



Clark County Planning Commission

Karl Johnson, Chair
Bryan Halbert, Vice Chair
Jeremy Baker
Mark Bergthold
Kyle Fadness
Jack Harroun
Eldon Wogen

CLARK COUNTY PLANNING COMMISSION THURSDAY, APRIL 17, 2025 MINUTES OF PUBLIC HEARING

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

CALL TO ORDER

Planning Commission Rules of Procedure

JOHNSON: Okay. I'd like to call this meeting to order. Good evening, Planning Commissioners, members of the public and staff members. I would like to call this hybrid public hearing to order for Thursday, April 17th, 2025. 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 --

HOLLEY: (TECHNICAL DIFFICULTY. PAUSED FOR A MOMENT.)
Okay, I'm ready. Sorry about that. Thank you.

JOHNSON: You're okay. No problem. We'll continue on here. The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process, including holding hearings during which the public has an opportunity to provide additional perspectives and information.

In legislative matters, the role of the Planning Commission is advisory. County Council will hold separate hearings, consider our recommendation and then make a final determination.

The Planning Commission will conduct a public hearing tonight and take testimony. All public comments received before tonight's hearing have been sent to the PC members and entered into the public record.

County staff will present first and then the Planning Commissioners can ask questions. Next, we'll invite the applicant to speak, if there is one, then the members of the public who wish to provide

testimony.

When we get to the public comment portion of our agenda, we will provide more information on how to participate both virtually and in person. However, if you are in person tonight and wish to provide a comment on a hearing agenda item, please sign up via the sign-in sheets in the back of the room.

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

At the conclusion of public testimony, staff and the applicant may respond to the comments and the public portion of the hearing will then be closed. The Planning Commission will then deliberate and make a recommendation to the County Council.

For both virtual and in-person members of the Planning Commission and staff, please ensure that your microphones are muted unless you are speaking. Planning Commission members, when you make a motion or a second to a motion, please state your name for the court reporter.

Conflicts of interest. Do any members of the Planning Commission have any conflicts related to tonight's hearing? Hearing none, we now will take a roll call or unless there's any, I guess there's roll call and introduction of guests. Jeff.

ROLL CALL VOTE

HALBERT: ABSENT
BERGTHOLD: HERE
FADNESS: PRESENT
WOGEN: HERE
HARROUN: HERE
BAKER: HERE
JOHNSON: HERE

Staff Present: Oliver Orjiako, Community Planning Director; Christine Cook, Chief Civil Deputy Prosecuting Attorney; Jose Alvarez, Program Manager II; Jeffrey Delapena, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter (Virtual).

GENERAL & NEW BUSINESS

A. Approval of Agenda for April 17, 2025

JOHNSON: Next, we'll take approval of agenda for April 17th, 2025. Can I get a motion for our agenda for tonight.

WOGEN: Chair, this is Eldon. I **move** that we approve the agenda for tonight.

JOHNSON: Can I get a second, please.

BERGTHOLD: This is Mark Bergthold, and I approve or **second** it.

JOHNSON: Jeff, can we get a roll call, please.

ROLL CALL VOTE

BERGTHOLD: AYE

FADNESS: AYE

WOGEN: AYE

HARROUN: AYE

BAKER: AYE

JOHNSON: AYE

DELAPENA: 6/0.

B. Approval of Minutes for November 7 & November 21, 2024

JOHNSON: Come with the motion 6/0 passes. Next, if we can remember this one, approval for the minutes for November 7th, 2024, which I believe was our last hearing. So with that said, can I get a motion for that, please.

BAKER: This is Jeremy Baker. I make a **motion** to approve the minutes from November.

JOHNSON: Second, please.

WOGEN: This is Eldon, I **second** it. Just to clarify though it's for the minutes for November 7th and November 21st.

ORJIAKO: Yes.

JOHNSON: Okay. They're separate on my approval sheet, but that's fine. We have a motion for the 7th, let's stick with the motion for the 7th if I may. Do we get a second for the 7th.

WOGEN: This is Eldon, I second.

JOHNSON: Jeff, can we get a roll call, please.

BERGTHOLD: AYE

FADNESS: AYE
WOGEN: AYE
HARROUN: AYE
BAKER: AYE
JOHNSON: AYE

DELAPENA: 6/0.

JOHNSON: Motion passes. And finally, approval for our minutes for November 21st, 2024. Can I get a motion, please.

BERGTHOLD: I'll make a **motion**, Mr. Bergthold, to approve the minutes for November 21st, 2024.

JOHNSON: A second, please.

FADNESS: Commissioner Fadness. I **second** that.

JOHNSON: Jeff could we one more time get a roll call, please.

BERGTHOLD: AYE
FADNESS: AYE
WOGEN: AYE
HARROUN: AYE
BAKER: AYE
JOHNSON: AYE

DELAPENA: 6/0.

Communications from the Public

JOHNSON: Motion passes. Okay. Is there any communication from the public for items that are not listed on today's agenda, these are items not listed? Seeing none, is that a beep for us, oh, sorry, just scroll beeps.

So, Jeff, Chair of the Planning Commission, welcomes written comments and testimony from the public on items not listed on tonight's agenda. Your comments should be directed to the Planning Commission. With that, Jeff, can you give instructions now or do we want to wait on that?

DELAPENA: For attendees using their computer or Webex application, if you would like to speak, please use the raised-hand icon. For attendees using the telephone audio only option, press star 3 on your phone's number panel to raise your hand.

For those in person that would like to provide comments, please raise your hand. Once acknowledged,

you may come to the microphone towards the front of the room. Public comments are limited to three minutes per person in order to accommodate all speakers.

Again, this portion of tonight's hearing is only for items not listed on tonight's agenda. We will begin with those in the hearing room who would like to make a general comment. Please raise your hand and the chair will call on you to come up front to the microphone. Please provide your first and last name for the court reporter. That was for agenda items.

