



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, NOVEMBER 18, 2021

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

6:30 p.m.

I. CALL TO ORDER

Planning Commission Rules of Procedure

WISER: Karl, we're ready to begin the hearing.

JOHNSON: Okay. Good evening gentlemen, members of the public and staff members. I'd like to call this online public hearing to order for Thursday, November 18th, 2021. My name is Karl Johnson and I'm the chairman 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 where they have an opportunity to provide additional perspectives 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 Planning Commission will conduct the public hearing tonight and take testimony regarding the matters being considered tonight. Any public comments that were received before tonight's hearing, they have been sent to the Planning Commission members and entered into the public record.

Our staff will go first tonight and present the information on the agenda items to the Planning Commission. The Planning Commission can then ask questions for staff. Next, we will invite the applicant to speak, then members of the public who wish to provide comments.

When we get to the public comment portion of our agenda, we will provide more detailed information at that time. 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, the applicant may take up to three minutes to respond and the public portion of the hearing will then be closed. Staff may respond to the testimony from the applicant and the public. The Planning Commission will then deliberate and make recommendations to the County Councilors.

Before we begin tonight's hearing for the virtual members of the Planning Commission and staff is ensure that your microphones are turned off and muted unless you are speaking. Also remember to turn your video camera on throughout tonight's hearing. I do understand that some of you tonight also may have some Internet issues and understand the camera issue.

For virtual audience members, you are all muted, you will only be unmuted if you wish to speak during the public comment period. If any PC members have questions, I will call upon each of you individually stating your first and last name and you can respond with your questions, I will do the same during our discussion time. When you make a motion, please state your first and last name and then make your motion. Also, when you second a motion, please state your first and last name and then that motion.

Now we need to find out about conflicts of interest. Would anyone on the Planning Commission like to disclose any conflicts of interest before tonight's hearing? Hearing none, we will now begin with roll call and any introduction of guests.

II. ROLL CALL & INTRODUCTION OF GUESTS

Karl: We'll begin with roll call for Planning Commission members. Please say I am here after Sonja calls your name. Sonja, can you please take roll.

ROLL CALL

BARCA: I am here

ENGE: I am here

HALBERT: I am here

VERANZO: I am here

MORASCH: Absent

SWINDELL: Here

JOHNSON: I'm here

Staff Present:

Chris Cook, Senior Deputy Prosecuting Attorney; Oliver Orjiako, Community Planning Director; Jacqui Kamp, Planning Manager II; Gary Albrecht, Planner III; Jose Alvarez, Planner III; Jenna Kay, Planner III; Sonja Wisner, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for November 18, 2021

JOHNSON: Next, Item B, can I have a motion for approval of the agenda of November 18th, 2021.

HALBERT: Bryan Halbert here and I **MOVE** that we approve the agenda for tonight's meeting.

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

JOHNSON: We have heard a motion and a second. Sonja, will you please again take roll call on the motion.

ROLL CALL VOTE

BARCA: AYE

ENGE: AYE

HALBERT: AYE

VERANZO: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: 6 to 0.

B. Approval of Minutes for October 21, 2021

JOHNSON: Motion passes. We'll now take, can I have a motion and a second for the approval of the minutes for October 21st, 2021.

SWINDELL: Matt Swindell. I **MOVE** we approve the minutes from October 21st.

VERANZO: Aldo Lampson Veranzo. I **second** that motion.

JOHNSON: We've heard a motion and a second. Sonja, please take roll call on this motion.

ROLL CALL VOTE

BARCA: AYE

ENGE: AYE

HALBERT: AYE

VERANZO: AYE

SWINDELL: AYE

JOHNSON: AYE

WISER: 6 to 0.

C. Communications from the Public

JOHNSON: The motion passes. Now we are to the Section D, communications from the public. We are now going to take communication from the public. This is for communications for those items that are not on tonight's hearing agenda. Sonja, it is your turn to speak.

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, 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're acknowledged you will be unmuted and you will hear a message that says you have been unmuted. When you have finished your comment, please press star 3 to lower your hand. You will hear a message that says you have lowered your hand.

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

Larisa, are there any members of the public wishing to make public comments?

SIDOROV: There are not.

WISER: Karl, there are no callers. You can now go to the public hearing items.

JOHNSON: We will now close the public comment and go on to the hearing items. The first item on tonight's agenda is the DeFrees annual review. Our staff tonight for this is Jenna Kay. Jenna, you're up.

IV. PUBLIC HEARING ITEMS

2021 Annual Review amending the 20-Year Growth Management Comprehensive Plan Map and Zoning Map:

A. CPZ2021-00004 Defrees Annual Review

A proposed amendment to the Clark County Comprehensive Growth Management Plan and zoning maps from Rural 20 (R-20) comprehensive plan designation with Rural (R-20) zoning to Rural 5 (R-5) comprehensive plan designation with Rural (R-5) zoning *on* two parcels (225373000 and 225375000) with a total of 51.91 acres.

Staff Contact: Jenna Kay, Jenna.Kay@clark.wa.gov or 564-397-4968

KAY: Thank you. Good evening. For the record my name is Jenna Kay with Community Planning. I will be presenting to you on two annual review projects this evening. Next slide.

As a reminder, an annual review is an applicant initiated request to change the comprehensive plan and zoning designation on a specific property. County staff review these requests and develop staff recommendations based on criteria in Clark County Code 40.560.010. Next slide.

The first annual review we will discuss with you this evening is the DeFrees request which is CPZ2021-00004. Next slide.

The applicant is requesting to amend the comprehensive plan designation and zoning from Rural 20 to Rural 5 on two parcels that total 51.91 acres. The subject parcel which are indicated by the dots on that image are approximately 1.25 miles northwest of the Battle Ground city limits. The properties are located at the intersection of N.E. 82nd Avenue and N.E. 259th Street. Next slide.

In the aerial image on the screen, you can see that there are some existing buildings on the site clustered near a private road with site access off of N.E. 259th Street. The remainder of the property is primarily flat grassy fields with additional vegetation near an on-site stream. The East Fork Lewis River abuts the southeast corner of the eastern parcel. There is a home business on the property for an excavation, heavy equipment, and general contracting which several of the outbuildings are used for and the majority of the subject site land is farmed for hay.

I mentioned an on-site stream crossing the property which you can see on the right side of the screen running roughly south and north across the site. The stream falls under the Shoreline Management Act and there are areas near the stream that are considered flood hazard areas meaning they include the 100-year floodplain. There is also riparian habitat near the stream as well as hydric soils.

Clark County owns the properties to the north, east and west of the subject parcels. Daybreak

Regional Park and Boat Launch is immediately to the north. The property immediately to the west is in the county Legacy Lands Program. To the south of the property are privately owned properties with Rural 5 zoning. Next slide.

The Legacy Land and Daybreak Park are part of the planned East Fork Lewis River Greenway, a natural area extending along the East Fork Lewis River from the Columbia River along the river to the east. The 2010 Lower Daybreak Master Plan includes the Legacy Lands property immediately to the west of the subject parcels as well as the current Daybreak Park.

The Master Planned area includes trails, a horse arena, parking lots, boat launches and additional developed park spaces and restoration areas. Much of the developed park spaces are to the north and west of the subject parcel with natural areas abutting the subject parcel to the east and northeast. The conceptualized greenway trail, which has not been built yet, will border the north and northeastern edges of the subject parcels. Next slide.

Comprehensive plan and zoning designations immediately surrounding the property are public facility to the north and east, Rural 20 to the west and Rural 5 to the south. There is also active surface mining in the vicinity, but the mining overlays do not about the subject parcels.

The applicant is requesting to amend the comprehensive plan designation and zoning from Rural 20 to Rural 5 on two parcels. If rezoned to Rural 5, the site could potentially be subdivided into ten lots, eight more than the current Rural 20 zoning allows. Next slide.

Staff are required to assess annual review applications by the criteria for map changes in Clark County Code 40.560.010(F). I'll provide a brief summary of staff findings in the staff report for the each of the criteria.

The first criterion is the proponent shall demonstrate the proposed amendment is consistent with the applicable requirements of the GMA and the WAC, the county comprehensive plan, county code and the official population growth forecast. The staff report goes into more detail analyzing relevant Growth Management Act RCW, WAC, and comprehensive plan policies.

The high level summary of the report findings for this criterion is that the proposed action is consistent with the housing and shoreline GMA goals and several rural element, rural land, rural area, and rural character provisions in GMA and in associated WAC 365-196-425 and policies in the comprehensive plan.

Staff found that the current designation is more consistent with the open space and recreation and environment GMA goals as well as some rural character and rural element provision in GMA and WAC 365-196-425 and policies in the comprehensive plan that are related to protection and conservation of environmentally critical areas.

Staff concluded that based on the several provisions the proposed action aligns with, that Criterion A has been met. Next slide.

HOLLEY: Slow down please, Jenna.

KAY: Got it. Thank you. Criterion B is that the proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the plan.

The comprehensive plan policies and descriptions for rural lands often describe all rural lands together, so R-5, R-10 and R-20. And both the current and proposed designations allow for natural resource activities and residential uses; however, residential uses are emphasized to a greater extent with an R-5 designation.

The comprehensive plan also explains that a Rural 20 designation applies to rural areas where the land act as a buffer to natural resource designated lands are used for small scale forest or farm production or contain significant environmentally constrained areas as defined by applicable county code and related regulations. The subject parcel is not serving as a buffer to natural resource designated lands.

It is used for small scale -- it is used for small scale farm production and does contain significant environmentally constrained areas such as floodplain and priority habitat. As such, the current R-20 designation is still relevant to the subject parcels.

Based on these findings, staff concluded that Criterion B has not been met. Next slide.

Criterion C is that the map amendment or site is suitable for the proposed designation and there's a lack of appropriately designated alternative sites within the vicinity. The properties adjacent to the parcel have Public Facility, R-20 or R-5 zoning. Based on the surrounding land use designation, the subject parcels are generally suitable for both an R-20 or R-5 designation to provide lands for rural residential living. Much of the rural-zoned vicinity is already developed with homes and cannot be further subdivided based on parcel size and zoning designations. Much of this parcelization took place prior to the Growth Management Act going into effect.

There are 21 parcels within a one-mile radius of the subject site totaling about 294 acres that could be subdivided under existing comprehensive plan and zoning designation. These properties, if fully subdivided, could add a maximum of 53 additional lots without any additional comprehensive plan or zoning changes.

Staff did not find that the proponent's narrative in their original application demonstrated that there's a lack of R-5 sites within the vicinity. And based on findings in the staff report, staff concluded Criterion C has not been met.

The applicant has since provided additional information and analysis of surrounding R-5 properties highlighting development feasibility challenges with many of them such as environmental constraints.

We want to note that the county has what's called reasonable use measures in its habitat and wetland ordinances where the county has to allow the number of lots and houses allowed under a property's zoning even if there are wetlands or priority habitat areas on them. These provisions do not apply in shoreline management areas but do elsewhere. This is something we wanted to note in the record. Next slide.

Criterion D is that the plan amendment either; (a) responds to a substantial change in conditions applicable to the area; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) correct an obvious mapping error.

The application references the future planned park development on the property immediately to the west of the subject parcels which has been developed since the site's R-20 designation was applied. Additional rural residential housing near the future expanded park would be consistent with the planned park enhancement providing local access to more households; however, parks are a permitted use in both R-5 and R-20 zones and staff finds that an allowed use being planned or implemented does not constitute a substantial change in conditions and that the proposed action is not consistent with Criterion D(a).

The current R-20 designation better implements comprehensive plan policies related to protection and conservation of significant environmentally critical areas than the proposed R-5 designation. And staff did not find that the applicant's original application demonstrated that the proposed R-5 designation better implements applicable comprehensive plan policies than the current map designation on both parcels.

And based on these findings staff concluded Criterion D has not been met. Next slide.

Criterion E regard provision of urban services. The location of the subject parcels are in a rural area outside of the City of Battle Ground urban growth area. If developed, provisions for water, sewage, electricity, and stormwater management would need to be made as required by development regulations at a rural level-of-service, urban levels-of-service would not be needed.

Based on these findings, staff concluded Criterion E has been met. Next slide.

Applications are required to meet all five criteria in Clark County Code 40.560.010(F) for staff to recommend approval. Since we do not find that the application met all criteria, staff are recommending denial of the request.

Five public comments have been received regarding this request. Two letters are supportive of it, two are not and there was additional information provided by the applicant. Next slide.

Today's hearing will be followed by -- oh, next one, Larisa, there we go. Today's hearing will be followed by a work session and hearing with County Council, and if approved, the adopting ordinance is expected to go into effect roughly in March of 2022. And next slide. All right. I'm going to stop there and I'm available to answer questions.

