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CLARK COUNTY  
WASHINGTON

## Clark County Planning Commission

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Ron Barca, Vice Chair  
Bill Wright  
Karl Johnson  
Richard Bender  
Matt Swindell  
Robin Grimwade

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### PLANNING COMMISSION MINUTES THURSDAY, JANUARY 18, 2018

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

6:30 p.m.

#### **CALL TO ORDER**

MORASCH: All right. Welcome to the January 18, 2018, Planning Commission hearing. Can we have a roll call, please.

#### **ROLL CALL**

WRIGHT: ABSENT  
BARCA: HERE  
SWINDELL: HERE  
JOHNSON: HERE  
GRIMWADE: HERE  
BENDER: HERE  
MORASCH: HERE

#### **GENERAL & NEW BUSINESS**

##### **A. Approval of Agenda for November 16, 2017**

MORASCH: All right. Thank you. Can I get a motion for approval of the agenda, unless anyone has any changes?

BARCA: Motion to approve.

GRIMWADE: Second it.

MORASCH: It's been moved and seconded. All in favor say aye.

EVERYBODY: AYE

MORASCH: Opposed? Okay. The agenda's been approved. Can we get a motion -- or are there any changes to the minutes? Otherwise, I'd take a motion for that as well.

**B. Approval of Minutes for November 16, 2017**

JOHNSON: Make a **motion** to approve the minutes as written.

BENDER: **Second.**

MORASCH: All right. And it's been moved and seconded. All in favor say aye.

EVERYBODY: AYE

MORASCH: Opposed? All right. We've now approved our minutes.

**C. Communications from the Public**

MORASCH: Moving to communications from the public. This is for anyone in the public that wants to talk about anything not on the agenda, and I don't see anyone in the audience from the public. Anybody want to say anything, now is the time?

**PUBLIC HEARING ITEMS:**

A proposal to update Clark County Code (CCC) 40.240 Columbia River Gorge National Scenic Area Districts in response to an Oregon Court of Appeals' decision in 2016, which required the Columbia River Gorge Commission to update its Management Plan. County regulations must be made consistent with revisions to the Gorge Management Plan.

**Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (360) 397-2280 ext. 4909**

MORASCH: All right. We will move on to the public hearing items. I have a procedure statement, but I think since there's no one in the audience we'll skip that and we will -- well, the one part I do want to ask is, are there any conflicts of interest, anyone on the Planning Commission want to disclose any conflicts of interest on any of the items tonight, now is the time?

All right. With that, I will turn it over to staff for the staff report, and if any member of the public shows up in time for the public hearing that wants to speak, I'll go through my procedures at that time. So, please, give us a staff report.

LUMBANTOBING: Good evening, Planning Commission members. My name is Sharon Lumbantobing with Community Planning for the record.

I have before you proposed code amendment changes to Title 40.240, the Columbia River Gorge National Scenic Area. At the January 4th work session, I provided you an overview of the Clark County's involvement in the Gorge. For the record, I'll just summarize briefly here as code changes haven't come before the County since 2011.

The Columbia River Gorge National Scenic Area was created by an act of Congress in 1986 and includes parts of three Washington counties and three Oregon counties. The Columbia River Gorge Compact is an interstate compact that provides authority to the Gorge Commission over land use standards in the Gorge.

The scenic area has a management plan which treats the bi-state, six-county area as one region, and the Columbia River Gorge Commission manages the nonfederal land in the Gorge while the U.S. Forest Services manages the federal land. The six Gorge counties implement the management plan through their land use ordinance; in the case of Clark County this is Title 40.240.

The scenic area extends 83 miles on both sides of the Columbia River and covers 292,500 acres. Clark County has approximately 83 miles on both sides -- 83 -- 7,800 acres inside the boundaries of the Gorge and it's about three percent of the county east of Washougal. The Gorge Commission may amend the management plan if it finds that conditions have significantly changed, and that is what is before you today.

On February 9th, 2016, the Gorge Commission adopted revisions to the management plan in response to an Oregon Court of Appeals decision. In response, all six Gorge counties have a legal obligation to amend their development codes to be consistent with the revised management plan. The national scenic area prohibits uses that adversely affect scenic, cultural, natural or recreation resources.