JOHNSON: Those are items that are on the -- these are for items that are not on the agenda. So, if it's not on this agenda, it wouldn't be, it's just a general communication.

So, if you came here for something, you know, that you wanted to speak to the Planning Commission about separate from tonight's agenda, this would be the time to do that because we'll get to the agenda right after this.

COOK: Karl.

JOHNSON: Yes, I'm sorry. Oh, go ahead. Oh, go ahead.

DELAPENA: If you want to testify about that then we have to start the hearing first. If you want to talk about something not related to Chelatchie, then you can talk about it now.

GRCICH: Can we do both? Hi. My name is Wynn Grcich and I came here today because I found out some things that were really atrocious and --

HOLLEY: Could you spell your name.

GRCICH: -- and there's a lot of lawsuits going around the United States.

HOLLEY: Could you spell your name, please.

JOHNSON: Could you spell your name.

GRCICH: G-r-c-i-c-h, my first name is Wynn, W-y-n-n.

JOHNSON: Thank you.

GRCICH: Well, what I was thinking is there's some things that the Planning Commission can add to some of their stuff, and I told you before I don't want to see any large rocks in front of anybody's house between the street and the sidewalk because crippled people can't park in front of their own house or if they have, if somebody come visit they can't walk across those rocks, it will break their legs or you can have Antifa come and break your windows with them too.

But one of the things that's amazing is that this brighteon.com just did a report on what his report recently, yesterday was Jane Ruby took some of the chem trail spraying and they looked up what was in it and it had plastic particles because Bill Gates has this stuff that he's spraying on us every day with these lines to change the weather and it had these little things that looked like little eggs or little beads in it, so they put it in a, they incubated it for five days, and when they took it out this thing had grown through the whole dish.

So, this is what we're breathing that's going in your lungs and this is another way of depopulation because it's going to cause all kinds of problems so it's like you're building for everybody but you're breathing this air too, we all breathe the same air and we drink the same water, right. The reason, look it up, brighteon.com, Mike Adams, and I would definitely write that down.

One of the other things too is I've read this sustainability book, and I know we're supposed to be happy and all this stuff, well, I found out how they can do that too with the telephones.

They're trying to take the telephones out of the schools so the kids don't have them, which is good, but the bad thing is is that with the fluoridated water and these other things that are -- they need to have some kind of alarm in every classroom because if these kids become the shooters in the schools, the teachers need some way to, you know, call or whatever and they should put -- they're called seltzer plugs and they're not very expensive, but they should put one in each classroom to take the dirty electricity out.

There was a -- this was a health official in the Bay area that I had heard a lecture and he had written a book about seltzer plugs because that in itself takes a lot of the dirty electricity out of the classrooms and it's not very expensive, it's like 50 bucks, and, you know, that causes cancer and stuff too, but in the schools I think it's really important.

I know a lot of schools are being built with Columbine locks and the bad thing that's happening is when they fluoridate the water and then these kids are also on psych drugs or something else, they get very violent and Dr. Phil on Merit Street Media has all kinds of programs about this, but it's one thing about building the schools that it's not going to be, you know, it shouldn't be a bad thing.

And what I would suggest is I would like to see Battle Ground sell one of their schools off, consolidate it, use the land for redevelopment and have one school and you can build on tiny houses on the back for the kids that are not, you know, for the ones that don't have housing and they could do all of this on one school. In the Bay area we have a lot of people in one school.

JOHNSON: We have a three-minute time limit but thank you very much for your comments.

GRCICH: Oh, sorry.

JOHNSON: Thank you.

DELEON: I think I understand, so right now I don't talk about the Chelatchie.

JOHNSON: No, do not talk about Chelatchie.

DELEON: Just talk about Clark County planning stuff?

JOHNSON: Sure, if you'd like. Yep, any, anything.

DELEON: My name is Carmen Deleon, D-e-l-e-o-n, and I go by Melo, it's a nickname. I don't see a counter anywhere unfortunately so I'm just going to tell you what I know. Okay. I tried for two days to find this, couldn't find it. Today it took me two hours and three phone calls, but I finally found this on the schedule, so I don't think they're all gung-ho about publicizing these meetings.

I've only been coming to these meetings for a year, but I wouldn't have expected a day and a half trying to just find this meeting, you know. And this is the first meeting where I thought we were going to go till 6:30 and you're supposed to take a break and then at 6:00 and go have dinner and come back at 6:30 because the City of Vancouver does that, every week they get a catered dinner at their meetings, so why aren't you.

You know, and that's why I'm talking about the Commission because, like I said, I go to City Council, they stop at 6:00, they go have a catered dinner and then they come back and do public whatever and you guys, well, you don't get anything and that's not fair, you know, I'm just saying.

I don't know where my minutes are, but the people I've seen come and testify to these commissions they lie through their teeth, man. I went to the other Planning Commission in Vancouver and that chick sat there and said, oh, we need more money for the parks, the parks are always full.

I'm like, girl, I've driven by that park and all of twice I saw kids playing there, and, yeah, I'm talking about the one on Devine Road and Mill Plain across from the cemetery where my parents are buried and she's wanting more money and you can drive by and you can see how empty it is.

So whatever these people are saying I wouldn't believe it all especially Clark County Council, Sue, Glen, all of them, they're just, they're not in touch with the population, you know, they're like for destroy the land, build, build, build and we want to chop down everything and hopefully we can turn that tree into a parking lot because we need 2.50 an hour.

And so, anything you hear from the City of Vancouver I take it with a grain of salt because they're a bunch of snakes in the hole. So, they want to get the billion dollars for the light rail to help pay for that to look like they've saved themselves when actually they've put us in the hole and I know that parts of Clark County like I think it was Camas they're not in the hole and other parts of the county are able to manage their own finances.