JOHNSON: So, if any of the Planning Commissioners have questions, I will begin by calling each member one at a time to ask your question. Ron Barca.

BARCA: I have no questions at this time.

JOHNSON: Thank you, Ron. Bryant Enge.

ENGE: No questions at this time.

JOHNSON: Bryan Halbert.

HALBERT: Yes, I have a question for you, Jenna. On Criteria C I think it is where the applicant provided additional information regarding properties around, I'm not sure I understood if it had an impact on the decision or would it actually change the decision for that criteria, could you expand on that just a little more.

KAY: Sure. I don't think it -- it hasn't changed staff's conclusion because we -- when -- I think even though, like we acknowledge, like we see the constraints that they're pointing out, but given how Clark County Code works, if those properties have an R-5 zoning, they can still be divided even if they are constrained. So, for us it didn't change our conclusion. But, Oliver, I don't know if you want to add anything to that as well.

ORJIAKO: No, I think your answer is, this is Oliver, good evening, Planning Commission members, Jenna's response is accurate. I don't think that their additional information provided would have changed the staff recommendation.

As Jenna indicated the county has a reasonable use provision, so that irrespective of some of the, we don't even know the extent of the environmental constraint on the other property because that is not before us, but regardless that is not going to change our recommendation and our review of this specific application.

HALBERT: Thank you, Oliver.

ORJIAKO: Thank you, sir.

JOHNSON: Anything else, Bryan?

HALBERT: Yeah, I'm -- that's it for right now. Thank you.

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

VERANZO: No, I don't, not at this time.

JOHNSON: Matt Swindell.

SWINDELL: Not at this time.

JOHNSON: Great. Is there an applicant present to speak?

KAY: Yes, there is.

SIDOROV: We have both Erik Larsen and Mike DeFrees, is there a specific person that should go first, Jenna?

KAY: If you could unmute both of them if they are both on.

SIDOROV: Okay. So, I'll unmute Erik. I just see Erik. Erik, are you there?

LARSEN: I am. Can you hear me?

SIDOROV: Yes, we can hear you. Thank you. And then is Mike there by chance?

KAY: Erik, do you know if Mike may have just called in by phone? If you could check, we have someone who's on the phone and we can't tell who they are.

LARSEN: I think, yes, he was going to call in with a phone, but probably through the WebEx on his smart phone I believe.

DEFREES: This is Mike DeFrees. Can you hear me?

SIDOROV: Yes, we can hear you.

LARSEN: There we go.

DEFREES: Okay. Okay. Great. I would like to speak first if I -- if I could.

JOHNSON: Who is speaking? Could you state your name who's speaking first, please?

DEFREES: This is Mike DeFrees, D-e-F-r-e-e-s. 8400 N.E. 259th Street, Battle Ground, Washington, 98604.

JOHNSON: Thank you. Go ahead, Mr. DeFrees.

DEFREES: Planning Chair and Planning Commissioners, can you hear me okay?

JOHNSON: Yes, we can hear you.

DEFREES: Okay. Thank you. Just to give you -- give you all some history. My grandfather Clifford DeFrees purchased this subject property before you tonight which is 52 acres in 1942 from the Brubaker family, this was the original first homestead my family had purchased when they came into this area which is comprised of the 52 acres.

All of this property had been continuously farmed for the last 70 years in my family through three generations. Also, my grandfather a few years later purchased another 100 acres in 1948 just west of this subject property known as the Clark County Legacy Park which is just west of 82nd Avenue for a total of 152 acres total. That farm consisted of the homestead which is 52 acres before you tonight and another 100 acres which is west of you which is the Legacy, known as the Legacy Lands, that Clark County owns.

In 1988, my family had to make a hard decision and sell the westerly property, the 100 acres west of 82nd Avenue as my father passed away, and we were confronted with inheritance taxes by the IRS. The State had to pay these, so we started to plat the property out in five-acre parcels within the 100-acre parcel and sell them.

We started with three five-acre parcels. We platted to begin on the corner of N.E. 82nd Avenue and 259th Street with the hope of potentially finding a single buyer to purchase the entire 100 acres to continue to farm the property and lease it back from a single buyer.

So, we went to the market and we were patient enough to wait to cultivate a buyer to purchase the entire 100-acre parcel instead of segregating the land to five-acre parcels. We took a huge economic hit of course so we could continue to farm the 100-acre parcel which we ultimately sold and negotiated a lease back from the buyers to continue to farm the property.

Again, if the property had been segregated into five-acre parcels since it was a R-5 zoning, there would have been approximately 20 total lots. Then later on the 100-acre property was ultimately conveyed to Clark County through that buyer. It is known as the Clark County Parks Legacy Land with recently developed trails with a vision called the Lower Day Break Master Plan, and I believe that's on our Exhibit 2, Page 9. I don't know if we can pull it up or not on the screen. Can you hear me?

SIDOROV: Yes, it's up.

JOHNSON: Yes. We hear you, yes.

DEFREES: Is it possible to pull up Exhibit 2, Page 9 on the -- on the screen?

SIDOROV: Yep, it is showing Page 9.

JOHNSON: It's there.

DEFREES: I think my computer's just lagging. I signed on to the CVTV. The current -- the current

Park Legacy Land is both zoned and designated R-5 and R-20 for residential use. Of the 110 acres of the Legacy Park, about 15 acres are presently zoned R-5 and about 95 acres are R-20.

Based on the current zoning, if we were to calculate the 15 acres of five-acre lot zoning and then 95 acres of the R-20-acre lot zoning, there are seven lots that are being displaced as a result of this being developed into a park which is obviously a good thing being a park.

The DeFrees annual review has two present lots already existing in the 52 acres for a future potential ten-lot subdivision. The net gain would be eight new lots on this parcel. Considering that seven lots are displaced by the Parks Legacy Land, eight lots are gained by the DeFrees annual review, and only one additional lot is traded. So ultimately, this 110-acre Park Legacy Land was preserved from development and is now open space without a subdivision, and seven lots have been displaced from ever being developed on this parcel.

Now, our family farm ownership is here today before you with about a third of the overall family farm left which is the last 52 acres out of the original 153 acres which we're asking for a rezone to R-5. Apparently in approximately 1984, as I understand it, during a Clark County comprehensive plan update this property was rezoned to R-20 without our knowledge from the previous R-5 zoning which is a rezone application before you tonight to correct this error.

My family has made a huge investment over the last 70 years and has been good stewards of this land, taken good care of it, and now we wish to recoup some of our hard farming work and long-time investments to retire this last 52 acres into a subdivision. Out of the subject 52 acres, 41 acres is tillable flat farmable land which we actively farmed with row crops and hay over the last 70 plus years. So, if we could take a look at Exhibit 2, Page 33 on the screen, please.

SIDOROV: Okay. It's up there.

DEFREES: Okay. Thank you. This is, this outlines the tillable area that we have been farming for the last -- I just don't see it, I guess. Is it on Page 33? There you go. Thank you. This demonstrates the area that we have been tilling for the last 70 plus years which is 41 acres which you'll see which is inside the red areas which is -- can you hear me? I think I cut out.

JOHNSON: Yes, we can hear you.

DEFREES: Sorry. All of the majority of soil in this tillable area is the sandy loam Washougal gravelly soil, it drains for optimum farming and development conditions as well. No wetlands are on-site. Also, no wetlands are indicated on the GIS reports on Exhibit 4, Page 4 of the .pdf. Can you pull up Page 4 of Exhibit 4, please.

SIDOROV: Sorry. Which page?

DEFREES: Exhibit 4, Page 4 of the .pdf.

SIDOROV: Okay.

DEFREES: Thank you.

SIDOROV: Okay. It's up there.

JOHNSON: It's up there. Can you see it?

DEFREES: Thank you. I think my computer's just lagging. So since -- since there are no wetlands on the property because there are no streams, I noticed it was discussed in the staff report, but there are no streams running through the property, and there are no wetlands on the property.

Also, if you take a look at the Lower Day Break plan that you had proposed composed of several different development uses, the vehicle parking lots, roads, buildings, equestrian facility, et cetera, which is a great plan, but if you take a look at it, that parcel is obviously being developed, and there are sensitive area constraints on that property. And if you take a look at the wetlands map that's up before you, there are no wetlands on the GIS mapping.

This property's the largest parcel out of the alternative parcels that were identified by staff and is the easiest to develop as it is super flat, no, there are no slopes and I know this is talked about in maybe some other reports, but there are no slopes. It's economically easy to develop infrastructure, roads, et cetera, which will be very cost affordable to develop and pass major savings to future homeowners to build their family houses.

Also, when and if we can develop this property, it will be taking a lot of time to plan and incorporate open space areas, equestrian uses and trails with the like kind recreation that's planned in the Clark County Park Legacy Land on their master plan which is west of 82nd Avenue.

Again, there's no streams or creeks running through the property, and there's also not a fish bearing stream as claimed in the letter I think that was sent in. There is a small culvert on the northern border near the Daybreak Park under 264th Street gravel road on the park road but was not built and/or passable nor is any running water through it to bear any fish. I have witnesses for the last 50 years of my life being around the property and living on the property.

Planning Commission, I ask you to consider these points as I've shared with you and recommend approval for this rezone and I'm here to answer any questions for you tonight.

WISER: Karl, we can't hear you.

JOHNSON: Can you hear me now?

WISER: Yes.

JOHNSON: All right. Let's see, hold on here, let me get back to my computer. We will now open the hearing for public testimony. I will begin with a summary of the public participation process for the public to understand how to participate and do tonight's hearing.

To be a party of record, you must submit written testimony before, during or prior to the close of hearing, tonight's hearing, provide oral testimony at the public hearing, request in writing to be a party of record and no person shall be a party of record who has not furnished their full name, e-mail address or Post Office mailing address.

If written comments were received prior to November 18th, 2021, they were submitted to the PC members and posted on the Planning Commissions' website. We will now take oral testimony as we did earlier this evening. Sonja, once again, it's your turn to speak.

KAY: I'm sorry, this is Jenna. I apologize for interrupting. Karl, would you mind if we checked with the applicant if they were completely done. I'm not sure if Erik wanted to say something as well who was the applicant's representative.

JOHNSON: Oh, okay.

KAY: If you can check.

JOHNSON: Yes, let's do that. Erik, are you there, is that the representative?

LARSEN: Yes, I'm -- yes, I'm here. If I'm unmuted, I -- yes, I am, Karl.

JOHNSON: Okay. I apologize. Did you have anything to add to that?

LARSEN: Well, we had planned on it. And is Mike still unmuted?

SIDOROV: Yes, he is.

DEFREES: Yes. Yes. Yes. Go ahead. Go to Erik, it's your turn.

LARSEN: Yeah. Yeah. Okay. All right. I'll try not to take too long, but I wanted to expound on some of the things that Mike had said without repeating the summary and things like that. But Sonja or Larisa, whichever one is, okay, you've got this up on the screen there. Can you go to the Exhibit 2 slide show document which I know you have right in there, just go start at Page 1.

Yep, I'm seeing Page 1. And if you'd bear with me, I don't want to take too much time, yeah, nobody likes to watch home movies and what not, but we've got what, about 36 slides here, I'll go through them pretty quickly just to point out some things that may be of interest. I guess you can't zoom in on that. Okay.

This exhibit which everybody was looking at when Mike was talking at first simply shows that all

the land that is zoned R-20 in the area right now. Those basically are original DeFrees family properties in the entirety. So, all of the R-20 zoning was all zoned upon the DeFrees family; hence, he sold and it ends up being park land probably two-thirds of it to the west, but that was original DeFrees property. There's nothing else here except you see the surrounding area was, is zoned R-5, public facilities to the north.

And if anybody has any questions, just write down the page number, interrupt me or something, otherwise I'm just going to run through it and I guess I say next slide. Okay.

That's going to be showing about the same thing. There are three R-5 parcels to the far west, those three parcels are still zoned R-5, they were originally Rural Estates, those three were not part of the DeFrees family, I think that's about 15 acres, but the other two -- and that's part of the master planning of the park, but the majority of the park are the two R-20 parcels there, it's 110 acres, I guess that's all inclusive. Nothing else on there that's really hasn't been pointed out. Next slide. Thanks.

And, okay, so that shows the boundary. And this is just to give you a ballpark view, an overview if you don't have it already. A picture is worth a thousand words to keep things straight. The property we're talking about, the DeFrees annual review is on the right, the Legacy Lands, the park itself is on the left and there's nothing else on there. So next slide.

And I know there's a question I think I heard in the work session just wondering whether or not the land had been zoned for smaller lots at some time in the past. I think Oliver didn't have an absolute answer, he wasn't sure at that time, but, yes, it was, it was zoned prior to the comprehensive plan amendment which in 1994.

