



Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Aldo Lampson Veranzo
Bryant Enge
Steve Morasch
Bryan Halbert
Matt Swindell

PLANNING COMMISSION MINUTES THURSDAY, MARCH 18, 2021

Public Service Center
Council Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, WA

6:30 p.m.

CALL TO ORDER

JOHNSON: Okay. Gentlemen and staff, I would like to call this online public hearing to order on Thursday, March 18th, 2021. My name is Karl Johnson and I'm the Chair of the Clark County Planning Commission.

Before we begin, I would like to welcome our newest Planning Commission, Aldo Lampson Veranzo who was appointed to the Planning Commission on January 22nd, welcome, Aldo, and we look forward to working with you. Aldo last week just was on the phone, he had a little problem with technology but now he is actually, I promise you, he is here on the video.

Planning Commission Rules of Procedure

Due to the COVID-19 Coronavirus pandemic, regular meetings and public hearings of the Clark County Planning Commission will be held in a virtual public meeting room, this will allow for safe participation by commission members, staff and the public.

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 the opportunity to provide additional perspective and information. In legislative matters, the role of the Planning Commission is advisory. The County Council will hold separate hearings, consider our recommendations and make a final determination.

The procedures tonight are as follows: The Planning Commission will conduct a public hearing tonight and take testimony regarding the matters being considered. All public comments received by mail or e-mail before the beginning of this hearing will be entered into the record.

The staff will go first tonight, and they will present information about the application to the Planning Commission. The Commissioners then may ask questions to staff. Next, we will invite the applicant to speak. Then members of the public who wish to provide comment will be called in turn.

When we get to the public comment, we will provide a more detailed information. Please keep remarks brief and to the point. You will have three minutes to speak. Remarks should be directed to the Planning Commission as a body, not the audience, staff or the applicant. This is not an appropriate time to question staff or the applicant. Please do not repeat testimony that has already been provided.

At the conclusion of the testimony, excuse me, at the conclusion of public testimony, the applicant may take up to three minutes to respond after which the public portion of the hearing will be closed. Staff may then respond to the testimony from the applicant and the public. The Commission then will deliberate and make a recommendation to the Council.

Before we begin the hearing, Planning Commission members and staff, please ensure that your microphones are turned off or muted unless you are speaking. Planning Commission members, please remember to turn your video camera on throughout tonight's meeting.

Audience members, you are all muted. You will only be unmuted if you wish to speak during the public comment period. Please show respect for the people testifying tonight whether or not you agree with the comments.

Tonight, we'd like to ask the Planning Commission, would anyone on the Planning Commission like to disclose any conflicts of interest before tonight's hearing. If so, can you please raise your virtual hand or say your name?

MORASCH: Steve Morasch.

JOHNSON: Go ahead, Steve.

MORASCH: On one of the open space applications I think one of the applicant's Susan Courtney is a, is a client or a former client actually of my law firm, I don't think we have any current matters, I'm not currently or never have represented her personally but one of my partners did some work, so I don't think that's a conflict but I wanted to disclose it in case anybody wants to make any challenges.

JOHNSON: Thank you. With that, I'm going to, before we call roll call, I want to insert a minor change in the procedure tonight. We need to remember, and I apologize for this last week, that we have a court reporter, she has no mic, and so those of you that have been here before know

that she could slow me down or ask us to quit talking at the same time or whatever, but tonight she's asked me to read this, and I'll try my best, and, Ron, would appreciate you to interject anywhere just to make sure if I forget, but there's a change in procedure per the request of the court reporter.

Due to having to deal with WebEx and transcribing verbatim minutes, when it comes to questions, I will go down the roll and I will call upon you each individually and ask if you have any questions first. And, again, although I know you're new and others that doesn't mean you have to have a question, that just means I want to make sure everybody has the opportunity.

Then when it comes to discussion, I will go down the roll and call upon each of you individually and ask if you have any discussion. When you make a motion, please state who you are and then make your motion. When you second the motion, please state who you are and second the motion.

Especially Bryan and Bryant, okay, that's really hard to hear, just so Bryant Enge and Bryan, if you could please say Bryant with a t so that the court reporter knows who's speaking because otherwise she cannot get down a verbatim recorder and it makes her job harder.

And, again, if you come back and you want to respond to what somebody says, just make sure we're getting used to saying our name and who we are. Okay. Bryant, if you wouldn't mind saying Bryant with a t, and I apologize just because we have a Bryan or your last name or something like that.

So now we'll go to roll call and introduction of guests. We'll start with roll call of the Planning Commissioners who are present to this meeting. Please say I'm here after Sonja calls your name. Sonja.

ROLL CALL

BARCA: I am here.

ENGE: Bryant Enge, Enge, Enge is my last name. Thank you.

JOHNSON: Thank you, Bryant. I forgot that too. Thank you.

HALBERT: I am here.

VERANZO: I'm here.

MORASCH: I'm here.

SWINDELL: ABSENT.

JOHNSON: I am here.