So, I just want you to be have discernment I guess from how many people are coming to you with flat

out lies because they want to stay employed and you can't trust everybody, you know, and don't kill the messenger.

I'm -- I'm, you know, I've said it before I didn't come to win a popularity contest but I will tell you the truth and I don't see my minutes, so I don't know if it's beeping.

JOHNSON: Yep, you just ran out, right now it just started at zero, so good job. Really quickly just I can answer one thing if you need to know about when we meet, Clark County Planning not to be confused with Clark County, Nevada because --

DELEON: Yeah, I know that.

JOHNSON: And if you just look at the Planning Commission and you just scroll down a little bit and our minutes are recorded there and every document that we see right here in front of us you can see updated to sometimes to the very last minute, so...

DELEON: Yeah, I told you it was hard to find it.

JOHNSON: And if you get confused, just I'm sure you can call the switchboard and they'll tell you, so...

DELEON: Maybe I can get the number because the number told me about parking tickets and court and stuff and I'm not in trouble.

JOHNSON: Yeah, a lot of stuff so, yeah, (inaudible).

DELEON: Yeah. Right on. Thanks, man.

JOHNSON: Yeah. Is there anybody else? Okay. One person online that wants to speak to something other than the Chelatchie Prairie. Go ahead.

DELAPENA: Kimberlee Goheen-Elbon.

GOHEEN-ELBON: Kimberlee Goheen-Elbon, G-o-h-e-e-n, Elbon, E-l-b-o-n. So, I'm competing at a pool tournament right now so I'm taking time out to do my civic duties here.

So, I need to mention that there should be no mining in any forest in Clark County, Washington any longer including Chelatchie Prairie Bluff and accountability will be key here again, this will of the people.

You must not continue to follow the State and especially Clark County as they deem themselves a sanctuary city and that directly affects our hard-earned tax dollars here with illegal overpopulation pollution. I speak up against growth or what I call overpopulation pollution here in Clark County, Washington, USA. Clark County did not have to join Washington State's GMA.

I've lived here all my life and 50 years of growth is long enough. People come from around the nation to come here, buy up our land, strip the land and develop here with incentives such as tax relief and whatever else they're making millions of dollars on with incentives, so at the expense of our hard-earned tax dollars again.

These people make millions of dollars with no regard to our depleting resources which should be of great concern to you.

So, I ask first, and I will demand later, that this council, Commission mandate a survey to study our county's resources such as clean water, which there isn't any, our struggling forest, our fish and insect health, air quality and more. It takes one person to make a difference and so I'm asking that knowing that there's some developers there that we don't have the love of money that we are going to take care of our earth, and it starts at home.

I ask that you put God, family and country first and not our Marxist County, you know, that is Marxist, and you know what it's bringing in illegal immigrants that we are having to pay for.

So, years ago I spoke on Lars Larson FM Radio 101.1, and I said that there was no bees or insects in my garden, and I added that if you don't believe that look on your windshield and see if you see any bug splatter. And a friend was coming back from Seattle, and she said, you know what, Kimberlee, there was not one bug splatter on my windshield going up to Seattle and coming back home.

We have to take care of our community now starting with Clark County, Washington and have to start with you folks. So, I've been speaking at the Council meeting for years now especially Vancouver where I was born for five years and Mayor Anne McEnerny-Ogle must leave her office, she's a sanctuary Marxist and that's how that goes.

So, I want to mention that I have a big problem with Planning Commissioners that are developers having an impact on policies and land use. It's like vultures in the henhouse. Use your influence to stop and minimize population. And also, a huge concern about our sewer system especially in La Center as I pursue that line of s-h stuff, right, but we don't want our solid waste to be used as organic fertilizer.

Wynn Grcich is well versed and can let you know that that stuff is poison and toxic and death. We can't be having that --

JOHNSON: Ma'am, you've got --

GOHEEN-ELBON: Thank you. God bless. Let's make America Godly again.

JOHNSON: Thank you. Thank you for your comments. Is there any more online or elsewhere? Okay. Thank you very much for those comments. Moving on, we'll go to our normal public hearing items.

PUBLIC HEARING ITEM

Amendment to Ordinance 2022-07-01: A proposal to repeal subsection 5 of section 2 of Ordinance 2022-07-01 related to CPZ 2021-00006 Chelatchie Bluff which added a Surface Mining Overlay (SMO) to four parcels totaling 330 acres. This proposed action is in response to the Court of Appeals decision affirming the Growth Management Hearings Board Final Order that concluded that the county's action to add the overlay did not comply with the Growth Management Act and is invalid as interfering with the GMA goals due to a SEPA violation.

Staff Contact: Jose Alvarez, Jose.Alvarez@clark.wa.gov, 564-397-4898

JOHNSON: Again, a reminder to the public that if you're providing public testimony in person, you'll need to sign in the back, there's a sheet in the back if you want to speak to what's on our agenda tonight, and if you're going to be joining us remotely, instructions will be provided at the appropriate time by staff.

So today we're going to work on Amendment to the Ordinance 2022-07-01. Staff contact is Jose Alvarez, our Program Manager, and Jose, you're up I believe.

ORJIAKO: Good evening, Planning Commission members. This is Oliver Orjiako, Community Planning Director, and before Jose go over the staff report and the presentation this evening I just want to make a very quick opening remark.

The item before you for Planning Commission members that are new, this particular application started I will say in 2020 when we first had a pre-application with the applicant and then they formally submitted the application in January of 2021 and we reviewed that application, came before you and you made your recommendation to our Council and our Council did approve applying a surface mining on the 330 acres that is in located in the bluff, Chelatchie Bluff area, so there was a couple of issues appealed and so forth that they will get into and court rulings and so forth.