Then all this stuff is off the website too, so the information is there. But prior to that, it was Rural Estates 5 to 10 acres except for, you know, some park area up there in the 1979 there. Nothing has changed over time. It was rezoned R-20, and it stayed that way. The only thing that's changed is the Day Break Boat Ramp little piece there which converted to PF.

Next slide. And it's a little reiterative again I suppose, but back in 1988 those parcels, as Mike was talking about, were zoned five to ten-acre lots, Rural Estates. Okay, this is back in 1988, and the DeFrees family still owned that property. Next slide.

I think the next slide you might have to zoom out on. Yeah, if you could do a little zoom because this is an actual survey sheet, larger size. This is the actual survey that Mike was talking about, his mother Joyce, December '88. And this is again just showing that historically, you know, five-acre lots were allowed in the area, that was part of the zoning. The DeFrees family were attempting to even do that as he explained, this was done by Lawson Land Surveying, but since the property was purchased and the new owner decided not to follow through on subdividing, this map is actually from the survey records on the website but it doesn't really mean anything. This never happened, including the boat ramp, which is still part of the DeFrees property, too at some point, you know, that was granted over to the county and we have a nice boat ramp. You

know, that's pretty, not much else here except the DeFrees site is over on the right, everybody probably had their bearings hopefully by now. Next slide, please.

And, again, I guess it's a lot of reiterative, but this kind of shows you. See all that yellow, that's all R-20 and every piece of that yellow was DeFrees land and so I guess, you know, the DeFrees land was the only land that got converted to R-20 instead of becoming R-5 like everything else when they -- it was all Rural Estates zoned the same way in the past. Anyway, next slide. And that's in the early master plan. Okay.

So, this is the original DeFrees property. This is the park over on the other side of the, of 82nd to the left of our screen of the parcel and, you know, it's pretty really all right. That's probably what's going on today one of the earlier phases, they're putting trails in, but anyway, getting bearings. Next slide.

Oh, well, to add a note. There's plenty of developable area because, you know, staff has pointed out the potential of a lot of environmental constraints on the land, but this is the same dirt as on the other side of the road, farmed by the same family, it's the same soil. In terms of buildability, the same thing and there's a lot of developable area there even though there's some wetlands, and the park obviously worked around sensitive areas, they're still able to find a way to develop, you know, a real nice park. Next slide.

And we're showing this one again too, I guess we've seen this and the point of this is development is development. Even if you develop a park, you still have to put parking lots and roads and follow stormwater standards and create buffers around wetland areas, you have to go and do a delineation and follow the development code and follow the rules that are all in place to implement the comprehensive plan.

If the remaining DeFrees property is developed, it will have to do the same thing, but it's most certainly possible because it's possible on their other original land, the same place. So, I mean I think the argument is, you know, the land is developable on. Next slide. And, yeah, sorry it's a little redundant, this is just an old park thing, original DeFrees property. Yeah, anyway, a lot of white area. Next slide unless anybody's got questions, I don't see anything else there.

Columbia Land Trust ended up being a participant buyer and I think they're the ones that probably donated or sold the land to the county. Next slide. And we're probably almost done because the next 21 slides are simply the alternative analysis.

These will be the 21 parcels that staff identified and this isn't to say, you know, we're not trying to prove to say, no, you can't develop these lots, you know, certainly there are constraints, but the main issue is that there's not really a whole lot of difference between developing these lots that they would have to allow to be developed and developing the final DeFrees property which has actually in truth very few constraints environmentally. So, it's really, so we can have apples and apples.

If we're going to look at alternative sites that are available and somehow conclude that the DeFrees site really just can't or shouldn't be developed, you know, comparing to the alternative sites in the area, well, it's fair to look at the sites in the area and go, well, they're constrained too and the main issue on this property for denial is the issue of environmentally sensitive areas and how are you going to accomplish those, and since this is common to all the land that if you can develop that stuff, well, anyway, so this one, one lot. And so next slide.

We'll get through these. Notice all the green. This one's not too bad. It's got about 50 percent encumbrances on the ground, maybe it won't be less, but this is all the same, environmental constraints layered from the website which is, you know, has its own explanation. One potential new lot, it's a ten-acre lot, so... Next slide.

And this one's about 96 percent constrained. I see a little area because you get two homes, I can't see on there, but this probably is the one that has one existing home. If you're going to divide, you try to find you'd probably do a cluster and you would probably try to find room for, I said two potential homes on this, so maybe three, you know, 1,000-square foot lots follow the cluster rules, but that's pretty constrained so that's pretty tight, but not saying that wouldn't be developed but significant in terms of if this was before us tonight instead of the DeFrees property, we might come to the same conclusion, look at all that environmentally sensitive area. We can't -- that couldn't be developed, I don't think that's necessarily true though. Next slide.

64 percent constraints, environmentally open, 11.2 acres, you can get one lot and I'm going to explain something a little later, but you have, you got one existing lot, basically ten lots, divided into two, you do a short subdivision, now you have two lots but that's only one new lot because one lot existed so staff actually, I believe there was an error in their analysis. Next slide.

And same thing, 71 percent, a lot of green on there, a lot of encumbrances, don't even know what they are, it might be some tributaries to the river, these are all in the area, (inaudible) fish passage, you know, questioned, same constraints, two new lots. We're taking a little too long I think here. Next slide.

Now I'd say that one looks nicer but this is actually the open space set aside of a PUD, it's not a developable lot so we actually just took that out when we recalculated a few things because that was actually set aside for a PUD and I don't know how it's a legal lot, but they didn't catch that, I'm sure they didn't have the time to go deeply through. Next slide.

This one's not too bad actually, you know. The constraints are minimal, you know, looks like a lot of land area, two potential new lots, so again about 18 acres, you need 16 acres for three lots to give you two new ones. Next slide. One potential new lot, ten acres total, zero percent. Oh, zero percent environmental encumbrances, somebody buy that land, that looks -- that looks pretty good there. Ten acres even. Next slide.

Another one potential new lot because they've got 13.95 acres so and five percent environmental encumbrances. Good one. Next one. One potential new lot after that, zero

percent encumbrance, so there's another potential new, new lot. Next slide. Well, that's pretty much -- pretty much constrained. Still two potential new lots because you've got more than 15 acres there and as Jenna pointed out with the reasonable use provision, well, can't stop them, you'll have to figure it out, but it does have the constraints, you know, so it's kind of apples and apples. So next slide.

79 percent, a lot of green, one potential new lot maybe, except this is one that staff, it's 9.52 acres, I think they included that as developable under the cluster zoning or the rules. I think you get to take ten percent density credit as a cluster, that would be you're half an acre, so it would meet the requirement of ten acres. The problem is to get two lots you still have to have I think 1,000 or a one-acre minimum for each lot so you'd still have to have two-acres buildable left over, at a 79 percent encumbrance let's assume so. But next slide.

One potential new lot here, ten acres, this is actually south of our project. Next slide. One potential new lot, 68 percent covers. Next slide. Zero percent and you can get two potential new lots. Next slide. 98 percent encumbrance for one potential new lot on an 11-acre lot. Next slide. One potential new lot maybe, that's because this is a 9.96. Okay. Well, yeah. Okay. Next slide.

And might have a potential new lot here even though there's a mining overlay on it, it's being mined. Next slide. Well, this lot happens to be the mine also -- next slide -- and it has encumbrances. I don't know what all the green means on that. Another one. Mining overlay. So, you know, what does the green overlay mean, what is being mined and that was three potential new lots in the future. Next slide.

And all those other ones were small lots and that was pretty much everything that came out on the alternative analysis. This one's a medium size, you could potentially get six lots here, you got 50 percent encumbrances, you can find a way to deal with it. Next slide. And that was it.

Thanks for going through all those. You probably had a chance to look through that beforehand and you probably don't want to look at it again unless you'd like to. The general theme there though is that they're all environmentally encumbered, and it's not that they're not developable, but there's no reason for saying you look at this site which doesn't have the encumbrances that all those other sites or most of them seem to have.

So, coming to a conclusion that this site is significantly environmentally constrained, well, you know, I guess we disagree on that. And so, this is Mike was saying you got about 41 acres tillable, he says that they know that acreage from measuring it and the mowing that they got data and stuff and et cetera, et cetera, and he's been historically running these boundaries throughout family history and it's flat and buildable the way I would say that, not constrained, but very buildable. Next slide.

And I don't know if you can zoom in but probably you don't need to. Now this gets down to the actual constraints, never mind the pink, but these are the constraints on the site, you know,

which we're estimating about 20 percent of the site has constraints.

The main constraint is in the dark blue, that's backwater from floodwater, floodplain because it's depressional, it might be a foot deep or so if it's gentle swales, just historic natural topography of the land but low enough elevation that when the river floods, the river is able to backwater or come from the other side and it does fill those areas.

So that's a FEMA 100-year floodplain that basically indicates the mapped area and of course you'd have to setback from those areas or if you did any fill in there you'd have to, you know, engineer to make it work, but still look at the pink, there's a lot of buildable area but we wouldn't consider those really significant constraints because they're actually quite typical. Next slide.

And by the way, that one was from the developer's GIS packet, this is the second from the developer's GIS packet called constraints. This one whatever's supposed to show isn't showing because on this one they don't even exist. Next slide. And you can't see it on the screen but it's in your packet and that's simply those are the exact parcels that staff came up with for the alternative analysis.

We did take a little deeper look at it and we just ran through that and we come up with 26 possible lots to be newly additional. And also, you know, unless I'm wrong, I think staff, you know, there's a missing column when they came up with 53 lots, new additional lots out of the 21 parcels that they found that we also used here, they came up with that number and when I did the addition and looked at everything, I realized I think they were including the original lots.

So, I think you have to take the 53 number and subtract 21 lots out of that to get your actual number of new additional lots, not that it necessarily matters, but I think their number would have been 35 or 32 lots. When we actually looked at it, I think that number drops down to about 26 new lots, so maybe it doesn't change the big picture, but the actual number is much less when it comes to the availability.

And the other point of this is we laid this out and when we all -- everything you see there, small lots. Oftentimes in other cities and, you know, you break parcels into small, medium, large because the value and the developability of the lot it often depends on size, this is a very typical break down, so we broke it down by small, medium, large, they're all small.

There's one medium that you could get six lots on, it's about 50 percent constrained, there's not a single large lot left in the area, our parcel is apparently the last one and it's not constrained anywhere near as much as many of these might be.

So, we concluded that in terms of meeting the criterion of, well, there are no alternative sites. If Mike was going to try to buy another parcel and do the same thing, there are none. So, it's unique and we think that meets the criteria. Next slide, please. And we can just go through the next three pages.

Oh, there is the gray wolf was delisted, that is recent. In the past the bald eagle, the same thing happened and that generally constitutes an acceptable substantial change affecting the property, that can, you know, it means something. What it means, I don't know, and this is a complicated subject, you know, regulations are always changing what this means, don't know, but it has been delisted and that does count as a significant change and it changes the potential encumbrances on the project, so it's another option for meeting that criteria. Next page and then the next page and then to the next page. Next page, that's still the gray wolf. Well, that's the last page. Okay. Well, good.

The only other one I think we want to look at, can you pull up Exhibit 3. Yes. And can you zoom in closer on the red at the top. That's good enough. That went upside down. I mean the picture's starting to look familiar.

You see that, you know, the hydric soil, the riparian, the other things, the encumbrances, environmental on the land kind of follow down the middle there, they're all pretty much based on the depressional area and the fact that you do have flood backwater; in fact, the environmental layers are taken off of tracings of either the soil survey from '72 or the flood designation here. So, there's flooding on the site and that will have to be dealt with, but you can see just by eyeballing it, by inspection, the extent of it, of course the river floods too, but yeah.

This is the actual firm panel so we're not questioning or have questions about where it is except it does need to be verified on the ground with an actual topographic survey to verify the actual limits based on the contour elevations and what it is what it is and it can be dealt with at this level, so I don't call that significant. Then can we go to Exhibit 4 which is just a four pager, and I think you've got that in the main document, just a little further down.

SIDOROV: One second. Which page?

LARSEN: That's it. Up to the top, I think there's five images in here, just start at the top one, go up a little more, a little more, there you go. Now every once in a while, when you're looking at pictures of sites, they all look the same, they're all the same size, how big are the lots, it's hard to get a perspective, this is just to make things a little simpler, that's a quarter mile distance from -- from the edge of the -- from one of the buildings there out to the river basically, that's a quarter mile.

Even if there is a stream, Mike says there's not, he's -- he's been around there for a long time, even if there were and it were fish-bearing, you'd probably have like a 200-foot buffer. I've got my notes here to say exactly what it would be, but we would have to establish first what kind of stream it really is by doing the habitat assessment and then determine your setbacks.

