

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, OCTOBER 20, 2011**

Public Services Center
BOCC Hearing Room
1300 Franklin Street, 6th Floor
Vancouver, WA

6:30 p.m.

CALL TO ORDER & ROLL CALL

DELEISSEGUES: Good evening everyone. We'll call the Clark County Planning Commission to order for Thursday, October 20th, 2011. Can we have roll call, please.

BARCA: HERE
ALLEN: HERE
USKOSKI: HERE
VARTANIAN: HERE
MORASCH: HERE
WRISTON: HERE
DELEISSEGUES: HERE

Staff Present: Oliver Orjjako, Community Planning Director; Marty Snell, Community Development Director; Lawrence Watters, Prosecuting Attorney; Steve Schulte, Public Works; Jean Akers, Parks; Gary Albrecht, Planner; Gordy Euler, Planner; Jan Bazala, Planner; Vicki Kirsher, Planner; Terri Brooks, Planner; Alan Bogulawski, Planner; Richard Daviau, Planner; and Sonja Wisner, Administrative Assistant.

Other: Cindy Holley, Court Reporters.

GENERAL & NEW BUSINESS

A. Approval of Agenda for October 20, 2011

DELEISSEGUES: Mr. Jan, is there any changes to the agenda for tonight?

BAZALA: No.

DELEISSEGUES: Okay. Motion.

WRISTON: Move to approve.

ALLEN: So moved.

WRISTON: Go ahead.

DELEISSEGUES: Moved and approved. All in favor.

EVERYBODY: AYE

B. Approval of Minutes for September 15, 2011

DELEISSEGUES: How about approval of the minutes for September the 15th, any changes or omissions to the minutes?

VARTANIAN: Move to approve.

ALLEN: Second.

DELEISSEGUES: Moved and approved we approve the minutes for September 15th. All in favor.

EVERYBODY: AYE

C. Communications from the Public

DELEISSEGUES: Is there any communications from the public on any issue that you would like to bring before the Planning Commission that is not on the agenda for tonight? We'll get to the agenda items, then, seeing none.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. Description of Proposal: Clark County regulates development through the Unified Development Code, also known as Title 40. As part of the ongoing program to revise Title 40 known as the "Retooling Our Code" project, the following "Batch #4" code revisions and additions are listed below:

Item #	Subject	Title, Chapter, Section
1	Create a new code section containing standards for the Type I review of Neighborhood parks	40.260.157 – a proposed new section
2	Create a new code section to address the scope and review of Agricultural Stands and Markets	40.260.025– a proposed new section
3	Consider whether to reduce 50 foot buffering setbacks between structures and ag zoned property in the Rural and Resource zones	40.210.020 and 40.210.030
4	Create a new code section for Temporary Farmworker Housing	40.260.105 – a proposed new section

	to align the term and definition of temporary worker with state law. Allow temporary housing on Forest zoned lands to increase availability.	
5	Revise certain county parking and loading standards, considering compatibility with the City of Vancouver's standards	40.340.010

Staff Contact: Jan Bazala (360) 397-2375, Ext. 4499 or e-mail at: jan.bazala@clark.wa.gov

The first item on the agenda it says Description of Proposal: Clark County regulates development, so we're looking at the development code known as Title 40 and looking at Batch 4 I believe.

BAZALA: Yes.

DELEISSEGUES: So do we have a staff report, Jan.

BAZALA: Yes, we do. Good evening, Jan Bazala Community Development. As you're aware the County's engaged in an ongoing retooling our code project, this is Batch 4 of that project. It's an effort to identify parts of the code that can be improved and clarified.

There are five code change topics tonight for Batch 4. Three of these items came up from recommendations from the rural lands task force. The items as we'll go through them tonight are neighborhood parks, agricultural farm stands and markets, rural and resource setback review, temporary farm worker housing, and a parking and loading consistency with the City of Vancouver.

The text of the proposed code changes is found in Attachment A which is attached to your staff report and note that the section on agricultural stands and markets has been revised and there's an updated version sent and that should be separate from the other attached attachments.

Basically we received some input from the local agricultural community after their initial staff record was written and so some changes were made in response to that input. We received a number of comment letters. We received one up today actually and one up until a couple of days ago so those should be in your materials.

The DEAB has reviewed two items in this batch, namely neighborhood parks and parking and loading consistency, and in each case the DEAB recommends approval as written.

So without further ado I will turn this over to the individual people that were the primary authors of the various sections and the first one will be neighborhood parks, Vicki Kirsher.

KIRSHER: Good evening. We were charged with the task of examining the review process and development standards for neighborhood parks with the idea that we wanted to create something that was more fluid, timely and efficient as far as process.

We started out by having park staff identify those impediments that they felt created difficulties in their ability to develop the parks that serve individual neighborhoods and they identified a number of items that crossed several disciplines within the county, Development Services, Parks was a part of this, Development Engineering, Concurrency, Environmental Services and Building Safety.

The code amendments that you have before you are a result of ongoing and multiple discussions between those various parties and we believe that we've achieved our goal in that, one, we've clarified the development standards under which neighborhood parks are reviewed by first defining just what a neighborhood park is, specifically identifying what zones they're located or may be located in.

Probably one of the biggest items was that we codified past policies and management decisions that related to review of neighborhood parks so those are now included in the code. Another big item was that we spelled out that the ADA accessibility requirements of the International Building Code apply only to buildings and accessory structures, while outdoor recreation guidelines of the Department of Justice apply to trails and secondary entrances. That has been an issue in the review of the neighborhood parks.

The one other thing we tried to do is tried to address the challenge that the parks have faced in trying to respond to changing demographic and desires of neighborhoods over time. Previously in the process every time the neighborhood decided they wanted to add an amenity or change an amenity in the park, they had to go through the whole full-blown site plan review process to make relatively minor changes and it made it difficult to make those changes in a timely and cost effective manner.

So with this code section we've attempted to overcome that particular problem by identifying particular amenities found in neighborhood parks and once the parks gets their land use approval for their plan, it allows them to exchange out certain amenities without any additional site plan. They just basically file an amendment to the original approval. And that's my brief overview. We have staff available here for any questions you might have.

DELEISSEGUES: Any questions of staff? Well, to start with I just had one. I notice on Amenities there's no rest rooms in any of these neighborhood parks, huh?

KIRSHER: Neighborhood parks generally don't have rest rooms because they're meant for walking distance for people to come. Parks could probably explain that better than I can because that is after all, but it's meant to be just for neighborhoods where the people come, play, do their recreation, picnic and whatnot and then it is within a walking distance.

DELEISSEGUES: Run home.

KIRSHER: Yeah, quickly.

DELEISSEGUES: Is there any questions of staff on this?

ALLEN: Yes.

DELEISSEGUES: Go ahead.

ALLEN: On Page 1 in the matrices under Rural Center Residential Districts you have b as Neighborhood Parks but it doesn't really say public or public and private.

KIRSHER: I guess I'm confused. Where are you again?

ALLEN: Page 1, matrices at the bottom on Neighborhood Parks as Item b.

KIRSHER: Okay.

ALLEN: And it doesn't really specify public or private, yet up above in the Definitions you only specify public.

KIRSHER: Correct. So as defined up above under Definitions it is a public park. So neighborhood parks are defined as public parks.

ALLEN: But neighborhood parks could also be part of a development park that could be private.

KIRSHER: And, Jean, would you like to come explain the differences and what we're looking at. Jean Akers from neighborhood parks or for Parks, neighborhood parks.

AKERS: So in the definition --

DELEISSEGUES: Well, could you just state your name.

AKERS: Yes, I'm sorry. Jean Akers with Vancouver-Clark Parks & Recreation.

DELEISSEGUES: Thank you.

AKERS: Sorry. One of our planners. In the definition of "neighborhood parks" it's using the category that Vancouver-Clark Parks & Recreation uses in its comprehensive plan and those are for public parks, so this code was really used to develop what we are developing as public parks.

If it's a private park I don't know if code addresses standards for private parks. Certainly if they were a private park that were being proposed to at some point be dedicated to the

public, we'd want it to follow the same standards.

ALLEN: Exactly. And like for example with the Erickson's park we do know that there were two of them, one was a private and one was a public so --

AKERS: Right.

ALLEN: -- so that's why I would like to see that differentiation because if I'm looking at just that one code and then I don't know and I didn't read the definition if this is just specifically for public park, then I would like to see that in parenthesis or at least identified as such.

AKERS: That's a good point.

KIRSHER: And oftentimes amenities like in a Planned Unit Development they will have their own recreation area that doesn't necessarily have to meet these same standards.

ALLEN: Exactly, but it may make a difference in our discussion further on.

DELEISSEGUES: I guess one difference would certainly be use public money for the public park and private money for the private parks and --

ALLEN: But then there will be some discussion about the TIFs I hope.

DELEISSEGUES: Nah.

ALLEN: And the difference between a public and a private development.

DELEISSEGUES: George, you had something?

VARTANIAN: Yeah. Is there going to be any staff presentation other than what we just had or is the others just here for questions?

KIRSHER: The others were just available for questions.

VARTANIAN: Okay. No, honestly I don't have anything for you. I have a couple of things for specifics but I don't know how to proceed I guess. We're talking here on Page 4.D, Parking, neighborhood parks are meant to be like within walking distance and all that good stuff, did we change the definition of "parks" somewhere along the line to include parking?

KIRSHER: Well, our code requires for all development that parking be provided and this is in one of those areas that in the neighborhood parks that we have since neighborhood parks are meant to be walking; however, occasionally people do drive, we have allowed parking to be located on the street adjacent to it rather than them putting in the cost and financing of the full-blown parking lot because most of these are small, they're three to five acres, and if you put in parking, then you've just eliminated a good portion of the park itself.

So one of the things that we've allowed, unlike other developments, is to allow them to utilize adjacent streets. And actually we've expanded that a little bit in that the distance can be within one-quarter mile so that there can be parking available and so people can walk.

ALLEN: But then -- oh, go ahead.

VARTANIAN: When you say "adjacent streets" are you talking about within subdivisions or something like that?

KIRSHER: Generally these are --

VARTANIAN: Because we have neighborhood parks on 29th that there is nothing there and you cannot possibly park in the road either.

KIRSHER: And what we've done is on those that's a management decision, what we've done in the past there is parking we had them provide, Parks, as part of the site plan review process provide us with an area where the parking occurred and how people could walk from that particular area. The park on 29th and is it Lakeshore, NW 99th there is parking available.

VARTANIAN: Yeah, but the one just south of 179th I don't think there is any. But regardless, in the past they have not had parking unless specifically said thou shalt not have parking in neighborhood parks, so either the code changed or we've changed the definitions.

KIRSHER: Like this is one of those that like I say it was codified a management decision as to how we've been applying the parking requirements in the past.

VARTANIAN: Okay. And to be perfectly honest with you I'm not particularly happy with impact fees being applied to parks, but that's my management decision.

DELEISSEGUES: So, Marty, do you have something to add to this discussion? I see you inserted yourself into the staff.

SNELL: No, I'm just going to be here for the next number of code amendments.

ALLEN: Oh, okay. Now when you're talking about the parking spaces are those, quote, unquote, marked on the ground or just a street parking that you may consider to be as a space but it's not really a de facto space --

KIRSHER: It's a space --

ALLEN: -- it's just street parking?

KIRSHER: Correct. It's basically like your neighborhood that you have that there's available parking on the street and Parks just shows us where those cars can park along the street, it's not a delineated space.

VARTANIAN: So it's not dedicated to the park?

KIRSHER: Correct.

VARTANIAN: Oh, well.

DELEISSEGUES: So there's no thought to a handicapped parking spot or anything like that for somebody that couldn't walk or ride a bike or that wanted to use the park but wasn't able to get there unless they could drive?

KIRSHER: Well, they can park on the street and that's where we can get the ADA accessibility requirements from the street into the park so...

ALLEN: Yeah, and with the impact fees because we do have public and we do have private parks, with the public park that's neighborhood walk to park, I just don't see why we're still charging TIFs on those particular parks.

I know we've discussed this before, but still the way I'm reading it on Page 5 there's supposed to be some sort of an adjustment but it just doesn't appear to have been adjusted on Page 5 so I would like to see what the impact fee status or the impact fee language status is and what is the intent and how are we going to make sure that we recognize that this is a public good since we're defining this as a public park versus a private development which is a totally different ballpark.

SCHULTE: Good evening, Planning Commissioners, Steve Schulte with County Public Works. In the comp plan and in County code the distinction between a private developer and a public developer is not made.

ALLEN: Is that something that is mandated that there would not be a distinction between the two or is that something that is at the discretion of the County?

SCHULTE: Well, let me just read the comprehensive plan, it's Goal 5.5, develop a balanced finance program which ensures that new development pays the costs of its impacts. So it's defined as new development. It doesn't distinguish between private and public.

So to bring that into County code we don't distinguish between private development or quasi-private development or public development or quasi-public or not-for-profit, there's no distinction made, it's just new development.

ALLEN: But then of course when the new development went in and that subdivision everybody would have paid the PIFs and TIFs for the homes and of course the parks and

developer the PIFs and REETs, but yet we're going to be charging another TIF on top of that when the parks go to develop something that is to me part of the infrastructure if it's a public park.

Now a private park is a totally different story and that's why I was trying to make a distinction between a private and a public good park.

SCHULTE: Well, I'm sure as you know all of these different public entities work off of different funds. There's a metropolitan parks district fund that's different than the County road fund that's different from the Salmon Creek wastewater treatment plant fund. So you could call us all public but we work off very different funds and different revenue sources.

ALLEN: And then of course in this particular, then, if we even start just at the, I know this is a policy issue that needs to be addressed as a whole for the parks as a whole because like I said again to me that's part of the infrastructure and yet we are treating it as if it was a private development.

But on the other hand, with this one since we have the neighborhood parks right here, it's a walk to park and people live there within that half a mile radius already and that's why the trips probably would not be generated by them getting in a car and driving over there except if somebody's disabled.

But that would happen neighbor to neighbor visits anyway. Or if it's on the way to or on the way back from school or whatever. So to me there should have been some sort of an adjustment, proportionality adjustment if not a waiver of TIFs for neighborhood parks.

SCHULTE: And, Commissioners, I'm not going to advocate for or against neighborhood parks paying a TIF, but as far as the amount goes, if you look at the trip estimating rules for something like a neighborhood park, a three-acre park would generate about five daily trips and that might equate to less than \$2,000 in TIF.

ALLEN: But that could be two park benches in that neighborhood park.

SCHULTE: I'm just providing you the numbers. So it might be five average daily trips, which is not a lot of vehicle trips, but in a pro rata sense compared to what other developers are paying at that \$500 an average daily trip rate and there's an adjustment factor in there, it might average around \$2,000.

VARTANIAN: Just as a matter of philosophy again, just because it's not a lot of money does not mean it's okay to do that, it's just a matter of philosophy, is it right or wrong. If it's wrong, it's wrong. If it's right whether it's 2,000 or 20,000, you know.

SCHULTE: And one of the challenges we don't have a low level cutoff. I don't know if it's four trips or seven trips. I mean right now TIF is applied to all developments except public elementary and middle schools, and small ones, large ones all pay a TIF.

VARTANIAN: And the reason we don't apply them to schools where there's more traffic than anywhere else?

SCHULTE: And that was a Board of County Commissioner decision back in 2007.

ALLEN: And of course with the elementary school again it's within that small distance area --

SCHULTE: That's correct.

ALLEN: -- this is travel distance which ergo should also be the same logic applied to the neighborhood parks at the very least, and the proportionality maybe to the other parks, but whether it's a public good, I mean we have to take a vote for.

DELEISSEGUES: Well, I don't think we're going to solve this tonight. I think you've made your point.

ALLEN: But I need to follow up on that for just one second.

DELEISSEGUES: Well, I hope it's concise.

ALLEN: Okay. What could be done in order to address this issue on a whole perspective because from what I'm hearing it may not be mandated by the State that we do that or it's not mandated by any other agency --

SCHULTE: That's correct.

ALLEN: -- that we get the TIFs?

