

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, MAY 21, 2009**

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

6:30 p.m.

CALL TO ORDER

BARCA: Good evening. I'd like to call the Planning Commission hearing to order for Thursday, May 21st. May we have the roll call, please.

ROLL CALL VOTE

DELEISSEGUES: ABSENT
MORASCH: ABSENT
BARCA: HERE
ALLEN: PRESENT
WRISTON: ABSENT
RUPLEY: HERE
VARTANIAN: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for May 21, 2009

BARCA: So are there any additions or corrections for tonight's agenda?

VARTANIAN: I move we accept the agenda as presented.

ALLEN: Second.

BARCA: All those in favor.

EVERYBODY: AYE

B. Approval of Minutes for March 19th & April 16th

BARCA: And then we're going to adopt minutes from March 19th and April 16th, 2009. Are there any additions, corrections, deletions to those minutes?

RUPLEY: I move we accept the minutes as written.

ALLEN: Second.

BARCA: It's been moved and seconded. All those in favor.

EVERYBODY: AYE

C. Communications from the Public

BARCA: No opposed? Okay. And at this point in time if there is anybody here tonight wishing to give comments on items other than what we have on the agenda, now's your time to come forward. Not seeing anybody from the public coming forward, we will go ahead and move into the agenda item and we start with Mr. Vandling.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. OPEN SPACE & TIMBERLAND APPLICATIONS

The Planning Commission will consider staff recommendations for approval or denial of Timberland or Open Space Applications for Current Use Assessment pursuant to Chapter 84.34 of the RCW. The criteria for Open Space or Timberland was established by Resolution No. 1977-10-32, adopted November 7, 1977 and Ordinance No. 1982-02-65 adopted March 17, 1982, and Ordinance No. 1996-02-30, adopted February 27, 1996.

Staff Contact: Jim Vandling, (360) 397-2375, Ext. 4714 or e-mail: james.vandling@clark.wa.gov

VANDLING: Good evening, Mr. Chairman, and fellow Commissioners. Jim Vandling, Clark County Forester. And I am here to present the current use open space applications which will become effective in the year 2010. The submittals were made prior to December 31st of 2008 and we had 47 total requests. The details on each particular request are in the staff report, the results are summarized in Exhibit A.

The reason I have handed out a FINAL MEMORANDUM is that we had one correction in one of the applications and that was for Number 74-0808, the Michael Cresap Trust. It had originally been identified for a denial; however, the trustee of the estate has requested that the application be just withdrawn as they wish to remain in the farm and agricultural classification. That is the only modification to the staff report and the exhibit as you have it in the FINAL MEMORANDUM dated today.

The applications and this review and the submittal to the Planning Commission is pursuant to RCW 84.34 and Clark County Title 3.08. Without belaboring the body of the staff report we could just look at the exhibit and if you have any particular questions, I can answer them now.

BARCA: Any questions for staff at this time?

ALLEN: I think the report was very well written and very clear.

BARCA: You're handling quite a volume of applications right now.

VANDLING: I don't want to go over my allotted time of seven minutes.

BARCA: You could just drop us a line.

VANDLING: I might make one comment, next year it's going to be substantially different. We are in the midst of a State mandated audit on all of our farm and agricultural properties in the current use program and a number of these are already starting to come in. In fact in large numbers they're starting to come in to reclassify into one of the open space classifications whether it be timberland or soil conservation, stream protection if they happen to be near the shorelines, historic preservation, public recreation, and what we're seeing is the number of applications is more than likely going to triple and so we'll be somewhere probably around 150, it could go over 200.

And so I asked Sonja Wiser to help me out with streamlining the review paperwork that we have to go through, a lot of which you'll never see, coming across to the Planning Commission, and she has done a really fantastic job being able to compile a crystal report of all of these fields that we're exporting out of the Tidemark program into the Crystal Reports. That we can generate them at a faster rate given that the volume is going to go up so high, and rather than having one Planning Commission hearing devoted partially to this program, we may have to have two, possibly more, understanding that we really don't take a lot of time doing this as it is more of a State mandated formality, that way we're not looking at hundreds of applications in one sit-down session in front of you.

ALLEN: I think that makes great sense.

VANDLING: What I'm going to be doing is reviewing them as they come across for counter complete on the second floor in the Assessor's Office and getting them reviewed and getting everything done as far as Tidemark and then the reports so I can get them to you in a more timely basis. This will also be an advantage for the applicants because it may cut down on the cycle of actually executing the reduction in their tax. Or the shift I should say.

BARCA: Right.

VANDLING: So we may be able to cut 6 months off that 18-month timeline from the time that they apply to the time it finally takes effect on their taxes. So that's what we're looking at doing this next cycle.

BARCA: That seems very proactive. So if there's no more questions, oh.

VARTANIAN: Just hopefully a quick one. On 09-0011, Ferrell, it's a partial approval, is the applicant okay with what's being proposed here?

VANDLING: Yeah. It was only an acre and a half out of 40 and it was a noncontiguous legal lot that I just couldn't connect because they had a farm and ag section in between.

VARTANIAN: But the applicant's aware and --

VANDLING: Yeah.

VARTANIAN: Okay.

BARCA: No more questions of staff? We have a sign-up sheet of public that can come up for testimony. And just to clarify for everybody, staff recommendation is approval on everything that we're hearing tonight and if you would like to go ahead and comment on that, we're going to go right down the list. We'll start with Rosemary Ferguson. No Rosemary Ferguson, okay. Gulzow, we have Liana Gulzow. Is this the right list?

VARTANIAN: Is that today's?

BARCA: Jerry Schmaltz.

HORENSTEIN: That's for a later hearing.

BARCA: That's for a later hearing, okay. And Marsteller and Cincotta.

CINCOTTA: No comment. We're happy.

BARCA: Okay, great. David Morgan.

MORGAN: I thought that was just a sign-in sheet.

BARCA: No problem. I'm digging it. Last name is Roberts, Cawley.

ROBERTS: Carolyn.

BARCA: Carolyn.

ROBERTS: Same thing, I'm just first time.

BARCA: No problem. Ed Berrey.

BERREY: The same, I just thought I was signing in.

BARCA: And we're down to the last one, Kevin Schnabel.

SCHNABEL: I signed in on the wrong sheet.

BARCA: Are you here for the other hearing then?

SCHNABEL: Yes.

BARCA: Let me just make sure I keep that. Sir.

SCHMALTZ: I'm here for the other three out of the other four and I didn't sign-in but I'd like to talk.

BARCA: Well, when we get to that agenda item there will be an opportunity for you then. Well, that was our entire public testimony and I hope everybody's happy with the product that they got out of the County. So any proposals on how we handle the volume?

VARTANIAN: I **MOVE** that we accept staff's recommendation as presented.

ALLEN: **Second.**

BARCA: It's been moved to accept the entire staff recommendation document all items contiguous.

ALLEN: And thank you very much for a very clear report.

VARTANIAN: As always.

BARCA: So it's been moved, it's been seconded. Is there any more discussion? Roll call, please.

ROLL CALL VOTE

ALLEN: AYE

RUPLEY: AYE

VARTANIAN: AYE

BARCA: AYE

BARCA: Okay.

RUPLEY: I don't think he went over seven minutes.

BARCA: We drug it out. And now we move into annual reviews on the docket.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

NITEN: Good evening, Commissioners. Jeff Niten with Community Planning. And before we get started here, the Three Creeks representative which heard three of the applications that we have before you this evening would like to offer the recommendations of the Three Creeks Council at one time and Mr. Wilson is here now if he'd like to come up and offer the recommendations.

