

**MINUTES
CLARK COUNTY BOARD OF COMMISSIONERS
AUGUST 25, 2009**

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

PLEDGE OF ALLEGIANCE

The Commissioners led the Pledge of Allegiance.

CONSENT AGENDA

It was requested that items 2 and 7 would be pulled for separate discussion.

ACTION: Moved by Stuart to **APPROVE** consent agenda items 1, 3 through 6 and 8 through 15. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

Discussion

Item 2: Approval of Resolution clarifying the Clark County/Cowlitz Tribe Rescission Agreement.

Curt Wyrick, Deputy Prosecuting Attorney, explained that the board had been requested to clarify its position on the rescission agreement. He said a resolution was drafted that encapsulates the prior position of the board to try and reiterate that they do not support a gaming facility and question the advisability of taking an urban level development at the La Center junction.

Commissioner Stuart added that the reason behind the clarification was due to questions as to whether the rescission agreement constituted a new memorandum of understanding between the county and the Cowlitz Tribe. He said the clarification here is that they do not have any contracts to provide services to the tribe; however, the other side of it, as he understood, was that they would be working toward getting some agreement from the people who are appealing the county's consistency with the GMA because of the original MOU to get them to: a) agree that they don't have an MOU for the purposes of growth management so that they would be in compliance and that they wouldn't fight that, but would in fact support the county in reaching compliance on the issue; and b) agree not to appeal or sue based on the theory that there was a new MOU based on the rescission agreement between the county and the tribe. He asked Wyrick where they stood on those to things.

Wyrick said there was a draft stipulation that Perkins Coie sent in anticipation of a resolution being signed, which basically says that they stipulate and agree that the county is in compliance with the Growth Management Hearings Board. The timing of challenging the rescission agreement was probably past, but it should clarify both of those things.

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ACTION: Moved by Stuart to **APPROVE** consent agenda item 2. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

Discussion

Item 7: Request from Parks & Recreation/Property Management for approval of agricultural lease agreement for park property – Daybreak.

Commissioner Mielke said one of the concerns was that they didn't want to tie themselves up because they wanted to move forward with the master plan for Daybreak Park. Under the second draft it was his understanding that they wouldn't be able to give [C&M Hay Farm] a 30-day notice until 2011, which would remove any possibility of developing it into more of the park area.

Commissioner Boldt asked if the county, as the lessor, could terminate within 15 days.

Pete Capell, Director, Department of Public Works, said beginning January 2011 they could terminate without cause with less than 12 months notice. He said it provides the lessee one full year of being able to recoup their investment on the site.

Mielke wanted to know if C&M fertilized the property.

Capell said yes, and they work closely with Weed Management. He further explained that added that without this particular contract and depending upon whether the county would need to cut 2-3 times per year at a cost of \$55 per acre—so the cost to the county is between \$6,000-\$9,000 per year depending on the number of cuttings. Also, they would receive the lease payment of \$1,200. So there is a significant savings to the county. In addition, Weed Management spent almost \$10,000 on the site last year so there is a significant investment by the county and the lessee needed at least one full calendar year to be able to recover some of the costs they would be expending on the site. Lastly, Capell said he thought it would be very optimistic to start anything before 2011 because of public process and permitting.

[discussion continued]

Pete Mayer, Director, Vancouver-Clark Parks and Recreation, said the term, given the level of investment and what kind of crop the lessee desires and the investment they are making on the property, is a balancing act. He said nothing precluded trails and a possible backstop from going forward in the future and the timing would likely work well with the length of the lease and potential greater development of the site. Mayer said they are trying to balance many competing interests and at the same time managing the scarce resources they have to maintain the property through county forces.

Mielke asked how long they had been cutting grass on the property without a contract.

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Brian Potter, Vancouver-Clark Parks and Recreation, said they basically went year to year with a local farmer, essentially awaiting some master planning efforts to give them direction. He said at a work session in December when they discussed increasing fees, Commissioner Boldt had indicated that he wanted staff to look into generating more revenue on that property, which is why they went out for advertising for this.

