

ALVAREZ: Correct.

SWINDELL: So a **vote in the positive is to deny?** I just want to clarify that for everybody.

BARCA: To accept staff recommendation, yeah.

JOHNSON: Is that a motion?

BARCA: He's working on it.

SWINDELL: Oh, sorry. I'm looking for the number here. Sorry. Where's it at? You got it right there. There. Thank you. Make a **MOTION** we approve CPZ2019-00003 as staff recommendation.

JOHNSON: **Second** the motion.

BARCA: Okay. It's been motioned and seconded to accept staff recommendation for denial. Any more comments? Okay. Let's take roll call.

ROLL CALL VOTE

JOHNSON: AYE
GRIMWADE: AYE
SWINDELL: AYE
TORRES: AYE
BARCA: AYE

BARCA: And motion passes. And, let's see, on the agenda I know I have it somewhere, God bless you, that appears -- oh, sorry. We are at Item C, Clark County Unified Development Code Amendment, CCC 40.370.010, Jose, take it away. Thank you, Karl.

PUBLIC HEARING ITEMS, continued

C. Clark County Unified Development Code Amendments, CCC 40.370.010 (Sewerage Regulation) and CCC 40.210.010 (Resource and Rural Districts) as follows:

<i>Code Section</i>	<i>Description</i>
40.370.010	<i>Amend Title 40.370.010 (Sewerage Regulations) to allow extension of sewer to a school in the rural area.</i>
40.210.010	<i>Amend Title 40.210.010 (Resource and Rural Districts) to allow new cemeteries as accessory to an existing church in the FR-40 zone.</i>

ALVAREZ: So this is actually, you're correct, but this also is CPZ2019-00014. There are two code changes that we're proposing, the first is 40.370.010 which would amend Title 40.370.010, the sewerage regulations to allow extension of sewer to serve schools in the rural area.

There was legislation, House Bill 2243, that was passed in October of 2017 that authorizes the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area subject to certain requirements, and that's captured in this code language 3 and 4 where we've added language from the House Bill and that was -- this would allow for the extension of sewer in the rural area to serve a school and any recreational facility that can't be reasonably collocated on an existing school site.

And then Number 4 would allow for intervening properties within 300 feet of the sewer line to tie into it as well and that would be optional, it wouldn't be required to tie into the sewer. Any questions about that?

BARCA: So why isn't this an extension of urban services into the rural lands?

ALVAREZ: Because the legislature made the amendment to allow it into the House Bill.

BARCA: So allowing it means it is an extension of urban services but by law it's allowed?

ALVAREZ: Correct. In a limited circumstance.

ORJIAKO: Planning Commission members, Oliver Orjiako, Community Planning Director. Yes, as Jose indicated, the legislature made the amendment and it could not be construed as extending urban services to the rural area, this is predominantly for school district that serves rural students, if you will, and they make the exception that both the sewer provider and the school district and the local jurisdiction be it a city that extend that single line or a special purpose district have to work together with the approving jurisdiction to agree to who gets hooked up, so it's not automatic, so that's the language that is also in the bill.

BARCA: And will we see that language?

ALVAREZ: This is pretty much the language out of the bill.

BARCA: This is the language. Okay. So I'm not sure what you said actually plays out in this language. Can we go over that again.

ORJIAKO: Let's see.

BARCA: So if I may where it says "the public sewer provider and any affected cities determine that the proposed site is suitable and the school and any associated recreational facilities cannot reasonably be collocated on an existing school site," but how does that play out for all of the adjacent properties within the 300 feet?

ALVAREZ: That's under Number 4.

ORJIAKO: Under Number 4, and provided the school district, the county and the public sewer provider and any affected cities agree to their request.

JOHNSON: 3 is dealing with the school if they can't be connected to an existing school, correct, or school nearby, then they could go be connected 4 is.

ORJIAKO: I think the way to look at that is here we're talking about 300 feet if you're running a single line to serve a predominantly rural school. Let me give you an example of the Hockinson School District which is predominantly in a rural area. A single line was run to serve the Hockinson High School. You can in a given circumstances property, properties abutting that line maybe 300 feet, I see your point, you may be consider that as a creep; however, if there are properties along that single line 300 feet on both side, that may be where we limit who hook up to that line. The question will be, if you establish 300 feet, what about the other property abutting that other property, does that extend to it? So that is where this agreement has to be made on who gets hooked up on that line.