SCHULTE: The County has a discretion for to broadly exempt certain developer classes. That is left to County discretion.

ALLEN: So if this is going to be coming up in the near future or is this something that's not going to be addressed in the near future?

SCHULTE: Well, there's other TIF issues being discussed right now, the timing of the payment and various payment plans, but the question of exemptions for certain developer classes the only one I know about being talked about now is neighborhood parks.

ALLEN: Correct. And this is where really it makes the best logic to maybe address this issue now.

SCHULTE: A second challenge to that where is that low level threshold is per State law. If a particular developer doesn't pay, then the County has to make up the difference. So we look to then who would pay the dollars that this particular developer's not paying and right now that is County road fund, but per State law we're obligated to provide those

makeup dollars.

ALLEN: Thank you.

VARTANIAN: So whether it's through TIF or a road fund, it's still a public burden?

SCHULTE: Correct. But it might be a different public entity.

VARTANIAN: It's still my pocket. Thank you.

DELEISSEGUES: Any other questions? Thanks, Steve. We have just a sign-up sheet for the whole Batch 4 and what I'm going to do is ask if anybody in the audience wants to testify on the neighborhood parks before we move on.

MAYER: Mr. Chair, if I could.

DELEISSEGUES: Yeah, go ahead.

MAYER: Right here. Thank you.

DELEISSEGUES: Speak.

MAYER: Pete Mayer, director of Vancouver-Clark Parks & Recreation. And I appreciate the Commissioners' discussion and dialogue on the matter of TIF fee collection on neighborhood parks. I would urge the Commission's strong consideration of actually neighborhood parks not being subject to traffic impact fees and simply the insertion of "not" and on Page 5, Item 2, Line 8 for many of the reasons identified from the discussion this evening.

Neighborhood parks by their very nature, intent and intention as identified in the Vancouver-Clark Parks & Recreation comprehensive plan specifically are focused on delivering services within walkable distance of neighborhoods and they are of small size as been noted, between three and five acres, and within a half mile radius of folks that it's intending to serve. They are not intended to generate traffic trips and I would urge your consideration to exempt neighborhood parks specifically reflective of that.

DELEISSEGUES: Any questions? Thank you.

MAYER: Thank you.

DELEISSEGUES: I'll ask again, is there anyone that wishes to testify on neighborhood parks in the audience? Okay. What I'd like to do is we deliberate on each one of these and have a vote so we don't cast them all into the same vote at the end if that's okay with everybody.

BARCA: That's swell. I think we can do this one. So, Milada, does that insertion of the

word "not" satisfy your concern?

ALLEN: Yes, it does.

BARCA: Very good.

ALLEN: Thank you very much for that suggestion.

DELEISSEGUES: Does anybody want to make a motion on neighborhood parks?

ALLEN: I make a motion that we recommend to the Board of Clark County Commissioners to adopt the neighborhood parks section as is except for Page 5, Item 2 on inserting "not" to read under Impact Fees that neighborhood parks shall not be subject to traffic impact fees.

DELEISSEGUES: Is there a second?

BARCA: Second.

DELEISSEGUES: Moved and second. Discussion on the motion? Okay. Roll call, please.

ROLL CALL VOTE

ALLEN: AYE
BARCA: AYE
VARTANIAN: AYE
MORASCH: NO
USKOSKI: NO
WRISTON: NO
DELEISSEGUES: AYE

DELEISSEGUES: I wonder if we could get some of the no people just to --

BARCA: Say something.

DELEISSEGUES: -- for the record say why they're not in favor of it.

SNELL: Mr. Chair.

DELEISSEGUES: Yeah.

SNELL: Mr. Chair, one point of clarification. If the amendment is to read neighborhood parks shall not be subject to traffic impact fees, the next sentence should be stricken just for clarity sake.

ALLEN: Thank you.

DELEISSEGUES: Yeah, thanks, Marty. Jeff, do you want to elaborate?

WRISTON: Yeah. I guess I am concerned with doing things piecemeal. I understand the arguments for and against impact fees when they're related to neighborhood parks. We have a letter from DEAB that says they're working with the County Commissioners on a number of concerns related to the TIF program and I don't know, I didn't feel that at least personally I'm prepared just to say that neighborhood parks should not have impact fees.

Although it does make sense to me, but then it comes out of the general fund or somehow it gets put on the private sector which can't bear to deal with more fees. So I just think that we haven't thought it out enough at this point to go ahead and just exempt it tonight.

USKOSKI: I would agree with that also and then add in that that also puts in the conflict with what's in the comprehensive plan where it calls out new development and it doesn't make the distinction between the two.

DELEISSEGUES: Steve, does that address your concerns?

MORASCH: Yeah, what Jeff and Valerie said I couldn't have said it better myself.

DELEISSEGUES: Oh, you might have.

MORASCH: No, I doubt it.

DELEISSEGUES: Okay.

VARTANIAN: Are we back into the discussion stage or --

DELEISSEGUES: No. I think all we wanted to do was just to --

BARCA: We got the vote.

DELEISSEGUES: Yeah, the vote's the vote.

MORASCH: I think Dick just wanted to clarify that those of us who were voting "no" were not voting no on the proposal itself, we were voting no on the amendment.

DELEISSEGUES: On the impact fees.

VARTANIAN: Well, what was the vote?

DELEISSEGUES: 4 to 3 I think.

WISER: 4/3.

VARTANIAN: In favor.

ALLEN: In favor with the revision.

VARTANIAN: Yeah.

WISER: Yes.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

DELEISSEGUES: Is everybody ready to move on? We'll go to 40.210.010, Forest, Agriculture and Agricultural-Wildlife Districts, Page 7, Agricultural Stands and Markets.

BARCA: Okay, that sounds better.

KIRSHER: It is agricultural stands and markets. These code amendments came about as a result of the rural lands task force asking the County to do more to encourage activities to support, promote and sustain agricultural operations. One of the ways the task force felt that we could do this was to allow larger roadside stands where farmers could sell the product that they've grown.

This has been an ever evolving document. We've met with the Farm Bureau and various farmers to try to work on this. And while I know that they we've had some very productive conversations with them I think that it's ever evolving. The primary outcome of these code changes is that the County will now differentiate between the temporary seasonal roadside stand and the larger agricultural market.

We currently allow roadside stands but we've had some issues with inconsistent language from zone to zone as to what was allowed. We've tried to define some of that. We've tried to clarify those areas that have created confusion when people came into the counter and said can I do this, what are my parameters, and that's what we've attempted to do here.

It specifies that stands are to be temporary in nature, it allows the display and sale of products during the harvest and growing season for those in these areas. It does require that the parcel where the stand is located be in agricultural production, otherwise it becomes nothing more than sort of a little tent on the corner of Highway 99 and 99th Street.

It does require that at least half the sales be on properties that are owned or leased by the farm operator so that it is primarily his farm, but it allows him to sell products from other areas in Clark County and the adjacent area as well.

The size that we've denoted for these stands are exactly what's in the County code right now, we didn't make any changes to that. We did, however, expand the number of areas where stands could be, primarily in some of the single-family and some of the urban residential zones.

I think one of the big changes is that due to complaints that we received about people parking particularly in the rural areas along the roads and creating traffic hazards, we've required that at least some on-site parking be provided. It's not a formal parking area, it's just an area to get people where they can pull off the road and do their maneuvering.

Seasonal roadside stands, we've specifically made them exempt from any review from the

County. Basically if they meet these requirements, we're not going to put them through any sort of review process. The second category or the newly created category is the agricultural market. And although we have several existing markets of this type in the county, they're actually not currently allowed at all because they far exceed the 200 and the 300 of the existing code.

So what we're trying here to do is to rectify that situation and allow those markets to come into existence and what the difference they differ from the seasonal farm stand is that they're a building that's used essentially year-round for the sale of farm products.

As with the farm stands or the seasonal stands it does require that the parcel be in some sort of agricultural production, it can't just be plop it down and become a Safeway or something of that nature where it's a use on it's own, it has to be secondary to the agricultural use on the property.

It also broadens the type of product that can be sold. Up to 25 percent of the products can be from grown outside the local area so they could bring in Hermiston watermelons or apples from the Yakima Valley, but the bulk of it, 75 percent, has to be grown in the local area here.

It also allows some incidental retail sales of items and the fee based activities that you see like corn mazes and pumpkin patches, but it limits the amount of income that can be derived to that, it has to be minimal compared to the actual sale of farm products.

What we've done, and I know this is the one area of disagreement with the Farm Bureau, is the size of the markets. We've tiered them based on the size of the farm operation. Depending on the size of your farm operation, the bigger the operation, the bigger the stand that they're allocated.

And I guess the one last thing is that the agricultural markets do require a review. The process that we've established is one that you've seen before as part of the winery ordinance, it's the same review process as the winery ordinance, trying to keep those as similar as possible. And so with that --

DELEISSEGUES: How is the tiering of the market size different from what the Farm Bureau would like to have?

KIRSHER: They'd like bigger.

BARCA: How much bigger? We'll hear it in testimony.

KIRSHER: You'll hear it in the testimony.

BEAUDOIN: I'll address that.

DELEISSEGUES: Any questions of staff?

VARTANIAN: Yeah, just very quickly. You mentioned that 50 percent of the product that's being sold comes from local or surrounding farm?

KIRSHER: For the farm, the seasonal stand, yes.

VARTANIAN: Where can the other 50 percent come from?

KIRSHER: Well, 50 percent of it comes from the farm operator's farm.

VARTANIAN: Right.

KIRSHER: And then the other 50 percent for the seasonal stand could come -- for instance in the scenario that the Farm Bureau's is that I've got my farm stand, I don't sell blueberries but you live two properties owners and you do sell blueberries so I could bring in product from the local area, but --

VARTANIAN: What is "local" defined as?

KIRSHER: Well, the "local" that's defined in here is Clark County and adjacent counties.

VARTANIAN: That's a pretty broad comment but --

MORASCH: Where in here do I look for the definition?

BARCA: Adjacent.

KIRSHER: If you look on the page that has the highlighted changes on it, it's on Page 6 on this, in Item Number 2, Line 1, it says "As used in this section, "local agricultural area" includes Clark County and adjacent counties in Washington or Oregon."

WRISTON: So with the agricultural market I think you mentioned that 75 percent has to be grown in the local area?

KIRSHER: In the local area.

WRISTON: And is "local area" again defined as --

KIRSHER: Correct.

WRISTON: So it's not defined as necessary that particular farm?

KIRSHER: Correct.

WRISTON: So the "agricultural market" has a little more flexibility in --

KIRSHER: Yes. Right.

WRISTON: Because the --

KIRSHER: The seasonal farm --

WRISTON: -- the seasonal farm stand has to have 50 percent coming from its own --

KIRSHER: Its own operation.

WRISTON: -- its own operation.

VARTANIAN: Can -- well, okay. Well, never mind. Steve and I were just going to question whether than just saying "local" is Clark County and surrounding counties, why don't we just name the counties and be done with it?

KIRSHER: You could do that. I think there's some discussion, I know that the agriculture in our discussions with the Farm Bureau State law says "local" we've chosen to define it as the "adjacent counties." I mean we could add specific counties in there.

VARTANIAN: Okay.

KIRSHER: I mean I don't know that --

BARCA: We'll talk about it.

DELEISSEGUES: Yeah.

VARTANIAN: I'm sure we will. Thank you.

DELEISSEGUES: Any other questions before we go to the -- we can't go to the sign-up sheet. So if you would like to testify on this come forward and state your name and address and let you sort it out the order.

BEAUDOIN: My name is Joe Beaudoin, I have Joe's Place Farms, and I'm also on the Board of Directors of the Farm Bureau, and we've had some very good interaction with Vicki and the community. I think we've made some really good --

DELEISSEGUES: Just for the record could you give us the address too.

BEAUDOIN: Oh, of the farm?

DELEISSEGUES: Yeah.

BEAUDOIN: 701 NE 112th Avenue.

DELEISSEGUES: Thank you.

BEAUDOIN: Vancouver, in the city, my farm is in the city, but I'm concerned, I think we made some really good inroads in this, but the major place that I think that we disagree on is the size of operations. We have on Page 9, Item 6, building size.

ALLEN: Is that the old version or the new version?

KIRSHER: New version.

BEAUDOIN: Anyway, it's based on the acreage, size based on acreage, and we don't believe that it should be based on acreage. And we have a maximum there of 20 acres plus at 3,000-square feet, but to give you an example of our own farm, we farm approximately 80 or 90 acres, but our store is located only on 8 acres.

Currently we farm about 80 to 90 acres as I mentioned and currently we have 8,000-square feet dedicated to public access and public sales and we don't feel that it's even, you know, at times that's squeezing for us. And of course like I say that that eliminating it to 3,000-square feet is, you know, that is nothing, most businesses have an ability to expand and the ag community should do the same.

I have made a proposal, I think I sent it to the County Commissioners and it might have gotten to the Planning Commission, of basing it on proposed sales or the sales potential of the particular farm because you could have a 5-acre farm that is producing high value product that could produce more than 50 acres than a wheat farm. So I really don't think it's a fair way of doing it and I think that that 3,000-square feet is not an amount to have any kind of operation.

DELEISSEGUES: Just for clarification, in your mind why would they even worry about the building size? I mean somebody that had a small farm that didn't have much to sell certainly wouldn't go out and build a huge building to do that, they would probably as you point out size the building to the amount of volume of traffic that they expect.

BEAUDOIN: Our proposal would be to design the building to the amount of business that they expect. And it could be done, and I do have a copy of it and I did leave it with I think Vicki when we were before, but it was a proposal based on proposed volume. But I don't know, Vicki, if you ever made any copies of this one here. I've sent it to the County Commissioners and I've given it to the three Commissioners but the proposal --

KIRSHER: I believe it was in the packet that the --

BEAUDOIN: -- the proposal based on proposed volume.

VARTANIAN: I don't remember seeing it.

BARCA: Are we talking about this one?

BEAUDOIN: This one it says -- no, that's --

BARCA: That looks different, yeah.

BEAUDOIN: That was comments on our committee meeting.

KIRSHER: That's the only one I have.

BEAUDOIN: Yeah, this is --

WRISTON: The back page talks about --

BEAUDOIN: I could actually read it to you if you wanted me to but --

ALLEN: So how is it proposed to measure the volume? Is it by pounds, by price?

BEAUDOIN: I'll read the first line of it, "sales facilities square footage shall be based on projected and actual dollar sales volumes as reported on Form F IRS or it would be on proposed or projected sales." Or actually after you're doing your business, it would be proved by your Form F on your IRS.

"A distance shall be based on projected increased sales." And I have come up with a formula that would be based basically one percent of annual sales would equal one-square foot of sales area. But this was part of the proposal that I put through and it's a little more defined. If it was a wholesale operation, it would be a little bit more.

But to me that would be more applicable because you could have 5 acres producing \$50,000 or you could have 50 acres that would only produce \$50,000. And this is kind of getting off a little bit here, but the term "local," nationally nobody has ever been able to come up with a definition for "local."

20 years ago I contacted my Legislators, I contacted the County Commissioners, I tried to find a definition of "local" everywhere and it's a term that's extremely abused. We have grocery stores that are running things they call local and they actually get them from California.

The Vancouver Farmers Market for an example, most of the people that are selling there are from Eastern Washington, they're from the Willamette Valley, and so it's a term that has never been able to be defined and a lot of people use it California's local.

There actually was something written about it just a few months ago and they said some states actually have some regulations, different areas, some say if it was grown in their state, some say what was grown within a hundred mile radius, so we tried to come up with something in this that wasn't totally pinned down solid which is --

ALLEN: Did the task force talk to the Farm Bureau and get farmers involved in the discussion before they came up with the percentage and the gross square footage?

KIRSHER: Actually the recommendation that we got from the rural lands task force was to allow 2500-square feet and that was the extent of the size that we received. But there were farmers on that task force.

ALLEN: So this, quote, unquote, new and improved maximum square footage came from discussions with the farmers or --

KIRSHER: Well, the direction that I received from the task force was to allow 2500-square feet.