If it was a 200 setback, well, that's a quarter mile, there's plenty of room on the site to provide 200-foot buffer setbacks even to a creek; in fact, as we pointed out in our original application, the primary encumbrance on the site is the flood area and most of the habitats and everything

else that would be buffered sits in that area too, so that's actually the largest constraint on the site.

All the other constraints, even if you had to have a 200-foot buffer on a stream or you got some riparian habitat and those buffers, they're still not, they're not covering the site, you know, they're around 15 to 20, maybe 25 percent of the site.

So, it's not significantly encumbered by the environmental areas and that's the condition in the comprehensive plan saying, well, that's why we, you know, we can only have an R-20 because none of the other conditions fit, although it is farmed, but so I don't think that I think that criterion is met. Next page.

And this is the habitat layer, this is from GIS. There's nothing identified on the site, so I don't -- we don't see that as a constraint. Although, you know, we're going to have habitats and everybody, you know, agrees, the river, it's a nice river, it's very important, there are protections. That dark blue line, I think that's actually the buffer, the legal buffer that's set in place. Now it looks kind of small, but remember it's a quarter mile, that's probably 200 feet or something like that. So, lots of developable area. Yeah, we have, you know, things to deal with. Next slide.

Environmental constraints, again slopes. They're in the green, the light green, there are none, it's a flat site. There are over in the river because you got riverbank, again not significant in terms of the constraints. Next slide. And I know it was mentioned that there was a wetland or there's the National Wetland Inventory, NWI, I think somewhere I read all the sites significantly constrained with NWI wetlands.

Well, the edge of that green and the edge of the site there is also the edge of the river. Now on the website that is a potential wetland area and if you actually go under the, what did I say, the National Wetland Inventory, the NWI layer, the same thing appears and I guess it's, I think it's a PFOA, a wetland class, I wrote it down anyway, so freshwater forested shrub wetland and that river over on the right is on the property, the legal description of and the boundary of the project goes into the river.

So, yeah, if you look over on the edge there, there are wetlands on-site and they're important ones, but it's been made to sound like it makes the site not developable. The truth is there are no wetlands identified, not even presence on the -- on the site. So next slide.

This is the hydric soil layer and the outline up there, this kind of follows as you saw the floodplain, it's also hydric soils, soil, and generally, and I believe in this case it does come from the old SCS, Soil Conservation Survey, I think that was 1972 that as engineers we use, you know, quite often, it's good data.

I think that's just a tracing of the soil survey which says everything else bears, you know, gravelly, Washougal, but this was a low lying area, maybe an overspill during some past flood

and left some deposits of clay, some hydric soil. If you scroll down that shaped, next slide, that shape is going to be the soil up the river there, you kind of see it in there. Okay.

So that's what's saying, that's the only indicator of wetlands on-site or constrained areas, so it's not solid data, it's not on the ground, it's not that we've gone out there and done a delineation or anybody is out there to determine there's a lot of wetland on-site because everything on the GIS and in the record says, no, there's not, not that we won't find some, but it's not something that we can't deal with.

Next slide if there is one. I think that's it. That does look like it's it. So, okay, good. Yeah. Yeah, okay. Go back to you, Karl. I guess I mean unless you've got some questions. We did have the executive summary, but I just wanted to take you guys through that and bore you just so you could see with your own eyes and go through the motions, you know, just so you can get a feel for the actual property.

I guess it's, I think it hinges down as to whether we have significant environmental constrained areas that would cause you to say that we can't go to an R-5 even though basically all the criterion, criteria are basically met, I think it's a good idea, you know, housing is good, you know. Okay. But, anyway, unless you've got some questions, that's all I've got to lay before you for your thoughts. So back to you, Karl. Thanks.

JOHNSON: Okay. Great. So, what I'd like to do right now is does any of the Planning Commission have any questions for the applicant and I'd like to just go through each of you really quick to make sure that you're being heard. Ron Barca, do you have any questions for the applicant?

BARCA: Yes. Thank you, Karl. I'm wondering whether the classifications and types that the Lower Columbia River Fish Board has designated the river and the shoreline whether the applicant considers those accurate?

LARSEN: I guess that would be on me. This is Erik Larsen. I don't know that I can say that they're accurate or not. If you -- if we go onto the website, well, if you'd look on GP pad, GPS, the GIS, the Columbia River, East -- East Fork Lewis River, sorry, sorry, Ron, isn't designated a shoreline, but either the layer got purged or nothing was showing up on-site, so I would say, I don't know that we would have any -- any problems with that. I'm not deep enough into the studies.

I think the question is whether or not there's a stream on that property, on the parcel and whether that stream is fish bearing or not and I wonder if that culvert under the road built back in the '40s was built for fish passage and whether you'd have a barrier there, so...

I'm not an -- I'm not an environmental guy, I hire guys to do that, to do the habitat assessments and that's what we'd have to do so I mean. I don't know if I answered your question, I guess I kind of passed it off. The answer would be I don't know, don't have a problem.

BARCA: Okay. So, there was specific types and specific classifications but I'm hearing you say you don't know whether they're accurate or not?

LARSEN: Yeah, I don't know, and I don't even know what specific classifications you're actually talking about even, so...

BARCA: Okay. It was -- it was part of the testimony that Lower Columbia River Fish Board submitted on these parcels. Thank you.

LARSEN: Okay. Okay.

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

ENGE: No.

JOHNSON: Bryan Halbert, do you have any questions for the applicant?

HALBERT: I don't. Erik, that was, that's a lot to unpack and a lot of information there. Thanks for presenting.

LARSEN: Sure. Thanks for listening.

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

VERANZO: I do as, Erik, you took us through each of those slides and the point of discussion is around in part this parcel as it lays next to the Lewis River, and you may have already answered this question, but I was wondering if any, any models have been projected towards that play out the rate and the change of the, this environment ecologically or environmentally, you know, over X number of five or ten years so that you can make a very well-informed decision about the changes of the river in relation to having an impact on this parcel, have any models been projected in any way?

LARSEN: Okay. I was trying to listen intently there, but I think I got the gist. No, I don't think so. I think what you're getting at is probably there are oxbows I think at the top what we're looking at on the screen.

The river channels do change and they have changed and downstream it's changed more and there are some gravel beds and that affects a lot on the, of the river, but any, I don't know of any models that have been made to predict to the next oxbow change or anything like that.

The other data is the actual flood study and I don't know that any new data has been done on that either, so... How much the Lewis River dynamically changes over time I can't say, but, you know, in ten years of time some things do change.

VERANZO: Certainly.

LARSEN: I hope I answered your question; other -- otherwise, you could clarify.

VERANZO: Yeah. I think what I -- what I'm getting at here is while we're in the present today looking at the geography and topology, we need to be mindful of the changes that are taking place when you introduce new elements into the environment that are interacting and interface with the Lewis River and so it would be wise and helpful to see if there are any modeling studies done such that we consider this with eyes wide open. It sounds like we still not do have all the data that we need fully to address not only, you know, the near-term but also long-term.

LARSEN: Okay. I follow. I'm not sure if I could give you a good response.

VERANZO: I'm just asking you if models have been done to predict how this area is going to change geographically or environmentally and, you know, if you don't know, that's fine, you just don't know.

LARSEN: Yeah. Well, also I -- I've never known of such a thing happen really when it comes to development next to rivers and things like that, it definitely is a concern. You're talking about riparian boundaries, sometimes the river moves boundaries and the ownership of land, you have a, you know, accretions and things like that, you know, you have islands and rivers that people own, the shores can sometimes wash away, sometimes they can buildup, that happens with land, it happens with rivers, it's not something that's generally studied at this level, you know, that would be a countywide or a river-wide study to do that and I'm not aware of anybody that's done any or have wanted to. I've never seen one actually, so I guess my answer is, no. I also think it would be uncommon.

VERANZO: All right. Thank you.

JOHNSON: Okay. Thank you, Aldo. Matt Swindell, do you have any questions for the applicant?

SWINDELL: No, not at this time. Thank you.

JOHNSON: Okay. Great. Then thank you, Erik, for your presentation. I'll go through this again now. We are now going to open the hearing for public testimony and I'll begin with a summary of the public testimony to participate in the process for the public to understand how to participate in tonight's hearing.

VERANZO: I'm sorry, Karl, we can't hear you.

Public Testimony

JOHNSON: To be a party of record, you must submit your written testimony -- can you hear me now? It looks like penguins on my mic -- before, during or prior to the close of tonight's hearing.

You must provide oral testimony at the public hearing. You must request in writing to be the party of record and no person shall be a party of record who has not furnished a full name, e-mail address or Post Office mailing address. If written comments were received prior to November 18th, 2021, they were submitted to the PC members and posted on the Planning Commission website. We will now take oral public testimony as we did earlier this evening. Sonja, it is your turn to speak.

WISER: Thank you, Karl. Larisa, are there any members of the public wishing to speak on the DeFrees Annual Review?

SIDOROV: There are no members of the public with their hands raised.

WISER: Okay. Karl, there are no attendees shown as present at this virtual hearing for the DeFrees Annual Review.

Return to Planning Commission

JOHNSON: Okay. We will now close the public testimony portion of the hearing and we will return it to the Planning Commission. Staff, if you, there's no public testimony. The Planning Commission will deliberate and make a recommendation to the County Council. Does the Planning Commission have any comments? Once, again, I will call each PC member one at a time to state your comments. Ron Barca.

BARCA: Thank you, Karl. I need a clarification from staff. My understanding is in 1994 zoning was predicated on the uses, the critical lands classification and also the aspect of whether or not land had already been subdivided in that aspect, so I'm thinking that when we have this discussion about the history, the only land that was not subdivided at this time was the DeFrees properties and the adjacent properties that had been held by the DeFrees at one time, all of the other five-acre zoning was already subdivided with the onset of the comprehensive plan, people knew that they needed to get in and make their subdivisions if that was going to be the case. Is that an accurate statement on my part?

ORJIAKO: Yeah. Good evening, Planning Commission members and, Commissioner Ron Barca. You are correct. There were a couple of, I didn't work on the rural land issues, but I was here, and my understanding is that there were considerable folks that took advantage of what the zoning was and subdivided their property prior to the 1994 plan going into effect.

If you recall, if you go back to history, there was a time that the county allowed for one-acre lot zoning. And then prior to the 1994 there were areas that the county allowed for two and a halves, one-acre minimum zoning, five-acres rural estate and also rural farm. The rural farm allows for ten acres, but you can go down to five if you can show that the additional lot can perc.

So, your characterization is correct. There are a couple of areas that the staff that worked on the rural issue looked at the landscape, looked at the characteristics, looked at the rural element

and made the recommendation that the Commissioners at the time adopted, and that's what we have now. And subsequent to the '94 plan as you know, numerous appeals were made, and the County went through that appeal process.

What I really don't recall, and I don't know this for sure, we may have to research this, but I can't remember whether this property was part of the ag/forest and (inaudible) say so. At the time, it was one of the issues that was appealed and the court ruled at the time that the County could not have a hybrid of either ag or forest, and a task force was formed to take a look at what was known as the 35,000 acres of AG/Forest and through that review rezoned majority of that Rural 5 and 10.

There was additional 3500 acres that were left out of that process and upon further review I believe some of them went to Rural 20s and went to 5 and some went to 10, but the majority of the Rural 20, our Rural 20 was used as a buffer to resource and other characteristics associated with the -- with the property and the DeFrees one is a good example where the R-20 was returned or designated as R-20. You are correct in your characterization, sir.

BARCA: All right. Yeah. Thank you, Oliver. Yeah, I do think the property may have been part of the ag/forest, but that also means that it indeed was already designated as large acreage zoning from 1994 going forward.

So, I guess what I want to put out to the Planning Commission at this time is the idea that all the discussion about alternative sites that could be subdivided into five acres and whether five acres is an important component of the character of the makeup of the county.

I think the Rural 20 is important to the county as well, and staff making it in 1994 such realized that this was going to be the least impactful way of having the people have the right of their land and at the same time recouping what was already an effort towards the idea of coming in compliance with the Shoreline Act and dropping significant amounts of energy and resources into trying to preserve and enhance the East Fork of the Lewis River. I think we get sideways when we think the idea that one five-acre place versus another five-acre place is the important thought.

I want to think about also the idea that if we designate ten additional lots in a 100-year floodplain what this message is as we go forward and the thought process that the County is condoning that, somebody's ensuring that, somebody's paying for the losses in that regard which seem in our current state somewhat inevitable and this consideration I think of the idea of going forward in the shoreline, I don't know whether that park will ever be built but I do know that when a park gets flooded, the impacts to the public is significantly lower than when we flood out a small subdivision of any kind.

And so, I would really like us to look at this in the context that says this is the way it's been since 1994 and going forward what do we really want it to look like, how does it impact the citizens of the county, how does it impact the landowner, and I think they all have equal weight and

understanding in our decision. Thank you.