Finally, the Court of Appeals ruled I believe on March 10th if I'm not mistaken and did rule that the County action violated GMA as it relates to the State Environmental Impact Act known as SEPA and as such agreed with the ruling of the Growth Board that found the action of the County to be in noncompliance and by extension invalidated the ordinance that the Council adopted.

For some of you who are not new you will recall that we came to the Planning Commission asking you to repeal the ordinance so that we can come into compliance, that didn't happen. We went to the Council, and they directed us to appeal to the Court of Appeals. So, the Court of Appeals have ruled, and we got direction from Council to do whatever we can to come into compliance.

And with that, let me turn it over to Jose Alvarez who is the Program Manager in Community Planning, and of course we have our legal counsel here, Ms. Chris Cook, who will help us answer any questions

that you may have. So, with that, let me turn it over to Jose Alvarez.

The final thing I would like to say is the County recently made amendment to our code, so we did notify property owners that are within one-mile radius of this site, so they were properly notified about this hearing. I'll stop there and, Jose.

ALVAREZ: Thank you, Oliver. Good evening, Planning Commissioners. So, I'm just going to give some background on the project and then the proposed action, which is just to repeal a certain section of the ordinance that was passed, everything else will stay the same, and then the staff findings and recommendations and then what the process and next steps will be after your hearing. Next slide.

So as Oliver mentioned there's four parcels totaling around 330 acres, that area just to the north, that's the lighter green is the old International Paper site.

JOHNSON: We don't have our -- we didn't have our Think screens on, can we get the TV on, is that possible. I don't see anything. I'm sorry, I was going to do this before, Jose, I apologize. We do have copies, Jose, never mind, somewhere. Thank you. If you want to go ahead, Jose. Sorry.

ALVAREZ: No problem. All right.

JOHNSON: Ah, there we go. I got it here. Yeah. We're on. Thank you.

ALVAREZ: All right. So, again, the area just to the north of where the four properties are that are highlighted with the red dots was the old International Paper Mill in Chelatchie just as a point of reference. Next slide.

And, again, the property is located just south of the Chelatchie Prairie Rural Center, southeast of the intersection of N.E. 419th Street and Yale Bridge Road. The four parcels total about 330 acres and the current zoning is FR-80. Next slide.

So as Oliver mentioned, the applicant submitted this application January of 2021. The two requests as surface mining overlay be placed on all of the 330 acres. On December 1st of 2021 the SEPA official issued a Determination of Non-Significance because there was little information provided specific to an actual mining operation.

At this point in the process typically we don't get a lot of specific mining information that would come in a subsequent process when there's an actual mine being proposed. Next slide.

So, on December 15th Friends of Clark County appealed the DNS to the County Council. On March 15th of 2022 the Council affirmed the Determination of Non-Significance, and on July 19th of 2022 Council approved Ordinance 2022-07-01 which added the surface mining overlay on the four parcels.

Then in September, on September 23rd of 2022 the ordinance was appealed by Friends of Clark

County. On March 22nd the Hearings Board issued their decision and ruled that the County had improperly made a Determination of Non-Significance related to the surface mining application.

The Board further concluded that the ordinance did not comply with the GMA and that was invalid and was interfering with the GMA goals because of the SEPA violation. Next slide.

So, on April 5th, 2023, Clark County updated the SEPA determination based on the ruling from the Hearings Board. Withdrew the Determination of Non-Significance and issued a Determination of Significance. The County and the applicants appealed the Growth Board decision to the Clark County Superior Court and the case was consolidated and moved to the State Court of Appeals.

As Oliver mentioned, on March 10th of this year the Court of Appeals issued its opinion rejecting the County's and the mining company's appeal and continued the Determinations of Noncompliance and invalidity. And neither the County nor to my knowledge we weren't notified appealed the Court of Appeals decision to the Supreme Court, there was a 30-day appeal process that ended last Wednesday which was the 9th. Yes. Next slide.

So, the proposed amendment to the ordinance because it's to resolve an appeal of a comp plan amendment meets our criteria for amending comprehensive plan amendments outside of the regular cycle, so the criteria in the Clark County Code has been met. Next slide.

And so, staff is recommending approval of the amendment to repeal the Subsection 5 of Subsection 2 of CPZ-2022-07-01. Next slide. And we had a work session two weeks ago with the Planning Commission, the hearing this evening and then we are looking at a hearing with the County Council on May 20th. Next slide. That concludes the presentation. If you have any questions, feel free to ask those.

Questions from the Planning Commission

JOHNSON: Questions, gentlemen? Go ahead.

WOGEN: Jose, I missed it. You said -- had the April 9th, I'm sorry, it's on, this is Eldon, thank you, Chris. So, you had the April 9th to appeal to the Supreme Court and they did or did not?

ALVAREZ: Did not.

WOGEN: Okay. I missed that. Thanks.

JOHNSON: A couple of simple questions being the guy that went way back on this, okay, when I was first learning about the overlays, this was an identification of where, for a better term, quality rock is at, is that correct, or available or the best spots in Clark County; is that correct?

ALVAREZ: Well, the applicant had to demonstrate that there was rock on the site and --

JOHNSON: So, I'll back up farther. When we initially did our overlay we identified all these spots that were potentially where the good rock, those are my words, are at, right, and then this applicant came along later and said, hey, we have availability of this there that we, we advise the Council to go ahead with this that we thought that was a good idea, the Council voted for it; right?

ALVAREZ: That's correct.

JOHNSON: So then, so that's good, you kind of established something. Because here's my question, and this is a broader question, a lot of times we're getting what we did or we're getting told you basically don't have a choice in the matter because the State has mandated or a law has mandated backwards especially when it's a court hearing, and you may be able to answer this, Chris, that when the court says or the appealed happen and it comes back, why are we getting this again if the court, are we not, am I missing something when the -- don't the courts have that power?