WILSON: Thanks, Jeff. Hi, I'm Ron Wilson and I'm here representing Three Creeks Advisory, and we heard a presentation on Number 11, Pine Tree; Number 12, Precision Rebar; and, Number 14, GG One, Inc., and the group unanimously approved and agreed with staff's finding for those three and that's really all the comment I had on it. Do you have any questions? I think you have all of our notes from our meetings; correct?

BARCA: So are you going to be available for questions or are you leaving at this moment?

WILSON: I actually have another obligation and that's the reason I requested to speak here at the beginning, but we unanimously approved these three, there really wasn't any heavy questioning or debate, they really flew through with no negative comments or questions really, the group unanimously approved all three.

BARCA: So I think from my own look at the process, the only one that I had a real question on in that regard was on Precision Rebar. There's a piece of green space adjacent to some designated park land and there was a zoning request change on that piece next to Precision Rebar and I'm just wondering whether your group dipped into that at all in their discussion?

NITEN: Commissioners, that piece came in after the Three Creeks. I believe that particular one was heard on March 9th, but as of today we have not heard from the applicant that that additional piece to the north is going to be included.

BARCA: So it isn't what we're hearing tonight?

NITEN: Not the additional piece.

BARCA: All right then.

WILSON: Thank you very much.

BARCA: Just one moment please, any other questions from the Commission before we release Mr. Wilson? Thank you.

WILSON: Okay, thanks.

BARCA: Now we're ready for a staff report.

B. ANNUAL REVIEWS & DOCKETS

11. **CPZ2009-00002 Pine Tree** The property owners are seeking to change the Comprehensive Plan and zoning designation for parcels 145766-000 and 145815-000 (2.4 acres) from Urban Medium with OR-18 zoning to Community Commercial with C-3 zoning, located at the NE corner of NE 94th Street and Hazel Dell Avenue.
Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov

NITEN: Okay, Commissioners. The first one we have before you this evening is CPZ2009-00002, Pine Tree/Hazel Dell Towne Center. The staff recommends approval of the request to change the subject parcels from urban medium OR-18 zoning to community commercial with C-3 zoning.

The property owners are requesting a change for 2.4 acres, and the subject parcels are 145766-000 and 145815-000, they're both currently vacant. The applicant has made three previous requests on the site which I've detailed for you in the staff report. This last request is to change those two pieces to C-3 and modify the covenant only to the extent that it excludes any reference to the OR-18 zoning, so it is not going to remove the requirement for the sit-down restaurant that was negotiated with the previous approval in 2005.

The existing land use, the site is undeveloped. To the north there is an established high-density residential building and a manufactured home development, both of which are zoned R-43. To the south, Hazel Dell Towne Center is developed with various commercial uses also zoned C-3. To the east is the existing C-TRAN park and ride and that currently is zoned limited commercial CL. And to the west there is an established single-family residential subdivision zoned R1-7.5. And I'll pull up the map here for you.

So this is the location, the existing Hazel Dell Towne Center is here, the park and ride is here and these are the two subject parcels we're talking about this evening. Moving on under on Page 3. Oh, before I continue, Sonja just passed out to you an E-mail that I received yesterday from the owners of the Meadow Verde Mobile Home Park and that's the manufactured home park that's directly adjacent.

ALLEN: Where is it at?

NITEN: It's right here, and I'll pull up the aerial for you. It's the aerial photograph and this is the park here, if you can see the cursor moving back and forth, and they have supported and continue to support the development of the Hazel Dell Towne Center. The only thing they're requesting is that the continuation of the existing rock sound wall be continued along with this development. That's not something that we can do during this process but

during the site development process, which I did explain to the applicant, but they still wanted that concern in front of you this evening.

VARTANIAN: Can I ask you a question --

NITEN: Sure.

VARTANIAN: -- on that E-mail. It says "for this support, we have received returned considerations."

NITEN: I don't know what that means --

VARTANIAN: Okay.

NITEN: -- and I didn't ask.

ALLEN: I hope it's the wall.

VARTANIAN: Yeah, I'm hoping there's nothing hokie going on there.

NITEN: For Criteria A, "the proponent shall demonstrate that the proposed map amendment is consistent with the Growth Management Act and requirements," staff found on Page 4 the proposed amendment is consistent with GMA Goals 1, 2, 3 and 5. And through the findings through Pages 6 and on to Page 7 we've concluded that this application does meet Criteria A in approving a proposed community commercial land designation will provide the opportunity for higher intensity office and commercial uses on a site that is located at the intersection of Hazel Dell Avenue and 94th.

Criteria B, "the proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria identified in the Clark County Comprehensive Plan and the purpose statement for the zoning district," and we have found that it did comply for the reasons listed in the conclusion on Page 8.

And, C, "the map amendment or site is suitable for the proposed designation," the applicant did submit a market analysis that shows a need for additional commercial land in the area and therefore meets the criteria.

And, D, "the map amendment responds to a substantial change in conditions; better implements applicable comprehensive plan policies; or, (c), corrects a mapping error." The applicant addresses this requirement by stating the request better implements the applicable comprehensive plan policies and that the office/residential zoning is an island out of place with the existing uses. Staff finds that Criteria D has been met.

And, E, "where available or where applicable the proponent shall demonstrate full range of urban public facilities are available to the site," and staff finds that they are. And staff's

recommending approval of the application. That concludes the staff report.

BARCA: Questions for staff?

ALLEN: What was that about the mapping error, I kind of missed that?

NITEN: Oh, under Criteria D on Page 8 there are three reasons to change a mapping designation. One, it responds to a substantial change in conditions, or, secondly, it better implements the applicable comprehensive plan policies, or the third reason it corrects a mapping error.

ALLEN: And all of these are pursuant to the legal requirement for mapping errors?

NITEN: This, they're not applying under a mapping error request for this one.

ALLEN: I thought I heard something about mapping error so that's what I was asking about. Thank you.

BARCA: Any other questions of staff? Well, then I would open it up for public testimony but this sheet is empty, so if there is anybody from the public that would like to come forward and talk about Pine Tree, 00002, please come forward.

PUBLIC TESTIMONY

HORENSTEIN: Thank you, Mr. Chair, members of the Planning Commission. For the record my name is Steve Horenstein, 500 Broadway, Suite 400 in Vancouver here representing the applicant Pine Tree. I don't have much to say, I think the staff report was very clear and thorough and we support the entire analysis. I will tell you if you have questions about our marketing study, Paul Dennis is here. And, also, if you would like to speak to the owner pending these issues Todd Zinsmaster is here from Pine Tree tonight.

This has been a bit of an interesting piece among the full shopping center which is now fully built out, well occupied, we have lost a couple of tenants but we have new tenants coming in right behind them which is a little unusual in this market, but it's a great location. I was surprised to read in the market analysis that one-fifth of the county population lives within three miles of that center, so it's very dense residential.

The area has become even more commercial. If you think of the entire node there from the south side of Hazel Towne Center up to and across 99th, there's been more commercial developed across from the park and ride since the original center was built here, it's really turned into a commercial node to serve that part of the company or that part of the county.

We've had zero luck with residential there frankly. We thought we were having some luck with professional office but none of that has worked out. Although we can continue to do

professional or try to do professional office there, the request does give us more flexibility to do commercial as well. Our request is that you approve our application and follow the staff report. And I'd be happy to answer any questions.

BARCA: So the covenant is going to be modified; is that correct?

NITEN: That's what the applicant's requested, yes.