BARCA: Okay. Yeah. I think you hit the nail on the head for my concern is once we get to that 300-foot limit, now the property at that limit they hook up, is the adjacent property eligible to hook up?

ORJIAKO: I cannot answer that now, but I believe that that is the agreement or the discussion that both the sewer provider, the school district and the approving local jurisdiction be it county or city council will have to agree to, whether that is done through a local agreement or some other mechanism, that has to be done because the way that this is written it doesn't necessarily imply that by this extension you are indirectly providing sewer to the rural area, that's not the intent, this is to serve predominantly schools that are in the rural area with this caveat that this provision be reached between the special purpose district or city and then the approving body.

SWINDELL: So if I'm understanding the intent is that sewer will be provided to a school in the rural area, but we're not allowed to provide sewer to anything else beyond the school because that would be providing urban services in the rural?

ALVAREZ: Correct.

JOHNSON: But Number 4 gives you the caveat which is within 300 feet and Ron's question is, well, once you hook up 300 feet, is there another 300 feet from that person, kind of like the railroad.

BARCA: Kind of like the railroad, yeah.

ALVAREZ: So the way this is written, the way I, the property has to be within 300 feet of a sewer extension to serve the school. So if you serve a property, you cannot serve the property within 300 feet, it's the line to the school, 300 feet from that distance.

JOHNSON: That's how I read it.

ALVAREZ: And if you're serving primarily rural areas, those lots are going to be relatively large and you're going to get one lot.

SWINDELL: And if there's a commercial piece of land next to it?

ALVAREZ: A commercial piece?

SWINDELL: Like next to a school, you got like a little commercial --

ALVAREZ: Rural center.

SWINDELL: -- rural center next to a school, the school district buys a piece of property next to a rural center, they go in develop, they run the sewer to them and now they can hook up to sewer?

ALVAREZ: 300 feet.

ORJIAKO: Within the 300 feet, yes.

SWINDELL: It sounds like Battle Ground needs to buy some schools out there and start building schools in those rural areas. No, I'm just kidding. I'm teasing.

BARCA: Okay. I'd like to see maybe even a little bit more ironclad wording. Just your clarification makes me understand it clearly, but I'm not sure that the way that Number 4 is worded doesn't have some wiggle room in the interpretation.

JOHNSON: I understand what you're saying, but it says right there, the properties within 300 feet of the sewer extension.

BARCA: Yeah. I understand that and I just also have known over a period of time that gray

areas tend to fall on the side of who's interpreting with strength, so...

ORJIAKO: You are right; however, this is going to be on a case-by-case basis. Can't prescribe it now because we don't know where a given school district, there are not that many that are predominantly serving rural resident, I can think of Hockinson, I can think of Battle Ground, don't know the extent of the Ridgefield School boundary whether they intend to serve outside their school district, I don't know, but writing the rule now that's really seeing what is being proposed, where the parcels are located and who is showing interest to do so.

I think it will be on a case-by-case basis and as this statute specified whether it's the city. In this case think of Battle Ground or Camas or Washougal, if they are the one providing the sewer, it will be the city council of those jurisdiction that will be approving it. In the cases of County, we have Clark Regional Wastewater is the special purpose district, so we will be working with them and the affected school district to come up using this bill to then nail down who will be hooking up and who wouldn't be.

SWINDELL: So just as another example out at 179th Street it's a school district on a 20-acre piece of land and there's a 80-acre piece of land next to it and we run sewer to that school in the rural area that's not brought in yet, that 80 acres could be served from the sewer according to what we're reading here.

ORJIAKO: That's true. What if that 80 acres is zoned Forest 40, you can only maybe get one or two lots on it, so you're not really creating a city.

SWINDELL: There you go. Okay.

BARCA: But if it's zoned business park.

ORJIAKO: Then it's in the urban growth boundary.

GRIMWADE: But you have the opportunity to come back out to say, 12 to 18 months and say, hey, this is what we're seeing, we need to do something?

ORJIAKO: I won't be the one making the decision, it will be the elected official and probably come before you to make a recommendation to the Council. As the law is even written now, you can extend sewer to the rural area in a case of a health hazard issue.

BARCA: Certainly. We have no sign-up sheet.

ALVAREZ: Do you want to take these one at a time?

