at the public hearing, or request in writing to be a party of record.

No person shall be a party of record who does not furnish their full name, e-mail address, or Post Office mailing address. If written comments were submitted prior to September 21st, 2023, they were submitted to the Planning Commission members and posted on the Planning Commission website.

Tonight's hearing is being transcribed by a court reporter, so please spell your first and last name and speak slowly. Public comment is limited to three minutes.

So we'll start with the Webex callers first. We'll begin with those participants that have joined remotely via computer or telephone. Please raise your virtual hand or press star 3 on your phone to let us know you would like to provide comment. Is there anyone wishing to comment? Okay. Thank you.

So now we'll begin with participants in the hearing room. When the chair calls your name on the sign-up sheet, please come up to the front and provide your first and last name for the court reporter. If you do not wish to provide public testimony, please say so. So, Matt, can you call the participants names on the sign-in sheets to come forward.

SWINDELL: Yes, ma'am. We have a Brandon Blue.

BLUE: Can you hear me? Okay. Very good. Good evening, Commissioners. My name is Brennan Blue. I'm the Fire Chief with Fire District 5 under contract with the City of Vancouver, so I'm representing Fire District 5 this evening and the 95,000 residents within Fire District 5. Just some clarification here so the public and everybody understands.

The City of Vancouver is not here asking for fire impact fees. The City of Vancouver has the authority to do that under their own city charter so they would not need to come to the Planning Commission to be able to do that, but that's not something that the City is seeking at this time; however, Fire District 5 is.

So just a couple of points I'd like to share with you in regard to impact fees and some of the comments we've heard from those that may be opposed to it. What we have found within the fire service is that voters are frustrated with the growth impacts and the developments that are occurring in their communities. This frustration can translate to no votes on particular funding measures.

So I know that there's been some comments and some indications that perhaps the fire districts just go out and look out at levies. Well, as some of the other speakers will speak to, levies is not the only funding mechanism available to fire districts, this is the only other funding mechanism that's available to us, so I think that's an important point to make. And we believe it's important for the voters to be able to see that new growth pays its fair share through impact fees.

Conversely fire districts within the unincorporated area have no control over the growth and the impacts of that growth that is approved within their fire districts unlike cities. Yet, we are required to provide equitable levels-of-service without a commensurate increase in funding, so that's certainly a challenge for us.

We have very little ability to be able to control what developments go into our areas and if somebody wants to build a 500-home development at the far end of our district, we don't have a choice whether or not we serve that area, but we do have the ability to be able to try to recoup some of those costs through impact fees and some of the other speakers will speak to that.

Some of the opponents may ask why now. We believe that is a valid question, but from our perspective the answer is that this authorization probably should have come before Council at least a decade ago. There's been a significant amount of growth that's occurred within the county unincorporated area that we have not been able to capitalize on some of those impact fees.

And we can talk about 500,000-square foot warehouses, we can talk about 200-unit apartment buildings, all that adds additional populous into our areas and we need to be able to have the ability to be able to make capital purchases.

And I heard a question about what sort of capital can this be used for, it can be used for fire apparatus, it can be used for station upgrades, it can be used to purchase jaws of life, extrication rescue tools, things like that that help support the community in which that development is occurring.

And so I think those are just a couple of important points. The explosive growth that we've seen is really challenging public safety at this time and we need to be able to have the ability with limited funding mechanisms to be able to meet demand of services placed upon our fire districts to be able to serve the community that we're charged to serve. And that's all I have. Thank you.

SWINDELL: Thank you very much.

HOLLEY: How do you spell your name? Could you please spell your name, please.

BLUE: Oh, sure. It's B-r-e-n-n-a-n, Blue like the color.

SWINDELL: Okay. With that, Roy Rhine.

RHINE: Good evening and thank you. I'm also -- is it working now? There you go. Forgive me, I'm also putting up with a head cold. My name is Roy Rhine, R-o-y, R-h-i-n-e, I'm a resident in Fire District 5, I'm also a Commissioner with Fire District 5, been associated since 1980, I've been a commissioner for 15 years.

I'm a small business owner. I've been a contractor. Had my own business building custom presold homes in Clark County. I've heard some of the concerns that may be presented tonight about the unattainable cost of a home in Clark County. I think a large part of this is part of the plan what your predecessors possibly saw coming to Clark County for in-fill over many years.

When I was a child in Clark County there were 50,000 people in the whole county, now I can't even tell you where we're at. I know in my fire district we have 95, 96,000 residents that we're responsible for. The State has put in place funding streams for us. They're not sustainable with the cost of everything that's going on. \$1.50 per \$1,000 value of a home. They put in optional things what we're considering tonight and I ask you very strongly to consider putting the impact fees in place. The funding stream, like I said, that we have right now it is not sustainable.

Just in this last month you probably all everyone in the room have experienced the increased cost of fuel. We just got notification that our healthcare costs are going up 120 percent. For Kaiser what that

means for a family of three is \$900 a month for an employed person. This is impacting us to the tune of probably close to 1,000 extra dollars a month for a family in Clark County between just fuel and cost of medical.

It is very hard to bring professional people here to want to work in a very good paying profession. It's hard to get people to come here. This is further going to disincentivize them to come. It is important, you're going to hear costs from the building association I believe about the cost of a home in Clark County.