ALLEN: Right.

KIRSHER: And we went to the tiered system because the larger the farm operation, it seemed it was fair to allow those that had larger farm operations to have larger markets and --

ALLEN: Because on the reverse coin you're talking about small operations making huge yields, whereas there could be a big farm that has very little yields. So for example if they're over 20 acres but they really have yields that would be comparable to a five-acre production based on the dollar sales, so then they would be limited to 1500-square feet instead of the 3,000-square feet based on the size of that particular farm.

So there's still some disconnect there between measuring and allowing certain square footages. But then also this is a gross floor area, right, so there could be shelves there that go up and down?

KIRSHER: This is the sales and display area is --

ALLEN: So it's the gross floor area versus --

KIRSHER: It's the area devoted to sales and display.

ALLEN: -- gross that could add additional square footage?

KIRSHER: So if they had something that where it was like a refrigerated area in the back or whatnot, the public did not go into, that would not be included in this calculation.

ALLEN: Okay.

BEAUDOIN: And like I'm saying just for, and I'm talking about our own operation, and this is strictly customer area, we have 8,000-square feet of area that is strictly for customer access and so technically what this would be where our store is on is on eight acres, but we have fields very close to that that we farm we bring the product there.

ALLEN: Right.

BEAUDOIN: So for a situation like this would be extremely limited. So if you happen to be that, the place that you put your building on is only 5 acres but you're farming 200, it doesn't --

KIRSHER: I should note that you should note that it's the size of farm operation, not just the size that the parcel is located.

BEAUDOIN: But there's nothing passed 20 acres, it's zoned 3,000, that's the maximum.

DELEISSEGUES: I was wondering why they couldn't --

ALLEN: Yeah.

DELEISSEGUES: -- broaden that out a little bit. Instead of just going to 20 acres --

ALLEN: Right. Because --

DELEISSEGUES: -- like 100 and 200,000, 2,000 either that or forget about it and just say the building's commensurate with sales.

BEAUDOIN: Well, that's what I feel it should be based on, potential sales volume and what you actually need and you're going to require for the product you're selling, not for --

BARCA: I have a question if that's possible to put this out for anybody who comes up and testifies in the agricultural community, there's a couple of components that I'm struggling with right now. One of them is the definition of "local," but the other one is in the context of what's produced on your own operation and what percentages are appropriate.

There's some numbers that have already been put into the ordinance that we're looking at and reviewing, but I'm looking at it in the context of the ability to create a storefront in a cooperative basis. It may certainly be local but it may not be something that you yourself produce, are we going to try and aggregate this together where we're helping grow the content of local as we describe it to be genuinely local, if that's the possibility, but not penalize the specific storefront location that the content all has to come off of the owner's property that has the storefront in front of it.

So I'm interested in commentary on that.

And then the other part is in the idea of what is being produced where there's value added product that's coming in as they say processed in in the documentation here, there's nothing in there that genuinely tells me how much of the content of the processed material has to be by definition local.

You can certainly import stuff from a long ways away and can it and put your label on it

and are you okay with that or does that make a difference to you?

BEAUDOIN: That opens up a whole new, well, how about the wineries. We've got two wineries here who don't grow grapes.

ALLEN: Right.

BARCA: And that's a very good point, but we've already pretty much passed judgment on that and accepted that as being okay because they're bottling; right?

BEAUDOIN: Right.

BARCA: So that is exactly the point that I'm trying to get to and I'm interested in hearing from the people that are going to be impacted by this how they feel about that. So if you have something to add to that, I'd appreciate hearing about it.

BEAUDOIN: Well, I'll have to answer according to what we do on our own farm. We do have a commercial kitchen and bakery and we do quite a number of products on our own farm, but to go along with that there are certain things that are farmed and our kitchen is not capable of producing we have to go to outside sources and have it done custom.

And we call it private labeling. Just like Fred Meyer's and everybody else, it has our name on it, but it's done for us from some other place. And another thing that just come up along with what we do, too, is we're not a gift shop but we do in addition to everything that we produce and grow we try to have the material to process there or can it.

So we sell books for canning, we sell all of the equipment that may use for processing any of our food that we have if it's anywhere from a food processor to apple peelers and things that are all associated with the sales of our product or somebody they need vinegar, they need pickling salt, they need pectin, all of those things are things that the customer comes and they buy the pickles and we want to be able to furnish everything they need to create to do the pickles or any other products they might have.

If they're making coleslaw and they need a slaw cutter, we have a slaw cutter. If they're making applesauce, we have apple peelers and we have corers. We have all kinds of equipment to do that. And that's all something that ties into the value --

KIRSHER: And this does allow that kind of sale.

BEAUDOIN: -- added items and it has nothing really to do with what we're growing there, but it all ties in to selling that product.

ALLEN: And that's allowed, Vicki, under the current code?

KIRSHER: That sale of incidental retail items is part of what that's trying to get at is that they can do those associated things. Or if like some of them have their corn maze that

they could potentially have a T-Shirt that says such and such corn maze, that's part of the incidental sales, but it's meant for more the type of thing that Joe was describing or situation.

BEAUDOIN: And we've gone even farther than that in that we actually have a restaurant on Saturdays we serve authentic French Crepes made with our own fruit and berries, we do a Joe Special done with our fruit and berries, we do it with our own product. And we do some things that we serve. We make cobbles, we make cookies with our nuts and things that are grown on the farm.

So those are all value added products, but they also require products that we have to buy to make those products from somewhere else if that makes sense.

BARCA: Yes, thank you.

BEAUDOIN: Bill, do you want to talk?

DELEISSEGUES: Well, just a minute. Is there any other questions before you leave?

VARTANIAN: Yeah.

DELEISSEGUES: George, go ahead.

VARTANIAN: A couple, one for staff and one for other folks. How many people were on the rural lands task force roughly?

KIRSHER: I was not a part of that, I don't --

PUBLIC: 14.

SNELL: 14.

VARTANIAN: And how many of them were farmers?

PUBLIC: One.

VARTANIAN: One. Boy, there's a monumental representation of what we're talking about here. Okay, that's number one. Not what I consider a reliable statistical sampling of --

BEAUDOIN: Did you get a chance to read the letter that the Farm Bureau sent?

VARTANIAN: Yeah.

WRISTON: Yes.

VARTANIAN: Yeah. That's one of the reasons for the question. And the other one is, and

this is probably going to show you how much I know about ag and other than eating, if you had a five-acre farm and you were growing peaches versus you had a five-acre farm growing watermelons which would take more room to sell if you were going to sell all of your product?

BEAUDOIN: The watermelons.

VARTANIAN: Thank you. And would it probably get you less in revenue than it would for five acres of peaches?

BEAUDOIN: Very definitely.

VARTANIAN: So I guess my point here is that there's no good way to make a representation of the dollar value or the farm size into what the size of the store should be. I'm not quite sure why we're doing this quite frankly. I mean it seems to me that if you're trying to decide on how big a building should be and all that good stuff, I don't think we should concern ourselves with that.

I think we need to look at what kind of impacts are we trying to avoid and just say I don't care how big your building is, but you can't do this, you can't have cars parking in the street, you can't have whatever and I mean they know what they need to do, let them make a building as big as they need to as long as it doesn't get in the way of something else.

BEAUDOIN: That's exactly what we said.

VARTANIAN: Oh, well, I'm sorry it took so long.

DELEISSEGUES: That was good.

BEAUDOIN: Kind of.

DELEISSEGUES: Any other questions of Joe?

BARCA: Nope.

DELEISSEGUES: Okay. If someone else would like to testify. Thank you, Joe, appreciate your testimony.

VARTANIAN: And your jellies are good by the way.

SCHWAB: My name is Matt Schwab. My address is 24311 NW 24th Avenue, Ridgefield. I would agree with what Joe just said. The main reason I showed up here tonight is because I'm an entry level farmer, just getting started, and I was concerned with the language of the seasonal roadside stand. It used to be -- or seasonal, what are we calling it now?

KIRSHER: Seasonal farm stand.

SCHWAB: Seasonal farm stand. It used to be called a roadside stand and it was an exempt structure, on my parcel it would have been 200-square feet, and there were very limited restrictions on it and this new language places seasonal restrictions on it and whether or not you can run power to it.

I raise chickens, I sell eggs and I want to make sure there's still an avenue for entry level farmers to put up something to be able to get started in the farming enterprise before having to file permits and build larger structures. That's the main reason why I came is to allow beginning farmers an avenue to get started, have a year-round place where they can sell their wares from.

DELEISSEGUES: Any questions?

VARTANIAN: Prior to this code when you say "exempt," how exempt, what did you have to have, a building that was safe for public occupancy? I mean I'm trying to figure out why we're writing this particular code.

It seems to me we've got other things at hand that already are in code and just because it's a farm and a stand, it's still got to meet certain building codes and whatever else. I mean why do we need to add more code like I said during the winery discussions? Anybody?

DELEISSEGUES: No.

VARTANIAN: Okay.

KIRSHER: Well, as a result of the conversations that we had with the Farm Bureau and whatnot, one of his concerns was about his chickens and the electricity and whatnot and that section was changed is that it does allow utilities but they couldn't be permanent. Like your electricity, it would be a temporary hookup.

SCHWAB: But they are restricting it to only three-quarters of the year.

KIRSHER: This does limit it to nine months of the year.

SCHWAB: But I would like to be able to sell my eggs year-round.

VARTANIAN: Why are we worried about that?

DELEISSEGUES: Chickens lay eggs year-round, don't they?

USKOSKI: Yeah, I don't think you're going to stop them.

VARTANIAN: Yeah, right. Not as much when there's not too much sun. But why are we worried about this, why are we talking about electrical stuff other than building code and building permits?

SNELL: If Mr. Schwab wants to sell eggs from his farm, he's entitled to do that.

VARTANIAN: Yeah, I understand that.

SNELL: If he wants to build a roadside stand there's a public interest involved when you're building something that's near the road and you're going to attract the public from getting off a county road --

VARTANIAN: Right.

SNELL: -- to access the site.

So if he's selling from his property this regulation doesn't apply, but if he's putting a seasonal stand up on or near the public right-of-way, then some of these rules may kick in.

DELEISSEGUES: That's not very clear in here.

VARTANIAN: Yeah, at all. But back to my original point, rather than dictating what he must do can't we just dictate what he can't do. I mean he's got to provide enough traffic capacity to get off the road and back on the road safely. Beyond that he could have the Empire State Building selling eggs if he wants to.

DELEISSEGUES: Does your property front the road?

SCHWAB: No, there's a private road.

DELEISSEGUES: You'd have to put your stand off the public right-of-way, not on your land.

SCHWAB: No, it would be on my land.

DELEISSEGUES: Oh, well, then --

VARTANIAN: Just put a sign that says "eggs."

SCHWAB: Right.

DELEISSEGUES: -- it doesn't apply then.

SCHWAB: Yeah.

DELEISSEGUES: Is that so, Marty, it doesn't apply then?

SNELL: I wouldn't say that it would apply.

DELEISSEGUES: You're home free.

SCHWAB: So I can still have a stand that's 200-square feet or less that's not under the review of --

DELEISSEGUES: You can do whatever you want.

BARCA: Whoa, whoa, whoa.

ALLEN: Whoa, wait, wait, wait.

VARTANIAN: Let's not get that carried away.

KIRSHER: Right now the way it's written is if you put a structure or a tent or some sort of structure, then that's where it would kick in to the roadside stand.

VARTANIAN: But if it's not on the roadside, if it's in his driveway off of the main road --

DELEISSEGUES: On his property.

VARTANIAN: -- on his property --

KIRSHER: Well, the seasonal stands are also on the farmer's property as well, but I think what Marty was saying is that if he's selling and he's got people coming that's one thing, but where you set up the stand that kicks in. In other words it's a sales area.

VARTANIAN: I, yeah, no, I guess I'm just, you know, it's a thing with me. I don't understand why we're writing code that defines what he has to do if he's going to do something else rather than what he needs to avoid whether it's on his property, on the roadside, next to the road, whatever he's doing, all we really need to make sure is that he's not creating a traffic hazard and beyond that I don't care.

BARCA: (Inaudible.)

VARTANIAN: Well, I'm not talking about defining sizes and stuff like that. I mean size is entirely up to what the farmer feels he needs and he's not going to be building a building that's way too big.

DELEISSEGUES: I think that's the key to the issue.

VARTANIAN: Okay. Over control.

DELEISSEGUES: If what Marty says applies, then we won't have this argument, but if it

just governs the use of a roadside stand off the public right-of-way not on the farmer's land, that's what it applies to, there's a difference and we need to know what the difference is.

ALLEN: Right. And so what Marty says, I'm trying to look for it in this document but it's not in this document so that's why there's this confusion.

DELEISSEGUES: Well, join the club. I'm confused too. So are you.

BARCA: So I think we need a clarification --

DELEISSEGUES: Yes.

BARCA: -- when they're ready.

SNELL: I'm sorry.

BARCA: So the clarification, please, would be is all of this about stands that front public roads or is it about a stand on a private property?

SNELL: We were having that conversation.

BARCA: I understand. Do you need more time?

DELEISSEGUES: Back to the drawing board.

SNELL: The County's had some mixed experience with roadside stands that were not on farm property, people were not putting these stands up on their property and attracting their buyers, these are stands that are near the La Center bridge for example that when you're coming into town people are coming off down the hill and they're pulling off left to a stand that sold all kinds of various products, some of which weren't even related to agricultural products.

So I'd like to kind of look at the purpose of a seasonal roadside stand that it's not to address Mr. Schwab's experience or what he's testifying, he's perfectly entitled to do that as a farmer and selling products off his property, I think this is really intended to the roadside stands that attract people from the county roadway.

BARCA: So for the definition of what we're discussing, then, we're talking about stands that are adjacent to public roads?

DELEISSEGUES: And not on private property.

KIRSHER: Well, but the way this is written currently one was to address the issue that Marty just described and one of the things that that did was to require that it be on the farm operator's property. That if they put up -- so it wouldn't be -- and that was the intent was to

avoid those situations and in trying to clarify some of the issues we had when people came in, that may have admittedly -- I mean I think this was an unintentional consequence.

DELEISSEGUES: Maybe it needs to be cleared up in the language.

MORASCH: Yeah. I'm just looking at the definition of "seasonal farm stand" and it just says an area. I mean it doesn't say indoor or outdoor. I mean the way I would read that anybody who sells from their own farm is going to be subject to it because you're going to sell from an area so I think at least we need to have some clarification in the definition if that's the intent.

SNELL: And the intent also is to address the folks who set up temporarily something at an intersection --

DELEISSEGUES: Sure.

SNELL: -- they're selling berries, they're selling apples, they're selling peaches. I don't know where they're getting their product, but they set up shop at an intersection and it does become an issue at times with --

MORASCH: Elk jerky.

SNELL: I'm sorry?

MORASCH: Elk jerky.

SNELL: Yes.

MORASCH: I saw one on Highway 14 with Elk jerky but I went back to buy some and they were gone.

DELEISSEGUES: Well, I think maybe they're two separate individual cases that you're describing there --

SNELL: Correct.

DELEISSEGUES: -- and not try to cover them all under one.

KIRSHER: And the other thing is we didn't want to preclude -- you oftentimes will see where somebody's got their cut flowers out on their table and that was trying to say that they could do that but there was still the concern -- I mean one of the major concerns was the traffic travel.

BARCA: Okay.

DELEISSEGUES: I just think the distinction needs to be made clearer.

BARCA: So cut flowers flown in from Peru to be sold on the corner out there in Hockinson isn't the same thing as Mr. Schwab trying to sell his eggs.

KIRSHER: Right.

BARCA: So I think we got to get to the point that we clearly understand what we're addressing, then, and it's starting to become clearer to me what you're trying to address as far as the concern of nuisance and representation of local farm produce but without any justification or reality behind it.

So as I'm hearing your description of it, it sounds like to me this is not going to impact Mr. Schwab and what his intentions are because obviously he can't do a seasonal building for eggs that are produced year-round but he's not on a public thoroughfare.