SWINDELL: Did we lose Karl.

JOHNSON: Bryant, can you hear me now?

SWINDELL: We can hear you now, buddy.

JOHNSON: Bryant Enge, do you have any comments?

ENGE: So, I'm not an environmentalist, all right, so I'd like to have staff come back and to explain to me the difference or these competing differences then. What I've heard from Erik is that there are not significant environmental issues in this area and staff has said that there is and so I'd like to have someone to come back and explain to me what seems to be the difference.

JOHNSON: Do we have any comment from staff?

ORJIAKO: Yes. I think I could ask Jenna if she can come back, and I don't know if the environmental layers that she can share that with staff, with the Planning Commission, and, you know, we can go from there and see how we can respond to your question, Commissioner.

KAY: Yeah, I can pull those up if it's helpful. And I just before I forget, I want to answer your question, but, Karl, I also want to, I have to do something about the public comment period too after I answer this because I think we may have skipped not explaining exactly how the public comment, so I'll answer this question first but then want to address that.

So, Bryant, I mean I think all of the official documentation from FEMA, from Department of Natural Resources that give us our habitat layers, you know, are from that site, they're showing these constraints on the site.

I think you have the applicant, right, is arguing that some of those may not be the case and need some field verification, which, you know, that's the kind of thing that happens in a different process when you have a development proposal, right, where you actually have people go out on-site to do that field verification, it's not happening in this type of process.

So, there's a difference there, right, in that the official documentation is showing all these constraints but the really detailed field analysis hasn't happened. So, I think that's part of what I'm perceiving as what's going on here. So, I think that's the main thing in terms of constraints on the site, the subject site itself.

And then I think when staff looked at the location of those constraints kind of across the middle of those, of the properties, right, because the applicant talked about, you know, if maybe only 15 or 20 percent of all of that land, but when staff look at that, you know, we also see, well, you

can't get to this, the eastern part of the property without crossing it, right. So, its location is also challenging.

So, I think there's some, right, some different perspectives from the applicant and from us on, you know, on this constraint based on what we know right now on the property. And if it's helpful I can pull up those maps, I don't know if that's useful or not at this at this point, but yes. Okay.

COOK: Could I interject something; this is Chris Cook. It is true that no study, field study is required at this time, but that is certainly something that the applicant could have provided in order to try to contravene the official mapping that staff has shown.

So, it's not required for this, but staff has official mapping that shows one thing and the applicant is saying, well, that's not right. Let's make clear that the applicant is certainly welcome to provide evidence that comes from an actual field study that's, you know, signed, sealed, and created by an expert in the subject.

ENGE: Christine, thank you, I appreciate it. And, Jenna, thank you, I appreciate that.

COOK: You're welcome.

ENGE: Just for my comment on Criterion C, I mean I think we've been down this path before on Criterion C and I think part of the issue is I think that the requirement for the standard is not as defined as it needs to be, and I think it opens the door for different perspectives of how you get to the alternative site number.

And the other piece of that is what is the number in terms of, you know, when there are significant alternative sites, is it 5, is it 10, is it 15, 20, 25, 30, what is that number and so we've had this discussion before. So, I just, and I'm challenged by the conversation that we -- that we had on Criterion C, and I just want to pose that there too, so just wanted to share. Those are my comments. Thank you.

JOHNSON: All right. Thank you. Jenna, did you want to talk about, did you say there was something going on, what was going on, what did you have to say?

KAY: I just wanted to make sure we, I think we skipped over providing instructions on how to provide public comment when it was opened and so I'm not sure.

JOHNSON: I thought there were no members present that were -- are there members present?

KAY: Right. There are people in the audience so I think we just may want to double-check that if someone wanted to comment they had their opportunity. I was going to request that if we could have Sonja read the full instructions if possible, I just want to make sure.

JOHNSON: I thought -- I thought we had no members, that's what you had said. With that said, Sonja, will you read your spiel there regarding how to raise your virtual hand.

WISER: What's he saying?

JOHNSON: Can you hear me, Sonja?

WISER: No. Can you repeat yourself.

JOHNSON: Yeah. Can you read your part where we need to explain to the public about raising their virtual hand?

WISER: Yes.

JOHNSON: Thank you.

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. Larisa, can you put up the slide. 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 any decision made on this matter, please state, and spell your name and provide your address for the record.

For attendees using the telephone 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.

Public comment is limited to three minutes in order to accommodate all speakers. Please speak slowly and directly into the microphone for our court reporter.

Larisa, we're ready to take public comment on this hearing item.

SIDOROV: It looks like there are no people present with their hands raised currently.

WISER: There are no people with raised hands?

SIDOROV: Yes, there are people, but no people with raised hands.

JOHNSON: Okay. We will continue then, Planning Commissioners, with your comments. Bryan Halbert, do you have any discussion for Planning Commissioners?

HALBERT: Yeah. Thank you, Karl. At this time, I don't have any new comments to make.

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

VERANZO: No new comments, Karl.

JOHNSON: Matt Swindell, do you have any comments?

SWINDELL: Yes, I, actually I do. It doesn't happen very often but, and in fact I don't think it's ever really happened where I do disagree with staff, but I -- I mean I guess I'm looking at this maybe differently as I live out in this area in Ridgefield, I've driven by this property, I know this land and some of the things just don't really add up to me.

If we're looking at that other 100 acres and we see the possibility of nine lots being developed and nine homes going in and then we go, okay, well, that's going to, that's not going to happen, but the County's going to develop a park there so that's not going to happen and the DeFreeses are wanting to say, hey, we got -- we got this land, we want to put in ten lots, we're actually adding one, I would agree with Mr. DeFrees in that way that you're really only adding one lot.

And the argument that we have all these lots out there for development in the future, all these -- all these potential lots, those 21 or 53, the I mean not even looking at the maps, just I mean, I'm sorry, but common sense just says that how -- how many of those people at the same time are going to develop over the next 20 years, even if you did one a year, you're adding one lot per year for 20 years, that's nothing in the grand scheme of things, and with the environmental constraints that those properties have, I doubt that will ever happen, so the lots that we think are potential aren't there.

Also, looking at the environmental constraints on this property, I don't know why we're even talking about it at this point. I get why we are, but the -- the -- the proof is in the pudding and -- and -- and if we allow this to happen and we say, okay, we want this to happen, we're going to have five-acre pieces there and then they go in and do all their environmental studies and they go, huh, look at all these environmental things and you can't develop the land and you can only add three instead of however many ten, it will all happen at that point, not now, and for us to put up our hand and go, oop, we're not even going to allow you to get to that point I think is wrong, I just think it's wrong.

And then, I don't know, I guess whether or not this property is 100-foot floodplains and if houses flood somewhere down the road possibly, maybe, will have no impact on me, it's not going to, that's not going to hurt the public. Actually, because they have insurance and those homes are going to be protected from those people, those people are going to be paying for it themselves

with their own deductibles, but the land that gets flooded that's owned by the public, that's coming out of my tax dollars. I'm more worried about that public land over there than I am somebody's private home on five acres that might flood something, so that argument doesn't work for me either.

The highest and best use of this property is definitely not mowing it for grass, but -- but developing it and creating some nice five-acre lots for the public to use and enjoy next to a beautiful park, next to a beautiful river within the environmental constraints that it has I think is the best and highest best use, so I have to say I don't see any problem with this.

I don't know why we're picking on this property owner more than we are anybody else, I don't know. I don't know why we're not allowing this to happen, but to me it just seems like staff's way overreaching with -- with the criteria here. I think this should go forward and that's my comments.

JOHNSON: Thank you, Matt. I too drive by this property literally every day, and it's a beautiful piece of property. I didn't realize there was any other, I know there's, it's obviously in a floodplain but the whole area is in a floodplain down there but, and also, the net amount of buildings that were down there was insignificant to me just, if you know the property.

Again, I do worry about the where it sits, you know, that's the river, it's, you know, it's got to be protected and it's got to be buffered, but I also think whatever amount of years that that family has lived there has a ton of credibility and listening that how it was passed or bought or sold. They know what's down there, they know what that property is doing, whether that property is, you were talking about, Aldo, about how the river, you know, may -- may move or not and that was an interesting comment. I know it's kind of outside the box question, but I was like, well, I betcha they could probably figure that out between the owners and -- and stuff.

So, I'm inclined to think that, you know, I'd like to see this go forward, but again, I'd also like to see the park on the other side go forward and who knows when that will happen, so that's just my two cents. This is a tough one. I know everybody came prepared, so...

If there are no more comments, I'm looking for a motion and/or a second.

BARCA: I would like to -- I would like to keep the deliberation going just a bit longer, Karl.

JOHNSON: Okay. Do whatever you want, Ron.

BARCA: I would like to put out just a couple of thoughts towards what the other people have voiced and just to let that be part of the record. For Bryant acknowledging the fact that you're not an environmentalist, I can still see that we received testimony from Lower Columbia River Fish Board and Friends of Clark County, both of those pointing out the impacts and you think about it in the terms of the effort we're making to try and keep the river viable is money that we're spending on in the public sector.

Matt, once a piece of property is divided and that becomes the buildable lot that regardless of environmental constraints, the engineering is applied to allow a home to go on it. So, if you divide ten, you're going to get ten. The deal is with all of the constraints there is buffer averaging, there is mitigation engineering, in some cases there's wetland mitigation that happens off-site, but once we divide a piece of property, then it is divided and a house will go on it.

Concerning the aspect of us setting the precedent for doing more houses in floodplains, I just think that it's not a responsible action for this long-term Planning Commission to take. It's similar to us going ahead and putting houses on unstable slopes, it's something that you can engineer for, but it is not something that you can take back afterwards, once the houses are there, they are there.

And we're supposed to be thinking about this as a long-term group as this board is put together to plan for the future and if we're going to set the precedent for going ahead and developing the floodplain, I think that's a very shortsighted action for this responsible body to be taking. So, there's my rebuttal to some that was stated and I am open to hear your thoughts on it.

JOHNSON: Any other comments?

ENGE: Well, Ron, I'm looking for that note from the agency you identified and I cannot find that. I do have the Friends of Clark County information and then you identified some agency that would have some credibility in terms of being able to identify the environmental significance of this area. What was the name of that -- of that agency?

BARCA: Lower Columbia River Fish Board. It was sent as a separate piece of testimony and we received it in e-mail.

ENGE: Okay. So, I don't have that. Ron, you're probably right, I got it, I just don't have it in my hand. And that Board, is it made up of environmentalists and scientists?

BARCA: I guess the aspect you're saying that those are two separate entities, environmentalists, and scientists?

ENGE: Well, I'm just asking their, the competency in terms of their ability to identify if it's environmentally sensitive or not. When I hear the term Board, it could be very much like the Planning Commission, we have different talents on the Planning Commission and I'm just trying to identify if the Board is made up of people who have the competency to evaluate and assess if it's environmentally sensitive or not.

BARCA: I believe that the Lower Columbia River Fish Board is appointed specifically to try and manage the recovery and sustainability of the salmon runs that come up through the Columbia River to all the tributaries and I think they run from the -- from the ocean up to Bonneville. As

far as the appointments and to their credentials, I don't know that.

ENGE: Okay. So, they have a specific charge?

BARCA: Sure.

ENGE: Okay. All right. Thank you.

SWINDELL: Bryant, I'd -- I'd like to actually add something here for you. I don't believe anybody from either one of those body's has stepped on to this property and walked it and looked at the environmental impacts, I don't believe anybody's ever walked on it, they're looking at maps.

That's like saying, hey, doc, you know, can you tell me what's wrong with my leg and you go in there and he's looking at you in the office, looking at your leg and then you ask another doctor halfway across the country to tell you what's wrong with your leg, he can't see it.

So, these people are looking at maps just like -- just like the County is, they're looking at maps. It could be close to what it is or it could be totally different and I think -- I think we need to keep that into perspective that these guys are just they have an opinion and, but it's based on looking at things that are on maps.

BARCA: Yeah, like x-rays, like a doctor looking at an x-ray.

ENGE: Okay. Okay. Actually, okay, that's good. Okay. That's good to hear. All right. And so, my question then would be if this development or this application moves forward, then the next, if the next step as part of that development will that be vetted?

SWINDELL: (Matt Swindell nods head affirmatively.)

ENGE: So, the question is if we deny the application, we know it's never going to get vetted, but if we approve the application, then there is an opportunity to assess and vet and assess that particular property?

SWINDELL: Absolutely, that's the process.

ENGE: Okay.

JOHNSON: Any other comments? So once again --

WISER: Karl?

JOHNSON: Yes.

BARCA: Come back to us, Karl.

JOHNSON: I'm here. Can you hear me?

WISER: Yes.