Clark County has ownership in that as part of the foreseeable plan and the builders industry I believe also has a part of that. If they can keep the cost down, then it benefits them to make money by selling homes to increase more in-fill. We have the responsibility for taking care of the safety of those people.

I will leave you with just a couple of words from a very professional risk analyst, Gordon Graham, predictable is preventable. The situation before you is predictable. You can prevent what we hope doesn't happen like over in Soap Lake.

I just spent time over in Soap Lake over by Spokane three weeks ago, 194 homes just in a plain residential neighborhood like we live in wiped out completely. It exceeded the capacity of the fire department to be able to take care of that.

We just saw examples of evacuations in La Center and we saw just months ago out in Camas. This has happened before in Clark County and we need to be able to take -- we don't get a choice. We have the burden of providing for the safety of our citizens in these areas. Again, predictable is preventable.

Hopefully we don't have to come back and say we said so, but we need those extra funding revenue streams and I appreciate your help. Thank you.

SWINDELL: Thank you. All right. Scott Sorenson, did I get that right?

SORENSEN: Can you hear me? Okay. Good evening. I'm Scott Sorenson, spelling S-c-o-t-t, S-o-r-e-n-s-o-n. I'm Fire Chief with Fire District 3 which covers Brush Prairie, Hockinson, Battle Ground Lake, the City of Battle Ground, 45,000 people.

In District 3 we primarily fund through use of fire levy funds and the way the fire levy funds work is that each year we are allowed to increase our revenue by a percentage over the previous year's revenue. By State law it's one percent without a vote. You can go up to six percent.

We recently went for an election to do just that and we lost it, so we're at one percent increase of revenue over the last or -- '24 will be one percent of '23 increase. That doesn't pay for what the levy is primarily meant to do and pay for operational costs, staffing, training, all the personnel costs that have been mentioned.

Aside from all the capital needs that we have, which are typically funded through maybe savings plans as available or through the use of bonds voted on, approved voters bonds, and then any other means that we can come by and this is one that we're proposing and it's due to the fact that we're challenged

to fund those capital needs.

One of the things that we hear in the, on the ground from the public is that they've been here for a while, they've paid for this and why doesn't the new growth pay for these needs.

Well, the way new growth works is that we get a percentage of new construction applied on that period of time and then it goes to the general AV. So at that point then it becomes part of the levy AV.

And, again, the millage rate when you hear \$1.50 that's that, as that AV increases, it drops because it can only go up the percentage that it's voted to or by State statute one percent, so the millage continues to decline and the way to increase it is to go back to the voters. When we do go back to the voters they're frustrated, they paid for this, they do not understand why the new growth does not help pay for all of these capital needs.

The request is to bring it to the table, help pay your share, buy into the system and help us fund the capital needs that we have. This is what we're hearing. We, like I said, we just failed a levy and this is one of the concerns out there. I think I've covered it. Thank you for your time.

SWINDELL: Great. Thank you very much. A lot of really good information. Okay. Excuse me. I have Chris Drone, did I say that right?

DRONE: Yeah.

SWINDELL: Okay.

DRONE: Can you hear me? Okay. My name is Chris Drone, C-h-r-i-s, D-r-o-n-e. I'm Division Chief with Fire District 3 and I've been tasked with kind of demonstrating how the formula for fire impact fees works in action because I know there can be some question on that.

We've implemented this in Battle Ground in 2017, so it's been around, it's been proven, it's been adjusted, it's been tweaked, but I can walk you through an example if that might help you wrap your head around it a little better. So basically it's a five-step process, could be a lot longer, but we're trying to get it as short as possible.

So the first step is to identify our total capital costs over a 20-year period, and like the Chief said, that includes land, stations and apparatus. We do this for the capital facilities plan time period of 20 years. As an example, for Fire District 3 the total estimated 20-year expenditure is 22.6 million, that's just the total, that's what it's going to cost to get there.

But to demonstrate the proportionate share what we do is we determine the percentage of the total new development that is attributable to growth only. Okay. We do this by dividing the projected 20-year new construction square footage of all construction type by the projected 20-year building total square footage of new and existing, that's where you get your ratio.

In our case that it's 46 percent is attributable to new growth. To give you an idea, it would take, you'd have to double in size basically in 20 years to get to the 50 percent level.

The next step is we apply this growth percentage to the 20-year capital cost, so you multiply that 20-year capital cost by 46 percent, in our case that gives us 10.4 million that growth needs to pay for. I think if I recall you had in Exhibit 1, I think it was Page 3, our formula that's in there, that staff put in there. So that 10.4 million that represents the letter A in that formula.

So next we use the county and city in our case Comprehensive Plan data, we rely solely on that. So, you know, the Comprehensive Plan that you are approving and that the city approves, those growth numbers, all of that, that's what we use for this analysis. We use that to project new development numbers based off property type, so your single-family, your commercial and your multi-family.

Under our current plan, Fire District 3, we're projecting around 7600 new single-family homes, 2500 new multi-family units and approximately 5 million new commercial square feet in 20 years, so that becomes your letter C in that formula.

The last step as we use our run data to identify our response percentages, so how often are we going into these types of buildings. In our district for our call volume we're averaging 51 percent for single-family homes, 8 percent for multi-family residences and 41 percent for commercial buildings.