COOK: You're getting it again because the court has told us something about whether an action taken was lawful or not, but the court can't go into Clark County's comprehensive plan and change the map.

JOHNSON: Okay. That's my question, so...

COOK: You are the decision-makers --

JOHNSON: It's not like --

COOK: -- who recommend --

JOHNSON: Right.

COOK: -- the map change to Council, Council would make that change.

JOHNSON: You don't have to -- it's locked up, the court's got it, went on through this appellate and the process is in the court. The court says no at this point at least, it doesn't just say that's done, it says you need to go do something with it.

COOK: Yeah, it doesn't have the authority to say --

JOHNSON: I first learned that because I'm sticking with my original you know what, but if I do, and this is just a general question, I voted for that to happen and then I come back and I say, well, no, obviously we have an Appellate Court saying you guys, you guys, us guys, gals, don't know what we're talking about I guess, but there was a lot of energy and effort that went into this and I always just am amazed by how many times stuff comes back to me, not me, us, and I go, well, didn't we already deal with this.

And, again, I'm not trying to muddy the waters, I just all day long I was thinking about this, I was like,

man, what is the deal with this, when are we ever going to get through it.

ALVAREZ: So, yeah, and I think maybe one way to think of it is like when we -- when it went through the process initially, you approved it and the Council approved it, the action the County took was putting that overlay on the map, and so now we have to go through the process to take it off.

JOHNSON: This may -- do we have any more of these? Or do we have any more of these like this or --

ALVAREZ: Not that I'm aware of, nothing's pending.

JOHNSON: Remember it was full all the way back to the doors and the Livingston Mountain folks --

ALVAREZ: Yeah, they did.

JOHNSON: -- did a great job in defending their hill, but anyway. I just thought --

HOLLEY: Hey, I can't take two people. Hello.

JOHNSON: I hear you, Cindy, sorry. Cindy, sorry about that, I was just rambling on. Thank you. Thank you, Jose. Thank you, Chris. Any more questions? Okay.

PUBLIC TESTIMONY

JOHNSON: With that, we're going to now open our hearing for public testimony. I do not have any sheets unless you hid them up here somewhere from the back and - but that will give you time also.

For tonight's hearing, oral testimony should be directed to the Planning Commission. The Planning Commission, once again, will consider all the public comments as they deliberate and will vote on a recommendation that goes to the Council. And as soon as Jeff gets these to me, he'll do his little spiel again.

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

If written comments were received prior to April 17th, 2025, they were submitted to the PC members and posted on the Planning Commission website. Tonight's hearing is being transcribed by a court reporter, so please spell your first and last name and speak slowly. Public comment time is limited to three minutes.

We will now begin with those participants that have joined remotely via computer or telephone. Please raise your virtual hand or press star 3 on your phone to let us know you would like to provide comment.

Linda Micheel, we have requested to unmute you. Please state your name for the court reporter and go ahead with your comment.

MICHEEL: Am I unmuted?

DELAPENA: Yes, you are.

MICHEEL: Thank you. My name is Linda Micheel, M-i-c-h-e-e-l, and I live in Clark County. Commissioners, thank you for giving me the opportunity to speak to you today as a concerned citizen about the Chelatchie Bluff SMO ordinance.

I've been following this for the past several years and have become more and more concerned as more and more information about the probable negative impacts of the Chelatchie rough as a, sorry, Chelatchie Bluff, buff, Bluff SMO ordinance on the environment and on our water supply.

I'm also concerned that the former County Council chose to keep the ordinance in the face of recommendations by staff and pushback by the State and thus fell out of compliance with the law. This seemed and still seems very shortsighted to me.

Being out of compliance wastes everyone's time and also precludes Clark County for applying for grants from the State. Now, with a new County Council I'm hoping for a better outcome to this issue which will protect the environment and our water supply as well as to bring us into compliance with the State.

I urge you to recommend that the County Council should repeal the Chelatchie Bluff SMO ordinance, and I hope that they do that. Thank you for your time and for your work in this matter.

JOHNSON: Thank you for your comments.

DELAPENA: There are no other raised hands online.

JOHNSON: Great. Okay. We will now move to those that are in-house, and again, I would ask you to make sure we keep our comments to three minutes. You'll hear a little beep which is one, which there's one minute left and then there will be another minute.

So, with that said, I have is it Wynn Grcich, Grcich, did I say that right, Wynn? Sorry about that. Can you state your name slowly for our recorder and then --

GRCICH: It's Wynn Grcich, W-y-n-n, the last name is G-r-c-i-c-h.

JOHNSON: Thank you.

GRCICH: This thing about you're worried about air pollution and things like that, and I want to know how close this is to buildings or housing or anything because when they do this rock mining it's not just the water, it takes a ton of water to do it and where are you getting that from.

And, secondly, is the fact that with this stuff in the air when it's blowing and things everybody is going to be breathing this. And I know a lot about it because I was a security guard for a while at a school that was right next to a rock quarry in Fremont, California.

They built a school right next to it and the air pollution was so bad from this grinding up rocks and stuff that the kids had to stay inside the building, they had to play in the gym because they couldn't go outside, even though they had a big soccer field and all this other stuff, it was a wealthy school, people were ticked that they allowed them to build next to this rock quarry.

And when you think about everything that's happening here is that how close are you to people or any building that people are going to be breathing this stuff because you're worried about air pollution and everything else and that's something I know for a fact because I worked right next to one and the kids couldn't go outside, anybody in their houses had to keep their door shut because of the stuff in the air from the rocks.

So, if this thing is not done correctly that it's going to be really bad. So, this is one thing I'm really concerned about is the location of any, any housing or anything around it, because when the wind blows that stuff is going to go everywhere and if you don't wet it down real good, it's going to be there, so once again, more air pollution. And it's very important that people realize this, but the water quality alone you got all that dust and stuff in the water that's not good either.