Staff Present

Christine Cook, Sr. Deputy Prosecuting Attorney; Hunter Decker, County Forester; Jeff Schnabel, Program Manager II; Rod Swanson, Program Manager II; Jenna Kay, Planner III; Sonja Wisler, Program Assistant; and Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for March 18, 2021

JOHNSON: With that said, we'll look for an approval of the agenda for March 18th, 2021. Can I have a motion for the approval of the agenda for March 18th, 2021.

BARCA: This is Ron Barca. I make a **motion** to approve the agenda for March 18th.

JOHNSON: May I have a second for that motion.

ENGE: Bryant Enge and I **second** the approval of the minutes (sic) for March 18th.

JOHNSON: Thank you. Hearing a motion and a second. Sonja, will you please take roll call on the motion.

ROLL CALL

BARCA: AYE
ENGE: AYE
HALBERT: AYE
VERANZO: AYE
JOHNSON: AYE
MORASCH: AYE

WISER: 6 Ayes

JOHNSON: 6 Ayes, motion passes.

B. Approval of Minutes for October 15, 2020 – PLEASE NOTE: Should be November 19, 2020

JOHNSON: Next, we'll take a motion on the approval of the minutes of October (sic) 15th, 2020. Again, I will take a motion. **Note: From Court Reporter: Should be November 19, 2020**

HALBERT: Bryan Halbert here and I'll make a motion to approve the minutes from October (sic) 15th, 2019, or 2020, sorry. **Note: From Court Reporter: Should be November 19, 2020**

JOHNSON: Thank you. May I have a second for that motion.

BARCA: **Second.** Ron Barca.

JOHNSON: Thank you. Hearing a motion and a second, Aldo, since you weren't here, we'll ask you to abstain on this.

VERANZO: Sure.

JOHNSON: Sonja, will you please take roll call.

ROLL CALL

BARCA: AYE
ENGE: AYE
HALBERT: AYE
MORASCH: AYE
JOHNSON: AYE
VERANZO: ABSTENTION

WISER: 5 Aye

JOHNSON: 5 Ayes, 1 abstention and that motion passes.

C. Communications from the Public

JOHNSON: We're now going to take any communications from the public. This is for communication from the public for those items that are not on tonight's hearing agenda. Sonja.

Remote Meeting Details & How to Testify

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you would like to speak, please utilize the raised-hand icon. You can do this by opening the participant window with the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

When you are acknowledged, you will be unmuted. If you wish to retain the ability to be a party

of record on this matter or to challenge or defend any decision made on this matter, please state and spell your name and provide your address for the record.

For attendees using the telephone, which is the audio only option, you need to press star 3 on your phone's number panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you. When you are acknowledged you will be unmuted, and you will hear a message that says you have been unmuted. When you have finished your comments, please press star 3 to lower your hand. You will hear a message that says you have lowered your hand.

Please note that public comment is limited to three minutes per person in order to accommodate all speakers. Again, these public comments are intended for items not listed on tonight's agenda.

Jenna will now mute and unmute people with raised hands one at a time. If an attendee provides a name, she will read off the name before unmuting; otherwise, she will indicate she is unmuting the next caller.

KAY: I do not see any raised hands.

WISER: Okay. No people with raised hands.

JOHNSON: We will now close the public comment portion of the hearing.

PUBLIC HEARING ITEMS

A. OPEN SPACE & TIMBERLAND APPLICATIONS

The Planning Commission will consider staff recommendations for approval or denial of three Open Space applications, OPS-2021-00001, OPS-2021-00002, and OPS-2021-00003 for Current Use Assessment pursuant to Chapter 84.34 of the RCW. William Irvin & Susan Courtney seek classification under the Historic Preservation category for property located at 9555 SE Image Lane, Vancouver, Washington. Melvin's, LLC seeks classification under the Historic Preservation category for property located at 901 Main Street, Vancouver, Washington. William Irvin & Susan Courtney seek classification under the Historic Preservation category for property located at 500 Washington Street, Vancouver, Washington.

The criteria for Open Space classification was established by Resolution No. 1977-10-32, adopted November 7, 1977 and Ordinance No. 1982-02-65 adopted March 17, 1982, and Ordinance No. 1996-02-30, adopted February 27, 1996.

Staff contact: Hunter.Decker@clark.wa.gov

Phone: (564) 397-4852

JOHNSON: Now we will begin the public hearing items that for tonight. We'll start off first with staff, Hunter Decker and Open Space and Timberland Applications. Hunter, are you there?

DECKER: I am here. Thank you.

JOHNSON: Okay. Go ahead.

DECKER: Good evening, Planning Commission. My name is Hunter Decker. Staff reviewed the current use open space timberland applications for the 2020-2021 application window. Tonight, we will be talking about what the open space program is, the background behind the process, the enrollment as far as the categories are concerned and the requests tonight. Next slide, please.

So, the open space program is a State Legislature program to support the development and preservation of lands and thus created a property tax deferral program designed to help property owners. This law is governed by Clark County Code 3.08 in the taxation chapter as well as in the Revised Code of Washington and Washington Administrative Code. And it provides for three classifications, Open Space Land, Farm and Agriculture Land, which is not part of this review tonight, and Timberland. Next slide, please.