BARCA: Would there be a problem seeing this wall that is of concern to the mobile home park be put into the covenant?

NITEN: That's accomplished at the site development phase, at the site review phase, and the covenant needs to be proposed by the applicant. If the applicant's willing to do that I don't see why it couldn't be, but --

BARCA: Well, the applicant's representative is right here in front of us.

HORENSTEIN: Well, can I have a moment?

BARCA: Certainly.

VARTANIAN: While we're waiting for that is there anybody here from the people who sent in this E-mail?

NITEN: I don't believe so. The E-mail I believe was received from the daughter of Dean Vogt and I spoke with him yesterday and I advised him that he could watch on Channel 23 so I'm sure he's watching us right now.

VARTANIAN: Yeah, I'm just wondering how he feels about it if the applicant decides not to do it, but that's, yeah.

HORENSTEIN: We're not positive we know what that existing wall is, could you help me with that.

NITEN: Let's see here. I'm not sure where it went. I'm not sure if we're going to be able to see it here, but I recall from being out on the site that there is a rock wall, and I could not estimate the height, it runs along the north boundary here.

HORENSTEIN: Where?

NITEN: Yeah, it's --

BARCA: The line is on top of it.

NITEN: See in the cursor this white --

HORENSTEIN: Oh, down there. Oh, there.

NITEN: -- right along the north property line here and from what I understand talking with Dean that's what he was asking about.

BARCA: Right.

ALLEN: And that's the existing rock wall, right, that's there now, but you can't remember how tall it is and they don't know if it's acceptable to them or not if it is?

HORENSTEIN: Well, we're not sure it's on our property.

ALLEN: Oh, okay.

NITEN: Yeah, it runs right along here along to the edge of the mobile home park.

ALLEN: So if it is not on your property, then whose property would it be on, the mobile home park?

HORENSTEIN: Yes. We certainly could commit to doing whatever screening is necessary to be required to buffer the commercial from the industrial and that is addressed in the site plan criteria. I don't know that we want to commit to building a rock wall, finishing one that isn't on our property, at least we don't believe it is, I don't think we built it, but we can certainly agree in general terms to do whatever screening is necessary to buffer the residential from the commercial and I think, frankly, at site plan approval we'd be required to do that anyway.

BARCA: Yeah. And I think there's a general concern that they're going to lose the wall as well so I think just understanding and addressing that with the people I think would probably take care of their concern then.

HORENSTEIN: Sure. They've been good neighbors and we've been good neighbors to them, they appreciate the shopping opportunity.

BARCA: Okay.

HORENSTEIN: Thank you.

BARCA: Any other questions? No?

HORENSTEIN: Any other questions for me? Thank you very much.

BARCA: Okay. Back to the Commission. Any more discussion?

ALLEN: No.

VARTANIAN: I **MOVE** we accept the staff's approval of this and move it on to the Commissioners.

RUPLEY: **Second.**

BARCA: It's been moved and seconded. Any additional discussion? Sonja, roll call, please.

ROLL CALL VOTE

VARTANIAN: AYE
ALLEN: AYE
RUPLEY: AYE
BARCA: AYE

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

12. **CPZ2009-00003 Precision Rebar** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcels 117958-000 and 117956-000 (2.87 acres) from Mixed Use with Limited Commercial zoning to General Commercial with GC zoning, located at 1802 and 1810 NE 99th Street, Vancouver, WA.

**Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov**

NITEN: Okay, Commissioners, we'll move on to Precision Rebar. The file number is CPZ2009-00003 and actually a few minutes ago I misspoke, Mr. Horenstein just handed me the Letters of Authorization for that additional parcel to the north that we spoke about in the work session.

ALLEN: So the Three Creeks Council has not seen that?

NITEN: Not the additional parcel, no. They saw the initial two that the staff report is based on but not the third.

ALLEN: And of course Mr. Wilson already left; right?

NITEN: He did.

VARTANIAN: Well, he can't speak for them.

BARCA: He can't if they haven't seen it.

ALLEN: Well, no, but at least he can --

VARTANIAN: Can you refresh my memory.

NITEN: These two pieces here are part of the initial application, this is the piece that we have a Letter of Authorization for signed by what I believe to be the owner. I can't verify that at the moment, but I'm sure that that's the case. The additional parcel is 2.42 acres and that would be added in to the 2.87 acres that's the analysis that's reflected in your staff report.

ALLEN: Can we continue this item to the next hearing maybe so that the Three Creeks Council and others can have due notice on this and also can have some input on it on the additional land? I mean we just changed it here at the last minute and I'm sure that some of the adjacent owners would like to have some input into that as well.

BARCA: Well, I guess the question is how was it noticed to the public, was this additional parcel part of the notification?

NITEN: No, it was not.

BARCA: It was not.

ALLEN: And that's why I have a concern with that.

BARCA: Oliver.

ORJIAKO: I think Chris Cook our Deputy Prosecutor can chime in, but I will add that because of the notice issue the Planning Commission can continue this so that it is properly noticed. I'm not sure that it will make a significant difference to the Three Creeks Advisory Council that this piece was added, they did review the two and made a recommendation to support it, your decision carries some weight and the Board will finally act on it, but I think in terms of the notice I believe that this can be pulled so we will notice it appropriately.

BARCA: Yeah, and my concern is not so much the specifics of who reviews it, it's just public and process.

COOK: I would concur with Oliver, I think it's something that can be continued and very possibly should be continued because the public has not had notice that that third parcel --

VARTANIAN: When would it --

COOK: -- is part of the proposal.

VARTANIAN: When will it be continued to?

NITEN: The next hearing is June 18th.

ORJIAKO: June 18th.

NITEN: With the work session being June 4th we're going to have to redo the SEPA so that can be done. Although it would meet the time frame, the SEPA doesn't need to be done under the legal requirement until the Board hears it in October, but we would want to do that for your information. We would have to renotice it, which wouldn't be that much of a problem, I think we can get it on June 18th. If not, it would be July 17th I believe is the date we have scheduled, but it would be the hearing in July.

VARTANIAN: Can I make a motion?

ALLEN: I think that would be --

BARCA: No.

ALLEN: -- that's what I would --

BARCA: She's asking to withdraw it. So can you as staff just withdraw this from our agenda then?

NITEN: We can continue it until June. Make a motion to continue till June 18th date certain --

ORJIAKO: Right.

NITEN: -- and then if for whatever reason we can't hear it that night we can --

ALLEN: I so **MOVE**.

RUPLEY: **Second**.

VARTANIAN: Second.

BARCA: For the record it's been moved and seconded that we continue to date certain. Although, oh, Sonja.

ORJIAKO: That will be June 18th, Planning Commission members.

BARCA: June 18th.

ORJIAKO: June 18th.

BARCA: If that allows for adequate notice?

NITEN: Yes, we can get it out.

BARCA: Roll call, please.

ROLL CALL VOTE

VARTANIAN: AYE
ALLEN: AYE
RUPLEY: AYE
BARCA: AYE

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

13. **CPZ2009-00004 78th Street Commercial** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcels 156786-000, 156787-000, 156778-000, 156738-000, and 156870-000 (3.54 acres) from Neighborhood Commercial with C-2 zoning to Community Commercial and C-3 zoning, located at 5015 NE 78th Street, Vancouver, WA and adjoining parcels.
Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov

NITEN: The third item on your agenda this evening is annual review case CPZ2009-00004, 78th Street Commercial. The staff recommends approval of the request to change the subject parcel from neighborhood commercial C-2 to community commercial C-3.