So, anyway, the main thing is is that we have to worry about the air pollution and everything else and if -- when you use a lot of the recycled water you've also got nitrification because of the stuff in the water and what's it going to do to the land around it, is it going to make it more algae bloom, you know, that's something. So please consider that. I'd be worried about the water and the air pollution and thank you.

JOHNSON: Thank you for your comments. John Nanney.

NANNEY: Good evening, Commissioners. The name's John Nanney, J-o-h-n, N-a-n-n-e-y, I'm a Chelatchie Prairie resident. Appreciate you taking the time this evening and asking the questions and looking into this, I've been here a long time, I've been on this from the beginning as well.

Some of you may agree or disagree with what the Appeals Court came up with, doesn't really matter, that's what they ruled, they did it unanimously, it's their ruling, we're not in compliance, we haven't been in compliance, we've lost millions of dollars in grants and loans, we just got to get this thing done.

So, I highly recommend that the proposal to repeal Section 5 or 6, excuse me, Subsection 5 of Section 2 of the ordinance that you guys pass that, let's repeal it, let's start over, let's do this right this time like I

asked in the first place. Thank you.

JOHNSON: Thank you, sir, I appreciate your comments. Next is James, is it McRae or McRae? Sorry, I can't read it, James, I'm sorry.

MCRAE: It's actually McRae. Sorry about my horrible handwriting at the angle. Yes, James McRae, that is spelled M-c-R-a-e. I am a Clark county resident. I want to thank the Commission for holding this testimony and I'm just going to be extremely brief.

I think that I'm here in support of repealing Subsection 5 of Section 2 and you know the rest of the numbers that go along with it. I think I'm just going to simply be brief by saying that I echo what's been previously testimony or provided testimony and I really do believe that we could be looking at a better option than the way that this was ran through by the last Council. So, I do strongly recommend that as a citizen that we repeal this ordinance. Thank you very much, gentlemen.

JOHNSON: Thank you, James, appreciate your comments. Carmen Deleon, did you want to comment or not, it says no here, but you're going to comment on this?

DELEON: No, I put no on the e-mail thing, see I didn't even know either.

JOHNSON: Oh, okay. I'm sorry.

DELEON: That's okay.

JOHNSON: Can you spell your name again for the --

DELEON: C-a-r-m-e-n, Carmen Deleon, D-e-l-e-o-n, I go by Melo, M-e-l-o. Okay. So, we're starting again. Okay. I'm reiterating that the Clark County Council didn't give a damn, they don't know what they're talking about.

I went all the way to Chelatchie for the public to come and see and I was there at 10:01 and they left, they didn't wait for the public to show up, they just left, so they're not anxious to really, you know, make the public happy.

I was in here when family after family after family asked them to stop building stuff, stop turning our mountains into rubble. And just for the -- so you know there's no more sand on the Florida beaches, I've been to both Miami side and the Gulf Water side and it's all sandy, you won't find a shell because they have to import the sand because it's been washed away from the ocean. So, if you think you have unlimited resources here, you don't, you know.

And, you know, I mean they don't want their yards turned to rubble, I don't care how much they say they're protecting it, they're not because they're destroying the wildlife, they're destroying all kinds of things.

And if they want, you know, like I said, I don't like to bring problems, I like to bring solutions, so if you can grow, if you wanted to have something to build and grow, hemp grows faster, bamboo grows three times faster.

Like I told Clark County Council that if you want to make toilet paper use bamboo because you get three years of growth in one year and with hemp you can actually advertise fireproof bricks for building houses that are fireproof, and hemp grows faster than regular wood. So instead of destroying old forests there are other things that you can grow, plant and sell.

Also there has been something in the environment that made all the chocolate in Africa not grow and that's why I told them start making the growers here in Oregon grow chocolate because there's going to be another shortage that's just waiting to happen. And I don't know how much time do I have?

DELAPENA: Less than a minute.

DELEON: So, I have a minute. Okay. So, I don't know what the lady was talking about there about they were talking about the schools and stuff and I'm just saying that we're supposed to be a first-world nation, everybody loves the USA, yet our kids are 35th and I even heard 44th in brain thinking, you know.

So, if you want to give money to schools, I don't know if you really should anymore, maybe parents need to educate their kids because the schools are dumbing them down, you know, they're too worried about the wrong things.

And when it comes to schools, I'm all for defunding the schools because all they're making is a society genetically engineered and socially engineering people to become working class people, nobody is geared to think freely and you're basically do as you're told, do as you're told, run the machines but never own one.

JOHNSON: Thank you for your comments. With that said, is there anybody else who would like to comment? Can you just come up. I got the things up here. Can you come up and just make sure you state your name and spell it please for the record.

HARDY: Good evening. Teresa Hardy, T-e-r-e-s-a, Hardy, H-a-r-d-y. First I'm going to address this thing of the County being out of compliance, when we have three County Councilors who choose to put us out of compliance despite the fact of what Chris Cook and our staff recommend and community engagement and everything, it gets really concerning and we're looking right now for three Councilors who may put us out of compliance about another issue around resource land and an extended ag study.

So, I think as a county we need to carefully consider how much work goes into when we're put out of compliance for organizations, for individuals, for you, for the staff and everything, that's just one

statement.

I'm actually not reading for myself, but I am in agreement with this, I'm reading actually from Jan Kelly who is a resident of Clark County as I am and she's actually President of Friends of Central Vancouver, she's held many monthly meetings along with John Nanney to educate the public around this and she has a short brief statement.

It's time to repeal Subsection 5 of Section 2 of the ordinance. She hopes that you will see the danger in having any surface mining overlay in Chelatchie. While the building industry is lobbying for more mines in our county, those mines do not need to be at the expense of our clean water, our stable forests and at the safety of our communities.