So, some background behind the process is a coordination between the Assessor's Office and the Department of Public Works as the review team and applications are received throughout the year and are reviewed near the end of the calendar year which precedes the year of the tax assessment for the current use status. And as required by RCW 84.34.037 current use assessment requests are processed in the same manner as a comprehensive plan amendment.

All requests for the current use classification require the Planning Commission review and are then approved by Clark County Council. This is the 34th year the County has reviewed the current use assessment applications. Next slide, please.

Here you'll see the enrollment of the open space land which approximately is 582 owners which encompasses 8,796 acres; in timberland which is 1600 owners nearly and 7,282 acres of land. And as of August 13th, 2020, you could see the difference between the market value and current use values. Next slide, please.

Here are the open space categories. As you can see Clark County Code has ours listed here and on the right-hand side you'll see the Washington State open space land credentials which some we've restricted as far as we don't have stream corridors or wetlands under the stream protection and under like soil conservation, we don't have unique or critical wildlife or native plant habitat as some choices. Next slide, please.

And here is the timberland category where the County does not typically receive new timberland applications because of the recent changes to the designated forest land program which we call DFL and that provides similar benefits but does not require the Council approval and it has the same classification where it's limited to tracts containing at least five acres exclusive of a home site, and this is not an open space category, it stands on its own. Next slide, please.

We received three requests for the open space assessment, and we did not receive any for timberland classification. And out of the three requests they meet the historical preservation criteria under our Clark County Code Chapter 3.08.060, and here you can see the fees as of 2020 and the breakdown of that fee. Next slide, please.

And tonight, we'll be reviewing historical sites and those applications are based on the preservation of historical sites. It's limited to only historical sites and the land containing of those structures as long as they're listed on the local, state and national historic registers and protected as such, and these tracts can be less than five acres.

Now we will go into the applications and the first one, next slide please, is the Kellogg House application. This application requested 0.33 acres and it's located at 9555 S.E. Image Lane and the on-site review indicated there is the historical building on-site. It was built in 1965 and is located on the local Clark County Heritage Register and therefore the application meets the code specifics and we recommend approval of this application. Next slide, please. Here is a picture of the Kellogg House. And the next slide, please.

Here we have application Number 2, Melvin's Men's Shop, also historical site of 0.11 acres. It's located at 901 Main Street and the on-site review indicated the building is still there. It was built in 1934 and is also listed on our Clark County Local Heritage Register and therefore staff approves this application. Next slide, please. Here is a picture of the building. And the next slide, please.

Our final application, the Dubois Motors Company Building where the applicant's requested 0.14 acres and is located at 500 Washington Street and the on-site review indicates the building is still on-site. It was built between 1927 and 1928 and they are also listed on the Clark County Heritage Register, and that meets the specifications of the code and therefore we approve the application request. The next slide, please. And here's another site picture of the building. Next slide, please. And that is the end of my presentation. I'm here to answer any questions you may have.

JOHNSON: Hunter, did you receive any public comments?

DECKER: Did not receive any public comments, no.

JOHNSON: Okay. Thank you. Does the Planning Commission have any questions of staff? I will call each Planning member one at a time. Let's start with you, Ron Barca, do you have any questions for staff?

BARCA: I do not have any questions for staff. Thank you.

JOHNSON: Okay. Bryant Enge, do you have any?

ENGE: No questions.

JOHNSON: Bryan Halbert, do you have any questions?

HALBERT: No questions.

JOHNSON: Aldo Lampson Veranzo, do you have any questions?

VERANZO: No questions.

JOHNSON: Steve Morasch?

MORASCH: No questions.

Public Testimony

JOHNSON: Thank you. I have no questions. We will now open the hearing for public testimony. I will begin with a brief summary of the public participation process we will follow so you can understand how to participate during the public testimony.

To be a party of record you must submit your written testimony before, during and prior to the close of the public hearing, 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 has not furnished their name and accurate post office, mailing address or e-mail address.

Written comments received as of March 18th, 2021, were submitted to the PC members and are posted on the PC website. We will now take oral testimony as we did earlier this evening. Sonja.

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application, if you would like to speak, please utilize the raised-hand icon. You can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

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When you are acknowledged you will be unmuted, and you will hear a message that says you have been unmuted. When you have finished your comment, press star 3 to lower your hand. You will hear a message that says you have lowered your hand. Please note that public comment is limited to three minutes per person in order to accommodate all speakers.

Jenna, are there any --

KAY: No, I do not see any --

WISER: -- anybody raising their hands?

KAY: I do not see any raised hands.

WISER: Okay.

JOHNSON: So, realizing none, we will now close the public testimony portion of the hearing.

Return to Planning Commission

JOHNSON: The Commission now will deliberate and make a recommendation to the Council. Does anybody on the Planning Commission have any comments? Once, again, I will call each of the PC members one at a time to state your comments. Ron Barca.

BARCA: Thank you, Karl. Just like to point out that staff has done a great job in setting their presentation up. Everything's pretty straightforward.