BARCA: Momentarily.

JOHNSON: Okay. So, is there any more comments or discussion? Hearing none, I will once again accept --

SWINDELL: Can I just ask a quick question on when we go to present this to vote on it. So, if I'm understanding the way this is presented, it's presented as staff denying it, so a vote in the positive is to **deny** it?

JOHNSON: That is correct. So, if someone were to make a motion to accept staff's recommendation, the recommendation is to **deny** it. So that said, I am looking for a motion I guess to accept or deny. I guess staff is recommending, so I would accept a motion and a second based on staff's recommendation. Does that make sense?

SWINDELL: Yep.

JOHNSON: Okay. So, do I have a motion?

BARCA: Yeah, I'll make a **MOTION** to **accept** staff's recommendation for **denial**.

VERANZO: This is Aldo Lampson Veranzo. I **second** that motion.

JOHNSON: Okay. We have a motion and a second. Sonja, we'll take roll, by roll call calling each PC members name which you will vote yes or no on the motion.

ROLL CALL VOTE

BARCA: AYE

ENGE: NAY

HALBERT: AYE

VERANZO: AYE

SWINDELL: NO

JOHNSON: NO

WISER: 3 to 3.

JOHNSON: So, it's 3 to 3, the motion does not pass. So, we move on; is that correct?

SWINDELL: Karl, I'd like to make another **motion**. I make another motion to -- well, I guess it's

not going to pass of 3 and 3, never mind, I'll just leave it alone.

JOHNSON: Yeah.

ORJIAKO: Planning Commissioners, this is Oliver, your Planning Director here. Your vote is 3/3 so it will go to the Council with a no recommendation, so that's what it will be, yeah.

JOHNSON: Okay. Thank you. Thank you, Oliver, yeah.

ORJIAKO: So, your vote ends up with 3/3 so it will go to the Council with no recommendation.

JOHNSON: So, we send it forward no recommendation, it neither passes nor it fails.

ORJIAKO: Yes.

JOHNSON: So, with that we move on to the next public hearing item. Jenna, are you there still?

KAY: I am.

JOHNSON: Okay. You're up next.

KAY: Okay. Larisa, if you could go to slide 16.

SIDOROV: Which slide?

KAY: It's slide 16 of this stack.

SIDOROV: On this one?

WISER: Keep going.

PUBLIC HEARING ITEMS, continued

A. CPZ2021-00002 Hua-Symes Annual Review

A proposed amendment to the Clark County Comprehensive Growth Management Plan and zoning maps from Rural 20 (R-20) comprehensive plan designation with Rural (R-20) zoning to Rural 5 (R-5) comprehensive plan designation with Rural (R-5) zoning *on* one parcel (224202000) with a total of 24.7 acres.

Staff Contact: Jenna Kay, Jenna.Kay@clark.wa.gov or 564-397-4968

KAY: Yes, keep going. Thank you. Perfect. The next proposal this evening is the Hua-Symes annual review which is CPZ2021-00002. Next slide.

The applicant is requesting to amend the comprehensive plan designation and zoning from Rural

20 to Rural 5 on one parcel that is 24.7 acres. The property is located approximately 1.9 miles northeast of Battle Ground city limits and is about a quarter-mile north of the intersection of N.E. 147th Avenue and N.E. 279th Street. Next slide.

The subject parcel used to be part of a 55-acre property combined with the property immediately to its north. In 2007 that property was divided and the subject parcel was created. The current property owners purchased the subject parcel in April of 2020.

In 2021 the County issued a building permit for construction of one single-family residence and a detached garage on the property to be occupied by the applicant. The parcel is largely forested and the East Fork Lewis River abuts the property on its eastern and western edges. There are steep slopes on two sides of the property. Next slide.

There are landslide and severe erosion hazard areas in some places related to slopes exceeding 15 percent and there are some areas of potential instability. The property also includes some priority riparian and non-riparian habitat. Next slide.

Comprehensive plan and zoning designations surrounding the subject parcel are R-20 and R-5. The applicant is requesting to amend the comprehensive plan designation and zoning from Rural 20 to Rural 5. If rezoned to Rural 5, the site could potentially be subdivided into five lots, four more than the current R-20 zoning allows. Next slide.

Staff are required to assess annual review applications by the criteria for map changes in Clark County Code 40.560.010(F). I'll provide a brief summary of staff findings from the staff report related to the criterion.

Criterion A is regarding the proponent demonstrating that the proposed amendment is consistent with applicable requirements of the GMA and the WAC, the county comprehensive plan, the county code and official population growth forecasts. The staff report goes into more detail about the relevant GMA RCW, WAC, and comprehensive plan policies.

But a brief summary of the staff findings of this criterion is that the proposal is consistent with the housing and shoreline GMA goals and several rural element, rural land, rural area and rural character provisions in GMA, WAC 365-196-425 and policies in the comprehensive plan.

Staff found the current designation is more consistent with the open space and recreation as well as the environment GMA goals and some rural character and rural element provisions in GMA and WAC 365-196-425 and comprehensive plan policies related to the protection and conservation of environmentally critical areas.

Staff concluded that based on the several provisions that the proposed action aligns with that Criterion A has been met. Next slide.

Criterion B is regarding the proponent demonstrating that the designation is in conformance

with the appropriate locational criteria identified in the plan. The comprehensive plan policies and descriptions for rural land often describe all rural lands together, so R-5, R-10 and R-20 are all described the same way.

Staff find that both the R-20 and R-5 designations allow for natural resource activities and residential uses; however, residential uses are emphasizing to a greater extent when the R- -- with the R-5 designation. A comprehensive pl- -- excuse me -- the comprehensive plan also explains that a Rural 20 designation applies to rural areas where the land act as a buffer to natural resource designated lands, are used for small scale forest or farm production, or contain significant environmentally constrained areas as defined by applicable county code and related regulations.

The subject parcel is not serving as a buffer to natural resource designated lands and it is not currently being used for small scale forest or farm production. The subject parcel does contain significant environmentally constrained areas such as steep slopes, floodplain, riparian and non-riparian habitat. As such, the R-20 locational criteria are still relevant to the subject parcel and based on these findings, staff concluded Criterion B has not been met. Next slide.

Criterion C is regarding it's a map amendment or site is suitable for the proposed designation and if there's a lack of appropriately designated alternative sites in the vicinity.

The subject parcels are surrounded by properties with R-20 and R-5 designations and are generally suitable for both an R-20 and R-5 designation based on the surrounding land use designations. Much of the vicinity is already developed with homes and cannot be further subdivided based on parcel size and zoning designation. Much of this parcelization occurred prior to the Growth Management Act's existence.

There are about 360 acres within a mile of the properties that could be subdivided under existing comprehensive plan and zoning designations into five-acre lots. If fully subdivided these parcels could add additional lots without any additional comprehensive plan or zoning changes. Staff did not find the proponent's original application demonstrated a lack of R-5 sites in the vicinity. Based on these findings, staff concluded that Criterion C has not been met.

You may have noticed that you had received two letters from the applicant's representative which include comments regarding the constrained areas on many of the existing R-5 properties in the vicinity. Staff has reviewed this additional information and want to note for the record that the county has reasonable use measures in its wetland and habitat conservation ordinances which means that the county has to allow subdivision and homes to be built that are allowed by the zone when these types of environmental constraints are present. These provisions do not apply in shoreline management areas but do elsewhere. Next slide.

Criterion D is whether the map amendment either; (a) responds to a substantial change in conditions applicable to the area; (b) better implements applicable comprehensive plan policies than the current map designation; or (c) corrects an obvious mapping error.

The proponent's application explain that the amendment provides for additional rural housing and better implements applicable comprehensive plan policies than the current map designation and suggest that there may have been a mapping error on this property.

Staff has reviewed the history of the comprehensive plan designations on the site and have found that the current designation was intentional as part of a 1994 appeal and resolution process and not a mapping error. Staff found that the applicant did not demonstrate that the proposed R-5 designation better implements applicable comprehensive plan policies than the current map designation.

In the most recent letter from the applicant, they do discuss how the R-5 designation better implements Comprehensive Plan Policy 4.1.1 which is to protect and improve the county's environmental quality while minimizing public and private costs.

Staff do not find that additional lots that would be allowed under an R-5 zone are more consistent with this policy than the current R-20 designation since the R-5 zoning does allow for additional development which has various kinds of environmental impacts. Staff also do not find that a higher rate of population growth is considered a substantial change in conditions. Based on these findings, staff concluded Criterion D has not been met. Next slide.

Criterion E is regarding the provision of urban services. The location of the subject parcel is in the rural area which is outside of the City of Battle Ground urban growth area where urban levels-of-service would not be needed and based on these findings staff concluded Criterion E has been met. Next slide.

Applications are required to meet all five criteria in 40.560.010(F) for staff to recommend approval. Since we do not find the application met all five criteria, staff are recommending denial of this request. Several comments have been received to date, eight different individuals. There are a few different categories of comments.

One, relating to staff inquiring if property owners of parcels -- property owners of parcels surrounding the subject property also with R-20 zoning would be interested in a similar comprehensive plan and zoning change. You can review the correspondence in the public comment materials provided in the hearing packet. There are two property owners of four parcels that would be interested in a similar amendment. The additional property owners in this area were not interested in a zoning change or did not respond to our inquiry.

Second, there are interested members of the public who have submitted comments, some in support and some not in support of the applicant's request. And third, the applicant has submitted two letters to you as well. Next slide.

Today's hearing will be followed by a work session and hearing with County Council. If approved, the adopting ordinance is expected to go into effect around March of 2022. Next

slide. All right. And staff are available to answer any questions. Thank you.

JOHNSON: Thank you, Jenna. Does the Planning Commission have any questions of staff? I will call each PC member one at a time to ask if you have any questions. Ron Barca, do you have any questions for staff?

BARCA: No questions at this time.

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

ENGE: None at this time.

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

HALBERT: No, I don't have any questions.

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

VERANZO: No questions at this time, Karl.

JOHNSON: Thank you. And finally, Matt Swindell, do you have any questions?

SWINDELL: None at this time.

JOHNSON: Okay. I don't have any questions. Is the applicant present to speak, Jenna?

KAY: Yes, they are.

JOHNSON: Okay.

KAY: Larisa, could you unmute Maren Calvert and Todd Johnson, and could you also move Maren over so she can share her screen as well.

SIDOROV: Yes.

JOHNSON: And, Jenna, Maren's going to be doing, this is Todd Johnson, Maren's going to be giving our presentation so I'm going to go ahead and remute myself, Todd Johnson.

KAY: Okay. Great.

JOHNSON: I'll just wait until Maren calls on me or until there's a question.

KAY: Got it. Thank you.

CALVERT: Good evening, Commissioners. This is Maren Calvert on behalf of the applicant Hua-Symes. I'm happy to talk with you today. Before I begin the presentation, I wanted to respond to the question from Commissioner Swindell earlier this evening about who is on the Lower Columbia Fish Recovery Board.

I'm looking at their website, I don't have personal knowledge of this, their website says their 15 member board includes representatives from local government, state legislature, the Cowlitz Indian Tribe, hydropower operators, environmental and landowner interests and the public, and I just Googled that so if you want more specific information, I can tell you precisely who they are and there are county representatives as well as just general public representatives.

Thank you for the opportunity to speak this evening. I would like to share my screen with you so I can go through a few of the highlights of the letters that we've submitted to the Commission for their consideration and some of the evidence and legal analysis which we hope will be helpful to you in making your decision. Unfortunately, when I share my screen, my WebEx gets really tiny so I -- I can't see all of you anymore. Hopefully if you have a question, please just interrupt me, and let me know.

The application that's pending before the Commission this evening looked at five controlling criteria and those criteria are outlined in the staff report. Since the Commissioners have been listening to these same five criteria all evening long, we won't spend a lot of time on them. Because the staff report conclude that Criterion A and Criterion E are both met, we also won't spend any time on those. We're going to focus on Criterion B, C and D.

Criteria B is an interesting criteria because it says the proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria. In our opinion, the staff report unfortunately and inappropriately considers whether R-5 and R-20 is most appropriate under this Criterion B when that's not what the criterion is asking.

In fact, it talks about an analysis of the designation, not more than one designation, and it ensures that it conforms with the locational criteria. While we've inserted the word proposed on this slide, we've done that because in our opinion that's the only way this criteria makes sense. It would be kind of odd for the proponent of a criteria or a designation change to be arguing that the current designation meets the requirements of the law.

Instead, this Criterion B is asking the proponent, our client, the applicant, to demonstrate that the designation they're asking for complies with the law. And when we read Criterion B that way, we see that staff report at Page 9 of the staff report concludes, the subject parcel is generally suitable for R-5 designation.