She strongly urges you to repeal this surface mining overlay ordinance and once again get back in compliance with the State GMA. As you know we were out of compliance, we are not eligible for grants, and we have the potential of losing money. Each day of delay is more money that our county is losing.

The time for action is now, so we need for you to make the right recommendation to our County Council so we can move on from this and people can stop spending as much time on this and we can be doing the right thing. Thank you.

JOHNSON: Thank you for your comment. And I think that looks like that would be all that's --

DELAPENA: We do have one more online who's raised their hand.

JOHNSON: All right. We'll take the one person online there, Jeff.

DELAPENA: Caller, you have been sent a request to unmute. Please unmute and say your name for the record and go ahead with your comment.

GOHEEN-ELBON: Hi. I'm done with my first game. Kimberlee Goheen-Elbon. So, you folks have to admit that people around the world are healing from the inhumane chaos of the past four years and so only a few citizens speak up, but not only does one speaker speak for hundreds, but more citizens are becoming aware that this is the people's government.

Washington State we're in big trouble here, you know, we -- I went up to Olympia, we're passing a lot of policies and stuff from people that just have no business doing that and I'm not going to say which party or anything like that, but they're becoming more aware of what that this is our government.

So I copied 133 pages along with the policies of the people's comments about Chelatchie Prairie Bluff and now it's time to make history here today, folks, and listen to the people and abide by our will of our land and once people figure out that these last four years have been a horrendous use of hard earned tax dollars, we're all in debt, Clark County, Vancouver.

And by the way I want to mention to citizens that Vancouver is on record, the new city manager is on record stating that he wants to be the second largest city in the State of Washington. I'm absolutely against that, especially because of our water. We're -- we don't have as much water as people think and it's certainly not clean, we need to take care of the resources we have.

And I wanted to mention earlier that we have enough, we need to stop using the earth, stop using people's hard earned tax dollars, let people settle down, let them stay where they're living now in their home, no more building homes here and let's get on with our business, let's plant some more community gardens I might add, I don't see any of those.

In fact, I speak at my hometown La Center and every time they do something I'm asking them to plant apple trees, pear, plumb trees are great, plant your blueberries, you know, you want so many people let's feed them and that's good use of property instead of, you know, trees that are just there for looks. We got to quit doing this for looks, folks, you know.

I mean, I could go on and on about that about how humans are ripping our earth, it's the whole earth that's in big trouble and we need to let people know that that's happening. You know, Dr. Phil on Merit Street or 101.1 FM Radio, there's a lot of resources. Brighteon was mentioned, GeoengineeringWatch.org is a good spot to understand that there is chemical poisons going on in our air here and in fact there's other states that banned it. So, you tell me if it's there or not.

People need to wake up, get the scales off of our eyes and start getting active to protect what we have now and stop the growth and let's survive. Thank you. Let's make America Godly again.

JOHNSON: Thank you for your comments, appreciate it. Thank you. Okay. Do we see any more virtual hands or real hands?

DELAPENA: No one else online.

Return to Planning Commission

JOHNSON: With that said, I think we'll bring it back to for deliberation. And how we do this for Kyle, we just kind of if you have something to say, you can say it, but it's our time to kind of discuss what's been taken from there and from here and we'll go from there. So maybe we'll start down here. Mark, feelings, ideas, thoughts? Nothing?

BERGTHOLD: I'm on with following staff recommendation.

JOHNSON: Awesome. Thank you. Jeremy.

BAKER: I think it's important for us to get into compliance with the State, so I'm all for moving forward.

JOHNSON: Jack.

HARROUN: I agree, I think we need to follow the Court order and despite what we think might be the better judgment, but we got to be in compliance.

JOHNSON: Eldon.

WOGEN: I agree with Jack.

JOHNSON: Kyle, do you have anything?

FADNESS: Yeah. I -- I echo one of the comments that was made where, you know, we may have a personal objection to the ruling, but getting in compliance is important and it's time to move on.

JOHNSON: Yeah. I -- I want to say that one from the dais fairly loudly, that I, it doesn't matter, I mean it does matter, but I mean I don't -- but we've got to get through this thing, we've been playing around with the surface mining overlay for it seems like from when I first got here, but that said, you know, we -- we just -- we're already at a point of no return.

So, against maybe my personal feelings about this, I'm tend to leaning to my that we'll just follow staff's recommendation. So, with that said, I will entertain a motion and a second from somebody if that's where we want to go.

BAKER: This is Commissioner Baker. I move to make a **motion** to repeal Subsection 5 of Section 2 of Ordinance 2022-07-01 related to CPZ-2021-00006, Chelatchie Prairie Bluff Surface Mining Overlay to get us back into compliance.

JOHNSON: Do I have a second, please.

HARROUN: This is Commissioner Harroun, I **second** it.

JOHNSON: With that said, we have a motion and a second. Jeff, could we get a roll call, please.

ROLL CALL VOTE

BERGTHOLD: AYE

FADNESS: AYE

WOGEN: AYE

HARROUN: AYE

BAKER: AYE

JOHNSON: AYE

DELAPENA: 6/0.

JOHNSON: Motion passes. So that will conclude our public hearing section. Is there any old business here? New business? We have to elect a chair and a vice chair; correct, Oliver?

OLD BUSINESS

None.

NEW BUSINESS

JOHNSON: New business? We have to elect a chair and a vice chair; correct, Oliver?

ORJIAKO: That is correct, Chair Johnson. We typically will elect, or the Planning Commission will elect by your bylaws a chair and a vice chair at your first meeting in a calendar year, this happens to be your first meeting, so that's why it is on your agenda. We are in March so that's what is on the agenda, sir, to follow your bylaws. Thank you.

JOHNSON: Okay. With that said, I will take a motion for recommendations for anybody for chair. Well, let's go with vice chair first, let's do vice chair. Anybody recommend anybody for vice chair?