Stuart asked staff if there was a way to roll the revenue from this into the master plan of the site.

Capell said currently the revenues go into the General Fund so they could be earmarked for the site.

Stuart said that seemed appropriate.

Mielke asked if the land still belonged to Conservation Futures or if it was under Parks.

Capell said it was Conservation Futures land, but the Parks maintenance group was responsible for maintaining the facilities and doing the period rough mowing.

Mielke asked if the operation and maintenance was paid through conservation fees.

Capell said no, it's been paid for through parks maintenance dollars.

Bill Barron, County Administrator, explained that they don't have enough money in the Conservation Futures Fund to do that. Barron said that was wiped out with 695 in terms of the ability to tax more than 1% and they barely have enough money to buy all of the proposed land that the commissioners have approved to purchase. He said they have only taken a small percent to pay for the administration. He asked Bob Stevens if they paid anything for maintenance.

Bob Stevens, Office of Budget, said the portion that is set for Conservation Futures for administration and maintenance was largely taken up with administration, but Weed Control also has a portion of it.

Mielke said as far as the money they use for M&O, they're using part of it and taking the rest from parks. He didn't think was the right way to be funding it.

Barron said with the Environmental Services concept that they are blending, it's been the board's policy to fold that in so they have more of a seamless management of all county property, whether it's park land or Conservation Futures land.

Mielke said he still had a problem with the lease because it was for two years. He said he would like to amend the lease to go from September to September.

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Robert Melo, C&M Hay Farm, said the reason they were pushing the lease through was in order to work closely with Weed Management.

Scott Charpiloz, C&M Hay Farm, said if they did it on a year-to-year basis, by the time they put in their crops to generate enough income to pay for the lease, it would be hard on a year-to-year basis. He said they wanted to plant alfalfa and it would take at least two years to generate a lot of their money back.

Boldt said had not been in favor of this until he found out C&M would be planting alfalfa and he felt it was a step that needed to be taken. He said he had asked the Parks Department to have someone come in and turn the soil and put a crop in so that when they put in a ball field it would be a lot easier and they would save money.

ACTION: Moved by Stuart to **APPROVE** consent agenda item 7. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

Stuart asked that they give direction to roll the \$1,237.50 into site development for Daybreak versus being put into the General Fund.

PUBLIC COMMENT

None

PUBLIC HEARING – FIREARMS DISCHARGE AREAS

Item Description: Consider review and update of Title 9 Public Peace, Safety, and Morals, CCC 9.12.026 Restricted Firearms Discharge to include (1) Hockinson High School and surrounding area in a school security area, and (2) to be consistent with the adopted 2007 Comprehensive Plan Map.

Department: Community Planning

Staff Contact: Jose Alvarez

Staff Summary:

Mr. Alvarez stated that a public hearing was held on July 21, 2009 for consideration of the proposed text and mapping changes. The board moved to continue the hearing to and subsequently advised staff to re-notice property owners within 1,600 feet of Hockinson High School and set a hearing date of August 25, 2009. Alvarez went over the text and map changes (see hearing file for Exhibit A and maps). He said a school security area of 1,600 feet was being recommended.

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Discussion:

Commissioner Mielke said he thought they solved the problem with the 1,600 feet and the board had also met with the neighbors who had concerns and they like the idea of the circular buffer area.

Boldt asked if the circular buffer would still go by property lines or a street.

Alvarez said he could try to map it and bring it back for the board on consent.

