

**MINUTES**  
**CLARK COUNTY BOARD OF COMMISSIONERS**  
**NOVEMBER 3, 2009**

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke and Boldt, Chair, present.

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**PUBLIC COMMENT**

Stephanie Erkert, TeenTalk Program volunteer, and Karianne Morley, Youth Commission member, commented that they wanted to learn more about the public process and noted that more volunteers would be attending future board hearings in order to introduce themselves.

**CONSENT AGENDA**

**Discussion**

**Item 2:** Request from Clean Water for approval of the American Recovery and Reinvestment Act Loan Agreement with the Department of Ecology for the proposed Upper Whipple Creek Habitat Protection & Runoff Control Project.

Ron Wierenga, Clean Water Program, responded to Commissioner Mielke's request for further information. He explained that they were proposing to use American Recovery and Reinvestment Act money that comes through the state Department of Ecology in the form of a loan they applied for in spring to fund their Whipple Creek Runoff Reduction and Habitat Improvement project. He further explained the project.

**Item 4:** Request for approval of agreement with the Washington State Association of Counties for \$22,300 to reimburse Community Development and Public Works staff for activities in the Integrated Permit Review and Mitigation Project.

Bill Barron, County Administrator, further explained item 4, per Commissioner Mielke's request. Mr. Barron stated that the thesis was that if they could work with the scientists and the people who permit, they could do a more efficient job of environmentally permitting transportation projects throughout the state. He said they are a beta site and the \$22,300 was reimbursement from WSAC to the county for the work they have been doing to begin to perfect the permitting process.

**ACTION:** There being no public comment, moved by Mielke to **APPROVE** consent agenda items 1 through 9. Commissioners Boldt and Mielke voted aye. Motion carried.

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**PUBLIC HEARING: CLARK COUNTY CONSERVATION DISTRICT**

**Item Description:** Consideration of a proposal from the Clark Conservation District to create a system of special assessments to be charged to all parcels of land within Clark County with the exception of parcels within the 1942 boundaries of Camas, La Center, Ridgefield, Washougal, and Yacolt and a proposed budget for services to be provided by the District. The purpose of the hearing will be to receive public comment and discuss the next steps in the special assessment process. Pursuant to RCW 89.08, special assessments to finance the activities of a conservation district may be proposed by a local conservation district and imposed by the legislative authority of the county in which the conservation district operates.

**Department:** Clark Conservation District

**Staff Contact:** Denise Smee, Manager

**Staff Summary:**

Ms. Smee provided history about the District. She stated that Clark Conservation District provides an important, voluntary incentive-based alternative for solving natural resource concerns. She said this assessment would bring thousands of dollars to the community into the hands of landowners, contractors, and businesses. She provided many examples of how the money helps in the community. She said they were asking that the board support the Conservation District by holding a public hearing for implementing the assessment in 2010.

Dean Longrie, Chairman, Board of Supervisors for Clark Conservation District, stated that one of the shortcomings of being strictly grant-funded is that they have been unable to help private landowners who have wanted the District's help in conserving resources on their land because of grant restrictions. He said that was one example of what they could do with a source of funds that allows them to serve all the deeds within the county.

Bernard Veljacic, Prosecuting Attorney's Office, stated that earlier in the year he had advised on the questionable legality of going forward with the proposed system of assessments. He said Clark Conservation District is required to propose this in order to preserve their course of action for the next calendar year. They are still at odds with each other on that legal issue.

Bill Barron, County Administrator, added that that Clark Conservation District continues to come before the board in hearing in order to keep the ability to levy the assessment. The statute states that the District must hold a public hearing in the year prior to the assessment being made. He stated that at the last hearing the board directed that this issue be sent back to him and Mr. Veljacic to work with the District to try and reconcile the nexus issue. Barron suggested that be the motion and that they continue to work with the District to see if the nexus can be made to satisfy the legal requirements as proposed by the prosecuting attorney. Also, he said they will be establishing the Environmental Services Department January 1, 2010 and he has talked with Ms. Smee about the

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possibility of the District's involvement to possibly contract with the county to do, for example, drainage. Barron said he would like to explore those possibilities as it relates to getting some satisfaction with the nexus issue.

Commissioner Boldt noted for the record that he had contacted the Farm Bureau and they were still in favor of the proposal.

**Comments from the public:**

- 1) Gretchen Starke, 308 NE 124<sup>th</sup> Avenue, Conservation Chair, Vancouver Audubon Society, stated that Vancouver Audubon supported the Clark Conservation District on the proposed levy and help they are providing to the rural community.

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Mielke to **RETURN** the issue of the Clark Conservation District levy back to the County Prosecuting Attorney's Office for further clarity on the nexus issue and work with the community and bring back before the board in early 2010 for a public hearing. Commissioners Boldt and Mielke voted aye. Motion carried.

**PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENTS**

**CPZ2009-00020 Thomas** – The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 199381-000 (5.0 acres) from Light Industrial with ML zoning to Neighborhood Commercial and C-2 zoning, located at 11718 NE 87<sup>th</sup> Avenue.