Since the laws have changed and we're not getting any kind of forest reviews like we used to, it

seems like everything has been very, very straightforward in the context of looking at what the applications need to provide and the process that they've gone through by the time they reach us. So, I'm very happy with the staff work and it makes it real easy for us. Thanks.

JOHNSON: Thank you, Ron. Bryant Enge.

ENGE: Karl, I have no questions or comments.

JOHNSON: Thank you. Bryan Halbert.

HALBERT: Yeah. My only comment is the background to these applications are very interesting and well done, a great historic documentation of these buildings. No other comments on there.

JOHNSON: Thank you, Bryan. Aldo Lampson Veranzo.

VERANZO: No comments or questions at this time.

JOHNSON: Thank you, Aldo. Steve Morasch.

MORASCH: No comments from me. I agree with the other comments that have already been made today.

JOHNSON: Thank you. I too want to thank staff and, Bryan Halbert, I agree with you, there was some interesting looks on the, on the historic buildings, so I appreciate that.

Right now, I will accept a motion. Please state your name if you're going to motion, if you'd like to make the motion, and please do the same for seconding the motion.

BARCA: This is Ron Barca. I'll make a **motion** to approve staff's recommendation for the open space applications.

JOHNSON: Thank you, Ron. Can we hear a second?

HALBERT: Bryan Halbert here and I'll **second** that motion.

JOHNSON: Sonja, hearing a motion and second, we will take roll call by voting each of PC's name after which we will -- oh, this is for you, Sonja, sorry, yes or no on the motion.

ROLL CALL VOTE

BARCA: AYE
ENGE: AYE
HALBERT: AYE
VERANZO: AYE
MORASCH: AYE
JOHNSON: AYE

WISER: 6 ayes.

JOHNSON: 6 ayes?

WISER: Yes.

JOHNSON: The motion passes.

PUBLIC HEARING ITEMS, continued

B. Update of the Clark County Stormwater Manual and Related County Code:

The Planning Commission will consider an update to the *Clark County Stormwater Manual 2015* (CCSM) to create a 2021 Clark County Stormwater Manual. Per the requirements of Clark County's Phase I Municipal Stormwater Permit of the National Pollution Discharge Elimination System (NPDES) program, the county adopted a stormwater manual equivalent to the state's *2014 Stormwater Management Manual for Western Washington* in 2015. The 2019 NPDES permit requires certain updates to the manual and county code Chapters 13.26A Water Quality and 40.386 Stormwater and Erosion Control. Along with mandatory changes, there are updates made to clarify manual language, correct typographical errors, make revisions requested by manual users, and maintain equivalence to the state manual. There is also a minor revision to Chapter 40.420 Flood Hazard Areas to include language currently in the stormwater manual.

**Staff Contact: Rod Swanson. Email: rod.swanson@clark.wa.gov
Phone: (564) 397-4581**

JOHNSON: Next up on the agenda is the update for the Clark County Stormwater Manual and Related County Code. Today our staff presenting is Rod Swanson.

SWANSON: And now that I've unmuted myself, I can get started. I'm Rod Swanson, I work in the Clark County Public Works Department and my main work here is working with Stormwater Management Program which includes the Stormwater Manual and the reason we're here at the Planning Commission with the manual is it's adopted under Title 40 and is therefore a development regulation and the actual code itself is 40.386 and it references the Stormwater Manual. Next slide, please.

The Clark County Manual was adopted in 2015, it was equivalent to the Ecology Manual 2014 manual. When we went through the process to create the Clark County Manual we had about 30 pages of code and 100-and-some-page County manual and a little over 1,000-page Ecology manual and what the County decided to do was to create a single manual with a very simple code in front of it that was equivalent to the State manual.

We have to have a manual that's equivalent to the State manual under our NPDES stormwater permit and it is one of six manuals that are formally adopted or approved by the Department of Ecology, it's included in our NPDES stormwater permit. So technically any municipality in Western Washington could use our manual and be compliant with an NPDES municipal stormwater permit. Next slide, please.

So, we're updating the manual now. It's a very opportune time because we have to incorporate changes that are required by our stormwater permit, our 2019 stormwater permit, and in the period of time since the manual was adopted back in 2015 staff and manual users have found, you know, numerous minor technical things or maybe a couple of policy things that have been discovered as the manual was implemented and then there are numerous minor edits and clarifications that I like to characterize as largely in-housekeeping. Next slide, please.

So, the, why update it now? Basically the 2019 NPDES permit requires us to adopt -- update the manual and implement it by July 2021, this July. And then that update process provides an opportunity to make needed changes and revisions in the manual.

And the schedule is we're here at the Planning Commission on March 18th. We'll have a Council work session or perhaps just a Council Time meeting sometime in April. And then the hearing will be in May, I think it will probably be May 18th. And then of course it will become effective on July 1st, 2021.

So, it's a fairly large package of materials. There's the staff report which is fairly brief. And there's a table of change to the manual. That table is about 17 pages long and it includes I think every change made to the manual that I could think of and it has check boxes for whether the change is a mandated change, whether it's a minor change or whether it might be something somebody might consider a significant technical or policy change.