Comments from the public:

- 1) Robert Anderson, 14602 NE 172nd Avenue, Brush Prairie, stated that he raises cows and pigs and had concerns that the proposed ordinance would put an end to that due to not being able to use a shotgun to slaughter the animals. Mr. Anderson wondered if language could be included that would allow, for example, animals that need to be dispatched. Mr. Alvarez noted that in Title 9.12.040 there were exceptions to what a person can do in a no-shooting area. Firearms can be used for scavenging animals, predators, or pests, and he also believed there was a provision for agricultural livestock, slaughtering of animals.
- 2) Lee Wells, 1288 South 45th Avenue, Ridgefield, wanted to ensure that crop degradation was allowed for in the larger parcels. Mr. Wells said Ridgefield now has an ordinance in place that allows discharge of firearms in the city limits on selected parcels for which an individual makes application for and there are extended goose seasons that the state provides after the first of the year. He explained they have a farmer who lost a 30-acre field last year because he hadn't been able to protect his crop. Wells also referenced the donut hole in Ridgefield that is a no shooting zone surrounded by an area that can discharge firearms. He had concerns about having a spot that is a no-shoot zone that's still agricultural land. He said hunting is allowed in city limits by permit, whereas this area would not be allowed so they have two standards inside the same area.

Stuart said when the county brought that into the Urban Growth Boundary it was with the expectation that the City of Ridgefield would be annexing it and it would then be subject to their laws and regulations. He asked Mr. Wells if he had any sense of when annexation would occur in the donut hole.

Wells doubted it would be anytime in the near future with the current economy.

[discussion continued]

Boldt said the county would be faced with this as they go to more urban agriculture and thought it would be good to see Ridgefield's language.

Alvarez clarified that 9.12.040(6) Exceptions allows for protection of crops.

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3) Diane Barry, property owner near proposed boundary (54 acres just off Parkman Road), said the area was still relatively rural and they have invited the Boy Scouts out to teach them gun safety and trap shooting. Mrs. Barry also asked that the language be clarified in terms of what exactly is meant by firearms. She said most of her family still bow-hunts and it's just a part of rural life. Alvarez explained that there is also an exception for shooting arrows in the no-shooting area as long as there is a backstop with an impenetrable surface. Stuart remarked that it's not so absolute. Mielke suggested that when they have a no-shooting area they could have an informational pamphlet.

Stuart thought the dotted line was a good solution that would meet the needs of the rural areas, but also keep kids safe.

Mielke added that it was the input of the neighbors that helped them get there.

ACTION: Moved by Stuart to **AMEND** the Firearm Discharge Areas map to have a 1,600 foot No-Shooting Area around Hockinson High School, with the 1,600 feet being measured from a radius at the northeast corner of the high school property, and to follow property lines as much as is possible.

Boldt noted that he would be voting no as he felt 600 feet was even too far and it's covered by state law.

Commissioners Stuart and Mielke voted aye. Boldt voted nay. Motion carried.

Discussion:

Boldt asked if there were comments regarding the text.

Mielke said no, except what they had discussed about including a better explanation of exceptions.

Chris Horne, Prosecuting Attorney's Office, indicated that the past practice has been to just include the sections being changed so the existing parts of the chapter not intended to be changed are not included. So the public's concern about things such as exceptions and definition of a firearm are included in the chapter in detail.

Stuart said he was fine with the text. He said when they do their work on Title 40 and look to simplify their code, perhaps a section could be added about where people can shoot.

ACTION: Moved by Stuart to **APPROVE** the text amendments outlined in the staff report under Exhibit A concerning Firearm Discharge Restrictions 9.12.026. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

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Stuart mentioned that he received comments from two members of the Rural Task Force about Mr. Alvarez and the great job he is doing. He thanked him for all his work.

PUBLIC HEARING – 179TH STREET REVENUE DEVELOPMENT AREA

Item Description: Consider de-designation of the 179th Street Revenue Development Area (RDA) that was designated by Ordinance 2008-06-09 on June 24, 2008 under provisions of Chapter 39.102 RCW.

Department: Board of Commissioners

Staff Contact: Kelly Sills, Economic Development Manager

Staff Summary:

Mr. Sills stated that in 2008 the 179th Street Revenue Development Area was created; however, approval of the county's Local Infrastructure Financing application was not received, thus rendering the RDA obsolete. He explained that they would also be holding a public hearing after this one regarding the 179th Street Revitalization Area (RA) and a RA cannot be co-located with a revenue development area, which was the reason for the formal request to de-designate the RDA.