The property owners are requesting a comprehensive plan and zoning designation change for 3.54 acres. And the subject site consists of five parcels with four different owners. The parcels are currently vacant or underutilized and currently there is no commercial activity on the site. The parcel numbers are 156786-000, 156787-000, 156778-000, 156738-000, and, finally, 156870-000.

The site, three of the five parcels are currently occupied by single-family homes and to the north undeveloped parcels zoned light industrial. South are single-family home subdivision zoned R1-6. East is a developed single-family home subdivision zoned R1-6. And to the west are developed parcels zoned light industrial.

The criteria for map changes, Criteria A, we have found that the application has met Goal 1 and Goal 5, urban growth and economic development. And on Page 5, Policy 1.3.1, both the existing neighborhood commercial and the proposed community commercial

would allow the currently underutilized parcels to develop a mix of higher density commercial and office uses. C-TRAN does currently provide transit and the area is currently developed at an urban density.

On to the conclusion. Staff has found that Criteria A has been met and that approving the proposed community commercial land use designation will provide the opportunity for higher intensity office and commercial uses on the site that is located on the south side of the juncture of Padden Parkway and NE 78th Street, a site that is within the urban growth boundary. You can't really see it on this map, but Padden Parkway is right here, it's just showing the easement, on the aerial it's much easier to see, and the Padden Parkway runs right here, 78th here.

Criteria B, "the proponent shall demonstrate the designation is in conformance with the appropriate locational criteria identified in the Clark County Comprehensive Plan," and staff has found that while the site is less than five acres in size as is recommended by the comprehensive plan locational criteria, that it would serve the adjacent neighborhoods, the regular shopping and service needs for the adjacent neighborhoods, and we found that Criteria B was met.

Criteria C, the site suitability criteria, the applicant submitted a market analysis that shows a need for additional retail in the area, so Criteria C has been met.

Criteria D, the applicant addresses this criteria by stating that there is a substantial change in conditions from the subject parcel when this area was designated. In 1999 this application basically the same request was made to go for, or not totally the same request, it was requested for C-3 zoning. At the time it was given C-2 zoning, but Padden Parkway had not yet been built and that does represent a substantial change in conditions.

And where applicable Criteria E "the proponent shall demonstrate that full range of urban services are available," and staff finds that they are.

And that concludes the staff report. Staff is recommending approval, and I have Laurie Nicholson here with me to answer any transportation questions you may have.

BARCA: Questions for staff?

VARTANIAN: The five-acre suggestion is just that, a suggestion, it's not a requirement?

NITEN: Correct.

VARTANIAN: Okay, thank you.

BARCA: Any other questions? I have a question, Laurie, concerning left turn access from Padden into the parcels, is that going to be restricted based on the Padden design standards?

NICHOLSON: That would be an issue that would be addressed during the site development review process. We did consult the concurrency staff on this issue and that is something the applicant would have to submit a detailed traffic study showing how operationally this development would impact Padden Parkway and that intersection.

BARCA: And the change between C-2 and C-3 designation is not enough by itself to get a feel for because of all the overlapping potential uses?

NICHOLSON: Yes, that's correct, Commissioner.

BARCA: Any other questions for staff? Okay. At this point in time we have a sign-up sheet for this particular item, we'll go down the list and we'll see who wants to testify. We start off with Larry Epstein.

EPSTEIN: Thank you, Mr. Chairman. I'm Larry Epstein, 7165 SW Fir Loop, Portland 97223, I represent the applicant Kevin Schnabel who owns three of the properties in question and the owners of the other properties also have authorized the application. I have something quaint for you, a paper map, showing the site substantially the same as what you have on your screen before you, but since I went to the trouble of making it I'll just put it here in case you have any questions and then hide behind it.

We agree with the staff report and recommendation, I'm happy to answer any questions you may have. In large part what this plan amendment and zone change does is allow us to develop the site with offices as a primary use and so it makes the property more readily developable and that's something we hope will happen. There are some other minor changes, some uses that are not allowed in the neighborhood commercial zone, are allowed in the community commercial zone, in C-2 and C-3, but for the most part they're the same uses and it's just a question of whether they're allowed as conditional uses or as outright permitted uses. The development standards, the design standards, are the same in both zones so what will be developed will be largely the same in appearance and in function for the neighbors.

We do intend to work with County staff on the access issue and to make sure that whatever access we eventually obtain is safe and functional, but this is not the time to do that because we don't know exactly what we're going to build there. So I'm happy to answer any questions you may have; otherwise, I've concluded my remarks, we support the staff recommendation.

BARCA: Questions?

ALLEN: Now looking at your paper map I'm seeing some differences between that and what's on the overhead and that's primarily where it looks like that the Padden Parkway may be split going into the site and then some is going up north, can you explain as to what that is, is that an interchange or is that a byway or is that a parallel street, or what is

that?

BARCA: It's 78th.

EPSTEIN: 78th Street --

NICHOLSON: Yeah, that's 78th.

EPSTEIN: -- continues east, the Padden turns northeast roughly in front of the east edge of the property.

ALLEN: And there's like a church down there or something like that? I'm trying to visualize this in my own mind.

EPSTEIN: There's an older home in relatively poor repair on the property that you can see from 78th Street, there's a manufactured home on the northeast corner of the property, there is a home and some accessory buildings interior to the east half of the property, but the west two-thirds of the property is vacant. There's the formerly known as AirCo facility directly west of the property, now I think it's called Lindy, but it's the AirCo facility, there's a veterinary clinic northwest of this site, there's the County Water District facility directly north of the site and there are single-family homes to the south and east.

ALLEN: Okay, thank you, that explains that difference between the two because I could not figure out what the difference was, but now I know it is 78th continuing on.

EPSTEIN: Right.

ALLEN: Thank you.

EPSTEIN: You're welcome.

BARCA: So if it's possible could you take the map down so the people that are sitting could see it also, but then I do have one question. Just it may be perception, but it has the appearance that your western boundary opposite of the 78th Street side it appears to be an additional set of lots further down? It's either what we're looking at here on this viewing screen or your paper map has a slightly different look to it.

NITEN: Would you like me to put the zoning map back up so you can see the parcel lines?

BARCA: I think that may be helpful.

NITEN: Right here.

EPSTEIN: There are four lots directly south of the property that are developed with

single-family detached homes, there's a fence along their common north boundary, and then there's a row of large Cedar trees, which I have every reason to believe we would retain because they're within the rear yard setback of the property.

BARCA: And those four parcels that have the single-family dwellings on them, they are outside of the boundary of your paper map?

EPSTEIN: No, they're on the paper map, they're right here.

BARCA: But they're outside of the boundary of the discussed parcels; right?

EPSTEIN: That is correct.

BARCA: Right.

EPSTEIN: They're not part of the property that's for the zone change and plan amendment.

BARCA: So it may just be a proportionality difference between what we're seeing on the screen and the paper map printing. Okay. So there's no discrepancies, I'm happy. Any other questions for Mr. Epstein? No? All right. Thank you very much.

EPSTEIN: Thank you, ladies and gentlemen.

BARCA: And next on the list is Gene VanVleet.

VANVLEET: I'm Eugene VanVleet, 7513 NE 53rd Avenue, Vancouver. We just kind of had some questions about this, several things is the traffic on the Padden. When the Padden was put in place they closed 53rd Avenue because they did not think it had adequate sight distance for the traffic that was going to be involved in, 53rd Avenue is on the east side of this thing, they're going to put access between 53rd Avenue and St. Johns which would be even less traffic or less sight distance than what 53rd Avenue had.