DELEISSEGUES: So he can do what he wants.

SCHWAB: The way this is written it would affect me.

DELEISSEGUES: Yeah, but we're trying to change that.

BARCA: Well, we're trying to switch that around to get it away from you and to point it where the County is describing where the genuine impact is.

ALLEN: Well, maybe there should be four or five different classifications of "seasonal farm stand" and because you cannot have just one to fix the corner flower seller from a bona fide farm operation out there in Clark County that are actually producing crops on let's say 80 acres of land, so there should be different categories maybe to address those specific problems and/or those specific operations.

SCHWAB: Like farms have historically benefited from some looser oversight because I think we all generally agree that we all need farms because we all eat and it's as we're seeing here it's hard to create categories for each of the farms to fit into and to regulate.

So, yeah, all I'm here to do is to try to encourage whatever gets written that there is an easy accessible avenue for people like myself starting out so that they can go ahead and sell things year-round without having to jump head first into a large-scale operation.

DELEISSEGUES: And you've done a very good job of describing that, thank you, appreciate it.

SCHWAB: Thank you.

SNELL: Thank you.

BEAUDOIN: I need a clarification.

DELEISSEGUES: Yeah, come up and state your name and address again just for the record and go ahead.

BEAUDOIN: Joe Beaudoin again, Joe's Place Farms, 701 NE 112th Avenue. To address the people that stand on the corner or set up a stand on the corner, I'm in the city right now but I think the County has a similar regulation and the regulation that anybody who sets up on a -- you have strawberries or whatever you have, you set up on the property, the City, I talked to the City attorney because I was trying because I have people set up with inside of my own farm.

And first they're supposed to be on commercial property, they're supposed to have written permission from the property owner to be there and have a license to sell. And of course the big problem is they come in on weekends, Saturday and Sunday, they come in on holidays, and code enforcement does not work on those days.

We used to be able to get the police to do something about it but my son for example has a farm in La Center and they have their own rules for this that they will not allow anything within the city limits and so they have to cross right across the bridge and so they get pull off the edge of the road and get it and they do it as long as they can get by with it.

But I think that there are rules already for this, the big problem right now is we don't have the facilities to enforce these. It's a code enforcement issue. We have rules for this, we have called code enforcement and we've tried to get them enforced and they just, you know, so the rule is in effect here, but there is no way of patrolling it.

DELEISSEGUES: Has anybody ever suggested to the County Commissioners that maybe some of the code enforcement people work a different shift --

VARTANIAN: Yes.

DELEISSEGUES: -- like maybe, you know, they cover the weekend --

VARTANIAN: Yes.

DELEISSEGUES: -- instead of everybody having the weekend off?

BEAUDOIN: I've been fighting this for about 25 years. And because we have the problem we have -- well, we now know who the sign that says Hood Berries, it's the same person that sells everything to Burgerville and he will send somebody out with a pickup truck and sit down anywhere they want and set up their stand and sell until somebody kicks them out.

ALLEN: And sometimes it's in a public right-of-way.

BEAUDOIN: That's right. Or if we're selling local berries from California on the corner with

those local oranges.

ALLEN: On County property.

BEAUDOIN: But, anyway.

DELEISSEGUES: Okay, thanks, Joe. Does anyone else wish to testify? Certainly. Come on up.

ZIMMERMAN: My name is Bill Zimmerman. I together with my family own Busy Farms. Our address is 9504 NE 119th Street. I do want to take and say I want to thank the staff for their willingness to meet with us and meet with the individual farmers. And I apologize, my notes aren't real concise put together and one thing and another. I was real busy today. We had about 800 school kids out today.

Before I get started is a question came up about square footage that came up out of the rural lands task force, and I was on the rural lands task force, and after I got through visiting with Vicki I came home to my family and I said you'll have to kick my butt all around this farm for making a comment and on the rural lands task force.

It was asked, well, how many square feet do you need and I said, well I don't know. We currently have about 2500-square feet and somehow or other that 2500-square feet that was just a comment all of a sudden became the rule and now I'm kind of going, gees. And then after I saw the square footage that's allowed for wineries I'm going, gees, why don't I ask for the moon, 12,000-square feet for a winery.

DELEISSEGUES: Why don't you sell a bottle of wine.

ZIMMERMAN: Well, that's quite honestly, yeah, you know. And I feel bad for Bob Brink with Pomeroy Living History Farm because as this is written it just drives them out of business. They do not have any agricultural production as far as they don't sell cauliflower or broccoli or peaches or anything else and the way this is written it just ends their production or ends their operation entirely.

But if I can I'd like to address some other things first if I could. One thing is keep in mind most of these operations are about like Mr. Schwab and we too have started out there, we too started, my son started in selling sweet corn off the front porch and we gradually moved into a tent, then we moved into a makeshift structure.

Folks, I'll tell you what, most of us as agricultural operators do not have the finances to be able to build a Taj Mahal like WinCo or Fred Meyer's or whatever and consequently with what's required here in this ordinance, Joe and I kind of quickly penciled it out on a trip down to Canby one day here and came up and we said really if you're setting up an agricultural market, you can expect that you're going to put out \$100,000 to try to comply with the County's regulations before you ever sell \$1 worth of product.

Now I don't know about Joe but I know for ourselves I didn't have \$100,000 sitting around to be able to take and build that quality building. Out of this process I wish that we had a process built where it was a tiered process to allow people to get their feet on the ground and get started.

We have the desired outcomes on Page 1. It says to encourage, it says to support, it says to promote, but quite honestly, folks, with what I've seen in this it does very little to do any of that. It does nothing at all.

There will be enough requirements of these people to try and comply, but I would love to see if we could build some way in a tiered approach that as your operation grows, you are required then to meet other requirements.

You know, whatever, whether it's sprinklers or whether it's your road, your paving end or whatever, but give the people a chance to get started.

The question comes back to local and I'll bring that up. You know, with what Vicki has come up with, I don't have a big problem with it. At some point or other we have to call it what it is and if we keep expanding this, some groups want to use the hundred mile diet which I have no problem with, and basically with what Vicki has we're real close to that.

It would be nice if we could include the Yakima area. It is within Washington State and it would be nice if we can include Hood River, it's a major fruit producing area in the area, but it is what it is.

I do have a problem with other stores that come out and say, well, gee whiz, they have local and it's from California, and when we brought that up Mr. Euler pointed out that, well, gee whiz, those are commercial operations. Folks, I'll tell you what, I just finished up the year and our employment payroll topped over \$225,000. I don't know about you but I'd kind of call that as commercial too.

And I'm sorry, that's one of the problems I have with the way the County has always viewed agriculture, seemingly to always view it as a hobby and not as a commercial venture. Consequently we're always playing, I got to be careful what I say here, euphemisms from the farm are not always the best, okay. Anyhow, I'll just leave it at that.

I do have some real problems with this thing with when we start looking at what the wineries are allowed to do, I don't know if you folks have worked with the winery ordinance already --

DELEISSEGUES: Yeah, we did.

ZIMMERMAN: -- when I looked at it, to me as a farmer and an agricultural producer, a food producer, it was an absolute slap in the face to say that, by golly, these guys out here that don't even have to grow the wine, okay, they can take and, number one, they can have a building that is three times the size that I have, they can have events there, they can have weddings, receptions.

Why them? What do they have that I don't? You know what's ironic about it is they can be out in agricultural zoned property, oh, that's right, that's noncommercial property, they can be out in the agricultural zoned property residing on ag land that was normally intended for food production and they get a tax break to do it and guess what, their neighbors get to pay the taxes that they don't have to pay.

Now to me that's a slap in the face. As an agriculture producer and a food producer I take very great pride in producing beautiful sweet corn, cauliflower, berries and all of that. But you know what, if you're going to take and stifle my hands, if you're going to tie my hands to take and say that I can't do what the other people can do, I don't like it very well, okay.

Let me put it differently, I appreciate Vicki's work on the 25 or 30 percent or 50 percent, whatever, whether it be local, whether it be your own product or whatever, I don't have a big problem with it, I'd like to see local, period.

I'd like to see that we could sell the peaches that we sell, I'd like to see if it came from a neighboring farm, but sadly because of the lack of leadership we really have here in this county most people aren't going to go out and plant tens of thousands of dollars worth of peach trees because of the uncertainty what the Planning Commission or the County Commissioners are going to do with the agricultural lands.

Anyhow, I want to be careful I don't get too -- I'm very bitter if you don't know about the way this has been handled here in Clark County. My family's been here for 140 years now. I'm very saddened to see what the county has started to look like and I'm very saddened to see how the agricultural area has been treated and how the agricultural operators have been spoken about.

Points have been made that agriculture doesn't amount to anything in Clark County, that agriculture is not viable in Clark County, we are very viable, but you know what, it's a tough go if you're looking down condominiums next door.

I had one last thing about wineries and that is I thought it was really interesting here about, well, I think it was in May a woman came to me and I happened to be in the store and she had her 8-year-old daughter in front of her and she says I understand you're on the rural lands task force and I said, yes, that's correct.

And she says I understand you are looking at wineries and I said that's correct. And she said would you mind telling my 8-year-old daughter how wineries are going to help her food and nutrition and making sure that she has good local food. I said I really didn't have much of an answer. So anyhow I appreciate you allowing me to spout. I realize I touched off on some other areas but, yeah, thank you.

DELEISSEGUES: Okay, Bill. Any questions of Bill before he leaves?

VARTANIAN: I don't dare.

ZIMMERMAN: Oh, no, no, you do. You do.

ALLEN: I do have a question. Even though I don't dare, I do have a question.

DELEISSEGUES: Of course.

ALLEN: On Page 1 where it says Summary of the Current Code and as I'm looking at that and I go, wow, that's a extremely restrictive code right there so this is a little bit of an improvement, and I'm not saying that this is the best product we're seeing, but to me it looks a little bit better than what the current code does. So what is your opinion on that?

ZIMMERMAN: Oh, yes, it's definitely better than current code and I'm sure Joe and I both, and I'm sure George Hoffman, what is it, with his Little Red Barn on NW 119th, I mean all of us are out of compliance with current code and we could be shut down tomorrow. I guess the biggest question I have is is the whole deal of 2500-square feet.

ALLEN: So we're heading in the right direction but we're not quite there yet?

ZIMMERMAN: Yeah, I don't know. If I could elaborate a little bit. When we first started this we have a joke in our farm concerning our farm market and the joke goes, oh, that's more than we'll ever need.

And I remember we built a counter to display our products and my wife was so proud, gee whiz, we had 30 linear feet of counter space and my wife made the comment, she says that's more than we'll ever need. And then we got broccoli and we got cauliflower, we got all of these cucumbers and one thing and other else and we go, my gosh, as we expanded we needed more room.

To say that 2500-square feet will be adequate, boy, I hate to, you know, I wouldn't want to take and step on that at all.

ALLEN: Right. And then you also mentioned that you have the school educational programs, come out to your farm to learn about farm and food production and of sustainability as well, and if they visit the stand you do need a little bit more square footage than --

ZIMMERMAN: Well, we use our --

ALLEN: -- what's there now, but for them to see, I mean some folks don't associate that what's on the shelf was actually grown in the field and sometimes you had to bring them in and show to them that the food does not grow on those shelves in the store.

But when I was looking at the current code and I go, wow, that doesn't really do much good for anybody, period, much less for educational classwork or for educational opportunities, but I didn't see anything in here, Vicki, that talks about events and/or

educational components on the farm. Is that also being regulated or is that because --

ZIMMERMAN: Could I speak to that?

ALLEN: Sure.

ZIMMERMAN: Okay. One of the troubling issues of this is, and we've spoken to Vicki about it, is that like, okay, it has wording in there that the other activities must be ancillary to the farm production. And so for instance in our case it says that our pumpkin patch, our corn maze can only be no more than 25 percent of our income. So like for instance Pomeroy Living History Farm, you've taken that, well, they have no other farm income to speak of.

ALLEN: So they would be technically in noncompliance.

ZIMMERMAN: Yeah.

ALLEN: How would we deal with something like this where we have these other activities that are only like ancillary to farm production but yet they're kind of a necessary component as part of that agricultural stand and/or seasonal agricultural production and dissemination?

KIRSHER: Well, like some of the related things like the corn maze and the pumpkin patch and of that is in his educational I'll say spew, but the educational aspect it's not a fee generating activity.

ZIMMERMAN: Oh, yeah.

KIRSHER: The students that come out to the --

ZIMMERMAN: Oh, yeah.

KIRSHER: Oh, do they?

ALLEN: Yes.

KIRSHER: Because we didn't when I was a kid, but that was a long time ago.

ALLEN: And that's why I'm also thinking that should be also counted if you were going to go on a value or value added or gross income or whatever.

KIRSHER: And we as a result of the Farm Bureau one of the things, too, that Bill was talking about was 25 percent and we did increase that as a result of the last to a third to make it, but one of the things that we ran into at times was that with the WACs and whatnot is trying to distinguish it when is the agricultural use the primary activity and any of these other related activities --

ALLEN: Is accessory uses.

KIRSHER: -- is accessory.

And that's how we came up with the third was to try to keep it to make sure that it was within the requirements of the WAC that was secondary.

USKOSKI: Well, couldn't you make the argument that by bringing those kids in you're charging them to get in and get their pumpkin, but you're still selling your products so is it really incident carrying or whatever.

KIRSHER: Right.

VARTANIAN: And what your 30 percent, nice, what's wrong with 49 percent, it's less than half.

USKOSKI: Yeah.

VARTANIAN: And do you have to measure it in dollars as opposed to hours of labor.

ALLEN: And who's going to enforce it because the IRS returns are confidential information.

DELEISSEGUES: Let's not deliberate here, let's get Bill off the stand here. So --

VARTANIAN: Oh, but he's so good there.

DELEISSEGUES: -- any more questions of Bill?

ZIMMERMAN: Oh, I have no real, yeah, thank you.

DELEISSEGUES: Well, thank you.

BARCA: So before you go, Mr. Zimmerman, I guess I'd just like to say for the record in the context of the wineries and what we tried to do with that, all of the intention is to genuinely try and put an emphasis on agricultural production even if in the case of the wineries it isn't in all cases focused on production.

But I think what we recognize in an overarching view is the idea that it's going to take a variety of agricultural productions to make viable agriculture happen and be sustainable and the revenue generation is going to happen from a lot of different sources.

So rather than genuinely being angry I think what you should be able to do is come up here and ask for equity and we should certainly be able to hear that and say that certainly what you're asking for is only equitable treatment in the case of what we've already

established as precedent and we should be able to hear that and accommodate that.

ZIMMERMAN: Thank you, Mr. Barca. Yeah, that's what I would like to see is, you bet --

BARCA: Great.

ZIMMERMAN: -- is just to be treated the same, fairly, compared to the wineries. Otherwise Bob Brink and I in a conversation decided that they were going to be a living history farm and winery pretty quick. So that because Bob has been having some receptions and stuff like that and so in order to accommodate that he would have to start bottling. Bob admitted he's not a real good vintner so it wouldn't be a fantastic wine.

BARCA: That's not in the ordinance to be good.

VARTANIAN: It doesn't have to be great.

ZIMMERMAN: Yeah.

MORASCH: Well, I'd miss the Tea House so I'd --

ZIMMERMAN: Thank you.

VARTANIAN: And you could always have a peach party.

ZIMMERMAN: Yeah. Okay.

DELEISSEGUES: Let's get the testimony over first. Anybody else wish to testify? We've had some good comments here. Okay, please come forward and state your name and address.

LAWRENCE: Hi. My name is Anne Lawrence and I'm also a member of the Clark-Cowlitz Farm Bureau. I'm one of the Board of Directors and State Board member for Clark and Cowlitz County to represent the state of Washington. My husband and I have a small farm more in the line of what Matt has, a small CSA farm. We have about 40 member families. And, Dr. Allen, you've been out there, you came for a tour one time, I have a few things to say.