So, when we pull out the comparison of R-20 and say that for Criterion B where it belongs, the staff report should say that Criterion B is met because R-5 locational criteria has been met by this parcel of property.

Criterion C also does not look for a comparison, but rather says that the proposed designation is suitable for this site. We've already talked about the fact that the staff report says, yes, it's suitable. The second half of Criterion C says and that there's a lack of appropriately designated alternative sites.

So, this gets to the 21 properties that we've been talking about all evening which are other R-5 designated property in the local area. Unfortunately, the staff report does not then explain whether those 21 properties are sufficient to meet current demand, that's what criterion requires.

It says a lack of appropriately designated alternative sites, then it doesn't matter that there are 21 others. If we need 30 or 45, the fact that there are 21 proves that Criterion C is met, there's a lack of appropriately designated alternative sites and that is what the application materials demonstrate.

The lack of R-5 sites in this area sold more than two and a half years ago. On the date that our application was submitted, which was January 14, 2021, there were zero R-5 sites for sale. As of yesterday, there were still zero R-5 sites in this region for sale.

The applicant contends that this RMLS data indicates that there's not enough appropriately designated sites in this area in the R-5 designation to meet demand because there are none for sale and there haven't been for more than two and a half years.

Now let's look at the 21 sites that the County staff has directed us to. This slide lists each of those sites and in the second column here we've outlined all of the encumbrances on those sites. Most of them were previously subdivided, but then have been recombined into the site that they are today or they're in current use as timberland, farmland, ag land and would each have to be taken out of that current use program in order to be subdivided or developed for housing.

Only those with an orange arrow pointing to them in the applicant's opinion are actually available for subdivision into five-acre lots. So, with those four properties, we'd end up with a total of one, two, three, four, five additional home lots, not 21 or the however many multiples may be divided out of those properties.

In addition, each of these lots that might be subdividable that are currently used in farm, ag and timberland, would cause significantly more environmental harm and loss of natural resources and ag land which would violate those comprehensive plan policies than subdividing the Hua-Symes property which is not used for farm, ag or timber production. So, the comparison of these properties is not quite apt. So, let's turn to Criterion D.

In Criterion D the question is whether the map amendment proposal meets one of those three options listed there, a, b, c, or d, and you'll note Option B, the second one is whether the R-5 better implements applicable comprehensive plan policies than the current map designations.

This is where the staff's analysis of whether R-5 or R-20 is better, this is where that goes is in Option B of Criterion D. Now the important thing about Criterion D is that an applicant need only meet one of the three options in order to be approved.

So even as staff concluded that R-20 is better than R-5, the staff would still require to consider Option A and C, and if either one of those is met by the application, then Criterion D should have been found to have been met. Because the staff report considers Options A, B and C in reverse order, C, B, A, the rest of our presentation will also go in that order as well.

So, we will first look at Option C which considers whether there was an obvious mapping error back when the comprehensive plan designation was first made. Staff are using the report that there was no mapping error.

The application points out that we think there was a mapping error because the Hua-Symes property doesn't seem to fit the criteria for an R-20 parcel. Staff says it does fit the criteria because there are significant environmental constraints; however, just like Commissioner Enge pointed out, we don't know what significant means. In fact, when we look around the area at other R-5 properties, we see that there are a number of properties of similar size and similar environmental constraints that have been designated as R-5.

In our letter submitted to the Commission on November 3, in particular we attached documentation from Clark County GIS for five properties identifying that they were, four of the five had riverfront just like the subject property and many of them have similar or even worse environmental constraints than the subject property. So, given that we can't understand how the designation of the subject property as R-20 wasn't a mapping error.

We've got two of those properties on this slide for you here today. Lot 4 is due east of the Hua-Symes property. The green areas indicated all over this slide are the environmental constraints for all the properties in the area and you can see there are quite a lot of environmental constraints for everyone. Indeed, these small lots down here are entirely covered in environmental constraints and yet they're very small lots and most of them have been developed.

Lot 4 over here however has a white area in the center that does not have environmental constraints and it appears from the GIS mapping that this Lot 4 white area is similar in size to the Lot 4 white area on the subject property.

The property on the southern boundary has riverfront boundary as does the Hua property, but more importantly if we look, the road access to Lot 4 is over here on the western boundary of the property. This means this white open space in the center of the property cannot be accessed without going through an environmentally constraint area. The same is not true of the subject property. The road that already exists to access the subject property comes from the south directly through this unenvironmentally constrained area right up to the center plateau of

the Hua-Symes property.

Some of the public comments have argued that this public road is inadequate and unsafe; in fact, the transportation report that was submitted with the application explains that this road currently exceeds Clark County private road standards, and so those objections are not well taken, but importantly for this analysis of whether there was a mapping error, the road access goes directly to the plateau that is not environmentally constrained, so there would not be an impact of those environmental constraints from developing this property where there is an impact from developing Lot 4.

There's a similar analysis over here on the right side of the slide for Lot 5. We can see this lot is due northwest from the subject property and it is almost entirely covered in environmental constraints. There is only a tiny little white space down here in this southern end of the property which of course you would have to access by driving through environmentally constrained areas and the entire eastern boundary of the property runs along the riverfront.

It is hard for the applicant to understand why Lots 4 and 5 are not significantly environmentally constrained but the Hua property is. It seems to the applicant that either there was a mapping error back when these properties were designated in the first instance or there's an analysis and mapping error occurring now because these similarly situated properties are being treated differently. So, we'll move to Criterion D, Option B.

As I mentioned before, this is the place where we analyze whether R-5 or R-20 better accomplishes the comprehensive plan policy. Now similar to some of the comments that we've heard earlier this evening, it's important to note that the question before the Commission today is whether R-5 or R-20 better implements the comprehensive plan.

There is no development application pending before the Commission tonight, that's a separate process. And as Kay pointed out, field verification of environmental constraints, for example, happen during a different process. We could certainly try to do a field verification during this phase of the process, but there's not a requirement and it's not one of the five controlling criteria.

Instead, what's being considered right now is whether a map change would accomplish the comprehensive plan policy and in fact in the staff report at Page 5, the very first sentence admits that while the proposed change does not in itself cause any direct impact to critical areas, subsequent development would, but subsequent development is not the question before the Commission today. The only question is whether the proposed change would cause direct impact to critical areas and staff admits it won't, this is a map change only. There is no subdivision or plat approval requested.

Similarly, Friends of Clark County submitted a letter I believe just yesterday which also admit that the analysis of what development might do to the area is premature. Friends of Clark County say although a request for zoning change does not actually affect things on the ground,

when it becomes time to build all of the critical area ordinances and management policies will apply, that's precisely true. When it's time to build and a development application is pending, that's when we talk about whether building should occur in steep sloped areas or whether building should occur in a floodplain.

There's a comment in the staff report that there are floodplains on the subject property. The important thing to recognize however is that there are steep slopes on the east and west side of the property, sometimes 50 feet or more, so the floodplain doesn't extend up through that white developable area of the property and that white developable area has no environmental constraints on it at all.

These considerations are important because the critical area framework plan policy listed on this slide, 4.1.2, .3, .4, .5 and .6 all talk about whether development will impact critical areas. Because we're not talking about development, we don't need to worry about this framework plan policy because R-5 and R-20 both equally implement those policies.

Policy 4.1.1 mentioned by Ms. Kay earlier says that we shall protect and improve the county's environmental quality while minimizing public and private costs. Ms. Kay indicated that the staff does not think this policy is better served by R-5 because R-5 would allow development and impact on the environment; however, the applicant contends that R-5 designation actually achieved Policy 4.1.1 better than R-20 designation because, one, as we discussed, both R-5 and R-20 do not change the current critical area designation, do not change environmental protection and so the environmental quality is protected no matter which zoning designation we're talking or map designation we're talking about.

The environmental quality is only computed by development and we aren't there yet, but in R-5 designation give the county an opportunity to capitalize on the existing infrastructure that exists for this property. This property already has water and electrical and road service which means it will cost less for the public and the private to develop this property as in comparison to Lot 4 and 5 that don't have those things.

Therefore, zoning this property as R-5 and adding it to the inventory and allowing it to be developed in the future during a separate development application would actually improve environmental quality because the county would avoid the environmental impact that's necessary to build roads and add water and provide electricity to those other 21 currently designated R-5 properties that don't have those things.

It would also avoid punching a road through an environmentally critical area which we don't have to do for this property. It would also avoid the loss of agricultural land, resource land, timber production that's burden those other 21 currently designated R-5 lots. So, adding this property to the R-5 inventory actually improves environmental quality in the area by avoiding the environmental impacts of the lots that currently exist.

Furthermore, the staff report focuses on Environmental Constraint Policy 4.2.1, .2 and .4. These

environmental policies aren't applicable at this stage in the process. 4.2.1 looks at the variety and diversity of the natural environment and changing a designation on a map doesn't change those things.

4.2.2 looks at current habitat protection and changing a designation on a map does not alter current habitat protection. 4.2.4 looks at discouraging development in areas of steep slopes, during development limiting the removal of vegetation, determining construction methods, they are all construction and development questions which aren't implicated yet because we're not there yet.

Nevertheless, under 4.2.4 at the development stage the applicant is required to provide a geotechnical report to analyze the steep slopes. Even though not requiring doing that at this stage because it's only a map change, the applicant did submit a Geotech report and the engineer analyzed the upland portion in white on the map that we looked at before and concluded that the landslide hazard of upland portions of the site is relatively low.

And given the overall makeup of the property, the Geotech engineer recommended that the owner not develop the steep slopes on the east and west side but rather simply develop in the upland portions of the site, and if that were done, the engineer concluded the landslide hazard associated with the subject site can easily be manageable.

Given those two conclusions in the record before the Commission, although 4.2.4, Policy 4.2.4 doesn't apply yet, it clearly has demonstrated that it can be satisfied when we move to developmental phase. So, an R-5 designation supports the environment better than the current R-20 and all indications are that when we get to the development phase, it will be possible to satisfy those requirements once we get there.

Under Criterion D in the staff report the last few policies that are listed are all here on your slide, 3.1.1, 2, 3, 4, it's all listed on that slide. The staff admits that R-5 and R-20 equally implement each one of those policies.

The third option under Criterion D then Option A which is whether there has been a substantial change in condition from the date that the comprehensive plan was created to today. And the staff report, staff currently says we recognize that there might be a housing shortage, but we don't consider that to be a substantial change. The applicant disagrees.

Clark County has grown 17 percent faster year over year than the original comprehensive plan had intended. Because of that realtors in the area for the last couple of years have said there is a continuing shortage of market inventory, they don't have houses to sell.

And as the application points out, given this current growth, Clark County is projected to run out of housing in 2032 and the comprehensive plan is supposed to be planning through the year 2035. So, we're going to run out of housing three years before the comprehensive plan is due to be updated. In the applicant's mind, that's a substantial change.

If we know that we're running out of housing and we have identified a property that could be developed as R-5 and save the environment at the same time or at least not impact the environment as negatively as some of the properties that are available today, those all seem like reasonable adjustments that should be made.

I'd also like to point out from the previous applicant that apparently the gray wolf has been delisted. So, if that is the non-riparian habitat that County staff is worried about and it's no longer listed, that too could be a substantial change that causes one of the significant environmental constraints to be lifted which would allow this property to now be designated as R-5.

Criterion D therefore through our argument today we hope we have demonstrated to you that all three options, A, B, C and D are met. So even if the staff concludes that R-20 in their mind is better than R-5, that's only Option B, we still have to consider Option A and C which we believe we have demonstrated, both have been met in this instance.

The staff report therefore should conclude that not only Criterion B and C are met, but Criterion D is also met in at least three ways which brings us to the conclusion that all five of the mandatory criteria of Clark County Code for a map change have been met.

The law doesn't allow the County to insert additional criteria beyond those specified in Municipal Code 40.560.010(F), those are the criteria for a map change. If there are concerns about development, then we address those at the development stage and one of the reasons that we save that for later is because the application criteria for a land use development application are different than the application criteria for a map change.

So, the applicant wasn't required to provide all of the information that the Commission would have to consider deciding whether this property should be subdivided into two parcels or three or four or five, we don't have enough information to decide that because that's not what's happening today. The only question is whether an R-5 designation is appropriate under these five criteria that are set forth before the Commission today.

Another thing that I'd like to point out is there's been some conversation this evening about the reasonable use requirement, and while it is true that the reasonable use requirement encourages development once lots are legally divided, it is absolutely not true that if this property were designated as R-5 the County would have to allow it to be subdivided into five parcels, that is not true.

RCW 40.450.010(B)(4)(a) explicitly says "The placement of a single-family residence and normal accessory structures on an otherwise legally buildable lot of record." That is the reasonable use requirement.