That goes back to the fair share component, we want to make sure that, you know, that folks who are running on most are paying that and we're not unduly charging commercial when we have more residential calls and that's a number that's analyzed annually and adjusted as necessary. That's the letter B in the formula.

So hopefully that puts it all together. And if you do the math, basically for us where we're sitting with the three types of impact fees for single-family home, we're at 696 per home.

Something that hasn't been brought up is there is a discount available under RCW, that's RCW 82.02.100, what that says is if you provide a fire sprinkler system in your home, this only applies to single-family homes, then you're only on the hook for the EMS portion of the impact fee.

So we run 73 percent EMS calls right now, so that would be a 27 percent savings or \$188 for your typical single-family home builder. Our multi-family impact fees are \$327 per apartment unit and finally our nonresidential or commercial fees are 85 cents per square foot.

Speaking to the other jurisdictions, I do have data for Camas and Washougal, that was Battle Ground that I just cited there. Camas and Washougal they're similar, their model they use strict square footage for all occupancy types. So for their single-family homes it's 68 cents per square foot, apartments is 37 cents per square foot, and commercial is 88 cents per square foot. Hopefully that sheds some light on the science behind the process.

HARROUN: So commercial in Camas is more expensive, they put a heavier burden on commercial?

SORENSEN: Their rate is higher than Battle Ground if that's what you're asking.



HARROUN: Correct. So they use a disproportionate formula? And is that something that's utilized for just -- who decides, is that the Fire Commission that sets that up or that specific jurisdiction?

SORENSEN: It would be all based, just like us, it would be based off their capital facilities plan and probably their call volume, it might be a little different than ours, you know, there's a lot of factors. We spoke of five right here so, you know, I haven't really reviewed their CFP to be honest with you to answer that question.

HOLLEY: Who was talking? Who was asking the question?

HARROUN: Commissioner Harroun.

HOLLEY: Thank you.

SORENSEN: All right.

SWINDELL: Okay. Thank you very much. Again, a lot of really good information. Thank you. I really like the way you guys have divided this up, this is very informative. Thank you. Okay. Now we're at Kristan Maurer, Maurer, Maurer, did I -- oh, sorry.

MAURER: Hi. Kristan Maurer. Fire Chief of Clark County, Fire District 6. And it's K-r-i-s-t-a-n, M-a-u-r-e-r. Good evening, Commissioners. I'm here today representing the 75,000 citizens of Clark County Fire District 6 and wanted to talk about impact fees and how they reduce long-term debt for our current taxpayers.

So, first of all, they help fund our capital items such as fire stations, training facilities, emergency apparatus and equipment. All of these are necessary for fire and emergency medical services protection within our community.

A fire station remodeled five years ago was about \$5 million, today a fire station remodel is about \$10 million. A fire engine five years ago was about 600,000, and today it's over \$1 million. That's a 50 percent increase in cost for the fire service over five years.

Capital items often require us to secure bonds that also come with interest. That's paid back by the taxpayers over time and these bonds support capital expenditures but do so at an increased cost to our current residents that are already paying taxes.

Impact fees can be used for capital items and reduce the amount an agency needs to borrow which saves all of our taxpayers money. Impact fees are a one-time charge assessed by local government against the new development to help pay for the new or expanded public facilities that directly address the increased demand caused by these assessed new developments.

Because we are not keeping up with inflation in the fire service due to the one percent levy limitation increase in Washington State, we must continually go to our voters at shorter intervals and ask for those levy lid lifts for both fire and emergency medical services.

Currently those levies are funding operations and capital costs. The bonds then support those capital costs that are paid back with interest at the cost of the taxpayer; therefore, we continually put an increased burden on our existing residents. They, the current residents, just like public service entities are solely funding the growth in our community.

Again, an impact fee is a one-time fee that assesses the impact of a new development within our current community and gets the opportunity to support the demands that development will have on our current infrastructure.

Public service must be supported to have and maintain desirable and safe communities; otherwise, it won't matter if there's affordable housing in Clark County because our community is not safe. All (inaudible) look at communities across the country and see the mass exodus of people leaving their communities because they lack public safety.

Impact fees actually serve to increase the housing supply by encouraging growth within our community. And under the Growth Management Act, the Washington Administrative Code and the Revised Code of Washington, we the fire service have been able to request impact fees to be assessed by the County; however, we have not done that until today.

So you asked why now? Well, why now we do it the fire service does best and we do the best job that we can with the resources we have, but we're reaching a point where we can't provide that service with the resources we have and we have to evaluate alternative funding options. Impact fees is an alternative funding option available to the fire service and that's why we're asking now.

Over the past quarter of a century impact fees have become an integral part of local government infrastructure financing, they are now the mainstream for alternate funding for capital expansion. This method that supports growth but it also asks growth to contribute to our current infrastructure. So I appreciate your time and thank you for having us.

SWINDELL: Thank you very much. Okay. On to John Nohr. I'm saying that wrong, aren't I?

NOHR: Hi. Thanks for having us here tonight. I think I'm going to kind of wrap up what the rest of the Chiefs have been talking about. My name is John Nohr, J-o-h-n, N-o-h-r. I'm the Fire Chief at Clark/Cowlitz Fire Rescue.