S, the manual is actually four separate books. All together it's about 1700 pages long, it's about three-inches thick. The first book is basically the minimum requirements and how to pick your best management practices, the BMPs, that range everything from putting a silt fence around your project when you start to putting a sign on the fence of your stormwater facility when you're done with your project.

The next book is all of the BMP designs, and once again that covers everything from a silt fence to a fence around the stormwater facility, and that book is about 500 pages long, and it's pretty much almost verbatim from the Ecology Manual but we organize it to make it more internally consistent in how the BMPs were described.

The third book is called a Source Control Practices and Source Control Practices are really important for stormwater management because what they do is, they keep pollutants from actually entering the rainfall runoff from the site.

A classic example of a source control BMP would be putting a roof over a fueling station so spills just go into a dead-end trap instead of going into a storm drain. So, another one that we recently implemented in the 2015 manual is to require a roof over a dumpster enclosure so that they could be plumbed into sanitary sewer instead of running them into the storm drain. But it also includes a lot of operational BMPs like the sweeping up a mess you make or putting a barrel at a, you know, wading pool or something like that to keep spills from getting into the stormwater.

The fourth book is a Stormwater Facility Operations and Maintenance Manual and that includes basically the defects and remedies for almost every stormwater asset that the county has, or private owners have as well. Next slide. Oh, we're off one here. Next slide, please. Thanks.

So when we -- as far as public involvement goes, the 2015 manual was, had an extensive public involvement process because we were essentially, you know, creating a new manual even though a lot of it was from the Ecology Manual and we had a really, really well involved technical advisory committee at that point in time and they were really I think really helped us do some of the formatting of the manual, the way it's laid out with the four books, that came from the technical advisory committee, that was helpful. They were also really helpful in working on the geotechnical report requirements which were really challenging.

So, for this manual update we had to submit our changes to the Department of Ecology in June of 2020. So before that we placed the entire manual with all its revisions and the changed table on the County web page and notified, you know, stakeholders, mainly people that had been involved earlier in the 2015 manual and people who had interest in the Development Engineering Advisory Board.

And then after making a few revisions to the manual we posted a public review draft in December and sent that notice out to the 1200 folks that are interested in Planning Commission activities. So far we've received I believe three, three sets of comments on the manual and they're all fairly technical, some were involving changes that we had made to testing bioretention facilities after they're built and that actually led us to kind of revising that section to make it a little clearer.

Let me think here for a second. My lights just went out here in my room here and so I'm having trouble seeing things, but, yeah. And then the comments on the December manual didn't really have anything that changed anything. Next slide, please.

So, there's a set of changes that were mandated by the Department of Ecology and one is that can affect projects, it lowers the financial threshold for redevelopment projects from the entire site or parcel to the project site.

And for redevelopment projects usually it's a previously developed urban lot, it has to be 35 percent impervious area and the financial threshold is 50 percent of the assessed value. So, if you look at the assessed value of the site, the whole parcel, it could be significantly different than the project site which might just be a single building, you know, like a corner of the parcel.

Another thing they added which actually is more liberal is it provides the ability to place stormwater facilities off-site as long as they go to the same receiving water. The receiving water could be anything from a ravine to Salmon Creek, so it's really site dependent on how that would apply.

And then another significant change is it completely redid the requirements for stormwater discharges to wetlands. I'm not a wetland person. We talked to Brent Davis a lot about this and I think the main thing, you know, he noted is it's easier to use than the previous language, it's less ambiguous, but it does for some projects discharging to high quality wetlands it could require them to do water monitoring or groundwater level monitoring before, for a year before they actually submit their completed application which could be a problem for some folks.

And our manual includes erosion control requirements for project, construction projects that are a little different than what was in the Ecology Construction Permit, it's a NPDES Construction Permit, and so we needed to make some updates, so they were equal.

And then it added 17 Source Control BMPs to Book 3 and they're generally things that we wouldn't think of as development activities or projects, I think well drilling was one, there are all sorts of little things like color events, things that I would never think of, but that really they're not development project related.

And then there's a thing in the permit that requires applications or projects that are vested before the new manual to lose their approvals if they don't begin construction within five years of the expiration of the previous manual. So, if someone has a project from before July 2021 and they haven't started construction by July of 2026 they would lose their stormwater approval. In practice it's probably not that big of a deal because the requirements are virtually identical except for the wetland requirements. Next slide, please.

And we have some County driven code changes. We made one to Chapter 13.26A which is in the old Public Works Title, it's the Water Quality Code, and it includes all the prohibited discharges that are mainly pollutants, it also includes things like requirements to maintain stormwater facilities.

And we added a thing in there that makes unpermitted stormwater connection to the County storm sewer system a prohibited discharge and that gives the County a little bit better, I won't call it legal authority, but a better, better tools to enforce the code than just going strictly to civil.

And we made a change to the code, there was a I would call it error of omission, it's kind of detailed but it, the way it was written engineered LID BMPs wouldn't need to produce record drawings of a completed project which we need to actually map all of those BMPs into our storm sewer inventory.