Comments from the public:

None

Discussion:

Chairman Boldt asked the board if they had any additional comments and/or a motion.

ACTION: Moved by Stuart to **APPROVE** Resolution 2009-08-10 for the 179th Street Revenue Development Area De-Designation. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

PUBLIC HEARING – 179TH STREET REVITALIZATION AREA

Item Description: Consider creating the 179th Street Revitalization Area (RA) in the vicinity of the 179th Street/I-5 interchange.

Department: Board of Commissioners

Staff Contact: Kelly Sills, Economic Development Manager

Staff Summary:

Mr. Sills explained that the Local Revitalization Financing program was approved by the legislature during its 2009 session last spring and provides local governments the opportunity to initiate tax increment financing area with the opportunity for state contribution of sales tax money. He said the maximum potential request from local government was \$500,000 per year repeated over a 25-year period, so the overall total

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would be \$12.5 million. He noted that the Revitalization Area (RA) would not generate new taxes; however, the governmental entity wishing to implement the tax increment financing is required to establish a RA. Sills presented a map illustrating the RA. He further explained that this would support infrastructure improvements, in this case \$26 million worth of road improvements, potentially including two roundabouts—one on the east and one on the west side of the I-5/179th Street interchange—and the capacity expansion of 179th between Delfel Road on the west and 15th Avenue to the east. Sills said the improvements could allow for the lifting of Urban Holding from 179th to 209th Street.

Commissioner Boldt asked if 209th Street was the Urban Growth Boundary.

Sills said yes, and it's currently in Urban Holding. He said they have conservatively calculated that a net result would be about 4,917 new jobs just within the revitalization area. Sills further explained the benefits of creating the RA.

Comments from the public:

None

Discussion:

Chairman Boldt asked the board if they had any additional comments and/or a motion.

Stuart thanked staff for their work on this and added that it was good planning.

Boldt also thanked staff. He said as they move forward they need to have more of a concept about the Discovery Corridor, etc., and how they interact with Ridgefield, La Center, and Battle Ground in working together to make it a wonderful area in the county. He said this was a good start.

Mielke said they were doing more than just giving lip service to the Discovery Corridor and actually moving forward to create jobs in Clark County. He thanked staff.

ACTION: Moved by Stuart to **APPROVE** Ordinance 2009-08-11 for the creation of the 179th Street Revitalization Area. Commissioners Boldt, Stuart, and Mielke voted aye.
Motion carried.

COMMISSIONER COMMUNICATIONS

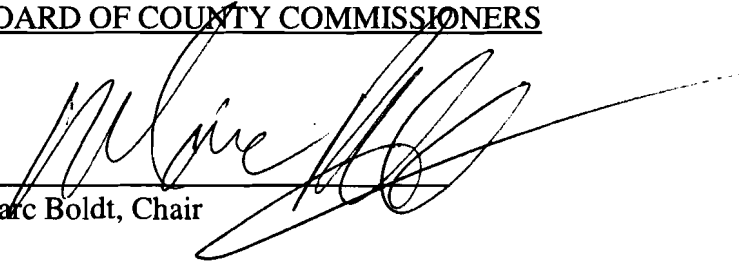
- Commissioner Stuart commented that they had the Our Personal Best Awards, during which county employees are recognized for their work. He congratulated the nominees and winners for this year.

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- Commissioner Mielke said the 179th Street Revitalization Area was a good example of the fine people who work in the county. He said this project would allow the county to keep a great deal of the money they would normally give to the state.

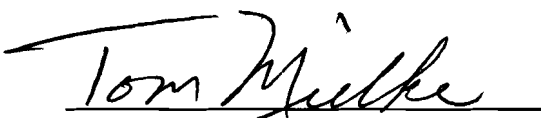
Hearing adjourned

BOARD OF COUNTY COMMISSIONERS




Marc Boldt, Chair

Steve Stuart, Commissioner



Tom Mielke, Commissioner

ATTEST:



Deputy Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times (www.cvtv.org)