We provide service, fire and emergency medical service to the cities of Ridgefield, La Center, Woodland, the Cowlitz Indian Reservation and as it relates to our talk here tonight about 120-square miles of unincorporated Clark County.

I've lived in this area all my life and I've seen the explosive growth here. Clark County population has increased 18 percent since 2010, 46 percent since 2000, and 111 percent, it's more than doubled since 1990. Okay. What goes up with that is demand for our service, and so except for the rare lightning strike, fires happen where people are and emergency medical calls happen where people are.

So each and every one of these departments have seen a big spike in our number of calls. CCFR had

2800 calls in 2016, calls for service, we had 5500 last year, so the demand is brought by the people. But like counties, we can only go up one percent per year unless we go to the vote of the people for a levy lid lift.

One of our only other ways of funding capital is through bonds. Bonds take a 60 percent yes vote. And for any of you that have run a levy or a bond or anything of that nature, a super majority is hard to hit. Okay. So we're asking today for the ability to collect impact fees to help fund new fire stations.

So the 20-year plan that I've developed we will need to place one fire station inside the City of Ridgefield and we will need to place one fire station in unincorporated Clark County, and as Chief Maurer mentioned, to the tune of about \$10 million each. And so and then we need the apparatus to go in there. And part of what's driving that is the development and we are looking for ways to meet the demand.

Just this month CCFR and Clark County Fire District 6 began jointly staffing a fire station on N.W. 179th Street and part of that is because of all the development that's being allowed in the 179th corridor and both north and south of there. So there's demand there that we can't reach from our existing fire stations.

So as we look for ways to meet the demand and try to find some new innovative ways to do that, we're still not able to stay up and keep up with some of that demand. So we're asking you for the impact fees so that we can add that to our capital replacement funds and get the facilities in place to help serve the people that are coming to Clark County. Thank you.

SWINDELL: Oh, go ahead.

HALBERT: Hey, John. What's in the -- nobody has spoken to yet is the timing of this, we know that the impact fees are a ways off still and then they still need to be collected before you can implement them and so do you have a plan in place to get to that point?

Do you just continue to see service degrading until you can get impact fees? And impact fees are of course only a proportion of what's really needed to build a facility.

NOHR: They are just a proportion. So I can't speak for every district. We set aside money in a capital plan each year so part of our financial policy in the district is that a certain amount of funding each year goes in the capital plan.

But as was mentioned by some of the other Chiefs because of the one percent limitation in growth, which is, you know, put in place by Measure 747 20-years ago to say, the voters said if you want more, you got to come back and ask to reset that levy once in a while.

And so as Chief Sorenson mentioned, that failed in his district, so he's got to wait a whole other period of time to go back and ask for that again, that sets you back the budget years. So on good years we put some extra money away for capital and on the lean years you may not have that extra to put in there.

So one other way we can do it is to bond it and so we can put together a plan for a large package, go to

the voters say will you pay for this here. You know, one more thing that we're getting hit on now is tax increment financing and my Commissioners knew I was going to slip this in somehow here, but tax increment financing allows counties and cities and port districts to start collecting all the taxes of the junior taxing districts within some geographical area that's identified for the next 25 years.

So one of those entities is proposing a plan that will take up to a million and a half dollars of our money each year in the out years that we were going to use to build a fire station in the City of Ridgefield and so now we have to look at how we're going to do that, so...

So we're getting come at by several sides also and we're just trying to be fiscally responsible, good stewards of the money and say what can we do with that capital. The impact fees, though not huge, they're that little bit of bump and they help us go back to the voters to who come to us angry once in a while and say you've come to us for another lid lift, what about all these people, and we can say there was a fee upfront, they paid it and it helps pay for these things. They're not going to pay for the whole thing, but they certainly help out.

HALBERT: John, Bryan again. I just want to also understand these tax implications. So as these new homes are being built and they're starting to pay their property taxes, a portion of that property taxes go into your fund or only the one percent increase on your budget so as you're getting 700 new homes in the, you know, like Clark/Cowlitz area, you don't recognize any of the revenue from the taxes, the property taxes on those homes?

NOHR: So I will say that some builders are very smart and when do builders want a home to come on the tax roll, sometime after August 1st, right, because now you're not going to pay tax on that until 15 or 16 months later, right, but somebody moves into that house on August 2nd, okay, because it gets assessed and if it's not on the tax roll by a certain day, they're not going to collect in that year, but if somebody moves in that house later in that year, okay, they start calling, they create demand on us, there are vehicles going up and down the road, there are car crashes, there are people with medical conditions that may require emergency response, they have fires, we won't collect on that.

So a house that gets sold in September or October of this year, that wasn't assessed in time as completed construction, it just gets assessed on a partial construction amount, we won't see the full tax on that until tax year '25 on it, so... So this is a way to get a small incremental amount to put in the bank. So what they're talking about at \$327 in Battle Ground for a multi-family unit, about \$696 on a house, that's basically paying the first year's tax upfront.

HALBERT: Great, John. Thanks. Thanks for the explanation.

SWINDELL: Okay. One more question.

NOHR: I saw that.

HARROUN: Jack Harroun. What is the typical resident right now, I know it's kind of broad, but like on a \$600,000 home, what are they paying annually to the fire department or to the fire levy, what's --

NOHR: So in our district this year the levy is \$1.30, roughly \$1,30, so they would pay \$780 on the fire

levy.