The first code change is that cultural resource surveys have to be conducted if any element of any land use application requires a survey. A new provision also states that a cultural reconnaissance survey may still be conducted even if a proposed use falls within an exemption. A cultural resource survey could be done with surface surveys, subsurface testing, archival or ethnographic research.

The second code change pertains to natural resources and requires review of the cumulative effects of development applications. Cumulative effects require analysis of potential impacts to scenic and natural resources. When a proposed development is under review, a study area is selected with a rationale, like a small wooded enclave or an entire rural residential area or a key viewing area, and then an analysis is done of that survey area to determine whether the

proposed development would or would not generate cumulative adverse effects to scenic or natural resources given existing development that's already there. Both of these code changes are codifying existing practices.

The next steps are that the Board of County Councilors will hold a work session on February 14th and a public hearing on March 13th to consider these proposed changes. The ordinance would go into effect after the Gorge Commission and the U.S. Secretary of Agriculture both concur that the revisions are consistent with the management plan.

Staff recommends that the Planning Commission forward a recommendation of approval to County Council. These changes are mandatory to ensure that the County code is consistent with the management plan. Any questions?

MORASCH: All right. Thank you. Any questions of staff at this point? All right. Well, with that, I will open the public hearing, and there doesn't appear to be anyone in the audience. Does anyone want to come and speak at the public hearing? Hearing none, I will close the public hearing and turn it back over to the Planning Commission for any deliberation, further question of staff or a motion. No one? A motion?

BARCA: Well, based on the work session and the discussion that we had at that time, it appears as if we have a very straightforward decision to make and we either are going to accept this or make it more stringent as I recall our discussion, and not hearing anybody interested in making it more stringent, I'll make a **MOTION** to accept staff's recommendations as described.

SWINDELL: I'll **second** it.

MORASCH: All right. It's been moved and seconded to accept staff's recommendation. Is there anyone that wants to discuss the motion? No? All right. I guess we're ready for roll call then.

#### **ROLL CALL VOTE**

BENDER: AYE

GRIMWADE: AYE

JOHNSON: AYE

SWINDELL: AYE

BARCA: AYE

MORASCH: AYE

MORASCH: All right. The motion passes. Thank you all very much. That is the only public hearing item on our docket tonight. Does anyone have any new business or comments? No? All right. Well, I want to thank -- oh, sorry, I didn't see the hand go up in the audience. We'll hear from our counsel, Chris Cook.

COOK: Thank you. For the record, I am Chris Cook, a Deputy Prosecuting Attorney. And I wanted to let you know that the Growth Management Hearings Board decision on the County's compliance with GMA was issued last Wednesday.

What the Growth Board decided was that the County is in compliance with regard to resource land zoning and designations and minimum lot size, likewise rural lands. So the corrections that were adopted satisfied them.

The other party, Futurewise, and Friends of Clark County had argued that the County should be required to create even larger lot sizes on its resource lands and should have to basically go back to from scratch to look at that. The Growth Board found that that was not a good argument and held that we were compliant there.

Also, the changes made to the urban reserve lands where their special use list was deleted was found to be compliant, and the adoption of a minimum size for the rural industrial land bank was found to be compliant, so that's one set of news.

Also, again, notwithstanding argument from the other side, the Growth Board did not find any noncompliance on Hirst issues, which I understand the legislature by the way has reached a deal on this evening, so that's water rights questions. Those are the things that we were good on.

The Growth Board held that the County's expansion of the Ridgefield and the La Center urban growth boundaries was still noncompliant and still invalid. Oh, they held that the shrinkage of the Battle Ground urban growth boundary rendered that all compliant, so Battle Ground is good; La Center and Ridgefield are noncompliant and invalid.

The Growth Board also held that the rural industrial land bank is both noncompliant and for the first time imposed invalidity on that. So that is where we are now and the County Council has authorized me to file an appeal of that decision which I will be doing within the next few days.

MORASCH: All right. Any questions? No? All right. Well, thank you, thank you very much.

COOK: You're welcome.

### **ADJOURNMENT**

MORASCH: Any other comments? No? All right. Well, thank you everyone for coming, and with that I will adjourn the meeting.

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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://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Proceedings can be viewed on CTVV on the following web page link:

<http://www.cvtv.org/>

*Minutes Transcribed by:*

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