And there's one it's really kind of oddly in the stormwater code, I think it's been in there since it was first created back in the mid-'90s is a thing called a zero-rise floodplain which you may or may not be familiar with, but I guess the idea is that when you do a project on the floodplain you can't fill to the point where you've added, you've taken away some of the floodplain and covered it. So, if you've filled something that covers part of the floodplain you have to dig a hole somewhere to make up for it. Next slide, please.

So here's a list of a number of changes to the County Manual that the County has driven, and it's not a complete list, but I think it gives the idea of the types of things that we're changing, and it's pretty technical, I'll try to describe it in a nontechnical way, but I'll probably fail.

One of the requirements of the Ecology permit is that people who do larger projects on large rural lots have to meet a standard of modeling it to show that the runoff from the site isn't any more than a forest and it's not always possible to do that given site conditions and so in some cases we're going to allow the use of an LID list of BMPs, a prioritized list of BMPs from the most effective ones to the least effective ones instead of doing the impossible modeling.

And we also would be using or allowing the use of the, oh, gosh, how can I say this, for construction projects that have an Ecology permit they're over an acre, let them use their Ecology approved stormwater construction site plan to comply with County Code. Under the stormwater permit the County has to enforce the construction standards as well as the State construction permit at the Ecology level which is kind of confusing sometimes. And we also are allowing erosion control BMPs from the Ecology Manual to meet the County requirements.

And here's one, the permeable asphalt issue has been a big one for the County. People are building a few projects really put permeable asphalt in the right-of-way and it's been a real

problem because it compresses and stops working, it pulls apart and they call it raveling and so we're not going to allow permeable asphalt on county roads in this manual. There are other alternatives to using asphalt for permeable pavement and they could also actually just use regular asphalt and put an infiltration facility in underneath it.

And one thing we added was that applicants make an estimate of like annual cost to maintain stormwater facilities that are dedicated to HOAs so that they have some basis for making a set aside to pay for their maintenance in the future.

And I took out the three-foot depth to water requirement for full dispersion. Full dispersion is when the water from the site is just dispersed into the woods or into a field and the site impervious area doesn't count toward the thresholds and this three-foot depth to water requirement was creating people needing to go into a geotechnical analysis to find out if they could actually use full dispersion.

And then another thing we added was Public Works has a policy for land and easement conveyance to Public Works. And sometimes stormwater facilities or projects they'll have some sort of unused land and they'll just sort of tack it on to the stormwater facility and that's kind of a problem because we have to maintain that property. If a tree falls on somebody's house or something like that, it's our problem. Next slide, please.

Yeah, I talked about the soil testing a little bit already and the comments. We've had more rigorous soil testing now than in the past to make sure that the bioretention facilities don't fail at the point where they're completed.

And there's a BMP in the WSDOT Manual called a compost amended biofiltration swale that has a really high capacity to remove pollutants and it wasn't in our manual, it was a fairly new one, so we added that, that would be useful, you know, on a commercial site or a higher volume traffic area.

And the term commercial agriculture is -- was kind of bouncing around in the manual in the code and the way it was defined by Ecology is suitable for the State law that governs the open space deferral and it isn't really suitable for development projects, it's very complicated, some of you may be familiar with it, so we just use the term agriculture and it mainly applies to when activities are exempt for instance plowing a field is exempt from the stormwater requirements because it's agriculture but it's a land disturbing activity obviously.

Another funny one is the old manual, the current manual requires signs in all facilities but people are building, you know, dozens of little bioretention facilities in the roads and subdivisions and we have these nice metal curb medallions that we put by inlets, so we're just going to use those instead of signs.

And we added a chapter on fence standards. In the current manual there's language about fences but it's in the BMP for detention ponds and so we have a more comprehensive chapter in the manual Book 2 about fence standards. And one thing that's a little different about it is it does require fences for ponds that are being dedicated to HOAs private facilities so that when they get that pond, it already has a fence around it, they can tear it out if they want to, but it gives them that option I guess.

And another thing that not many people would think of but when we take the engineering plans and try to map all of the stormwater infrastructure into our GIS, it can be very difficult if they have multiple plan sheets, it's hard enough already, but we're going to require people to submit a single plan sheet that contains all the conveyance and the facility catchments for the facility for ease of mapping.

And a standard infill -- pardon me, infiltration facilities in this context are ponds and there was an error of omission in our manual where it didn't have any vertical separation, and for stormwater infiltration the real treatment comes from the soil, the unsaturated soil underneath the facility, so that's an important requirement there. Next slide, please.

And like I said earlier, there are many other changes and clarifications in that 17-page table and that's basically all I have on that one. Next page. That's it.

JOHNSON: Okay. Thank you, Rod. Does the Planning Commission have any questions for staff? I will call on each Planning Commission member one at a time to see if you have a question. Ron Barca.

BARCA. Yeah, thank you, Karl. Yes, Rod, I've got a couple of questions. One in the context of the new maintenance covenants, I think it's 1.9.3.2, the discussion is that, does this mean that it goes on each individual (inaudible).