HARROUN: Okay. Great.

SWINDELL: Great. Thank you very much. Okay. Now, I have a lot more names on this but all of them said no to the wanting to speak. I just want to throw out there, has anybody changed their mind and would like to speak?

RHINE: If I can speak to Commissioner Harroun's last question.

SWINDELL: Yes, go ahead. Come on up. You need to restate your name and spell it.

RHINE: Again, Roy Rhine, R-o-y, R-h-i-n-e, Commissioner with Fire District 5. We're in a unique position and it goes to Commissioner Harroun's question earlier maybe a little bit. We gave our -- we entered into an agreement with the City of Vancouver for provision of our fire suppression and EMS services several years ago. We pay them for the service they provide. We collect the money, the City of Vancouver does not, but we transition that over there.

We identified a hole, a need, up near State Route 503 and 99th Street four years ago, five years ago, and we started to build a new station and COVID came on. In the course of COVID it went up ten percent, we had to write another million dollars. Because this was a hole, we didn't have staffing, so this allowed to pick up I believe 13 new firefighters, all new FTEs, a new fire station, all new equipment.

We had an anticipated service level that we thought they would be working at, it's probably pushing 2 to 300 percent what we thought it was going to be already. Their service calls are through the roof already and the fires that they're experiencing, structure fires, are just making us scratch our head, that wasn't even a foreseeable.

So things are changing and it's all due to the demand, the increased residency. I live in that station area and in the last 10, 15 years there's probably been 3,000 homes easily, and if you figure 2.3 people per home that's a lot of demand for service, so that's my answer to part of your question. Thank you.

### **Return to Planning Commission**

SWINDELL: Thank you very much for that. Okay. With that, we will end the public testimony portion of this. Oh, she already did. No, we already did that in the beginning. All right.

With that, we'll bring it back to the Planning Commission for comment. Bryan Halbert, do you have any questions, comments, do you have any thoughts?

HALBERT: Yeah. Thanks, Matt. Yeah, just a couple of comments. So actually four comments maybe. So I'd say in approving or considering the approval of the code changes that are before us, I believe that we're really giving the fire districts another tool to use in equipping the first responders to serve our community.

I also believe that their, the fire impact fees will be evaluated by our community, they'll be evaluated by this Board, our community and then the County Councilors before they're implemented and approved.

I also believe that the cost of a loss to our community when the service isn't there would be far greater than these impact fees that, that we're considering or that will be considered in the future here.

I also believe that the impact to our community when first responders level-of-service is reduced will be far greater than the impact fees that we're looking at today too. I think the community would be outraged when the level-of-service is reduced or when they -- when the first responders can't get to them like we hear with the police in other areas, that they're prioritizing calls to a high degree and people don't get responded to.

So I believe that we, if we can't get to a traffic accident, we can't get to a medical emergency, we're going to hear the community crying out even more than the impact fees that we're considering tonight or the ability to provide impact fees that we're considering, so... Okay. That was my comments. Thanks.

SWINDELL: Great. Thank you. All right. Thank you. We'll go with Steve Morasch, do you have any comments?

MORASCH: Yes. Oops, sorry, I'm having trouble with my video there. I just wanted to thank staff. I think it was a good presentation by staff. I don't have any concerns with the, you know, with the proposal from a technical standpoint as far as I mean if the County Council is going to move forward with an impact fee ordinance I think the one presented by staff is fine.

I guess I'm a little more concerned about the costs and the housing issues than the last Commissioner that spoke. I will say this, I mean as a Planning Commission it feels a little odd to be asked to, you know, give a recommendation on a budget, what really amounts to a budgetary issue because it's not really a land use planning issue. So I'm somewhat torn. I haven't decided how I'm going to vote yet.

We do want to keep levels-of-service up of course. The Building Industry Association has submitted some comments that maybe there's some better or different ways to do that, and I, I don't know, as a Planning Commissioner it really isn't, it's not a zoning, it's not a comp plan, it's more of a financing issue, so I'm a little torn as to how to vote and even that it's, you know, it doesn't even feel like a planning issue to me anyway, so...

Anyway, those are my comments, but I just wanted to be clear that if I do vote against it that it's not anything to do with the staff proposal, I think the staff proposal for what it is is fine, so I wanted to congratulate staff on a good job on that and those are my only comments. Thank you.

SWINDELL: Great. Thank you. Okay. Eldon, comments?

WOGEN: So I certainly understand why all of you are here today from the fire districts, you know, the constraints on being able to serve the community now and in the future, I certainly understand that.

It's unfortunate or maybe it's not unfortunate, you know, this committee, commission looked at affordable housing has been a big deal lately and obviously impact fees impact that, so it kind of goes against that growth management comment that actually, Kristan, you made where you said impact fees encourage growth and I've just been dwelling on that, so...

I don't know. I certainly am inclined to think that the -- that's a good thing probably to have impact fees for the fire district.

SWINDELL: All right. Thank you. All right. Jack, comments?

HARROUN: Yeah. First, I very much appreciate your service, the Fire Chiefs here on the, well, all the EMS personnel and your service to the community, it's critical, I support it and thanks so much for coming so well prepared here and answering our questions, I very much appreciate that.

