

**CLARK COUNTY BOARD OF COMMISSIONERS
MINUTES OF JUNE 29, 2010**

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

9:45 A.M.

INDUSTRIAL REVENUE BOND BOARD MEETING

[Minutes transcribed separately by IRB staff.]

10:00 A.M.

RETIREMENT PRESENTATION

Commissioner Stuart recognized Charlie Masco, Public Works-Fleet and Facilities, for 25 years of service to Clark County. Commissioners Boldt and Mielke commented on Charlie's great work ethic and helpful attitude. Charlie was presented with a plaque on behalf of the Board of County Commissioners.

Pete Capell, Director, Public Works, commented on Charlie's work and stated that he has provided great value to the county.

Mr. Masco said a few words about his time with the county and thanked everyone.

PROCLAMATION: PARKS AND RECREATION MONTH

Commissioner Stuart read a proclamation declaring the month of July 2010 to be Parks and Recreation Month in Clark County, Washington.

Pete Mayer, Director, Vancouver-Clark Parks and Recreation Department, accepted the proclamation and said a few words. [Video shown]

PLEDGE OF ALLEGIANCE

The Commissioners led the Pledge of Allegiance.

BID AWARD CRP 300612

Reconvened a public hearing for Bid CRP 300612 – 2010 County Wide Overlays. Mike Westerman, General Services, read a memo recommending award of Bid CRP 300612 to the low bidder.

ACTION: There being no public comment, moved by Mielke to **AWARD** Bid CRP 300612, including Alternate A1, to Lakeside Industries of Vancouver, Washington, in the

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total bid amount of \$1,782,296.50, including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

CONSENT AGENDA: ITEMS 1 -12

Discussion

Item 2: Request from Parks & Recreation/Property Management for approval of residential lease agreement for park property, Daybreak-Residential.

Pete Capell, Director, Public Works, responded to Commissioner Boldt's question about whether money from the lease of the house went into the budget for Parks. Capell said it would go into the General Fund; however, some of the Parks' budget was out of the General Fund.

Discussion

Item 3: Request for approval of interlocal with the city of Vancouver to fund a shared Resource Conservation Manager for the cities of Vancouver, Camas and Washougal, using Energy Efficiency and Conservation Block Grant Funds.

Marlia Jenkins, Office of Budget, responded to Commissioner Mielke's question as to whether this was an additional position that was previously approved. She explained that it was a collaborative project between the cities of Vancouver, Camas, and Washougal, and would be administered by Washington State University's energy program. She said Clark County would be using Federal grant money to help the other cities become more energy efficient.

Discussion

Item 4: Request from County Railroad for approval of Washington Utilities and Transportation Commission (WUTC) grant for creating a uniform regulatory no-trespass sign for placement along the railroad right of way.

Fred Abraham, Railroad Coordinator, answered Commissioner Boldt's question about the Chelatchie Prairie Rail with Trail project and the possibility of no-trespassing signs causing confusion. Abraham said they were working with Parks to ensure that's not the case.

Discussion

Item 5: Request for approval of recommended changes to the Policies and Procedures Manual for Administration of the Veterans Relief Fund of Clark County.

Commissioner Mielke remarked that with the Veterans Relief Fund they were making some progress and this was a small step in terms of serving veterans' needs. He hoped they would figure out a way to serve their veterans with additional coverage for dental care.

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ACTION: Moved by Mielke to **APPROVE** consent agenda items 1 through 12. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

PUBLIC COMMENT

None

PUBLIC HEARING: WINERIES ORDINANCE

Item Description: To consider the adoption of a work plan for implementation of Resolution 2010-05-01, which was approved by the Clark County Board of Commissioners on May 4, 2010 and relates to land use and zoning of wineries in the unincorporated area by adding to and amending Clark County Code Title 40 and amending Section 5.32.

Department: Community Planning

Staff Contact: Marty Snell, Director; Gordy Euler, Planner

Legal Staff: Chris Horne, Prosecuting Attorney's Office-Civil Division

Staff Summary:

Mr. Snell summarized that on May 4, 2010, the board adopted an emergency ordinance regarding wineries and tasting rooms. It was adopted partly because operators were having difficulty obtaining liquor licenses from the Washington State Liquor Control Board. Since adoption of the emergency ordinance, staff met to make refining improvements, including improvements for ease of clarity and administration. Snell stated that by law, the board is required to hold a hearing within 60 days of enactment of the original emergency ordinance. The action today would adopt the revised ordinance and place it on a work program to be completed by Planning Commission review and then back to the board within 6 months.