First, there must be a legally buildable lot of record and that means this parcel has to be

subdivided, and if it can't be subdivided legally or safely due to the significant environmental constraints, then that's the point at which we consider that question.

Another point I'd like to point out is in the previous application the applicant had several slides marching through each one of the environmental constraints looking at each of them individually. The applicant in this case is not challenging any of the environmental constraints assuming that the environmental constraints are as reported.

We still see on the map that there is a significant amount of property right here that can be developed that our geotechnical report says absolutely you could develop this property in this white area. So, the environmental constraints in the applicant's opinion are not more significant for this property than any others in the area and we can develop with appropriate consideration for the environmental concerns and respect for those environmental concerns and constraints that will stay on the property even if the application to redesignate it as R-5 is approved.

Thank you very much. If you could please stop sharing my slide. Todd, do you have anything to add that I forgot?

JOHNSON: No, I don't have anything to add at this time. I'd be happy to answer any questions that you or the Commission may have.

JOHNSON: Okay. Thank you. Does the Planning Commission have any questions for the applicant? I'll go through each name. Ron Barca, do you have any questions for the applicant?

BARCA: Thank you, Karl. I'm not sure I have any questions. I find their argument of course skewed strongly towards the applicant's needs. I reject some of the arguments concerning the aspect of the interpretation of lack. If we put it into those market terms what the county lacks is affordable housing and the aspect of us running out of housing in the context of affordable housing, I don't believe we're going to be beneficial for the county by subdividing this land.

I believe the concept of housing in a generalization saying that these parcels are going to be contributing towards a shortage of housing, it's disingenuous for what we're facing throughout the county in affordability and it -- it just rubs me the wrong way when we look at what really needs to be done for the county and then what this proposal is saying that it's doing for the contribution.

Concerning the aspect of current use parcels and saying that the current use parcels have a higher or better use, well, you know what, those kind of use parcels they will come out when the dollars tells them it's time to come out and they'll pay the back taxes whether they're doing timber or farming or anything else and it will be demand that will do that, it isn't going to be the aspect of us denying them because they already have the right and the ability to go ahead and subdivide.

So that's another one of these discussions where I just find it disingenuous to be able to say that

the current use is going to be a higher and better use for the county to keep those parcels intact.

Criteria D, the market didn't change in the regard to whether these houses get built or not. There's policy in the county as far as the environmental constraints that I think hold it in place, and, no, this is not a mapping error. So, I don't have any questions, but I just I found the presentation to be strongly skewed for people that aren't paying attention and think that this is somehow staff not doing their job and being lax in what they believe is the proposal. That's all I got.

JOHNSON: Okay. Thank you for the question. Bryant Enge, do you have any questions for the applicant?

ENGE: No, I don't.

JOHNSON: I lost my paper here. Bryan Halbert, do you have any questions for the applicant?

HALBERT: They were very compelling arguments for me. Just a question for you on that private road or public road, I'm confused as to which it is. It seems like some of the neighbors that continue on that road are opposed to the development or to the rezone change because the road is a private road, could you speak to that just a little further and help me understand the road issue there.

CALVERT: Certainly, Commissioner Halbert. I know a little bit, but Todd knows a lot more than I do. It is a private road. Todd, can you talk about the standards in the transportation analysis we have.

JOHNSON: Sure. I can talk a little bit about that. The road is -- is a private road but constructed to the rural private road standards and it does exist on, it's not a publicly -- it's not a publicly maintained road, but it still has standards that are applied as it develops that require a minimum of paved width and a minimum right-of-way width and all of those things just like a normal roadway would and it was constructed to achieve those standards and the transportation analysis submitted with our -- with our report shows that.

HALBERT: Great. Thank you.

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

VERANZO: No questions, but just a comment, you know, from my perspective, Maren, as you were presenting the material you reached a point where, correct me if I'm wrong, you kind of distilled all of the effort here down to really just being a mapping change and from my perspective I think there's much more at stake here than just a mapping change.

You know, to consider this to be just a map change I think is really shortsighted, and that once that map is changed, we as a result, as noted in the other presentation, are sending a message

that, you know, the door is open to get into some possible environmental issues that we may otherwise should have left untouched.

And so, I think when we look at this, we need to keep in mind the comprehensive plan from a long-term point of view and consider carefully properties that go through or considered for a designation change that for example have quite a diverse terrain and have significant bodies of water that flank both sides of the property that we are mindful that it's just not a mapping change. That's all I have. Thank you.

JOHNSON: Okay. Great. Thank you, Aldo. Matt Swindell, do you have any questions for the applicant?

SWINDELL: No, not at this time.

JOHNSON: Thank you. I have no questions either.

Public Testimony

JOHNSON: So, with that said, we are now open -- we will now open the public hearing portion for public testimony.

If written comments were received prior to November 18th, they were submitted to the PC members and posted on the Commission website. We will now take oral public testimony as we did earlier this evening. Sonja, it is your turn to speak.

WISER: Thank you, Karl. Larisa, are there any members of the public wishing to make public comment on the Symes annual review?

SIDOROV: There are no members of the public with their hands raised.

WISER: There are no members. All right.

COOK: Pardon me, I'd like to cut in here, sorry, this is Chris Cook. Do the members of the public who are attending know that they have to raise their hands to be considered?

JOHNSON: Yes, we -- we read that before, but we'll read it again so just --

COOK: Well, you don't have to read the whole thing.

JOHNSON: Well, the last time you said, well, just read the whole thing. So, we want to make sure we do due diligence. So, Sonja, will you please read the instructions once again for members of the public.

WISER: Okay. Thank you.

JOHNSON: Thank you.

WISER: Good evening members of the public. For attendees using their computer or WebEx application, if you'd 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, 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 upon 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 comment, press star 3 to lower your hand. You will hear a message that says you have lowered your hand.

Public comment is limited to three minutes in order to accommodate all speakers. Please speak slowly and directly into your microphone for our court reporter.

Larisa, are there any people wishing to testify or make comment on the Symes annual review?

SIDOROV: There are no people with their hands raised.

WISER: Okay. Thank you. Karl, there are -- no one is wishing to make public comment.

Return to Planning Commission

JOHNSON: Great. Thank you, Sonja, appreciate that. Okay. With that said, we'll bring it back to the Planning Commission and then deliberate and make a recommendation to the County Council. Does anyone have any comments that they want to discuss with the Commission? I will now call each PC member one at a time and state your comments. Ron Barca, do you have any more comments that you would like to make to the Planning Commission?

BARCA: All right. Thank you, Karl. This is very similar to our previous item that we went through with the Planning Commission. I think specifically what is different about this one is once again we have the ability to subdivide into five-acre parcels with the raised area that the map shows, we're basically concentrating it down into those steeper slopes and I did not find a record of a geological survey. I don't know if any of my other Planning Commissioners had seen a copy of a geological survey. Let me know if you had seen it. I somehow have overlooked it possibly. But I

do question the ability of what we would be able do on that much reduced area out of that critical areas if we got out of steep slopes and in the hazard area.

So once again if we make it five-acre parcels, we're basically giving them the ability to divide in that fashion. Very similar to the last one, every parcel is unique but I think in this case a lot of the criteria is the same. That's all I got. Thanks.

JOHNSON: Thank you, Ron. Bryant Enge, anything for the Commission?

ENGE: Yeah. I think this is a little bit different and maybe it's a nuance that I have that definition, but I believe this is a little bit different than the last one. There was significant history associated with the previous application and wasn't clear to me in terms of when and how much, when the change was done and how much was communicated to the current owners, it sounds like it's been through three generations and so I think there is a little bit of difference between this application and the last application.

And that leads me to Criterion D and this I agree with Commissioner Barca that I don't see the mapping error on this one. The applicant purchased the property in 2020, it was clear to them at that time what they were buying in terms of the zoning and I don't see any -- any change in conditions since the purchase of the property in 2020 and so that's just my -- my comment. Thank you.

JOHNSON: Thank you, Bryant. Bryan Halbert, do you have any questions or comments?

HALBERT: Yes. Again, Bryan Halbert here. No real questions. I appreciate Ron and Bryant your comments and, yeah, tend to side with what you're saying on this too. So, yeah, thanks guys.

JOHNSON: Thank you, Aldo. I check that, Bryan, sorry. Aldo Lampson Veranzo, do you have any comments?

VERANZO: No, comments, Karl. Thank you.

JOHNSON: Thank you, Aldo. Matt Swindell, do you have any comments?

SWINDELL: The only thing I would throw out back to Ron is a little it's on the affordability, housing affordability in Clark County. When you -- when you build homes that are on five acres, you know, obviously that's not a first home, that's a second home, you know, somebody's second purchase or third purchase.

I think that does allow for movement in the community. So, you're going to get somebody moving out of their \$250,000 home, moving into their 550 or \$700,000 home, that's the only thing I'd disagree with just a little bit of what you said that sometimes when you build those upper-end homes out on five acres that you do get some, not everybody does that, but there are some movement. So, I just want to -- just want to throw that at you, Ron.

JOHNSON: Thank you, Matt.

BARCA: Matt, where do you know there's a \$250,000 home?

SWINDELL: Well, okay, 350 moving into the 750, sorry. I should -- I should raise that a little bit, sorry.

JOHNSON: Thank you. I think these are very similar to me. There is some slope constraints and I understand that, but I'm inclined to think that that affordability and marketplace drives, it's part of the equation, Ron, so I don't look at that. I do think that any time we can look ahead and try to make reasonable decisions regarding making more inventory, I think that's a good thing. And so, I thought the presentation was interesting and I thought it was, there was things in there that I've not heard, so good job from the applicant. Are there any more comments?

HALBERT: Yeah, Bryan Halbert here.

HALBERT: I wanted a chance also to compliment staff on their work on these, both these applications. I know that they put in an amazing amount of time and effort to review these applicants and the information that's been provided to them, so just wanted to make sure that they know whichever way this vote goes, it's not because of their -- it is because of their care and their -- their efforts that they put into this, so very appreciative of that work. Thanks.

JOHNSON: Thank you, Bryan. Any other questions or comments? With that said, I will now accept a motion. Let me know. State your name and a motion and a second.

BARCA: Okay.

ENGE: This is Bryant Enge. I'd like to make a **MOTION** to **accept** staff's recommendation to **deny** the application.

BARCA: It's Ron Barca. I'll **second**.

JOHNSON: We have a motion and a second. Sonja, will you please take roll call by voting, calling each PC members name after which you will vote yes or no.

ROLL CALL VOTE

BARCA: AYE

ENGE: AYE

HALBERT: AYE

VERANZO: AYE

SWINDELL: NO

JOHNSON: NO

WISER: 4 to 2, it passes.

JOHNSON: Thank you. The motion passes and we'll send that on. This concludes the public portion of our hearing tonight.

OLD BUSINESS

JOHNSON: Is there any old business, gentlemen, anything we need to bring up? None.

NEW BUSINESS

JOHNSON: Is there any new business? Oliver, is there anything out there we need to see?

ORJIAKO: No, Planning Commissioners, I don't have anything. We will be having a work session with you next year to hopefully go over your rules and procedures. One of the things I'm going to be having a conversation with you it's going to deal with, I'm just giving you heads up, it's going to deal with submittal of written materials to the Planning Commission and also testimony from the applicant, and those are conversations I would like to have with you.

I don't want to limit anyone, but I want to provide opportunity for the Planning Commissioners to consider those, but that will come to you in the future, I will set it up for next year. That's all I have.

And we're having a hearing next month, two applications, and we won't have anything unless if we have to in January, so we may have another case coming before you in February, but I will check with my staff as soon as we have something for you to take a look at in terms of your rules and procedure.

That was last looked at in 2007 or '17, I can't remember, but I will take a look at that and bring it back to you so that you can have some conversation of what you'd would like to do because sometimes we get these comments and you do 5:30 or 6:30, you don't have time to take a look at it and sometimes we staff don't have time to react to it, so it puts you in a very difficult position, so I want to have a conversation with you.

I don't want to limit anyone in terms of written comments but submitting it on time will be to your benefit and to staff's benefit, I think. So, I will be having that conversation with you to see what you'd like to do. That goes the same for testimony, don't want to limit anyone but that is at the discretion of the Chair and the Planning Commission.

Just for the application like tonight, you know, some of them ran for 30 minutes but it was very appreciative. I know the Planning Commission wanted to hear from the applicant, so I don't want to limit anyone but that's a conversation that you should have in the future.

ADJOURNMENT

JOHNSON: Thank you, Oliver, both those are an interesting point. Okay. Gentlemen, with that said, thanks everybody, and, Cindy, thank you. I know you probably can't speak back, but our hearing is now adjourned. Have a good evening.

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>

Television proceedings can be viewed on CMTV on the following Web Page at:

<https://www.cmtv.org/program/clark-county-planning-commission>

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