And one is first like Bill I thank the staff for helping us and for working with us, but the first edition of this scared the heck out of me and I thought, oh, where is this coming from and it felt punitive and it felt like almost confrontational for us, it really was scary, so staff met with us and we worked out a lot of details.

I have a couple of comments just based on what I've heard. The definition of "local" I don't think that we should really define "local" because it means different things to different people. You go to Safeway and "local" means it was grown in the U.S. I totally don't agree with that, but I don't think you can really define "local" from a community standpoint.

What I do think, though, is that it's really, really important in a community to have a base where you don't have to ship from too far away things that can be grown in that community. I think it's really important that if there is a natural disaster or some kind of event, maybe an oil shortage, that your grocery store shelves if they're emptied in two days, you've got a problem.

And it's a big problem and I think then everybody's going to go knocking on Mr. Zimmerman's door and Joe and Gayle's door and look for food. I know it's not a huge revenue source for the county and it pays more to have industrial and commercial land and perhaps developments.

But I argue that having farms and having small agricultural producers, whether you want to call it a hobby or what, if they're producing food and they want to do it, it's very hard work, it doesn't earn a lot of money, but let them do it. And call it a farm, don't go by what their income is because I believe I heard somebody earlier say that you can have a huge production from a very small piece of land.

Let's see, what else was I going to say. I think it's wonderful that we have wineries in Clark County and I embrace the fact that we have wineries in Clark County, and I believe it was Mr. Barca that said ask for equal treatment, I think that's a good idea.

I don't see anything wrong with having wineries, I think it brings people to the community, and I think a lot of people come to this community because of what it is and what it has. I mean lots of folks work in Portland and come here to live because it's really a nicer place to live and I hope that we can keep our --

DELEISSEGUES: Amen.

LAWRENCE: -- farm agriculture production alive.

Food security, some people like that term, some people don't, it means a lot of different things to different people. Poor people that don't have enough money to eat except for a 99 cent corn dog from the local MinitMart food security for them is a whole lot different than for a community that says, gosh, do we have enough food to keep on our shelves from as local as possible.

And what else was I going to say. Oh, this county has an amazing variety of farms and production from small to large and I hope that it continues to have that. I got distracted by whatever was happening in the back of the room.

DELEISSEGUES: It was very distracting.

LAWRENCE: Oh, I know what it was, community education. We were talking about earning money aside from the actual agriculture production. I would say that community education and having kids out to the farm whether it's the Living History Farm in the

Pomeroy house or another farm is super important because it teaches kids where their food comes from and so I would want to encourage that rather than stifle that.

And I think judging from the number of people that sign up to tour local farms, you have to sign up way in advance because it's very popular among the kids and the teachers and I just think that's really important to continue.

I think that's about all that I have. And again thank you for this and I hope this is a continuing dialogue. And so it feels like maybe we're still working on it and I think there's room to have more discussion. Thank you.

DELEISSEGUES: Thank you. Any questions? Milada? Anybody? Okay, thank you very much.

Anyone else in the audience wish to testify? It would be good if you're pretty much in agreement with what's been said you can just say that and then any differences that you have make those clear, we'd appreciate it. We're getting long into the testimony.

MATHEWS: My name is Chris Mathews. I live at 8811 NE 212th Avenue in Vancouver. I was before I think the same council two years ago as you people proposed to outlaw roosters in the AG-20 zoning. I believe it actually passed this Commission and then I got to testify again in front of Steve Stuart, et cetera, and I think at that point it got shut down.

At this hearing two years ago I had asked that if the County was going to introduce new rules that affected farmers that they please initiate dialogue with the farming community. This is now the second time where out of the blue through informal channels we hear about this sort of thing and we're now scrambling to find out what in the world is going on.

But you, Dr. Allen, had asked earlier about the history behind this involvement and I don't believe you actually got an answer as to when the farming community was involved.

ALLEN: I think George got it. There was only one person on the task force.

MATHEWS: Oh, excuse me, no, I meant relative to these exact proposal changes today at what point the farming community, the Farm Bureau, was involved.

Clark County has had task forces discussing agriculture in Clark County before. I have the 2008 report where we have all these wonderful ideas about how we're going to improve Clark County agriculture and I don't actually know if any of those were actually implemented.

I enjoyed reading the letter from the City of Vancouver. If I may quote, the new code would not likely result in a great number of new agricultural buildings, but the places where they would occur - farms - are by definition the larger, intact and undeveloped parcels which offer the most options for efficient future urbanization, or economic development.

They wish to request "permanent" removed thus ensuring that construction materials and methods are used that minimize permanence and potential for conversion to other uses. If allowed require permanent farm markets to be located at the edge of parcels so as to allow efficient future urbanization, particularly for larger rural parcels which may have significant long term economic development potential.

DELEISSEGUES: Yeah, we've got a copy of the letter.

MATHEWS: I would hope that the people listening on television could hear this sort of thing because I don't know how widely disseminated this would be to the general public. This to me is not agricultural friendly.

Now I understand this is the City of Vancouver, but we also have a clear history of annexation. I am currently not in the urban growth boundary, thank Heavens, but ten years down the road I expect I will be and then I fully expect to be annexed by the City of Vancouver. You had the discussion earlier today about peaches, who in their right mind is going to plant any long-term crop in this county if they're anywhere near Vancouver, Battle Ground, Camas.

Reading the definition of "seasonal farm stand" it seemed quite clear that despite what the staff has said that this was applying to permanent structures or seasonal structures on a property regardless of if it was in the public road. I don't know where in the world this sudden interpretation of flower stands on 99th and Highway 99 came from.

If you read 4.100.70 (sic) the seasonal farm stand it says nothing that alludes to that interpretation. Reading these, the current proposal, I don't understand how CSAs, Community Supported Agriculture, fall under this proposed revision of the code. My interpretation, and I'm certainly not a lawyer, appeared that a CSA would fall under these requirements. Can anybody answer that? If I'm operating a CSA out of my farm am I limited to the square footage?

BARCA: Are you doing retail sales?

MATHEWS: Yes.

VARTANIAN: To other than members of the CSA?

MATHEWS: Well, a CSA I believe I don't think they share legal, that's actually a legal definition, I believe that is the public.

VARTANIAN: Well, they are but it's a subscription relationship, it's already committed production, but you're not selling to anybody besides those people.

MATHEWS: Well --

VARTANIAN: Or if you are, that's a different story.

ALLEN: They could.

MATHEWS: That's correct, I would agree with you, I think you could be open to the public. And in addition a CSA sells shares of a particular set of products. It may be the case that the farmer running a CSA decides to grow daffodils on the spur of the moment and says, hey, I got a daffodil for 50 cents, do you want to buy it.

BARCA: And thereby your description becomes the differentiation of this discussion.

VARTANIAN: Right.

BARCA: So once you decide to open up a stand generally opened to the public and as we hear the definition with access from a public roadway, you are indeed venturing out of the CSA activity into retail sales to the general public not by prescription. Or subscription, excuse me.

ALLEN: Or a combined.

VARTANIAN: Or a prescription if it's --

MATHEWS: So if I'm running a CSA, I have to be extremely careful not to fall outside of that limited definition; correct?

VARTANIAN: Well, sometimes. Again, I'm not a lawyer either and there's one right here, CSAs as I understand it give you a share of the output of the farm whatever is grown, but that's my understanding.

MATHEWS: I think some people more knowledgeable than I may disagree with that.

VARTANIAN: Well, again that's my interpretation.

MATHEWS: Understood.

ALLEN: What is the staff interpretation on that particular issue?

SNELL: A CSA, we don't have a definition of a CSA in our code that I'm aware of.

ALLEN: Yeah, I did not see one, that's why I was wondering.

SNELL: It falls out of any regulation that we have. I think that what the rural lands task force and then later when the Farm Bureau met with staff, we're looking at when you're taking a farm structure, a barn, and you're converting it to an agricultural market for general public access and for retail and ancillary uses, that's when some of these regulations may be triggered.

If you're a CSA you're selling your farm products off your farm it doesn't fall within the

definition of these regulations.

ALLEN: So it doesn't matter if it is by subscription only or if he has subscription and a stand for his surplus that has not been pre-subscribed to?

VARTANIAN: I don't know for discussions tonight if that makes any difference. The point is that if he's got a CSA that says I'm going to give you a percentage of all the apples I billed and then if I grow peaches that's going to the market, then he's now become a commercial dealer --

MATHEWS: I'm also going --

VARTANIAN: -- that's a CSA.

MATHEWS: I'm going to go back to the definitions in 40.100.70, the use of the word "public" does not appear so I'm unclear why we keep talking about sales to the public. What it says is "seasonal farm stand" means an area used during the growing and harvesting season for display and sale of agricultural products, we don't talk about to whom we're selling.

VARTANIAN: Well, okay. I think the assumption is to the public walking up off the street as opposed to those members who have subscribed. Again that's my opinion.

ALLEN: And maybe that's why that particular section needs to be revised to make it more clear as to what exactly is included as part of the seasonal farm stand.

MATHEWS: Further down --

DELEISSEGUES: As soon as we get done with the testimony.

MATHEWS: I'm sorry to take so much time. Agricultural stands and markets, Section C, Number 2, Display, I have a technical question that says "The area utilized for display and sale of farm products may include the following."

HOLLEY: Whoa. Area utilized.

MATHEWS: "The area utilized for display and sale of farm products may include the following," we then list various structures and I am curious if those not listed are thus prohibited?

KIRSHER: Can you repeat where that section is?

SNELL: It's Page 6.

KIRSHER: Page 6, 2.

MATHEWS: Page 6, 2, the Display, we list a through d and then the terminology it says "the items may include the following" and thus my question is does that mean that those not included in the list, are those prohibited?

KIRSHER: We were trying to use those as general examples. I know that we had talked about some trailers. We started making a list of and the list itself was longer, so when we were working with the Farm Bureau we tried to sort of not nail things down too tight so that we could leave some latitude.

MATHEWS: The treatment of private roads does not appear to be handled for seasonal stands. For permanent stands it is covered under Section D.5, but I cannot see a coverage for private for seasonal stands.

KIRSHER: And it's not.

MATHEWS: Okay. I think that concludes my observations. One possibility is down at Sauvie Island we have a fairly successful farmer. He's got actually kind of a large square footage for his property.

I would also again reiterate the point that in Clark County we have a lot of small farms, it might be constructive just to get a breakdown from the County of places with deferrals and you'll see that five to ten acres the majority of farms I would suspect in Clark are actually less than five acres. Are there any questions?

BARCA: I have a question for you, Mr. Brewster --

MATHEWS: Mathews.

BARCA: -- going back to the seasonal farm display area you made a comment about was everything else prohibited. Did you have something specific in mind other than what was listed?

MATHEWS: No. As Ben Franklin said those which governs best, governs least. I can only look at these and ask myself how can this be used against farmers because I think in Clark County that's a valid question I ask.

BARCA: So you also discussed the idea of trying to get some certainty into the aspect of entering into an agricultural business and why would anybody bother to do it when they're always on the verge of an urban growth boundary. Just as a note, when we do our comprehensive plan updates, we don't have the farming and agricultural community coming in and telling us save their farm. For the vast majority they come in and tell us take their farm.

So I would love to see the agricultural community come together in a stance that says they genuinely believe the heritage that they're providing is worth keeping because I think it's really important to not treat the agricultural lands as if they are just a ready-made inventory

for other commercial uses since these can genuinely be proven to be commercial in the existence that we're trying to provide here.

I will acknowledge to you that this does not meet my expectations on how we're going to treat the agricultural community on trying to develop this, but we should also acknowledge as Mr. Zimmerman pointed out it's better than what's on paper now and that will be the endeavor of this Commission to make it better, okay. So hang with us, okay, and we'll get through this. Thanks.

MATHEWS: Thank you.

DELEISSEGUES: How many people in the audience wish to testify on this matter that we haven't heard? Okay. Well, thank you all for your testimony. We're going to take a 15-minute break and we'll be back here at 8:30.

(Pause in proceedings.)

DELEISSEGUES: We're ready to resume the deliberation then, back to the Planning Commission if there's no one else in the audience that wish to testify. Seeing none, we'll return it to the Commission for deliberation on this issue of the whatever.

SNELL: Whatever.

DELEISSEGUES: Agricultural stands and markets. So what's your pleasure, folks?

BARCA: Well, after this very rough testimony I was hoping staff was going to come back with some type of modification that would give us at least a direction. Will there be such a proposal?

DELEISSEGUES: Or barring that we could make some recommendations, whichever.

KIRSHER: I would like I think that we've made a lot of progress with the farm community thus far and I would suggest that it might be appropriate at this time to pull this item off of this retooling our code so that we have more of an opportunity. There were some issues that were raised this evening that quite honestly in the discussions that we had, Matt was here, that we hadn't even taken that into consideration.

So I think it would be appropriate to pull it from the table until we can have further discussion and work it out further with the Farm Bureau and the farmers.

VARTANIAN: Can we make that into a motion?

MORASCH: Second.

DELEISSEGUES: Well, I think maybe some of the Planning Commission might have a few interests that we would like to pass on, too, as a result of the testimony. So if anybody

would like to do that. Jeff, do you have anything you'd like to --

USKOSKI: He ran down to the car real quick, he'll be back up, but I'm sure he'll have something.

DELEISSEGUES: How about you, Valerie, would you like to start?

USKOSKI: Yeah. I guess I like the idea as far as the equity between what the wineries have and what the farmers are getting, put some of that into here for their operation size. If not, just take that out altogether and allow them to figure out what works for them size-wise.

I do not like Section 2.b and c regarding the incidental retail items, the percentages or the fee based activities that we limit those. I think that's up for the individual farmer to decide what's profitable for him to do for his own production.

That if he feels he can charge somebody to come into a corn maze after he's harvested his corn or whatever, have at it. If somebody's willing to pay to come in and get their pumpkin, go for it. I don't think that's something that we should be limiting, that's up to the farmer to decide and go from there.

Roadside stands, I don't really like much of how that's written. That's about all I have to say.

VARTANIAN: Tell us how you really feel.

DELEISSEGUES: Jeff, they're going to rework this, but do you have any comments you'd like to make in regard to how that might be reworked?

WRISTON: Yeah. I apologize, I went to grab a bottle of water and got locked out of the building. New policy I guess, huh.

DELEISSEGUES: We've got to keep the building secure.

WRISTON: Oh, boy. Unfortunately I missed where that I agreed with what I heard, the part I heard that Val, and I won't make her repeat it all, but I definitely agreed with a lot of what she said.

The difficulty in writing code, and I think everyone knows I'm not a big fan of huge codes, and our original task, I go back to that lunch, and it could have been almost two years ago, that originally this was all meant to simplify, shorten. If it was something that was being done privately, that benefited the private sector, the private person pays for, but then it benefited the public sector with no benefit to the private, then the public would pay for it.

All those different things that in my opinion this rewrite was supposed to accomplish and the difficulty with this particular item is that we put a lot of numbers out there, and that's

unfortunately how we have to write code.

But it's always troublesome to me when we start saying you can have 2500-square feet up to here and then the next 3,000-square feet up to here, 25 percent, I'm just flipping through this, of annual sales amount, I think someone said why not 49 percent, these are all questions that I have.

I'm not giving real specific answers because I don't think I have the answers, but where we can, the gentleman that quoted Benjamin Franklin I think was right on, where we can less is more where we can give equality to agriculture as it relates to the wine ordinance, which I know we struggled quite a bit with, trying to encourage wineries, I would think we'd want to give just as much, if not more, equality to agriculture because that is something we've struggled with for years.

And as Ron said, that's something that we've heard time and time again, agriculture isn't viable in this county and all those things that we heard testimony about, but then we get an ordinance like this and we start getting testimony about just how viable agriculture is in this county so I don't think we should do anything to impede it.

So I don't have anything really specific. I could probably go through and send an e-mail just on little notes I had, but I think less is more.

DELEISSEGUES: Okay. Jeff?

WRISTON: That's it.

DELEISSEGUES: Okay. Ron.