JOHNSON: We're losing you, Ron. Ron.

BARCA: Yes.

JOHNSON: Yeah, you glitched. Can we start over with your comments for the reporter? Sorry about that. Can you just start your question over again? Thank you.

BARCA: Sure. All right. Okay. So, my question is on the maintenance covenant, the number is 1.9.3.2, the question is since it is for subdivisions does this get put on the title as each individual owner is responsible or is there a collective wording that makes the subdivision responsible?

I'm just -- I'm trying to have an understanding, this may not even be a new thing, but since it got modified it brought that to interest for me.

SWANSON: Okay. The way the manual works is under the 2015 manual, if it's a private facility the developer is required to create an HOA before the plat is recorded, and then there are covenants that are then attached to the plat and so in effect everybody who owns a lot is collectively responsible for maintaining the facility and there's a lot of those out there.

BARCA: Okay. So, we have it basically by mandate to say every subdivision must have an HOA of some sort formed for its betterment?

SWANSON: Just for the stormwater facility element of it if it's a private stormwater facility. The developer in Clark County for residential subdivisions has the option of dedicating the facility to Clark County on a separate tract or creating a HOA and having it belong to the HOA.

BARCA: Ah, okay. So, if they basically deed the facility over to Clark County, then Clark County becomes responsible for its functionality?

SWANSON: Exactly. So, roughly, yeah, roughly half of the stormwater facilities are owned and operated by Clark County and the other half are, are privately owned and a good number of them are HOAs because a practical matter if it's dedicated to the County, we require a two-year maintenance bond on it, a warranty bond, and if it's dedicated to an HOA that requirement does not apply.

BARCA: Okay. So that's, that's the choices that the developer makes in that regard?

SWANSON: Yes.

BARCA: Okay. Second question. The equipment used for concrete, the clean out method, it appeared like the wording got much more precise, and I was wondering did the DEAB have any kind of feedback on any of that wording?

SWANSON: I have received no feedback from the DEAB. That wording in particular is mandatory from Ecology --

BARCA: Sure.

SWANSON: -- that was one of the bullet items, I didn't elaborate on it, but they made a number of changes to the concrete handling saying to, to kind of, yeah, make it more detailed I guess would be the best way to describe it.

BARCA: Okay. Yeah, I guess there's not a lot to say if it's mandatory.

SWANSON: Yeah. There's a lot more requirements for that in the concrete handling for erosion and sediment control. And it would be, it would be, also be in the construction stormwater general permit from Ecology, so any project over an acre would have the same requirements.

BARCA: Okay. And last question, concerning variances, Type I, Type II, just for general information, how often are variances requested for projects?

SWANSON: Very rarely. The main variance that we would see is a Type II or III, you'd have to have a public notice and a finding of fact and we maybe get like one a year, if any.

There's another thing in the permit called an adjustment that allows small changes from the minimum requirements as long as it provides significantly equivalent environmental protection and I think we'll probably start doing a few more of those.

I don't -- I don't do what's called engineering review actually, I'm not an engineer, I'm actually a geologist, but I work with our engineering staff in Community Development on, you know, implementing the manual and staying compliant with the permit and finding ways in the future to identify things, you know, in the Ecology requirements that don't always work in the real world and I think the adjustments might help to do that.

BARCA: Okay. Thank you. I have no more questions.

JOHNSON: Thank you, Ron.

SWANSON: Thank you.

JOHNSON: Bryant Enge, do you have any questions for staff?

ENGE: No questions.

JOHNSON: Thank you, sir. Bryan Halbert, do you have any questions for staff?

HALBERT: I have no questions.

JOHNSON: Aldo Lampson Veranzo, do you have any questions?

VERANZO: I have just a general comment, just the examples that you used, Ron, to describe some of these very technical topics helped me understand the points that you were trying to get across, so I appreciate that. Thank you.

JOHNSON: Thank you, Aldo. Steve Morasch.

MORASCH: The only question I had is did DEAB submit any comments?

SWANSON: They did not. I had a meeting with them, but it was in early February, but the manual has been publicly available since May 2020 and I've received virtually no comments on it.

MORASCH: Okay. And then your PowerPoint you said there were three commenters that responded since May --

SWANSON: Yeah.

MORASCH: -- can you briefly summarize what the comments were.

SWANSON: One was primarily associated with the post-construction testing of the bioretention facilities to make sure they actually infiltrate water, and that was one of the main ones on the May publication. And then we had a comment in the December publication on the engineering related one that our staff said wasn't correct.

And there was a comment on the definition of commercial agriculture which we had actually changed after we published the December manual to remove that term commercial from it. And there was a comment on grading project and stabilizing soil.

We changed one of the thresholds for applying the code and manual to include projects that were grading projects that were large grading projects in area like over an acre and they basically just finished grading and they stabilize the soil, that actually is a development project under the manual and so we needed to include, that was at, at Ali's request. And one found an error in the typo.