BARCA: Let's clarify that just for a second, okay. Could you put up the other map.

NITEN: The aerial?

ALLEN: Thank you.

BARCA: The aerial, please, yes.

ALLEN: Thank you.

BARCA: And if you could zoom in a little bit more without losing clarity that would be great, yeah. So 53rd on our screen is to --

VANVLEET: Is that dotted line right there.

BARCA: And it's the right side?

VANVLEET: Yeah.

BARCA: And you're saying that it's your belief that an access road is going to be put in there; is that correct?

VANVLEET: No, I live on 53rd, we did have access to 78th Street.

BARCA: Right, they closed it.

VANVLEET: They closed it because we did not have adequate sight distance to the west.

BARCA: And I understand that.

VANVLEET: Now with this new development they're going to put two, an entrance and an exit farther west than 53rd Avenue.

BARCA: Farther to the west?

VANVLEET: Yeah.

ALLEN: Can you point on the map as to where Mr. VanVleet is.

VANVLEET: There's 53rd Avenue that was closed.

ALLEN: We need something on ours.

NITEN: You can't see it?

VARTANIAN: No.

ALLEN: No, we can't see it.

BARCA: But you can do it with your cursor.

NITEN: You guys can see this?

VARTANIAN: Yeah.

BARCA: We can see your cursor, yes.

NITEN: I'll follow the cursor, go ahead.

VANVLEET: They said they were going to put an entrance and an exit somewhere on here but we could not use 53rd Avenue because it did not have the adequate sight distance between from 53rd and St. Johns, they're going to put something in between that that's even closer, I don't see how that criteria could meet the traffic flow.

Also, 53rd Avenue with the houses that were put here, the developments here, 53rd Avenue was closed to the street and it's now an alleyway here at this first property.

ALLEN: And there's like an orange divider with the bars on it standing where you cannot make a left from your property going west; right?

VANVLEET: We can not do left or right. 53rd Avenue is closed off, it's got an emergency barrier.

ALLEN: Okay.

DESCHNER: Fire gate.

VANVLEET: A fire gate.

BARCA: So the discussion still I guess it comes back to what I had asked before about access off of the Padden because the Padden would be the frontage that we would be discussing?

NICHOLSON: That is correct. And the applicant did propose it to --

NITEN: It would be 78th.

ALLEN: I thought there was 78th right there at that point --

NICHOLSON: Yeah, 78th.

ALLEN: -- because Padden goes up north and 78th continues on straight, so this would be 78th and 53rd let's say.

NICHOLSON: Correct, the access would be off of 78th Street.

BARCA: Off of 78th?

NICHOLSON: Yes.

BARCA: No access off of Padden?

NICHOLSON: No.

DESCHNER: Only for that piece of property.

ALLEN: Now I do have a concern if there was a sight distance problem there before this particular development went in, how is that going to be resolved by moving it further west where you would have a shorter distance of visibility or was the visibility between 53rd and some other point prior to merging 78th with Padden?

NICHOLSON: Commissioners, in consulting with concurrency staff, they said that that would be an issue that would be addressed during site development and that they would have to prepare a detailed traffic study on how they would address that issue with sight distance. What I was evaluating was the change in the land use and the impact in terms of the trip generation.

One thing I did research is whether or not the County had purchased access rights to that property given that there was a project there recently and we have not. As you note in your staff report to the west of the subject site 51st Avenue that the County did purchase a right there that that access is only for emergency purposes.

ALLEN: So it's a locked gate --

NICHOLSON: Right.

ALLEN: -- with an ox box on it?

NICHOLSON: Right. So the applicant could not use 51st Avenue as an access point.

DESCHNER: 53rd you mean.

VANVLEET: 51st and 53rd are both the same position.

DESCHNER: (Inaudible) 53rd is --

BARCA: Sir. Sir, please, sir, because we're in a public hearing format you'll get your opportunity, okay. Thank you. Okay. I think your concern is duly noted and it sounds like we're going to have more discussion on it. Mr. Epstein, if you'd wait for the rest of the public testimony, then you can come back up, that would be great.

VANVLEET: I would like to see further what they're doing before we approve it all, before it gets approved as far as what the traffic goes and --

BARCA: Well, so let me just give you the format for what we're doing here. This is strictly a land use hearing, all we're talking about is the opportunity to use the land for a different zoning, it does not give any kind of specifics to the development or the approval of any

specific development. This land is zoned for a use right now and legally there's a right for them to be able to develop their property within that existing zoning, we're not addressing how the property is going to be used other than what zoning would be laid over this piece of property.

So what you're saying I think is being heard very clearly right here at this moment, but we're trying to keep it in the context of what this body can actually effect change on. So if there was something about the change of the zoning that you would prefer or have a genuine concern about, we can certainly get that out on the table and try and address it, but the ability for them to develop is not something that we can actually fix or change.

VANVLEET: Okay, thank you.

BARCA: Any more questions? Thank you. And next on the list is Kevin Schnabel.

SCHNABEL: I have no comment.

BARCA: John McLeod.

MCLEOD: I'm John McLeod, I own 5115 NE 78th Street --

BARCA: Please speak into the microphone.

MCLEOD: -- one of the parcels that would be where your red dot is. The first thing, there was never any part on my part of okaying this application, nobody ever came and said anything about me going along with this at all. So where it said that the property owners were agreed, that's not a true statement.

Back to the road issue. 53rd does have a lock box gate, 51st has a cable across two posts, and where 51st is it's quite a distance still on Padden Parkway before -- actually where 78th Street is is actually like the last parcel and maybe part of mine where it's only 78th Street. On the streets and roads standards 5, Exhibit 5.a.1, "parkway at arterial, access is normally limited to intersections with other arterials directed land access is prohibited," how much clearer do you need that to be read, you can't. What he's trying to do here that's just talking even eastbound traffic, I mean westbound traffic, you're crossing five lanes of traffic if you're trying to access that property.

There's also the less than five acres which you guys were saying that that isn't a big deal, but, I also have here, for structures that the parking with that being an issue and whatever buildings he's proposed to build, the two lots to the west or the one section is to build anything at all there's no room for parking, you know, any size whatever he wants, office space or whatever, there's what I don't see any way that you could put an office there and have more than just one rig be able to park, you wouldn't be able to turn a truck around, even a pickup truck.

And that's, this paper here, I mean this is the first. I've been trying to do some research on here and I haven't been able to find anything about this at all, I mean this is the most that I've seen except for one little paragraph on that, what he's trying to do. I would at least like to have time to review this and keep the case open if all else.

BARCA: Well, just to let you understand this process, we advise --

MCLEOD: Right.

BARCA: -- for the County Commissioners, it is their approval process that actually makes the change. So this is just a preliminary process for public input and testimony and then our recommendation goes forward to the County Commissioners, but it's the County Commissioners that make the final decisions, not us.

MCLEOD: Okay.

BARCA: And I think I really need to clarify something. You stated that you have one of the parcels that's within this?

MCLEOD: Yes, sir.

BARCA: Can you point that out for us, please, I think that's very salient to the discussion on whether it's in or out.

MCLEOD: It's the one with the red dot.

BARCA: It's the one with the red dot?

MCLEOD: Correct.

BARCA: And you are the owner of that parcel?

MCLEOD: Yeah. Me and my grandfather, yes.

ALLEN: So you're part of the Lloyd McLeod --

MCLEOD: McLeod, yes.

ALLEN: -- that's listed as owner on Page 2?

MCLEOD: Yes.