BAKER: Well, this is Commissioner Baker, I notice that our current vice chair Bryan is not here this evening, I'm not sure if that has any relation to this agenda item, but I would nominate **Commissioner Harroun** to be vice chair.

JOHNSON: Commissioner Harroun for vice chair. Okay. Anybody else have any other recommendations? A second for that.

FADNESS: Yeah, this is Commission Fadness, I would like to second the nomination of Commissioner Harroun.

JOHNSON: Okay. We have a motion and a second. All those in favor for Commissioner Harroun. Do we have to take a -- oh, we just take a roll call on that; right? Say aye. All those in favor say aye.

EVERYBODY: AYE

JOHNSON: All opposed? Hearing no opposed? Commissioner Harroun, congratulations. We'll now take recommendations for chairman. It's open, motion and second, please.

WOGEN: So, I have a question. So, Karl, you've done a good job being a chair, sometimes you get tied up with work and stuff, what does your work schedule look like or commitment for the next year because the next year we're going to be heavy into the comp plan, that's going to be real important for chair to be available for that?

JOHNSON: Yeah. I -- I don't -- I'm, you know, I serve as I serve, so I never can look too far ahead and say where I'm at, you know, but I am either way whether I'm the chairman or not, you know, I'm okay with it.

So, I'm asking if there's a motion, if it's about commitment, my commitments always here, I've been here since 2013, I think I'm on year 15, so, but I don't necessarily care either way, I don't, I just know that it's, I've been doing it for a while, so... Can I have a motion.

BERGTHOLD: This is Commissioner Bergthold, I make a motion to put **Karl** as chair again.

JOHNSON: Second?

HARROUN: This is Commissioner Harroun, I'll second it.

JOHNSON: We have a motion and a second on the table. All those in favor say aye.

EVERYBODY: AYE

JOHNSON: All those opposed? Hearing none, we'll let that go for now.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

JOHNSON: With that said, is there any other business for the committee or the Commission?

ORJIAKO: Good evening again, Planning Commissioners, this is Oliver Orjiako, Community Planning Director. Just want to quickly mention that some of you that were able to watch the last climate change advisory group, they completed their work April 7th and including goals and policies and we will be coming before the Planning Commission in a work session beginning in May.

And I know Planning Commissioner Eldon have been, not to put you on the spot, wanting us to come to Planning Commission as quickly as we can, so bear with us, there's so many policies and goals, so we will work through not changing the recommendation of the group.

What I will say is that the group have worked tirelessly and have made their recommendation, it's a very diverse group, they made those recommendation where they can in consensus, and I want to give a shout out to the group they did an excellent job of coming together.

You may have seen the letter that they submitted to you, if you haven't, we will send that letter to the Planning Commission coming from the group. So, with that, we look forward to seeing you in May 1st, you may not be able to see everything on May 1st, but we are beginning the process to bring it to the Planning Commission.

WOGEN: So, I had one comment. I listened to that CAG meeting and it's pretty enlightening. Just for

the Planning Commission members there's 160 goals and policies that they reviewed in 18 months was their process, so that's why I've been pushing staff and Jenna to get it to us as soon as possible because there are going to be some there that I see that there's going to be a fair amount of discussion on our group will have. So, anyway, 160 to go through but I think we can do it.

JOHNSON: They had eight months? How long do we have, ten?

WOGEN: They had 18 months. And by the way there was four goals and policies that they did not have a consensus on, so...

ORJIAKO: That's true or at least I would say 90 percent of them for this or that even though there were about maybe two or three or four individuals that didn't quite agree with it, it doesn't mean that they objected, it could just be what the policies trying to accomplish.

Remember that as Jenna shared with you and the group, we had why this new bill passed, you have Initiative I-2066 having to deal with the use of natural gas and a judge have ruled that that initiative is unconstitutional. We believe that it's going to be appealed to the State Supreme Court, don't know when our final ruling will come out, so there are some policies related to that particular issue.

So, when you have an issue that as we just went through now that is up in the air, it's hard to write a policy that gives you a clear direction of what to say. So, you will see that in the final work that will come before you.

If by the time we complete this comp plan update we are required regardless of what may be coming from the federal, we are required to follow the State law. If, and I'm using the word if, the State Supreme Court rule that Initiative 2066 is unconstitutional there will be change in the policy as it relates to natural gas maybe favoring electrification, I don't know that for sure, but that's part of the issue where there may be some hiccup in what the group is recommending or not reaching consensus.

I just want to make that distinction, that's where that's likely coming from, there may be some other areas, but I will say overall they reached their recommendation by consensus and on those areas where they didn't fully all agree, I will say at least 90 percent of them agreed on what will be coming before you.

WOGEN: So, Oliver, is staff discussing on how you're going to be bringing this to the Planning Commission because I don't think you're going to be available or have the ability to do here's 160, go for it, have you guys talked about a strategy that you're going to use to --

ORJIAKO: We are discussing that. One area that will be much easier is we may come to the Planning Commission with what is known as the countywide planning policies first. Why do I say that, because we have shared the countywide planning policy as it relates to requirement to have a climate chapter and to follow that new State law and all our city partners have agreed on that climate countywide planning policy, that may be the first that you will see.

Then we will begin to come to you in a manner that we think because there are some of the policies that may be related to transportation for example, we may recommend that those policies go to the transportation element, that we haven't come to you with some other chapters, transportation, housing, capital facilities plan and then of course the climate.

Am I missing something, Jose, I believe there are about five or six more chapters that haven't come before you because we are waiting for the completion of the climate bill because the climate element will touch on all those remaining chapters. So, we are looking at what is the best way to structure what the group have recommended and that's a decision I will make with staff.

JOHNSON: Any other questions or comments for the good of the order? All right. Very good. Thank you. Appreciate everything. We're adjourned.

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 CTVTV on the following Web Page at:

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

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