And otherwise I'd say -- oh, one thing we did is for bioretention facilities we changed the standard for the inlet to not have quarry spalls but to use the concrete pad because the quarry spalls are really difficult to clean around, if you use a Vac-Con truck it just sucks them up. And that -- and then there was one about the ag exemption for forest roads, no, I don't think that really applied. That's it.

MORASCH: Okay. Thanks.

JOHNSON: Thank you, Steve. Great job, Rod, boiling something down that was a bit dense to something that at least I could understand, so thank you.

Public Testimony

We'll now open the hearing for public testimony. I will begin with a brief summary of the public participation process we will follow so you can understand how you can participate in the hearing during the public testimony.

To be a party of record you must submit written testimony before, during or prior to the closing of public hearing, 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 has not furnished their name and an accurate post office, mailing address or e-mail address.

Written comments received as of March 18th, 2021, were submitted to the PC members and posted on the PC website. We will now take oral testimony as we did earlier this evening.

Remote Meeting Details & How to Testify

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you would like to speak, please utilize the raised-hand icon. You can do this by opening the participant window which is the round participant icon at the bottom of the screen and selecting the hand icon in the lower right-hand portion of the screen. Staff will only acknowledge those attendees during the public comment period who have raised their hand by selecting the hand icon.

When you are acknowledged, you will be unmuted. If you wish to retain the ability to be a party of record on this matter or to challenge or defend any decision made on this matter, please state and spell your name and provide your address for the record.

For attendees using the telephone, the audio only option, you need to press star 3 on your phone numbers panel to raise your hand. You will hear a message that says you have raised your hand to ask a question. Please wait to speak until the host calls on you.

When you are acknowledged, you will be unmuted, and you will hear a message that says you have been unmuted. When you have finished your comments, press star 3 to lower your hand. You will hear a message that says you have lowered your hand. Please note that public comment is limited to three minutes per person in order to accommodate all speakers.

Is there anyone raising their hand tonight, Jenna, for public comments?

KAY: I do not see any hands at this time.

JOHNSON: Okay. With that said, we will now close the public testimony portion of the hearing.

Return to Planning Commission

JOHNSON: Staff may now respond to the testimony which there is none. The Commission will now deliberate and make recommendations to the Council.

Does anyone from the Planning Commission have any comments? I will call each member's name one at a time, PC members name one at a time to state your comments. Ron Barca.

BARCA: Well, as you stated it's a very dense subject, 16, 17 pages of it boil down into individual pieces. I think going through the subject matter and understanding what's mandated, what the County chose to change for updates and tying everything together I think is a pretty tough task.

I appreciate the work and effort that Rod, and the team did to get that done. I don't see anything that I would say was really glaring. I did have a couple of questions there earlier that got answered and so I am happy with the product at the moment and I look forward to having it going forward.

JOHNSON: Thank you, Ron. Bryant Enge.

ENGE: Karl, no comments.

JOHNSON: Thank you, Bryant. Bryan Halbert.

HALBERT: Sure. I'd like to echo Ron's comments. I appreciate the way it was boiled down and broke out in the, in the matrix that you did, it really helped me to get it and I know that a lot of these regulations are mandated and others are to come in line with, with the best uses or the best proposed uses for development, so thanks, Rod, appreciate your guys work.

JOHNSON: Thank you, Bryan. Aldo Lampson Veranzo, any comments?

VERANZO: No, no comments right now. Thank you, Karl.

JOHNSON: Thank you, Aldo. Steve Morasch, any comments?

MORASCH: No, no comments. Thanks.

JOHNSON: Okay. And I am good with it too. So, I'll accept a motion. Please let me know by your name if you you'd like to make a motion.

ENGE: This is Bryant Enge. I **move** to approve staff updates to Clark County Stormwater Code and Manual.

JOHNSON: Thank you, Bryant. I'll take a second.

BARCA: It's Ron Barca. I'd like to **second** Bryant Enge and his motion.

JOHNSON: Thank you, Ron. Sonja, we can take roll call now.

ROLL CALL VOTE

BARCA: AYE
ENGE: AYE
HALBERT: AYE
VERANZO: AYE
MORASCH: AYE
JOHNSON: AYE

WISER: 6 Ayes.

JOHNSON: Thank you. Motion passes. And that concludes the public hearing portion of our meeting tonight.

OLD BUSINESS

JOHNSON: Is there any old business? Please use the raised hand, well, just tell me your name if you got anything.

NEW BUSINESS

JOHNSON: Is there any new business -- oh, sorry, Steve, were you talking?

MORASCH: No.

JOHNSON: Okay. Sorry, I saw your name. Is there any new business? Please state your name again if you have any. Okay.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

JOHNSON: With that said, there are no comments from the Planning Commission. I believe we are adjourned. Anything else for the good of the meeting? Okay. We are adjourned. Thank you, gentlemen. Good job tonight.

ADJOURNMENT

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>

Television proceedings can be viewed on CTVV on the following web page link:

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

*Minutes Transcribed by Cindy Holley, Court Reporter/Rider & Associates, Inc.
Sonja Wisser, Program Assistant, Clark County Community Planning*