ALLEN: And you are not a part of this application process?

BARCA: He's not wishing to go forward?

MCLEOD: Was, exactly. The first I heard about it was when there was notice mailed, it wasn't even mailed to me, it was mailed to my grandpa's house. There was very minimal posting about this development at all. I mean a little sign and that was not around very long. And I've spent a lot of hours looking on the County website and trying to find, and if you spend any time on there at all, you won't find much.

ALLEN: Are you listed as owner or a signee or trust?

MCLEOD: Yes, it's a living estate or living estate is how I am, yes.

ALLEN: Living trust?

MCLEOD: Living trust, right.

ALLEN: Maybe County counsel should --

MCLEOD: I mean my grandfather would have come but he's getting up there in the years so I mean it's --

NITEN: Commissioners, I have submitted with the application here, and I can pass it around if you'd like, it's 78th Street comprehensive plan amendment application owner signature sheet for parcel number 156738, address 5115 NE 78th Street and signed by Lloyd McLeod September 29th, 2008.

ALLEN: If there are multiple owners listed on the site do you only need one signature or --

NITEN: We verified that the signature of the owner is the person that signed that.

VARTANIAN: And that notice is just notice that he got the notice?

MCLEOD: Yeah, that looks like his signature.

NITEN: That's everybody within 300 feet of the property boundaries gets notice including the applicant in the mail.

VARTANIAN: Yeah. And that's what this document was that you just read?

NITEN: No. This is the signature that you're getting here is signing agreeing to be part of the application.

VARTANIAN: Okay. Okay.

BARCA: Any other questions for Mr. McLeod? Thank you.

ALLEN: Well, when something like that comes up, County Counsel, can we continue the process on this particular application? Mr. McLeod, can we continue the process on this particular application request until some things are resolved and/or addressed?

COOK: I think it might be appropriate since you have a paper in front of you to inquire of Mr. McLeod whether that is in fact his signature.

MCLEOD: This was, that's my grandfather, that's my grandfather's, Lloyd.

COOK: Your grandfather. And he is the owner of the property?

MCLEOD: We are. Yeah, he is, but we're involved on it, and like I said I'm on living trust as his --

COOK: As the beneficiary?

MCLEOD: Yes.

COOK: All right, thank you.

VARTANIAN: Is he of sound mind and all of that? I mean he's not --

MCLEOD: He's 88 years old so I mean, yeah. Yeah, no, I mean.

ALLEN: Well, I don't think we can address that; however, the issue is if there are multiple owners do we get signature from one owner or do we get signatures from all owners or is this something that needs to be looked at?

COOK: Well, if there were in fact multiple owners, yes, you would need a signature from every owner, but I don't have and I don't think we have before us or you have before you any evidence to indicate that there are multiple owners.

ALLEN: But we don't have any evidence otherwise either. So would it be possible to continue this until next time?

COOK: Perhaps the applicant's attorney may have some evidence that would allow you to make a decision. If you are disinclined to make a decision, of course you can continue it.

BARCA: Let's go through all of the testimony and then that of course can be a motion if that's the choosing of the Commission at the end of the testimony. Thank you, Mr. McLeod.

MCLEOD: Thank you.

BARCA: The next person on the list is a Mike Deschner --

DESCHNER: Yes, sir.

BARCA: -- is that correct?

DESCHNER: Yes, it is.

BARCA: Thank you.

DESCHNER: You got it right. I came with John and I've known him for a while.

BARCA: Would you please give your full name and address, please.

DESCHNER: Oh, my name is Michael James Deschner, 53, 7505 NE 53rd Avenue.

BARCA: Thank you.

DESCHNER: And I came with John because we were concerned with a lot of different issues. The main concern that I'm concerned with is the access of 53rd Avenue on the street that I live on, a lot of our neighbors like to keep it nice and private, that's why the gates are there also, and if you open them up for a business I'm concerned with that.

Another thing, on 51st Avenue where he has his pointer at right now that alleyway I don't think you could really get any access to 78th/Padden Parkway there safely as Eugene pointed out with the traffic level. I've observed in the last three years that I've been there multiple times the County has put up those strips that go across the road on counting how many vehicles go through there, I'm sure it's accessible to you guys to know what kind of traffic level we're looking at.

I do flagging for a living and my concern is safety and I can tell you it's not safe unless you guys get a traffic light or something that could actually have accessibility to his business without accidents. Just east of 51st, if you're heading east right by 53rd there where it splits Padden Parkway and 78th Street, right there on that island I've watched multiple accidents right in front of John's house, probably five or six at least that I can count of bad accidents.

Whoever planned that did not come up with a very safe plan there, that's why there's so many accidents. And there's nothing the County can do now that it's up, but if you think you're going to have people pulling out of there when it's the same speed or faster and everything else, you're looking at a lot of accidents and endangering lives. I just urge you guys to look into it, look into what the traffic is and realize before you jump.

BARCA: Any questions for Mr. Deschner? Okay, thank you for your concern.

DESCHNER: All right, thank you. Please look into that. We don't want anyone hurt.

BARCA: And that concludes the sign-up list unless Mr. Schmaltz wanted to end up on that list. Okay then. We're going to return it to the Commission for -- oh, that's right, we wanted to bring Mr. Epstein back to discuss these thorny little issues.

EPSTEIN: Thank you. And I want to appreciate Ms. Cook calling me an attorney but I'm just a planner. I'd like to respond to the issues that were raised by the witnesses. John McLeod does not own the property, it is owned by Lloyd McLeod, his grandfather, John McLeod lives on the property, there's no evidence that he is an owner, and I have a report from the title company showing that his grandfather Lloyd McLeod is the property owner, and I believe that's in the application so that is already part of record, there is no multiple ownership.

BARCA: Okay.

EPSTEIN: Mr. Deschner also is a resident of the property, he owns the property owned by the Wang family trust who have signed up, but neither of these guys are going to want the property changed because they're going to have to move so they have a vested interest. I don't blame them, I wouldn't want to move either, but part of their concern is that they don't want to have to move.

We would get access, we're entitled to develop the property under its existing zoning with a 60,000-square foot building for retail uses and a variety of other permitted uses. The change to a neighborhood, pardon me, a community commercial plan map designation and a C-3 zone would change the nature of the uses that are allowed on the property a little bit, but we still would be allowed only a 60,000-square foot building area, so the intensity of the use will not be different appreciably between the neighborhood commercial plan map designation and the community commercial plan map designation.

In our application is a study by a traffic engineer who calculated the potential traffic impact of development on the property based on the existing zoning and the proposed zoning and the critical variable that the transportation engineers look at are what they call the peak hour traffic volume because that's when the road system is the most stressed. The peak hour volume from 60,000-square foot development under the existing zoning is 163 trips; the traffic volume under the proposed zoning during the peak hour is 173 trips, 10 trips difference, less than ten percent, about six percent difference. So the difference between the traffic impact of a neighborhood commercial plan map designation and a community commercial plan map designation is very small in objective terms.

We are going to need access either under the existing zoning or the proposed zoning. The access will be to 78th Street. It is possible after the County engineers and our engineers get a chance to review the circumstances that we may be able to use the access point at 51st Avenue, one never knows, the County's in control of that, they bought the access rights, they can decide whether or not to allow us to have access there, but whether we have the neighborhood commercial plan designation or the community

commercial plan map designation, we're going to need access to the property.