BARCA: So I think just covering where we're at I will reiterate what Valerie said is in line with my thinking, what Jeff has said I think when we talk about numbers let's make sure these numbers are doing what we say that we want to do in the purpose statement which is encourage, support and promote, and if we stay true to those principles, then we should be able to come up with something that is beneficial to the public and beneficial to the agricultural community and genuinely accomplish that.

I believe that because of the testimony that we heard this evening about what the true cause of bringing this forward is where the complaints are driven, we should be able to look at this with a fresh set of eyes and be able to accomplish that. And I feel very encouraged that the County is willing to just take it back wholesale and rework it. So I think this is a good thing.

DELEISSEGUES: Steve.

MORASCH: I agree with what all those people said. How about that.

DELEISSEGUES: George. That's great.

VARTANIAN: Me too. But I would just offer again philosophically we are trying to accomplish some things, I'm not quite sure how managing and limiting encourages and promotes, me and my infernal vocabulary, I just don't get that.

Things like having so many square feet available, so much farm, all of that's got really nothing to do with the farm activity. The farm activity you're going to sell what you got to sell. The farmer knows how many feet he needs, he's not going to give up good land that he can be planting on by putting an edifice on it.

And things like 75 percent of the power, you can have electricity three-quarters of the year, what does that mean. What are we trying to accomplish when we do things like that, what are we trying to control.

Are we trying to control something that's not going to be there all year or are we trying to limit what kind of operation this is and there's got to be better ways than limiting the electricity on how to control whatever is, you know, I don't think we ever asked the reasonable question what is it we're trying to accomplish here.

Are we really trying to tell them how many parking spaces they may need or are we just trying to tell them don't make a hazard, however you define that. And local, I'm sorry, to me is not involving about 30 miles radius, but that's to me. And, yeah, we do need to define "local" because everybody has a different idea of what local is. That means you have to give it a definition to me. I'm done.

MORASCH: Well, what I heard was they were really going after the roadside stand that didn't have any connection to a local farm, that was just popping up without any permits, and if that's what we're going after, I guess if I had a word of encouragement it would be to kind of focus more on trying to stop that and making it easier for the actual farm stands as opposed to harder for them.

Because I think we want the farm stands that are true farm stands, that are connected to a farm, what we don't want are these roadside stands where somebody's coming up from California to sell something on our streets because they can make a buck without getting any County permits.

VARTANIAN: Right. And to the extent that there's code in place that says you need to have a license or a permit or whatever, that's an enforcement issue, that's not an ag issue.

DELEISSEGUES: Milada.

ALLEN: I would like to start off with thanking everybody who was here tonight to show us what needs to be done. There's a lot of work ahead and I really appreciate your input tonight and being here this late.

When looking at the current code and looking at what's being proposed, as I said before at

least we're heading in the right direction but we're not there yet. And in my opinion this whole section needs to be rewritten so that it would accomplish the goals that we are all hoping as a community and as a farming community working together that will achieve those goals.

But also I would like to see a lot more input from the farmers, from the community that is actually going to be impacted by all of this, but it doesn't appear that there was any public outreach out there to get more input before it came here.

So I would hope that there's going to be a lot more engagement of that stakeholder group that is going to be impacted the most by this. And I do hope that you guys participate, keep coming back and keep testifying, because that is what we need until we come up with a good product.

The City letter is interesting and I have nothing but red marks all over that. And of course we didn't get it until the very last minute tonight and that also probably needs to be looked into as well because there's some points that are brought out in that that on, yes, I won't comment on that one, but I think that we need to cooperate with the City and figure out what exactly they want and what direction they're coming from as far as working with those that are still within the county and still have the rights to their property.

DELEISSEGUES: Well, I would certainly echo Milada's thanks for your testimony. It's people like you that are willing to give up some of your time to come in and let us know what your views are and what your needs are and where you're coming from. It helps to understand the reality of the farming and agricultural community versus what we may think we're doing to help you with rewriting this code. So thank you very much for taking the time to come in and do that and appreciate it.

I would revise Number 6 there on this building size thing and just get rid of the numbers and say make it commensurate with commercial need and the necessary support for whatever farm activity that you're carrying out in the structure.

And it's a good suggestion, I think, to take a look at the winery ordinance and see where some of that might meet your needs too or be at least equal like Ron says equity. I think we ought to look at the thing to encourage, promote just exactly what we said in the beginning of the thing, the local economy, and support that local economy because that's where a lot of the sales tax and revenue will come back to the county.

It's in our best interest to help you do the best job you can. It certainly isn't going to help us to put any barriers in the way of your doing the best you can and we ought to make provisions for places like Pomeroy Farms. We can't write something that would exclude those people that are out there, Bob Brink and so forth, from carrying on their activity.

It's probably one of the better things in the county that a lot of people enjoy is going out to Pomeroy Farms, they have a lot to offer, and we want to get away from doing whatever it is that somebody described as stifling the economic activity in agriculture.

I think like Milada says maybe when we do rewrite this, we ought to have an agricultural task force put together, and maybe a number of you people might be interested in helping out on that, just to get some clarification. But I think whatever comes out of it needs to be clear and understandable.

And if we have to have tiers, there's big business out there and there's little business and there's a whole wide range of activities that are different between the two, and I think if we're going to try to micromanage each of those levels of activity, we're going to go crazy.

I think we're going to have to have more general what do we want to accomplish end result-type of an ordinance rather than an ordinance that tells you how to do it. How to do it, that's your job. Our job is to make the end result something that the public and the county and you will all benefit from. Well, I could go on and on like Jeff and Milada but I won't. Any other comments?

WRISTON: Yeah, I have a quick question. When this code gets adopted, what happens to all the existing structures?

SNELL: That's a question that the Board of County Commissioners should address in terms of grandfathering existing uses or not. That's a question of the Board.

DELEISSEGUES: Anything else? Do we need a motion on this if you're going to take it back or just let you go back and work on it and hear it the next time it comes around, is that right, or would you like a motion?

SNELL: I think for recordkeeping it would be appropriate to have a motion.

DELEISSEGUES: Okay. Someone want to make a motion?

MORASCH: So moved.

VARTANIAN: Second.

DELEISSEGUES: Well, wait a minute, let's define what the motion is.

BARCA: I would like to make a motion that staff withdraw the ordinance as written and based on testimony recraft the ordinance to meet the intent of the purpose statement.

VARTANIAN: Second.

DELEISSEGUES: Any discussion on the motion?

ALLEN: Friendly amendment?

DELEISSEGUES: Go ahead.

ALLEN: Involve the farming community in the process.

BARCA: I think there's been plenty of testimony on that. I expect that the staff will do that.

ALLEN: Thank you.

DELEISSEGUES: Do you want to add that or not add it?

BARCA: I think we added it already, it's in the record.

DELEISSEGUES: And are you okay with the motion as it stands, Milada?

ALLEN: Yeah.

DELEISSEGUES: Any other discussion on the motion? Okay, roll call, please.

ROLL CALL VOTE

ALLEN: AYE
VARTANIAN: AYE
BARCA: AYE
USKOSKI: YES
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: Thank you very much for your time and effort and appreciate it.

BEAUDOIN: Thank you.

DELEISSEGUES: I think it's been a leap and a good benefit for you. So the next of these is the rural and resource zoning setback review.

VARTANIAN: Oh, excuse me.

BARCA: Where is everybody going?

USKOSKI: You lost your audience.

BROOKS: My name is Terri Brooks and I'm here to go over the rural and resource setback review.

WISER: Can you talk, Terri --

BROOKS: Pardon me?

WISER: Move the microphone.

BROOKS: Sorry, I usually talk loud enough.

VARTANIAN: Yeah, there's a lot of that going around tonight.

BROOKS: I noticed that. The rural lands task force suggested that staff look at the possibility of reducing some of the setbacks in the rural and rural zones. Specifically current code requires a 50-foot setback for all structures if they're abutting a resource zone and for agricultural buildings a 50-foot side yard setback in all zones. They wanted to make the setbacks consistent so that it was the same for whatever kind of building and whatever zone it abutted.

When I looked at why the original setbacks were required, I found that they were originally a part of the GMA requirements and the WAC Section 365.190.040 it actually gives you techniques, gives you are required to buffer or to protect these lands.

And some of the techniques they suggest is to conserve and protect those lands include purchase of, transfer of development rights, fee simple or less than fee simple purchase of the land, purchase with lease back, buffering, land trades and conservation easements and of these options the County took the buffering which was the simplest to do.

And consistent also with meeting that Washington Administrative Code section our comp plan also addresses that the buffering distance is how we were going to address that section of the GMA, which is why staff, I did include what the setbacks would look like, the revised for the code, but at this point because of the requirement of GMA that would very possibly be challenged on it, staff at this point does not recommend approving the change. It would entail changes not only to our zoning code but also to our comprehensive plan.

ALLEN: So are you proposing to pull it off the agenda?

BROOKS: To ask you to recommend not to approve it.

ALLEN: Not to approve it, okay.

BARCA: So let me clarify something. So we are in the midst of retooling the code, you're bringing to us what you want us to look at for retooling --

SNELL: From the rural lands task force.

BARCA: Okay. So you didn't have the ability to table this on your own, you felt compelled that you were required to bring it to us?

BROOKS: Yes, sir.

BARCA: So every recommendation from the rural lands task force will be brought to us, you're not filtering any of them?

BROOKS: I don't believe so.

DELEISSEGUES: Was that on direction of the County Commissioners that you bring it?

BARCA: Let's clarify something here.

DELEISSEGUES: Must have been.

EULER: Gordy Euler, Community Planning. We took the task force recommendations to the Board and they approved essentially virtually all of these for consideration as potential changes whether to the comp plan or to the code. What we've been doing is inserting these as they're timely or for whatever reason into the ROC batches.

So the idea is that we've been bringing forward, we've been doing the research on these various topics whether it's ag stands or kennels or other things that the rural lands task force has made recommendations on and in Batch 2-B I think you talked about the right to farm and you looked at the ordinance, what their recommendation was. The recommendation there we didn't think it was a good idea because the change would conflict with State law, you agreed.

So our job is to do the research and present you with our analysis and a recommendation so that's, yes, we will bring these forward to you as they are part of ROC, but I think in this case Terri dug up the research as to why we have what we have and that's what she's presented to you.

SNELL: Does that make sense?

BARCA: No.

DELEISSEGUES: Yeah, it does, it's understandable, but it doesn't make sense but I understand it. Thank you.

ALLEN: I think it probably would have been more clear if there was a recommendation imbedded in that section.

BROOKS: It was in the staff report. I don't think any of the recommendations are imbedded in any of the sections in here.

BARCA: Well, according to what I have in the book you gave us before on Page 18 of the original document, Line 27 it says this recommendation would, colon, and then you go to the following page and it tells you that it will reduce the side setbacks and reduce the rear setbacks, it doesn't say there in the recommendation to not approve it, but after that Page 19, Line 7 you raise planning or legal issues, it doesn't actually say don't do this.

DELEISSEGUES: Well, we can certainly not do it.

BARCA: We can.

BROOKS: The recommendation was the rural task force recommendation rather than staff's recommendation.

DELEISSEGUES: I understand. So is there a motion to deal with this?

USKOSKI: Well, is there anyone in the public that wants to --

MORASCH: Public testimony first.

DELEISSEGUES: What?

BARCA: Public testimony before we --

DELEISSEGUES: Does anybody in the audience wish to testify on this?

BARCA: How about you guys back there?

DELEISSEGUES: I just knew there weren't, so here we go.

WRISTON: Is this saying we're going to look at when we review the comp plan then?

SNELL: We could.

WRISTON: Rather than just completely --

DELEISSEGUES: Well, when we review the comp plan, we just look at everything.

WRISTON: Well, yes, yes and no. I mean certain things come up. I mean I'm not hearing that it's necessarily a bad idea. I think I'm hearing that it's inconsistent with our comp plan so we'd need a comp plan change as well so it's just not timely.

DELEISSEGUES: Well said. And I think that's right.

BROOKS: We would also need to come up with some other means of protection of those lands whether like I said it be transfer of development rights or something.

WRISTON: Well, does the WAC specifically say 50 feet?

BROOKS: No. It allows buffering which 50 feet's a pretty low buffer, but it is apparently an acceptable buffer.

USKOSKI: So why isn't 25 acceptable or is it?

WRISTON: Or 20 like -- well, I guess, yeah.

BROOKS: Because that's the same setback as you'd have for anything else so it's no additional setback.

VARTANIAN: Well, again, the setback, the WAC, I don't know if it does or doesn't, but I don't think the setback, the WAC setback, it's not really so many feet, it's a matter of the impact.

So the fact that we've decided it's so many feet -- God, I'm sorry -- it's the fact that it's so many feet doesn't make it okay, doesn't make it necessarily agreeable with the WAC, it's an acceptable way, but if you can set it back one foot and have proper mitigation on that one foot.

DELEISSEGUES: Does somebody want to make a motion on this?

VARTANIAN: Yeah. Is this going to come up again with the comp plan or is this going to be reworked?

DELEISSEGUES: Well, let's just say we're not going to recommend this, recommend approval.

VARTANIAN: Okay. I make a motion that we do not recommend this proposal or the proposed change.

SNELL: Just point of clarification, would you move this to the Board with no recommendation?

VARTANIAN: No, I would not move it to the Board.

DELEISSEGUES: Well, we'd move it to the Board with a recommendation that we do not approve it.

VARTANIAN: Yeah, okay.

BARCA: So is that the motion?

VARTANIAN: The motion is that we don't approve this and if it needs to go forward to the Board of County Commissioners, it goes without our approval.

DELEISSEGUES: Who else would we be recommending it to?

VARTANIAN: And do we have a choice anyway. It's going to go there whether we want it to or not.

DELEISSEGUES: So is there a second to what I heard was a motion?

VARTANIAN: No, I guess not.

DELEISSEGUES: Does anybody else want to try then?

ALLEN: Motion dies.

DELEISSEGUES: Or do we want to sit here all night.

BARCA: I'll make a motion that we accept the rural lands task force recommendation to reduce the buffer sizes.

USKOSKI: I'll second.

DELEISSEGUES: Moved and seconded. Any discussion on that motion? Roll call, please.

ROLL CALL VOTE

ALLEN: NAY
BARCA: AYE
USKOSKI: AYE
VARTANIAN: NO
MORASCH: NO
WRISTON: I can't believe I'm doing this NO
DELEISSEGUES: NO

WISER: 5/2.

DELEISSEGUES: Well, that's a no. Do you want to make another motion now to -- we defeated that one, we need to approve one.

MORASCH: I'll move that we recommend that the Board of County Commissioners not adopt this proposal, but that they consider it at their next comp plan amendment process.

ALLEN: Second.

DELEISSEGUES: Discussion on that motion? Roll call.

BARCA: NO

ROLL CALL VOTE

USKOSKI: AYE

ALLEN: AYE
VARTANIAN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: Does that help you?

SNELL: Yep.

BROOKS: Yes.

WISER: 6/1.

DELEISSEGUES: Good. Then we'll move on to temporary farm worker housing.

BARCA: Can you stop bringing those things to us, please. Act with a little discretion.

VARTANIAN: Oh, no, then somebody will accuse staff of vectoring what we see.

BOGUSLAWSKI: Good evening, Planning Commission, Alan Boguslawski, planner, Community Development. The issue we're bringing forward here is based on a recommendation from the rural lands task force who in their discussion expressed concern that the existing County code provisions for farm worker housing may be more restrictive and may not be in line with those provided by the State.

So what we're bringing forward here is some recommended code changes, one that modifies the definition of "temporary worker" to bring it in line with the definition in the WAC. And it also eliminates the nine-month limitation that was in the previous definition.

It provides a section specifically for housing for temporary workers in our special uses code chapter that provides a purpose statement, applicability statement, and a series of development and operational standards that are designed to meet that purpose.

And it modifies the use tables in a number of the rural zones by adding temporary housing for temporary workers to the forest zones where it was previously prohibited. It changes the tables for the rural residential zones and the urban reserve zones to meet the definition or use the term that we use in the definition for temporary workers. And I'll just leave it open to questions at this time. That's just it in a nutshell.