I'm torn on this issue because it's on the, on the one hand I'm, yeah, in the City of Vancouver, the City of Vancouver just passed a permanent levy against our assessed values, so the fire funding from my understanding will actually should outstrip the price of inflation over time because it's tied to our housing values and those tend to outstrip inflation.

And so on one hand I see a jurisdiction that is probably well taken care of and then I understand that the angst on the other jurisdictions and I've waited for fire calls before, and even if it's two and a half minutes, it seems like an eternity, and if it was 20 minutes because they didn't have facilities close by, you know, that's certainly life changing. So I'm very sympathetic to that.

I struggle with opening another source of revenue and it being phrased as people need to pay their fair share and that was probably my biggest angst in some of the letters that were said and even some of the testimony and the reason for that is once a person moves into a home, they become the existing resident, they immediately start paying.

I know there's a question on the tax year and when that, and I see where there could be a potential

shortfall, but there was not an impact for, you know, during the time of construction, but then that, then that individual immediately starts paying anywhere between, you know, 700 and \$1500, you know, a year in, for their EMS services. So it doesn't feel to me like those new residents aren't paying their fair share. They're immediately jumping in and signing up and writing the check.

And so I struggle with that and I struggle with that from a, you know, if taxpayers want a certain level-of-service, they need to vote and fund that service, the City of Vancouver did, the city residents did.

To call it, you know, new development is always an easy target, but when we, you know, the next, you know, thing that will be going on is, is another, you know, affordable housing options or option studies and we're trying to bend that cost curve down. And as we increase the cost in impacts on new construction, it affects the value of existing stock and it pulls the price up.

So it's not 1,000 bucks on just the new construction, it affects the value of every single home there when it comes to the resale market and also puts upward pressure on the existing housing stock if they can't afford new construction, so they're all intertwined. And, you know, and if we're just talking 500 bucks, 1,000 bucks, and there was some kind of cap, I could be in favor of this.

When I did some simple math on a house that we're building right now in Camas, it looks like my client paid about 4500 bucks in just fire impact fees and then they'll also put a fire sprinkler system in because they're in Camas. So there will be 20-some-thousand-dollars, \$25,000 just in impacts of just fire related impacts for their single-family residence.

I look at some of, you know, some jurisdictions have, Vancouver School District has a \$2500 impact fee because that's the most they can charge. Camas is almost \$18,000, or not Camas, Ridgefield is almost 18,000 for the school impact fee. So I get nervous on opening that window of like is it a \$500 fee or 600, I can see the numbers in Battle Ground, I'm like I could get behind that. I look at what Ridgefield is charging for school impact fees and I can't get behind that and then we're opening that door.

So that's my -- so I'm inclined to vote against this for those reasons because there isn't a, there isn't a cap mechanism, so...

SWINDELL: All right. Thank you for your comments. All right. Karl, you're up.

JOHNSON: Yeah. You know, through the years we've talked many times about 179th or Alt-4, and where I'm on the backside of let's open this for development or that for development or expand the urban growth boundary or whatever and I always come back and say the services aren't there, the services aren't there.

So to me this is the concrete element when we are asked to do things like that, especially up in rural Clark County where the roads aren't there, the police and fire are not adequately staffed, the schools aren't adequately funded and as a fiscal conservative you still have to lay that ground work to manage growth and be responsible at growth.



So I somewhat disagree with Commissioner Morasch where I do see the connection to the land use, it's just that this is something that we've got to come to terms with, we're growing, we're growing very fast and in that is stress on all of our services.

And so I like the idea, you know, somewhere in there a cap or some way to manage this because I do feel that these things get out of control, but in our hearts, you know, I'm inclined to vote for this but I always worry who's coming after me and then, you know, like you said, we've got \$4500 impact fees in Camas on a house for fire.

So still though I just think it has to be done and I think we have to bite the bullet and I think we have to understand that fire is as far as the breadth and the width of our county is growing especially in the 179th. We just approved a bucket full of development over there and that's got to be matched with proper services or where it's -- it's just unconscionable if we don't. So I just think it's foundational and it's the concrete of our house and police and fire and roads, so that's where I stand. Thanks.

SWINDELL: All right. Thanks, Karl. Well, that brings it to me and I guess I'm going to come at this from a couple of different angles. In the past I was in the development community and as a homebuilder and my thinking really went in line with, you know, affordable housing and keeping the cost down and then I did get into land acquisition and starting to buy large pieces of property and development and those type of things and learned from a very good company and a very smart man that as a developer, as a builder, you run your numbers backwards.

You say what is my price for my home and you run your numbers backwards and you say that's what I can pay for the land. It doesn't matter what your impact fees are, it doesn't matter what your building cost or don't care what a 2x4 costs, you run your numbers backwards and that you tell the person that's what I can buy my land for.

Now, does that always work, no, not in a lot of communities because I did the math right and unfortunately there are other people out there that will pay whatever for any price of land out there they want to go, so... Just pay whatever and build it and sell it and it increases and they just pay it. So there's -- I'm torn, I'm from both sides of the fence. I live in Ridgefield, and by the way thank you very much, you take very good care of my wife and her facility, so we see you guys all the time.

I have been on the fence for a lot of years with, you know, I don't want to pay any more fees, I don't want my taxes to go up, my community is growing huge, Ridgefield is growing astronomically. My taxes have gone up astronomically because of the growth, and when I hear, I think I wrote it down here, pay their fair share, I tend to agree with that.