Now our traffic engineer looked at the potential of having an access point at 51st Avenue and having two right turn in, right turn out driveways elsewhere along the 78th Street frontage. The traffic engineer calculated what the level-of-service would be at those driveways, at those access points, the level-of-service at the 51st Avenue access point would be level-of-service E which complies with County standards. The level-of-service at the two right in, right out driveways would be level-of-service B which more than complies with the County standards to relatively low impact. So that traffic report also is in the record.

So based on substantial evidence in the record it is possible to provide access to this property in a way that complies with County standards and the impact of changing the plan map designation is very small, really is so small as to be very difficult to calculate objectively, but we can estimate maybe ten more trips, six percent more during the peak hour.

The issues that were raised about 51st Avenue, at this point it is chained at the north end and it's blocked at the south end, we do not plan to open that street to the neighborhood. 53rd Avenue is blocked at the north end where it intersects 78th Street, we do not plan to open that street to the rest of the neighborhood. So we don't plan to bring traffic from the arterial streets into the neighborhood. It is in fact those are changes, the obstruction of 51st Avenue and 53rd Avenue are changes that have occurred since the property was last zoned.

If the property had access to 53rd and 51st Avenues, then it would make more sense for it to be neighborhood commercial because the neighbors to the south could drive to it directly but as it is now they can't, they weren't allowed to drive on 51st Avenue to reach the property, and they can't reach the property from 53rd Avenue, they can't reach 78th Street, so it no longer has access to the neighborhood and that makes it really unsuitable for a neighborhood commercial plan map designation. It is the direct access to 78th Street which makes it more suitable for a community commercial designation because there will now be access relatively conveniently from the Padden Expressway, perhaps over where that Y occurs and you may have to double back, but there still will be access to a much larger region for the traffic that serves this area.

So I believe I've responded to the issues that were raised. Again I'm happy to answer any questions you may have further. But we have authorization for this application from the title holders based on the title report and we can gain access in the future when we decide what is going to be developed on the property, and the proposed zoning and planning doesn't really have much of an impact on that issue. Thank you.

BARCA: Thank you. Any questions for Mr. Epstein?

ALLEN: I have a question for staff and I just have a small comment, you know, and even

though the peak hours allegedly are going to go up by six percent from C-2 to C-3, it still goes from level-of-service D to level-of-service E, so it does have an impact. And even if it's only six percent, it has a tremendous impact. There's still some other properties out there that are undeveloped and so I have to kind of shutter to think as to how many trips are going to generate level-of-service F.

EPSTEIN: The traffic study considered the traffic generated by undeveloped properties and properties that have been approved and are in the pipeline.

ALLEN: But this is one of those fine examples where you go for just, quote, unquote, a small zone change from C-2 to C-3 where you consider it to be de minimus impact to where in fact it does lower by a whole level the level-of-service in that area.

NICHOLSON: Commissioner Allen, just to --

ALLEN: But I do have a question --

BARCA: Just.

NICHOLSON: Okay.

BARCA: Just, please.

ALLEN: I do have a question of staff and that is I was a little bit, I guess, confused as to why back in 1999 they did not grant the original proposal for C-3 if there is such a de minimus impact to begin with, but that they went with C-2 instead, but then you're saying that because the Padden freeway was not built there that's why they did a C-2, could you just briefly explain as to what the reasoning was behind C-2 versus C-3 back in 1999?

NITEN: C-2, the area in 1999 had direct access to the neighborhood, that's no longer the case, and neighborhood commercial generally needs direct access to the neighborhood, that was the reasoning.

ALLEN: Okay, thank you.

NICHOLSON: Just a point of clarification, Commissioners, the level-of-service E is an acceptable level-of-service per the County standards.

ALLEN: And I was not questioning that, I only was questioning that such a small de minimus low impact changes a whole level-of-service because when we're talking about six percent and a couple of little trips and then all of a sudden you go from level-of-service D to an E of course you know two or three more trips would generate an F.

So that to me is a very bad measure as to what the transportation impacts are, but I just wanted to point that out that it was not just de minimus, it was changing a level-of-service.

I do understand that level of E is still acceptable, but that's just a question of a few little trips between level of E and level of F.

BARCA: George.

VARTANIAN: This probably will be handled at a subsequent hearing on the matter of development, but if in fact 53rd was closed because of a sight distance issue how does that not -- I mean I'm not too concerned about the level of traffic as much as if there's a sight issue a little bit to the east of what's being proposed, why does that not propose a problem now?

EPSTEIN: May I respond?

VARTANIAN: Oh, yeah.

EPSTEIN: The traffic study includes a measurement of sight distance from all three of the potential access points, the traffic engineer found that there was 450 feet of sight distance at each of those traffic points in both directions, the land in this vicinity is relatively level. My experience, I don't know why the County closed the access points to 51st and 53rd. I don't believe it was because of sight distance because the traffic engineer was able to measure adequate sight distance and there are other reasons why the access to those streets might have been closed.

VARTANIAN: Counsel or staff, will that be made clear at the appropriate time I mean?

NICHOLSON: Well, Commissioner Vartanian, I researched the issue on the access and I researched the plat and all I could find was the plat restriction on 51st Avenue, that it just be restricted to emergency access only.

VARTANIAN: Yeah. But I mean will the issue of sight distance be clarified at least? I mean on the one hand the County said it's a sight distance issue, on the other hand we have now a traffic study that says maybe not.

NITEN: At site plan review that will be, yes.

ORJIAKO: Yes.

VARTANIAN: Okay, that's fine.

ORJIAKO: That's what I wanted to add and Jeff jumped on it, that will be reviewed during the site plan review process.

VARTANIAN: Fine. That's all I wanted to make sure that was going to happen.

ORJIAKO: Yes.

VARTANIAN: Thank you.

BARCA: So no more questions for Mr. Epstein? Let's bring it back to the Commission.

EPSTEIN: Thank you.

BARCA: So we have before us a recommendation for allowance of a zoning change from neighborhood commercial with C-2 zoning to community commercial and C-3 zoning. Any more discussion? Motions?

VARTANIAN: **MOVE** that we allow the zoning change as per staff's recommendation to go forward to the Commissioners.

RUPLEY: **Second.**

BARCA: It's been moved and seconded. Any more discussion?

I think I would just like to put in for the record, then, I believe that the traffic study that was brought forward by the applicant was pretty well-grounded and the idea of the right turn only requirements look like a pretty good way of mitigating the issues, although the people from the neighborhood have brought in a lot of concern about traffic which I believe is their right and duty if they see the issue, and I would recommend that staff takes a very hard look at making sure that whatever access is created is safe for all those people utilizing the property. Roll call, please.

ROLL CALL VOTE

ALLEN:	NO
RUPLEY:	AYE
VARTANIAN:	AYE
BARCA:	AYE

ALLEN: And the reason why I said no was because when there's a concern about ownership, I am leery to proceed based on something that's presented to us but we don't really know if that's the case.

BARCA: Noted.

NITEN: Thank you.

BARCA: Let's get to the last one.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

14. **CPZ2009-00005 GG One, Inc.** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcels 119564-000, 119564-005, 119561-000, 119562-000, and 119560-000 (19.0 acres) from Urban Low Density Residential with R1-6 zoning to Urban Medium with R-18 zoning. The subject site is located south of NE 109th St. between St. Johns Road and NE 72nd Ave.
Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov

NITEN: Commissioners, the last case this evening CPZ2009-00005, GG One, Inc. Staff recommends approval of the request to change the subject parcels from urban low density residential and R1-6 zoning to urban medium density residential and R-18 zoning.

The property owner is requesting this change for 9.55 acres and the parcels are currently undeveloped but do have a preliminary plat approval for a single-family residential subdivision and that's Village on the Glen.