**Department:** Community Planning

**Staff Contact:** Jeff Niten

**Staff Summary:**

Mr. Niten stated that the Planning Commission heard the request on June 18, 2009 and recommended approval by a 5-0 vote. He explained that this request had initially be brought before the county in 2008, went to through the Planning Commission process and was before the Board of County Commissioners in late 2008. At that time, the application was for a Community Commercial designation with C-3 zoning. The board denied it, but directed staff to add it to the 2009 docket with a request for Neighborhood Commercial zoning. Niten stated that the request meets the applicable criteria and both staff and the Planning Commission were recommending approval.

**Comments from the public:**

- 1) James Howsley, 500 East Broadway, Suite 400, Vancouver, noted that the parcel has unique site characteristics in that the west and south end are filled with hydric soils that creates a corner there that is very functional for commercial use, while the back

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end would probably be used for wetland preservation or some sort of stormwater detention. Mr. Howsley expressed support for the staff report and Planning Commission's recommendation of approval.

**Discussion:**

Commissioner Boldt commented that hopefully they wouldn't end up like 72<sup>nd</sup> where they're trying to improve the road and cut access to the property. He said this is on the same road that will be widened in the future and he wanted to ensure the applicant was aware of that concern up front.

Howsley said he thought that would be addressed because 119<sup>th</sup> is on the Capital Facilities Plan as being widened so they would be required to do the frontage when they come in for site plan review. He assumed most of the trips would be coming on and off of 87<sup>th</sup> Avenue.

Boldt said it would be nice if it was a little south so you could have access because it's so narrow and it's crammed to the access point right next to the stop light.

Commissioner Mielke said the board is dabbling with water retention as rain gardens and usable grass, etc., and perhaps it would be appropriate to use that area that's not accessible at the immediate intersection for that space, and access it farther to the west and south.

**Comments from the public:**

2) Catherine Bacon, asked if the Neighborhood Commercial and C-2 zoning would allow for businesses such as adult book stores.

Niten said that specific type of use was restricted to a certain distance surrounding houses of worship, schools, etc. He believed the distance was 600 feet.

Mielke asked what the distance was across 119<sup>th</sup> – was it at least 600 feet?

Unidentified staff person stated that it was 1,000 feet.

**ACTION:** Moved by Mielke to **APPROVE** CPZ2009-00020 Thomas. Commissioners Boldt and Mielke voted aye. Motion carried.

**CPZ2009-00015 Boundary Movement Policy** – Clark County is proposing to move the Boundary Movement Policy (1.1.17) from its current location in Chapter 1 of the Comprehensive Plan to Chapter 13 at page 13-2.

**Department:** Community Planning

**Staff Contact:** Jeff Niten

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**Staff Summary:**

Mr. Niten stated that the Planning Commission heard the proposal on August 20, 2009 and were recommending approval by a unanimous 5-0 vote. He said that there were no changes proposed to the language of the policy; staff just felt it would be best located in Chapter 13.

**Comments from the public:**

None

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Mielke to **APPROVE** CPZ2009-00015 Boundary Movement Policy. Commissioners Boldt and Mielke voted aye. Motion carried.

**CPZ2009-00016 EC/ML Consistency** – During the most recent Comprehensive Plan process, the Urban Plan to Zone Consistency chart was modified. Light Industrial property is now the only designation implemented by ML zoning. Previously, Employment Center land was also implemented by ML zoning. The County is seeking to modify the Comprehensive Plan policy for every parcel, county wide, with EC/ML to ML/ML. Approximately 574.35 acres will be affected.

**Department:** Community Planning

**Staff Contact:** Jeff Niten

**Staff Summary:**

Mr. Niten stated that the Planning Commission heard the proposal on July 16, 2009 and were recommending approval by a unanimous vote of 6-0. He explained that this wouldn't change the zone for anybody, but would just ensure that the consistency with the zone and Comprehensive Plan designation is there where today it is not.

**Comments from the public:**

None

**Discussion:**

The Chair asked the board if they had any additional comments and/or a motion.

**ACTION:** Moved by Mielke to **APPROVE** CPZ2009-00016 EC/ML Consistency. Commissioners Boldt and Mielke voted aye. Motion carried.

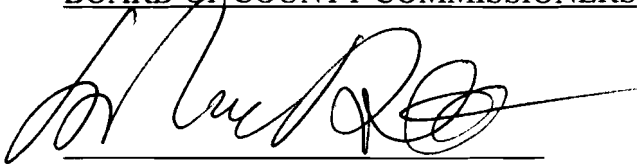
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**COMMISSIONER COMMUNICATIONS**

- Commissioner Mielke commented that he received a Halloween card from his little granddaughter in California.

Hearing adjourned

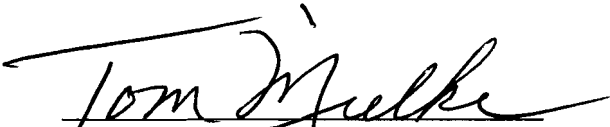
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Marc Boldt, Chair

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Steve Stuart, Commissioner



Tom Mielke, Commissioner

ATTEST:



Clerk of the Board **Deputy**

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