We got a lot of people coming into my community, when I say my community, I've lived there all my entire life, I was born there, so I get to say it's mine, and I love Ridgefield and I think that's why a lot of people move there but there's a huge impact and you guys, like the school districts, I was on the school board for a short time, and same thing, we've got all this growth that we didn't ask for and now we have to take care of the kids and we have to come up with the facilities for them, so I understand where you guys are at.

Having said all that, I don't like the idea of impact fees, I don't like the idea of higher taxes, nobody does, but I have to agree with Karl, we have a responsibility to provide services for our community.

The -- excuse me -- this is a very small portion that we're looking at even if -- even if the end, it's like for Ridgefield School District I believe it's at \$18,000 I believe or 17,6 or something, that is a miniscule amount of money per home compared to how much it costs to build a new school and how much my taxes are going to go up to pay for those new schools and everyone else in Ridgefield, not just mine, but everybody else's. So the impact fee is very nominal and we're all going to have higher taxes to pay for the new schools but it's going to be less.

So it's, yeah, I'm -- I have to say guys, I really appreciate by the way too, I want to say thank you very much for your service, I appreciate all of you and everything you do and I for one think that we need to get behind you, we need to help you, get you some funding and so you can take care of our community because I don't want to have happen in Ridgefield or any of our communities in Clark County like what happened in Hawaii, we need to not have that happen and you guys need to have the best equipment and the best training and I want enough guys out there to, and gals, to be able to get out there and get it done and take care of our community, so that's where I'm at on this.

HARROUN: Chair, may I make a comment?

SWINDELL: Yeah.

HARROUN: This is Commissioner Harroun. I'm trying to get here because I so value EMS response and our first responders just in general, they're critical to our community, into our society at large. My overriding concern is runaway taxing authority which I've seen in some other jurisdictions.

I would -- I could support this if we were like capping building contributions at 40 percent of the capital expenditures. So that would be, you know, I'll give the opportunity, that would be my, I would make a motion to that effect.

SWINDELL: And I think, if I can, I think right now at this juncture, so that is going to come back, I mean when they do the capital facilities plans and they bring this back to us and they say this is what we're proposing and we want a, this is what we're proposing, at that point that's when we're going to have the chance to --

HARROUN: No, I would like it codified in code that they can ask for no more than 40 percent. So when they do their capital facilities plans, it can be no more than 40 percent.

The reason for that is because my experience with on sitting on the, and I brought this up a couple of times but it's, I think it's very relevant, is the Parks Department in the City of Vancouver when I was on their planning commission, their final argument was 95 percent to 5 percent was the balanced and proportional argument and they brought in an attorney to our hearing to explain how that was proportional. I don't want to see that. So if we codify it in code, send to the Council, they can change it, but I would, but at 40 percent I'm on board.

SWINDELL: Okay. Thank you. Do you have a comment?

HALBERT: Yeah, Jack. Bryan Halbert here. I think this procedure would be, I'd like to make a motion and then if you wanted to propose an amendment to that **MOTION**, we can vote on that amendment and debate it from there.

HARROUN: Sure.

HALBERT: Sound good?

HARROUN: Yep.

SWINDELL: Okay. I was just getting ready to say that, thank you for that. Okay. So, yeah, that's so what I'll do is I'll look for a motion from someone.

HALBERT: Matt, Bryan here. I'll go ahead and make a **MOTION** that we **approve** or that we vote on recommending CPZ2023-00001 of the Fire District Impact Fees as presented and to amend the Title 40, Clark County Title 40 Unified Development Code, so that's my motion.

JOHNSON: This is Karl Johnson.

SWINDELL: All right. Is there a second?

JOHNSON: I'll second. Karl Johnson, I'll **second**.

SWINDELL: All right.

HARROUN: Discussion yet?

SWINDELL: Oh, call for discussion. There we go. Thank you very much, yeah, we'll discuss that. Thank you.

HARROUN: Chair, Commissioner Harroun. I would like to **amend** the main **MOTION** to put a cap on 40 percent, only 40 percent can be collected through impact fees of the capital facilities plan.

MORASCH: I'll **second** the motion for the amendment.

SWINDELL: It's been moved and seconded. Sonja, roll call.

MORASCH: Is this a roll call on the original motion or the amendment?

SWINDELL: On the amended motion.

MORASCH: Okay. Thank you.

COOK: I'm sorry, it's not on the amended motion, it's just on the amendment.

SWINDELL: Just on the amendment.

COOK: Yes.

SWINDELL: **Just on the amendment.** Sorry. I apologize. Thank you for that.

MORASCH: Okay. Thank you. I wasn't clear, I wanted to make sure I knew what we were voting on. Thank you very much.

WOGEN: This is Eldon. Can we have a discussion on that first?

SWINDELL: Yeah. Yep.

WOGEN: So this is Eldon. I'm not sure what that means 40 percent, can somebody lay that out in layman's terms?

HARROUN: This is Commissioner Harroun. So the capital facilities plan is, it's a set, they have a cost formula. What I am proposing is within that cost formula that only 40 percent or a maximum of 40 percent can be collected from new development for that capital facilities plan.