Mr. Horne stated that at the direction of the board he had met with staff to begin clarifying some points that weren't entirely apparent. He said they've attempted to ensure that it's clear that wineries as an agricultural use alone is a permitted use throughout Clark County. The ordinance goes on to mention that wineries without associated tasting rooms or events require no land use review. Horne stated that after meeting with the Fire Marshal and Building Official, they added additional language that winery buildings 3,600 feet and less that are only occupied by family members—not the public or non-family member employees—require no additional building review. The remainder of the ordinance deals with wineries that want either tasting rooms and/or events and there's a process in place for those and they are allowed in the rural area. Horne outlined the associated fees. He said the ordinance gives the Planning Commission an opportunity to do their review. Following their review, it would then come back to the board for final adoption. He noted that it was staff's intent that it be allowed to come before the board some time in September.

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Comments from the public:

- 1) Michelle Bloomquist, 27904 NE 174th Avenue, Battle Ground, owner of Heisson House Vineyards, responded to Commissioner Stuart's question regarding the Barn Bash fundraiser held at the winery. She explained that she owns one of the oldest standing barns in Clark County and was recently awarded a state Historic Preservation Grant to do some repair work. She said because it's a matching grant, they need to match it with either in-kind donations or cash. The Barn Bash was a celebration of getting the grant and to also get the word out. Ms. Bloomquist wanted to know if the ordinance with the red type was the one under consideration.

Snell said the one with the red type showed the differences from the ordinance adopted in May.

Bloomquist commented on Oregon's multi-million wine industry and said the ordinance adopted by the board will determine what kind of wine industry they have in Clark County. She said while it's important to have rules, she felt it was also important to be business friendly so that people consider Clark County when thinking of investing in a winery. She asked that the ordinance be a guidepost to make the process easier and clearer. She pointed out some areas of the ordinance where the wording might be clarified (B.2 – Applicability). Bloomquist also pointed out that there are many business models a winery can have from growing every grape on their property to growing no grapes at all and she noted that buying grapes from other growers also supports agriculture in Washington State. She thought the idea of wineries surviving in Clark County without tasting rooms was pretty unlikely; you would have to be such a volume producer to be able to distribute wholesale through large markets in order to be economically feasible. Lastly, Bloomquist requested a grandfathering of the existing wineries.

- 2) Gary Goug r, Goug r Cellars Winery, Vancouver, referenced C.2 – Development Standards, where it states that tasting rooms are limited to 500 square feet. Mr. Goug r felt 500 square feet was on the small side.

Horne explained that the limitation on the 500 square feet was not in the final version. He further explained that tasting rooms 500 feet or greater have much more expensive fire code review standards in terms of sprinkler systems, emergency egress, etc. So the original thought was limiting it to 500 square feet in order to try and not get people into that higher cost fire protection.

Goug r commented that having a percentage of a winery to plant crops is cost prohibitive for a small startup. He said it would be better to say that 20% of the grapes or fruit being used must be purchased from growers in Washington—leave it up to the people who are experienced in growing those products.

Stuart said they have a legal responsibility where land is zoned for agricultural purposes and to only have an industrial or office or some sort of building doing work

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that isn't associated with agricultural production is illegal under state law. He said they've tried to build enough flexibility and he thought they could work on that in terms of what they are talking about in acreage or production, etc. They do have a legal and practical responsibility to assure that if it's being called a winery for the purposes of growing grapes, agricultural production, so there's some tie there.

Boldt said there was a fine line between this and the home business ordinance. He said once the line is crossed into more of a commercial aspect, there's the conflict of lower costs for those in the unincorporated area versus Vancouver.

- 3) Dan Anderson, Three Brothers Vineyard and Winery, Ridgefield, referenced Section D) Approval Process. His understanding was that if you didn't have a tasting room, the building and site would be treated agricultural. If you do have one, then a winery permit would be required. He asked if there were additional building permits or information required, or did the winery permit cover?

Horne said the winery permit was only intended to address the land use issue. To the extent a winery building is greater than 3,600 square feet or there are paid employees in the building or public tours, etc., the rules under the building code change. So a building permit would be required. Horne said they could clarify the language.

Snell explained that whatever is adopted, they will have to put together handouts, applications materials, and checklists. They could do some work on a handout where they differentiate that break point.

Mielke mentioned the idea of wine tasting using wine glasses a person can take home with them—that would address the health requirements pertaining to sanitization of the glasses.

Stuart said as this moves forward they should look at trying to put together a package that makes the steps very clear to the applicant.

Snell said they could work on that before it comes back to the board for final approval.

Mr. Anderson commented that it wouldn't be outside of reason to grandfather existing wineries.

Mielke wondered what the advantage of grandfathering would be. He said he would like to keep things as simple as possible.