DELEISSEGUES: So you feel this is consistent with WAC now?

BOGUSLAWSKI: Staff has looked at the State regulations, we've looked at provisions in codes in other jurisdictions somewhat, and we believe that this is consistent with the State provisions and what we would like to see in this type of development in the county.

DELEISSEGUES: Questions of staff?

MORASCH: I have one. I'm looking at Page 21, Number 9 and I think I read a comment where someone was asking, well, what happens if the property gets sold or transferred and the housing is not used for a period of time because the property's being transferred, was that something that the staff looked at and is there a way to be consistent with the WAC but make it so that the housing doesn't have to be demolished during a temporary period when it's not being used but it's going to be used in the hopefully not too distant future?

BOGUSLAWSKI: That could be provided for presumably in a covenant, in the way that the covenant was worded. We haven't drafted a covenant for this purpose. The intent obviously was to protect the character of the county's rural areas and not end up with structures that might become rural ghettos and that's the intent at least of that provision. You're right --

DELEISSEGUES: There could be a provision, though, to --

BOGUSLAWSKI: -- it doesn't specifically provide for the possibility that there might be a temporary nonuse of the structures. At least the indication I think from legal staff is that if there's an intention to continue the use that it shouldn't become nonconforming.

ALLEN: And how are you going to know that that particular dwelling is not being used because the use with agriculture has ceased?

The reason why I'm saying this is because some counties require like temporary farm worker housing annual survey to be sent in to the County verifying that, yes, we still have agriculture production and, yes, we still have this temporary dwelling use as a farm worker dwelling, but if they don't do that for a period of three years, then it's considered to be an abandonment of the use for that specific dwelling, then it goes into a totally different category and/or it has to be demolished. But on the other hand, once it's stick built it's expensive to demolish those.

So are we addressing that concern from the farming industry or from the Food System Council or are we addressing some of the concerns that Fish and Wildlife has?

BOGUSLAWSKI: I'm not aware of any -- oh, the issues for Fish and Wildlife in their comments, I do have a response to that. The structures constructed for housing farm workers are and will be subject to approval of a building permit either issued by Clark County in which case it's subject to the IBC standards or by the Washington Department of Labor and Industry under WAC 246-359 in which case it's reviewed under the State standards that are specifically for farm worker housing. The operators have that choice.

The proposed language is clear regarding the requirements for a building permit, site plan review will not be required; however, like single-family dwellings compliance with stormwater and critical areas ordinances will be ensured through the building review

process.

So in staff's view requiring site plan review would be contrary to the intent of stated RCW 70.114A.010 to have streamline permitting and administrative processes and also contrary to the goals of the County's retooling our code project to make permitting cheaper, faster, better.

We don't have provisions in this that we're bringing forward for oversight after the fact. What we do have process-wise is the building permit process.

As far as your question about the expense of demolishing a building after it's not used anymore, I expect that buildings could be converted to agricultural uses in which case they don't need a building permit. It could be changed to another use, it wouldn't have to necessarily be demolished or removed.

ALLEN: But then they would have to decommission the bathrooms and the kitchens and/or septic systems?

BOGUSLAWSKI: Yes.

SNELL: Very quickly. Unless the County takes some active role in monitoring the residency of these temporary housing units, if we don't have anything active, then we rely on some complaint through code enforcement that a neighbor is finding this temporary housing no longer occupied, it's been there for two years, nobody's lived there, then we would take some effort to contact the property owner or the structure owner and find out if in fact it's being used. If not, then they have a covenant to the effect of removing the structure if it's not going to be used.

ALLEN: So that and also the setbacks, I'm looking at the Department of Fish and Wildlife when they're talking about that the structure shall not be considered agriculture structures for setback purposes, and then it says that "temporary worker housing shall not be subject to site plan review" and then it says that "it appears to be contradictory."

BOGUSLAWSKI: Well, they're not subject to site plan review for procedural purposes. They are subject to --

SNELL: Building permit.

BOGUSLAWSKI: -- they are subject to our habitat wetland and other critical areas ordinances provisions and that would be reviewed through the building permit process.

BARCA: So as I read this we have the word "temporary" throughout this proposal, but it's temporary workers, not necessarily temporary dwellings?

BOGUSLAWSKI: Correct.

BARCA: Through seasonal applications of both harvest and planting you could have a

variety of temporary workers occupy and then leave and then new occupants come in?

BOGUSLAWSKI: That's correct.

SNELL: Correct.

BARCA: So when we look at this, after the permitting process really the County oversight is only going to be complaint driven; right?

SNELL: Under the current terms of this proposal, yes.

BARCA: So as we look at this we want to make sure that the structures are adequate to the State law going in, and then at that point in time we're going to basically say we're using the good faith method that allows the agricultural use to drive the need for temporary workers, therefore we're going to house them appropriately?

BOGUSLAWSKI: And there are licensing provisions by the State and they'll follow up through their licensing provisions for those that --

BARCA: Right. And that was going to be my other point is that we already have a layer of jurisdiction and regulation that comes with it by declaring them as temporary worker housing; right?

BOGUSLAWSKI: Correct.

SNELL: Correct.

BARCA: So I don't think that it would be in our best interest to overlay a whole bunch more requirements on them. I don't know how anybody else feels about it, but that's kind of my felling on the matter, and I think the County has addressed the specific issues up to the point, addressed Department of Fish and Wildlife adequately not putting them into habitat wetlands which would be covered under the permitting process, it seems okay to me.

DELEISSEGUES: Any other questions of staff? Anybody in the audience wish to testify? Oliver, do you want to testify?

VARTANIAN: Please.

DELEISSEGUES: Return to the Commission for deliberation or a motion.

BARCA: Do it, Jeff.

WRISTON: Okay, I'll do it. Move to approve as written.

USKOSKI: Second.

DELEISSEGUES: Discussion? Roll call.

ROLL CALL VOTE

USKOSKI: AYE
BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
MORASCH: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: Then we'll move on to City/County Parking and Loading Consistency. Go ahead.

DAVIAU: For the record my name is Richard Daviau, planner in Community Development, and my charge was to look at the comparison between the City of Vancouver and Clark County parking standards. Just a little bit of background, you guys might be familiar with, in 2008 John Manley of the City --

VARTANIAN: Formerly with the City.

DAVIAU: And formerly with the County as well and Michael Butts formerly with the County, they sat down and looked at a whole range of consistency issues between the City and the County, I'm just charged here with looking at the parking consistency, and they went through and they made a list of items where the City should change to the County and then where the County should change to the City.

Well, the City has made some changes and so we were going through this to see what parking standards, if any, and there are some that we are recommending that could be changed, that should be changed to match the City standards. So the actual individual uses start on Page 24 starting with the residential components and I don't know if you'd like me to just go over every one or --

DELEISSEGUES: No.

DAVIAU: -- do you just want to have questions on that if you have any questions?

DELEISSEGUES: I think we'll do it by exception.

DAVIAU: Great.

DELEISSEGUES: Is that okay with everybody? We don't need to go through all of these I don't think.

ALLEN: I have a question about the bed and breakfast.

DAVIAU: Certainly.

ALLEN: And because like some of those bed and breakfasts have six to seven rooms, they have six to seven guests, and it seems like in here you're specifying one person per guest room?

DAVIAU: One parking space per guest room plus two for the facility so that way if there are more than one room, they'll be required to have more parking.

ALLEN: So even if they carpool or whatever that's really not considered?

DAVIAU: We don't get a lot of bed and breakfasts here. The ones that we've seen are smaller actually than six, but, yeah, a lot of times they could be completely separate. If there are six different rooms, there could be six separate parties staying there. It's very likely.

ALLEN: Right. So in that particular case since you say recommend one per guest room or two per facility, but if the facility is huge and it's in a residential area that has no on-street parking available, how are we dealing with facilities that are big?

DAVIAU: And maybe the word "facility" is maybe not quite accurate in that most bed and breakfasts are in a home. I think the majority of them are.

ALLEN: So maybe the word "facility" should be stricken out so that they don't think that they can build a facility and call it a bed and breakfast.

DAVIAU: If we take the word "facility," then I would like to at least put some other equivalent word so we know that it's not just one space per room but also there's going to be plus two.

DELEISSEGUES: Plus two.

DAVIAU: Plus two for the facility. Or not facility --

SNELL: For the residents.

DAVIAU: -- for the residents, yeah. For the business if you'd like.

BARCA: So there seems to be quite a few in which the County minimum and the City minimum are not exactly in agreement and yet we didn't reach compromise in there or move to a single number.

DAVIAU: Yeah. And we can certainly go over some of the individual cases.

BARCA: I'm not interested in going over individually. I guess I'm wondering in the context of if this was an exercise to come to a commonality, we didn't seem to be able to reach the goal to a degree. And for the most part what I see is the City is going to a smaller number.

How does that square with the County's thought process on trying to minimize impervious surface and let the businesses that want to go to a smaller footprint have that opportunity?

DAVIAU: That's probably a good question. One thing I will say, though, I think there are going to be some differences in the fact that we have a City being in more of an urban environment and County, you know, the downtown city area of course is there are probably going to be some categories that we don't want to be the same for some of the reasons which we've stated in here.

BARCA: It's parking. I mean it's driving the same consumption, a theater is a theater.

DELEISSEGUES: But we certainly don't want to agree when the City is obviously wrong.

BARCA: Well, yeah. We would have to conclude that indeed the City was wrong I guess, but I don't see that stated in the record anywhere.

DAVIAU: Well, if you look at some of the rationales we do actually discuss some of the reasons why we didn't, and in the case that we did not recommend a change to the City standards, we had some justification for why we didn't think we should change to the City standards.

SNELL: I missed a minute or two to get water. These are only looking at the parking standards that we're looking at to bringing in alignment, at least trying to bring into alignment, between City and County and right off the get-go in terms of our residential, whether it's single-family duplex or three unit, we have a two space per dwelling unit and the City has one.

Again, because the County has a different type of built environment it's more suburban or rural, we're suggesting that the County don't make a change, we would stay at two spaces per dwelling unit rather than one. So we're not going to bring everything into alignment.

BARCA: So this is the minimum?

SNELL: Correct.

BARCA: Nobody would preclude them from doing two if they chose to do two; right? If the market said that they should do two, they would probably do two don't you think?

SNELL: Or they may do three or four.

BARCA: Well, all right. And we don't seem to have that in here that we're preventing them from doing that. I'm at the point of understanding this exercise that's supposed to

bring things into alignment.

SNELL: As much as we can, correct.

BARCA: As much as you can and you felt you just couldn't.

DELEISSEGUES: I think common sense would dictate that most houses have at least two cars. And particularly in the rural area they have two because they need two to go wherever they're going and then MAX doesn't come by and the streetcar doesn't come by and the bus doesn't come by and they can't ride their horse so they need the car. And if you get around my neighborhood where the Apostolic Lutherans are, they have four or five cars.

BARCA: And these are minimums.

DELEISSEGUES: They have a minimum of four or five cars. I'll probably get --

BARCA: Yes, you will.

DELEISSEGUES: -- politically incorrect here for that.

ALLEN: Then in the Church category I don't see why we have one space per four seats when the City has one space per six seats, what's the difference here?

VARTANIAN: Well, they're minimums I mean.

ALLEN: No, I know that. But why are we not aligned because you would assume that the four seats or six seats would be occupied by four or six people.

DAVIAU: In this case we had several staff members who have had more expertise reviewing church have found that churches in some cases don't have enough parking under our standards and so we were a little bit reluctant --

ALLEN: Right.

DAVIAU: -- to go to the City standards which are even less than ours and we've witnessed some churches don't even have enough.

ALLEN: Right. And that's why I'm wondering why the City is not changing theirs as a reciprocity to some of the things that you are changing.

DELEISSEGUES: Well, they're probably locked in. They probably don't have the opportunity to change it.

VARTANIAN: What is this, a negotiation with the City?

SNELL: Well, there's also something to be said if these standards are more likely to occur in the urban area, the likelihood of some of these areas being annexed by the City of Vancouver is greater than Vancouver giving up some of its territory to become County property once again.

So some of these uses if they start high in the County and they become annexed to the City, there's no conforming use issue, they're not nonconforming. If we went small and then it was annexed by the City and it didn't meet the City minimums, then they'd get into nonconforming use and nonconforming standard issues.

ALLEN: But in this one the City's allowing more seats per one space than the County is. I'm just using that particular one because it doesn't make any sense. If we are already experiencing those problems, they must experience the same problems within the city as well so that's why I'm wondering why the City's not changing it.

MORASCH: The church in the city might have better access to transit and it might be closer to a higher density population so maybe more people would walk to the church so they may have a legitimate reason in the city to have a lower parking minimum standard.

SNELL: And they've got surface streets to park on as well.

DAVIAU: And that answer could apply to single, could apply to other uses as well being in the city, more transit. As you go on, though, you'll see there are some uses that we did recommend changing to the City standard.

MORASCH: I have a question about the auto. It's changing it to a standard of one space per 1,000-square feet of floor area and then outdoor sales one space per 600-square feet. Is that kind of an either or standard or how would that apply if you have an auto sales that has a 10,000-square foot floor area, but then they have a huge outdoor area where they're storing their cars?

DELEISSEGUES: Well, some of them don't have anything but an outdoor area.

VARTANIAN: Yeah, a temporary house.

SNELL: Well --

MORASCH: It just seems like a lot of parking for an auto dealership if they had to do one space per 600-square feet of their outdoor storage area, I mean, unless you're going to count the spaces they're storing their inventory as parking spaces.

DELEISSEGUES: You don't have much inventory if that's the case.

DAVIAU: Well, one thing you look at when you look at the 1,000, the indoors, the 1,000-square feet that takes in effect not only just the cars, there's going to be offices in there as well and so that adds a little bit more to the requirement.

MORASCH: Sure. I don't really have any question about, it was the outdoor part that I was questioning, do you have to do both or --

DAVIAU: Yes, for indoor and outdoor. And of course some lots are going to have a lot more outdoor than indoor and some won't and that's why we wanted to make sure that like the City does and the City's formula we thought was kind of simple too, more simple.

MORASCH: It's simple but it just looks like if I'm reading the other one, the old one that's scratched out here, it looks like it was 10,000-square feet of outdoor area per one parking space and so we're going to 600 so that's like more than ten times more parking we're going to ask the auto dealers to come up with?

DAVIAU: So it's one space for 1,000, one space for 2,000.

MORASCH: I'm looking at number b there, properties with 10,000-square feet or more of open sales and a lot of the other dealers 10,000-square feet that's only less than a quarter of an acre. So I mean if you go out to like Dick Hannah, I was just out there the other day, he's got a pretty big, I just would hate to make some of the auto dealers nonconforming with respect to their parking by vastly increasing the amount of parking they're required.

DAVIAU: That's the City standard, yeah.

DELEISSEGUES: So they won't be nonconforming.

MORASCH: If they're in the county they will be if you have an auto dealer that's not in the city.

SNELL: One maybe clarification is some of these larger auto dealers have a lot with their inventory, we wouldn't count that.

MORASCH: And that was my question, yeah.

SNELL: We're talking about the outdoor sales area, not, okay, they've got --

VARTANIAN: Customer parking.

SNELL: -- they've got an acre of property that they store their inventory on that we count that acre of property that they need one per 600-square feet, no, we don't calculate that.

MORASCH: How do we calculate the difference between their inventory and their sales area? Because like I drove over to an auto dealer the other day and I drove in and there's a bunch of inventory sitting there and I kind of parked next to some of it and then I went into the indoor sales area, but how does the code right now deal with what's outdoor sales area versus what's just they're storing their fleet?

BARCA: You can use GIS.

VARTANIAN: Did they sell you a car?

DAVIAU: Well, a lot of the inventory areas are either on a lot next door, behind, you'll see a lot behind the lot too. I mean I know Dick Hannah has a whole back area that they keep inventory in. Now you might be able to wander through there, but it's less likely that you're going to be walking back there.

MORASCH: So I can wander through and look at the inventory, that doesn't make it a sales area I guess is what I want to make sure?