And the reason for that it changes the balance because what it does is it caps, it keeps fees from going from reasonable that we go, okay, 1,000 bucks, 2,000 bucks to \$20,000. So it codifies within code itself the kind of the what proportionality means.

WOGEN: This is Eldon. I still don't understand. Do you understand?

SWINDELL: This is Matt. Yeah, I think I understand what he's saying is he doesn't want 100 percent to come from new development, he only wants 40 percent of the fee collected to go to, from new development, that's what I understand.

COOK: Yeah. The question is not the fee collected because if it's not new development, it's not collected. So what he's saying is that when they come up with a number that is the number of dollars that each say unit of new development whether it's, you know, a square foot of commercial or whether it's a unit of multi-family or what, when they come up with that number, he says that no more than, I think this is what your amendment is, and correct me if I'm wrong please, Commissioner, but I think what you're saying is that no more than 40 percent of that number that has been decided is the impact of the new development can be paid by the new development.

HARROUN: Commissioner Harroun. Yeah, that's correct. And it just it provides the problem with the current State, in my opinion, the issue with the current State law is proportionality is subject to way big interpretation and we're just trying to, I'm just trying to put some brackets around something I can support so we can get them the funding but then also balance that with our affordable housing needs, yeah, that would be the, so...

SWINDELL: Does that help?

WOGEN: I think. I think that helps.

HALBERT: Jack, Bryan here. So the only challenge I have with that is, you know, looking at scenarios again if the station that they have in their capital plan is serving future neighborhoods that are substantially all new neighborhoods, why wouldn't that entire neighborhood or development pay their full fee or only be limited to 40 percent to put that station there that's going to serve that entire area. I just wanted to, you know, again looking at different scenarios.

HARROUN: This is Commissioner Harroun. Well, the reason the State, the State law says proportionality and I've seen abuse of that within local governments here and what I consider abuse so, and the other important, you know, the other important thing to remember is that new construction is a new impact but it's the most expensive housing stock available, they're paying the highest rate of anybody.

So not only are they, would they be subject to the impact, they're also paying a larger, I mean they're paying more than the existing residences just in their annual, their fee, and they're paying, you know, 1,000 bucks, 1200 bucks, 1500 bucks, I mean, you know, a month, so...

So there is more, there's even more of a balance, it's just not, it's not a one-time thing, that person immediately goes on the tax rolls and starts feeding into the system.

MORASCH: I might also make a --

COOK: I think that one of the Chiefs explained to us that lots of houses don't immediately go on the tax rolls, just wanted to bring that up again.

SWINDELL: Okay. I think somebody had a comment out there. Was that Steve?

MORASCH: I just had a, yeah, I just had a brief comment to, I think it was Commissioner Halbert's comment, about if you have a new, brand-new station that only serves a new growth area, and I don't know, my experience with these capital facility plans is it very rarely that cut and dried, you know.

As far as the new facility typically is going to serve in the area that's going to include both, you know, new houses and a bunch of existing houses and so it's pretty rare to see some type of facility that, you know, you can cleanly say this facility only supports the new development, it's not also supporting existing development just because of the way, you know, development patterns are where you've got new neighborhoods right next to existing neighborhoods.

HALBERT: Yeah, Bryan here. Steve, yeah, I get it. And maybe it's not a station, maybe it's an apparatus, you know, at the rate that commercial buildings are going up in the area, it takes a while for those tax revenues to accumulate to pay for a new station. So I appreciate that the impact fees might be a way of leveraging a station or an apparatus much quicker to serve those areas, that's my thought.

MORASCH: Right. And I think the point of the 40 percent is just it's a compromise basically and I mean I guess we'll vote on it in a minute and see whether it passes or not.

SWINDELL: Okay. Any more comments or questions from anyone? Okay, I guess. All right. So we'll call the roll and the vote is for the **amendment** only.

**ROLL CALL VOTE**

HALBERT: NAY  
MORASCH: YES  
WOGEN: YES  
HARROUN: YES  
JOHNSON: NO  
SWINDELL: NO

WISER: 4 yes, 2 no.

SWINDELL: **3/3.**

ORJIAKO: No, 3/3.

COOK: No, it's 3/3.

SWINDELL: So the motion would --

COOK: The vote was 3/3 and the **MOTION fails.**

SWINDELL: That's what I thought, yeah. Okay. All right. Thank you for that. All right. With that, we're back to the original motion.

COOK: Yes.

SWINDELL: Okay. Are we ready for the roll call?

**ROLL CALL VOTE**

HALBERT: AYE  
MORASCH: NO  
WOGEN: AYE  
SWINDELL: AYE  
HARROUN: NO  
JOHNSON: YES

WISER: 4 yes, 2 no.

SWINDELL: All right. **Motion passes 4 to 2.** All right. That concludes our public hearing.

### **Conclusion of Public Hearing**

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

SWINDELL: Do we have any old business or any new business? Oliver.

ORJIAKO: Planning Commissioners, Oliver Orjiako, no, I don't. I will be coming to you in the future to have work sessions on issues relating to the periodic plan update, that's all I can say, I will put out through Sonja your clerk when that will be.

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

SWINDELL: All right. With that, any comments from the Planning Commission before we leave? Anything? Karl? Nobody? Okay.

### **ADJOURNMENT**

SWINDELL: With that, we will adjourn. Thank you very much.

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

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

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