Stuart said if they get things right, then that shouldn't be an issue.

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- 4) Ms. Bloomquist commented that only some of them are on land that's zoned ag. She said in some ways it was double talk to say that on one hand they're agricultural, but on the other hand they're being held to commercial standards.

Snell said wineries that wish to have events are required to have the minimum 20%. What they want to prevent is someone essentially opening an event center on ag land and not using it for the intended purpose. As Commissioner Stuart had previously stated, they do have a legal requirement under GMA that ag lands are for ag land purposes. Snell stated that they could work on the details between now and the final ordinance.

Discussion:

Boldt referenced the Definitions section where it reads "winery means a facility specifically designed..." – he expressed concern with the word "specifically."

Horne said they could strike that.

Boldt also felt that as they work through the rural lands issue, farm stands and wineries should join together and be consistent.

Snell said they could look at what is coming out of the Rural Lands Task Force on farm stands

ACTION: Moved by Mielke to **APPROVE** Resolution 2010-06-14 to continue work on the wineries ordinance, with the amendment to strike "specifically" from the Definitions section. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

PUBLIC HEARING: BUILDING AND FIRE CODES

Item Description: To consider the adoption of 2009 International Building Code, International Residential Code, and associated Plumbing, Fire, and Mechanical Codes.

Department: Community Development

Staff Contact: Jim Muir and Jon Dunaway

Staff Summary:

Jim Muir, Chief Building Official, summarized that the ordinance before the board would adopt state building and fire codes, which include the International Building Code, International Residential Code, and Plumbing, Fire, and Mechanical Codes. Per board direction, they were asked to eliminate anything in the Clark County Code that could be done away with. He said they were proposing adoption of the codes as adopted at the state level. He outlined proposed changes to the building codes.

Mielke stated that whether or not they adopt it, they would still have to enforce the law. He said he had a problem saying it's an unfunded mandate because it never comes with money and it takes money to regulate so it ends up being passed on to the consumer. He

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said they continue to stack on and never remove rules and regulations as things are found to be better. He expressed concern with adopting something without going through a bigger work group and he wanted to spend more time on it.

Stuart said he was looking for a clear connection between the regulation and the public benefit. He said they have to make that case.

Lori Volkman, Prosecuting Attorney's Office, stated that they do have a mandate from the state to adopt the 2009 International Code to replace the 2006 by a date certain. Not adopting anything was not an option at this point because there isn't a default that would fall into place—they do actually need to change their code to amend it from the 2006 to the 2009. Ms. Volkman said they can make additional amendments as they traditionally do and as are being proposed. She noted that the deadline was July 1.

Jon Dunaway, Fire Marshal, stated that in terms of the fire codes, there were no proposals for new language. He said the changes propose to maintain the local amendments, except for a few editorial re-numbering items and a couple of deleted sections. He further explained the editorial changes.

Mielke asked for clarification regarding proof of insurance for fueling companies.

Dunaway explained that when Clark County created the mobile fueling ordinance, there were a number of items that needed to be dealt with at the county level. One was to ensure that the business doing that operation had insurance to address anything that might go wrong.

Mielke wondered why the insurance would be higher for a vehicle that delivers to a facility versus a commercial vehicle out on the road.

Bill Barron, County Administrator, responded that they could have the Risk Manager evaluate that. He assumed it was typical of a mobile fueler that goes from site to site.

Comments from the public:

None

Discussion:

Commissioner Mielke expressed great concern with the process they have and hoped that they could make corrections on what they have as quickly as they adopt additional ordinances and codes. However, under legal law he would have to support it.

ACTION: Moved by Mielke to **APPROVE** Ordinance 2010-06-15. Commissioners Stuart, Mielke, and Boldt voted aye. Motion carried.

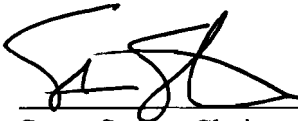
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COMMISSIONER COMMUNICATIONS

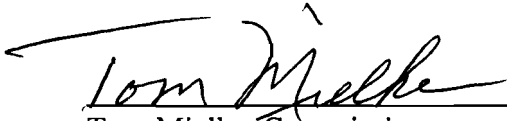
- Commissioner Mielke commented that he was looking forward to more work groups and said he was put out when he learned that they were still charging for maintenance permits. He said that's why he's reluctant to accept ordinances that they don't get a chance to review because they're not moving fast enough to fix the ones they already have.
- Commissioner Stuart wished everyone a great and safe Fourth of July.

Hearing adjourned

BOARD OF COUNTY COMMISSIONERS



Steve Stuart, Chair



Tom Mielke, Commissioner

Marc Boldt, Commissioner

ATTEST:



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).