PUBLIC TESTIMONY

BARCA: Well, let me get through this part first. The audience is sparse, but if there's anybody that would like to come forward and speak on this issue, we're going to offer the opportunity and then we're going to close public testimony. Seeing nobody come forward, we're going to close public testimony and then staff has recommended that we tackle these individually. So do we have individual discussion? Hearing none, motion.

Return to Planning Commission

JOHNSON: I make a **MOTION** we accept staff recommendations for Code Amendment Section 40.370.010 to amend sewerage regulations.

TORRES: **Second.**

BARCA: Okay. It's been motioned and seconded. Let's do roll call.

ROLL CALL VOTE

JOHNSON: AYE

GRIMWADE: AYE

SWINDELL: AYE

TORRES: AYE

BARCA: Reluctantly AYE

ALVAREZ: Okay. So the next item is amending 40.210.010, this is the forest agriculture and Ag and wildlife district to allow new cemeteries as accessory to an existing church in the FR-40 zone.

The old Apostolic Lutheran Church had contacted Council to ask for an amendment to the forest resource district to allow new cemeteries. We researched whether other counties allow cemeteries in resource districts and found that two counties, both that are planning under GMA do allow resource districts or cemeteries in resource districts, Spokane and Grant County, and so staff is proposing an amendment to allow cemeteries as in the Forest 40 zone as a conditional use, but only on a site with a church that exists as of January 1, 2019.

This would be limited, I think it worked out to actually just one parcel that meets this condition and with the limitation we think that it can serve -- better conserves the forest designated land. So the proposed change here from X to C with Footnote 11 and Footnote 11 says "A new cemetery, subordinate to a church in existence as of January 1, 2019, may be permitted subject to the approval of a conditional use permit."

BARCA: Is there a reason why we didn't go beyond the specific request of the Apostolic Church and look at Forest 80?

ALVAREZ: Again, because we wanted to, we're bound to conserve forest resource land. I don't -- I think we looked at the Forest 80, there weren't --

BARCA: There were no churches.

ALVAREZ: No churches on Forest 80.

BARCA: That's what I was hoping.

ORJIAKO: They're predominantly owned by DNR, Weyerhaeuser's, that's why.

ALVAREZ: That's it for staff's report and we're recommending approval.

BARCA: Do you happen to know if the change in regulation allowing the composting is considered cemetery use or is it different?

ALVAREZ: Not aware.

BARCA: It has to come up sometime though.

TORRES: Is there any limitation to the size of the cemetery or the footprint of it or could you foresee anything like that?

ALVAREZ: I don't think there isn't anything, I mean it would just be subordinate to the church, so given the size of the church, but I don't, there's no provision to limit that.

JOHNSON: I don't think we'd have a big problem with large resource land.

ORJIAKO: Yeah, it will be up to the church to manage that.

BARCA: All done with deliberation? Okay. A motion comes next.

SWINDELL: I'll make a **MOTION** we approve 40.210.010, amendment title or forest agricultural. What? Oh, for new cemetery, sorry, I thought I was reading the wrong one.

GRIMWADE: I'll **second**.

BARCA: Okay. It's been motioned and seconded. No more discussion? Roll call, please.

ROLL CALL VOTE

JOHNSON: AYE
GRIMWADE: AYE
SWINDELL: AYE
TORRES: AYE
BARCA: AYE

OLD BUSINESS

A. Election of Chair & Vice Chair

BARCA: All right. Now, we've gone through the agenda. Now we are at old business which includes the election of chair and vice chair.

JOHNSON: I make a motion we move that again until we get a full, it will be December before we do it.

BARCA: Yeah. Okay. There's been a request to table the election. We should be aware that we have gone well beyond our normal rotation for voting in the officials of chair and vice chair.

JOHNSON: I think it's been actually two years, hasn't it, so it's not --

BARCA: We are well beyond our normal time, yes.

SWINDELL: I guess we could just --

BARCA: We need to find a point on it.

SWINDELL: We could just make an appointment real quick, Steve's not here.

BARCA: So I think what we should do is agree that it's July 18th is our next meeting that unless that meeting is cancelled, we hold that as a date certain for electing whoever shows up.

JOHNSON: I still disagree, it's the summer, it's not that, I mean, it's important that we're all here, it's everybody's voice, if it's that big of a deal, I mean.

BARCA: Does that mean you're not going to be here on the 18th?

JOHNSON: I don't know.