DAVIAU: Correct.

SNELL: Correct.

DELEISSEGUES: I've got just a couple of questions like on Institutions where nursing home one space for three beds.

SNELL: What page is this?

DAVIAU: It's 24.

DELEISSEGUES: 24 under Institutions. It would seem to me that, and I know this because we had a relative in a nursing home, a lot of them do have cars, I mean they're still able to drive, and so that would accommodate those people probably one space for three beds. It would be not adequate in my mind but close, one per four beds seems a little bit.

But almost everybody has relatives that come to visit those people that are in the nursing home and take them to some place or bring them things that they need and there's never any parking for those people. And I've gone to some brand-new ones like the Quarry down in East Vancouver there and you can never find a place to park.

And then there's always delivery people coming to deliver whatever and there's no accommodation at all for delivery so the delivery trucks park where the parking should be so you can't get to it.

I'm just saying it's inadequate. Maybe you don't want to deal with it. And the Hospital it says two spaces per bed but what about the staff, is that accommodated somewhere else?

DAVIAU: And that's embedded in that number and that's exactly why for the hospital, that's why we did not want to change to the City standard because that City standard didn't accommodate employee parking and that's the case where we did not want to change to the City standard because we felt that it did not include employee parking.

DELEISSEGUES: It looks like you wouldn't.

DAVIAU: We would not.

DELEISSEGUES: You wouldn't equal it to the beds because sometimes the staff outnumber the patient and most of the time they do.

DAVIAU: Luckily for convalescent homes and the hospital a lot of those deliveries, I've done both of those uses, I was the planner who worked on Legacy, and a lot of their delivery areas are in the back of the building. And you see that all the time with residential care facilities, convalescent homes, that's very common where the back is where the delivery goes.

DELEISSEGUES: Well, all I'm saying is that the plan does not equal the need in a lot of cases.

And the other question I had is over in Elementary and Junior School, you crossed out "junior high" and put "middle school," but what about high schools, is that someplace else?

DAVIAU: The reason the City like elementary school, the City actually changed to our standards, so like elementary or middle school the City also changed their high school to our standards because that was one of the --

DELEISSEGUES: No, I'm saying there are three different kind of schools, where's the third one?

DAVIAU: Elementary and middle are gathered together.

SNELL: We're only bringing the standards that are different and we're trying to bring them in alignment. Right now the County code and the City code are the same for high schools.

DELEISSEGUES: Okay, that's all I wanted to know, that it wasn't left out.

DAVIAU: Yeah. Or I couldn't find it. But we're grouping elementary and middle together since they don't have driving students.

DELEISSEGUES: Then one other question, it's the third one from the bottom where "dance hall" and "skating rinks" are crossed out but it still says "one space for six seats."

DAVIAU: That should be crossed out too.

DELEISSEGUES: That should have been crossed out too?

DAVIAU: Yeah.

DELEISSEGUES: All right.

BARCA: Now I can go for it.

DELEISSEGUES: Right. Do it. Any other questions? Observations? Comments? Motions?

ALLEN: Where it says "recommend to change" and I'm not clear as to recommend to change to which, to the County or to the City? For example recommend to change on bowling alley five spaces per lane on the County, one space per six seats on the City and then it says recommend to --

DAVIAU: No change --

SNELL: No change from County code.

ALLEN: Okay. But then it, I'm sorry, I looked at the wrong one, City change to County, okay, recommend no change.

Now recommend adding this category, health and fitness club for example, on that one the City has no listing so are we recommending that they add the listing or did you just add the listing there for us because we didn't have one?

DAVIAU: Yeah, this use was not brought up by Manley or Butts so it wasn't on the list and since we've had health and fitness clubs here in the county, we needed a category. We have those uses come here and interestingly enough a lot of jurisdictions used 1 to 200 or even a higher requirement but did not, I did find one, I think it was, it was not Yakima, it was --

SNELL: Snohomish?

DAVIAU: I think it was Snohomish I like how they broke out the larger areas, the racket and tennis court, so you were able to lower the requirements because those actually take up large space.

ALLEN: Right. Well, good, I'm glad you caught that one. And then of course you probably had some current experience with them?

DAVIAU: We do.

DELEISSEGUES: So do we have a motion on this? Come come, don't be bashful.

WRISTON: I'll move to approve with that.

ALLEN: Second.

WRISTON: I don't know if you need to mention the strikeout. Move to approve with that

strikeout on dance hall and skating rink.

ALLEN: And mortuaries as well?

WRISTON: Did I miss one on mortuaries?

ALLEN: On Page 26 there's one space per four and then it says six underlined so the four needs to be stricken out.

WRISTON: Okay. Yep.

DELEISSEGUES: Was there a second?

WRISTON: Yep, to my motion.

ALLEN: Second.

DELEISSEGUES: Moved and seconded. Any more discussion? Any more observations or corrections to be pointed out? Roll call, please.

BARCA: Wait, wait, wait, wait, wait, wait.

DELEISSEGUES: Wait, wait, wait.

BARCA: I think he actually asked for discussion for a moment. Before we vote I just want to say that I think we missed the original intent of doing this and didn't take it into account as we discussed this as being part of trying to fix the code. These are minimums, if commercially they seem not to be viable for any business, they can always make them larger. Okay, thank you.

DELEISSEGUES: Well, I would rebut that by saying that I think the intent was to see if we could where possible and where it made sense accommodate the City and the City accommodate the County with some common language, but where it didn't make sense and where it was impractical and where there were better reasons not to, we chose not to.

BARCA: I think I'm well aware of that. Let's vote.

DELEISSEGUES: Okay. Any other comments? Roll call, please.

ROLL CALL VOTE

USKOSKI:	AYE
BARCA:	NO
ALLEN:	AYE
VARTANIAN:	AYE
MORASCH:	AYE

WRISTON: AYE
DELEISSEGUES: AYE

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

B. CPZ2011-00016 COORDINATED WATER SYSTEM PLAN UPDATE

This proposal to update the Coordinated Water System Plan includes an array of interrelated policies affecting the six major municipal water providers within Clark County, Washington. The plan designates future water service areas for the principal water utilities; recommends water facility design and performance standards; sets forth a procedure for reviewing new developments requiring public water service and determining which water utility should provide service; establishes a satellite water system management program; encourages water system interties enabling backup water supplies and increasing the reliability of water service; promotes water conservation measures; and fosters drinking water supply development, while protecting water resources and fish habitat.

The proposal is to Find the Clark County Coordinated Water System Plan is consistent with the County's Comprehensive Growth Management Plan and policies, and approve the Interlocal Agreement for Establishing Water Utility Service Boundaries.

Staff Contact: Gary Albrecht (360) 397-2280, Ext. 4318 or e-mail: gary.albrecht@clark.wa.gov

DELEISSEGUES: With that we move to Clark County Coordinated Water System Plan.

VARTANIAN: Move to approve.

DELEISSEGUES: I'm with you, George.

VARTANIAN: Too soon? Have we got a choice? It's not like we got a choice.

MORASCH: Well, we got to have public testimony.

BARCA: Motion to accept the staff recommendation.

VARTANIAN: Second.

MORASCH: George already made the motion.

VARTANIAN: I already made the motion.

ORJIAKO: Good evening, Commissioners. For the record, Oliver Orjiako, Community Planning Director. With me this evening is Gary Albrecht and also Rod Orlando. Gary and I worked on this project attending all the meetings and Rod Orlando is the consultant that

worked with us to put this plan together. We also have Larry Watters from our PA's office so we all three or four of us are here to answer questions that the Planning Commission may have on this.

We had a work session with the Planning Commission and I believe you raised a couple of questions which we will be able to answer if that comes up, but what is before you is the Clark County Coordinated Water System Plan and this is an update to the Coordinated Water System Plan. It has been updated in 1991 and also in 1999, so this is our attempt to update that plan.

You may ask what is Coordinated Water System Plan and why is that before you. Well, it is a plan that designates future water service areas for the principal water utilities.

It's a plan that recommends water facilities designed as well as performance standards and it sets forth a procedure for review in new developments requiring public water service and determine which water utility will provide that service.

And the plan also it establishes Satellite Water System Management Program as well as encouraging water system entities enabling backup water supplies and increasing the reliability of water service.

Without really going into depth which I believe that Gary will do, the County is supposed to review the plan and finds that it is consistent with the County adopted Growth Management Plan or Land Use Plan. We have reviewed the plan and concluded that it does meet the adopted County Growth Management Plan.

This plan does not change the urban growth boundary, it does not propose to do anything differently, it is consistent with the land use that is currently in place. What we will be asking for you is to forward a recommendation of approval or that the Board of County Commissioners approve the plan as is written as well as approve the interlocal agreement for establishing what are utility service boundaries. That's the action that we're asking you to take this evening.

I will turn it over to Gary to quickly summarize the plan, provide some background, and quickly also comment on the letters we received based on the SEPA that was issued. And I can't speak for Rod, but other cities have already taken action on this, he may also highlight some of the cities that have already taken action, and then we'll take questions that you may have. We will be as brief as we can. So I will turn it over to Gary, I know it's getting late, so, Gary.

ALBRECHT: Gary Albrecht, Clark County Community Planning for the record. So Oliver's already said the background and that's pretty much it.

VARTANIAN: Thanks, Gary.

ALBRECHT: You're welcome.

MORASCH: I do have one quick question. What's the fire hydrant interlocal agreement and why are you recommending that we not approve that?

ALBRECHT: Well, it's basically about the fire hydrants and who is going to provide maintenance to the fire hydrants and our legal counsel can answer the why we're not going to.

WATTERS: Commissioners, Lawrence Watters from the Prosecutor's Office for the record. The two esteemed colleagues Chris Horne and Chris Cook couldn't be here tonight, but there's some very interesting issues about fire hydrants and who's responsible for what.

There's some important cases from our Washington Supreme Court and Court of Appeals on legal requirements for providing or not providing those kinds of facilities and I think in our office they wanted to have further discussion before bringing to you a final recommendation and also just give it more time to --

MORASCH: So that's something we'll see, then, in the future?

WATTERS: I believe this will come back to you at a future date for more in-depth discussion.

MORASCH: That makes sense. Thanks.

ALBRECHT: And it would be separate from the Coordinated Water System Plan so you would see it in the future as a separate --

MORASCH: It's separate, its own item, yeah.

DELEISSEGUES: Well, right now isn't there some agreement with the water providers who put the fire hydrants in? And for example in our fire district we take over the maintenance of those fire hydrants to the extent that we take the clearing the weeds and painting the fire hydrant and making sure they're operational, check the water pressure every now and then and so forth.

If something goes wrong with the hydrant, though, we have to go back to Clark Public Utilities and have them do the mechanical work on the structural fire hydrant itself.

So what kind of maintenance are we talking about? Is there a difference in the definition of "maintenance" for the water provider and the fire district or is it just some fire districts or cities or whoever has the hydrants don't want to do it and just go back to the provider to take care of the whole thing? I don't understand the problem. I'd like a problem definition I guess on why it's not recommended.

ORJIAKO: If I may add, I don't know what will change, but I think that's part of the

conversation that we're having with our maintenance, operations and liability issues. So we're having that conversation. As soon as those issues are ironed out, we'll bring it to your attention and maybe by the time we get to the Board there may be additional conversation to iron out some of those issues relating to operation, maintenance and liability issues.

ALLEN: And is that especially if it's in the right-of-way or County right-of-way?

ORJIAKO: All of those issues will be considered.

ALLEN: All those issues will be considered, okay.

ORJIAKO: Yes.

DELEISSEGUES: I take it there's nobody in the audience that wants to testify?

ORLANDO: I can. This is Rod Orlando, planning consultant. First of all I should say that this fire hydrant in our local agreement isn't typically found in coordinated water system plans. It's not a required element of the plan, it was an add-on.

And what it was in response to was there was a litigation in the state of Washington that ultimately resulted in a provider of fire hydrant services having to be compensated for the service by the recipient jurisdiction of the fire hydrant and one method of being able to handle this is essentially just pay for it, write a check for the installation of the fire hydrants and the maintenance of the fire hydrants.

So let's say it's Clark Public Utilities. Clark would ask for compensation for the installation of the fire hydrant, maintenance of the fire hydrant. Alternatively a jurisdiction could pay for the fire hydrant and the maintenance of it with an in-kind service or a trade.

It might be use of the right-of-way, it might be waiving fees, those are just two examples, and not having to go through the rigor of a permitting requirement. There's some issues with respect to the County's willingness to trade off those in-kind services for the fire hydrants and that's what really needs to be worked out right now.

And beyond that I can't explain where the negotiations are and where it's going to land. It may be that some of those services are unacceptable that they would have to be continued and Clark Public Utilities would have to let's say secure a permit or pay a fee to use the right-of-way. I'm not sure where it's going to land at this point.

DELEISSEGUES: Well, when your negotiations are concluded, we'll probably hear it again.

ORLANDO: There will be a new agreement or no agreement at that time.

DELEISSEGUES: Okay, thanks. Well, if no one wants to testify in the audience and the

staff's completed their report --

ALLEN: I do have a question.

DELEISSEGUES: -- we'll return it to the Commission for deliberations. Milada.

ALLEN: Thank you.

DELEISSEGUES: You're welcome.

ALLEN: On Page 34 when I'm looking at the future water service area adjustments and I see that there's several pending as far as the purveyors involved and the status is pending from them so does that mean they're not going to be part of this --

ORLANDO: No.

ALLEN: -- or they're still going through analysis or feasibility analysis?

ORLANDO: No. The boundaries that are drawn on the countywide map are at this point acceptable to all the local water purveyors in the county and as we go through this process of getting the local jurisdictions, the water purveyors, to sign the interlocal agreement, it's a collective agreement, then that will become the boundary for those water purveyors.

So that's happening right now. As a matter of fact most of the jurisdictions have gone that far. The local municipalities that are water providers, they've entered into those agreements so these pending issues are going away.

ALLEN: And how soon?

ALBRECHT: Well, as soon as the plan is adopted. I mean that's why it's pending is because they changed the boundaries in this Coordinated Water System Plan update and then once it's adopted, then it will go --

ALLEN: Once this document is adopted?

ALBRECHT: Yes, then it will be done.

ALLEN: Thank you for clarification.

ORLANDO: Let me just add to that is that it's really a two-step process here. It's a collective interlocal agreement, all the water purveyors sign it recognizing their boundaries, and then there's a final step, it needs to be approved by the Clark County Board of Commissioners. When that's done, then the new boundaries are set.

So that's what we're in the process of doing and as I said earlier that most of the jurisdictions have signed the interlocal agreement at this point. There's two jurisdictions

that have yet to do it and they're scheduled to meet within the next ten days.

DELEISSEGUES: Any other questions or deliberation or comments? Motion?

MORASCH: Motion to approve.

VARTANIAN: Second.

ALLEN: Second.

DELEISSEGUES: Motion to approve and seconded. No discussion on the motion? Roll call, please.

ROLL CALL VOTE

USKOSKI: AYE

BARCA: AYE

ALLEN: AYE

VARTANIAN: AYE

MORASCH: AYE

WRISTON: AYE

DELEISSEGUES: AYE

DELEISSEGUES: Just one comment. In trying to read this report it's almost impossible with all the acronyms you have. If it weren't for this table here that you have to keep going back to figure out what some of them are, the acronyms that we use for other things like Shoreline Management Plan is also SMA or SMP, Shoreline Management Area.

It was very hard to read. I don't know why whoever printed this up couldn't have used the terminology at least in the headings instead of using the acronyms. But I don't want any rebuttal, I'm just saying from my perspective it made it very difficult to read.

ORJIAKO: Thank you, Commissioners.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

The hearing adjourned at 10:00 p.m. All proceedings of tonite's hearing can be viewed on the Clark County Web Page at:

[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)

Proceedings can be also be viewed on CTV on the following web page link:

<http://www.cityofvancouver.us/cvtv/>

Chair

Date

Minutes Transcribed by:

Cindy Holley, Court Reporter

Sonja Wiser, Administrative Assistant