As you heard earlier from Mr. Wilson, the Three Creeks Special Planning Advisory Council heard this proposal on April 9th, 2009 and unanimously recommended approval.

The three parcels that we are looking at this evening are 119560-000, 119561-000 and 119562-000. There is one residential dwelling and associated outbuildings on the site. To the north there are several parcels zoned R1-6. And to the south is an urban low density residential subdivision zoned R1-6. And east across 72nd Avenue is undeveloped property zoned light industrial. And to the west there is across St. Johns a developed single-family residential subdivision. To date no other comments have been received from any other agencies or from the public.

Criteria for map changes. Criteria A, GMA goals pertinent to this request are Goal 1 to urban growth, Goal 2 to reduce sprawl and Goal 4 for housing. Staff found that all three goals were met by the applicant's proposal. Policy 2.1.2 that I wanted to highlight provide housing opportunities close to places of employment and staff has found that directly east of the subject site across 72nd Avenue there's a very large area of land zoned for light industrial uses over here, and though the parcels are currently undeveloped, they are anticipated to provide employment opportunities. Staff finds that Criterion A has been met.

And Criteria B, "the proponent shall demonstrate that the designation is in conformance with the appropriate locational criteria," staff also found that Criteria B was met. The proposed urban medium density residential designation and R-18 zoning is in conformance with the comprehensive plan locational criteria.

Criteria C, "the map amendment or site is suitable for the proposed designation," staff found that it was, that the area is developed mostly with single-family homes and undeveloped employment land; however, there is additional urban medium property to the south in this area, there's a lack of this type of zoning in the area.

Criteria D, the applicant refers to the substantial change in conditions, Clark County recently upgraded 109th Street, NE St. Johns Road and NE 72nd Avenue quite substantially and Criteria D we found was met.

"Where applicable," Criteria E, "the proponent shall demonstrate that the full range of urban public facilities are available or can be provided in a timely manner," and staff found that that criteria was also met. And that we recommend approval. And that concludes the staff report.

BARCA: Can we see the aerial view, please?

NITEN: Sure.

BARCA: Questions for staff?

ALLEN: Yes. It was primarily about the wetland but once the aerial comes on maybe we can see better.

NITEN: This one is numbered differently from the others for some strange reason. There it is.

ALLEN: There we go. So that wetland on the west side of the property, west south or southwest, that wetland is now smaller than it was when it was originally proposed?

NITEN: No, the wetland is bigger.

ALLEN: Is bigger?

NITEN: Yes.

ALLEN: So what's the setback now because of that change from the wetland?

NITEN: The habitat setback I believe, if I'm not mistaken, but this includes no mitigation factors whatsoever, I'm not a habitat or a wetland biologist, I believe it's 300 feet, but I believe it can be mitigated down substantially less.

ALLEN: And how would that be done?

NITEN: I don't know. The current buffer is 25 feet, that was the approval with approval of the single-family residential subdivision that currently exists on the site, with this application the applicant is necessarily abandoning that approval to change the comprehensive plan designation and the zone which is why the habitat issue came into play.

ALLEN: So they're abandoning the prior approval and going with today's standards?

NITEN: It will be abandoned when it's adopted January 1, but that's their intent, yes.

ALLEN: Thank you.

BARCA: Any other questions of staff? Okay. Then we will go to public testimony. Based on the sign-up sheet we start with Ott Gaither.

GAITHER: Chairman, Commissioners, Ott Gaither, 6807 NE 109th Street along with Jeff Gordon representing the applicant. I would just ask that you would approve the application as submitted and I want to thank the staff for the diligent work that they did and I'm available if you have any questions.

BARCA: Any questions for Mr. Gaither? Nope, it doesn't look like it.

GAITHER: Thank you.

BARCA: Jeff Gordon.

GORDON: No. If no questions for Ott, I'm here if you have any questions for me.

BARCA: We have it looks like Don Stein who doesn't appear to be present. Okay. Well, that concludes public testimony. We'll bring it back to Commission.

I do have a question, I think it's somewhat on a generalized basis, we have this particular wetland feature, we're going to be implementing the new stormwater ordinance along with this?

ORJIAKO: Yes.

BARCA: Do we have opportunities, then, to try and design something that goes with the wetland feature so there is a lessening of the impact on the loss of the developable land but an enhancement of the water feature? Is that something that's potentially available for us to look at for design purposes?

NITEN: Yes.

ORJIAKO: Yes.

BARCA: I've brought down the counsel.

COOK: Yeah.

ORJIAKO: Yes.

BARCA: That's my mistake.

COOK: Yeah, I ought to ask you to repeat your question because I got lost in it somewhere. But I think you're asking whether the wetland could be used to help in terms of increasing the capacity of the land to absorb stormwater?

BARCA: You're asking a question about my question?

COOK: I am.

BARCA: The answer's yes potentially.

COOK: All I can say, and sorry to repeat something that you've heard before, is that this would be a matter for site review and the development application. I'm not sure that the wetland itself can be used as a facility to discharge stormwater because part of the stormwater regime that's imposed by the ordinance is to prevent the pollution of natural water features by water that runs off developed land.

So one of the aspects of this land if it's encumbered with a wetland is that it already has a natural infiltration process right on it and probably within the development application process there would be -- I mean certainly that will be addressed, but the location of the wetland on the property will be something that I would think would tend to reduce the flow of stormwater off the property, but that's going to be something for the developer's engineers to address with the County's engineers I think.

BARCA: Yeah, I think that's what Jeff said.

COOK: Yeah.

BARCA: Yeah.

COOK: I think that's right.

BARCA: Yeah. Okay.

ALLEN: And of course the new development cannot increase the predevelopment runoff into that particular area, but I agree with Commissioner Barca that maybe there might be some innovative way of improving the quality of the wetland as well as accommodating the runoff.

COOK: Well, improving the quality of an existing wetland feature is one of the possible ways of mitigating impacts to critical areas like wetlands so that's one of the ways that mitigation can occur and so that might very well be addressed as part of the proposal to develop this land.

ALLEN: And if they come up with some innovative ways of doing it if they could share that, that would be very nice.

COOK: Well, if they do come up with a good way to do this, it will certainly be in the County's records and susceptible to being shared with others.

BARCA: Susceptible.

VARTANIAN: Interesting choice of words, Counsel.

COOK: It could be shared.

BARCA: Thank you.

COOK: You're welcome.

BARCA: I'm glad I brought that up.

VARTANIAN: Are you?

BARCA: Any more discussion?

VARTANIAN: **MOVE** that we accept staff's recommendation and move it forward to the County Commissioners.

ALLEN: **Second.**

BARCA: It's been moved and seconded. Roll call, please, Sonja.

ROLL CALL VOTE

VARTANIAN: AYE

ALLEN: AYE

RUPLEY: AYE

BARCA: AYE

BARCA: And that concludes the active agenda. Is there any old business to cover? Seeing none and knowing that we've got no new business, comments from Commission before we close out?

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

ALLEN: I just wanted to make sure that the item that was continued to the I think we said 23rd?

NITEN: 18th.

VARTANIAN: 18th.

WISER: June 18th.

ALLEN: Oh, June 18th, okay. All righty. Because on the 23rd I saw a conflict so, okay, thank you.

RUPLEY: I would just like to compliment Commissioner Barca on the fine job of chairing the meeting --

VARTANIAN: Here here.

RUPLEY: -- you did a great job.

WISER: Yes, thank you, Ron.

BARCA: And we wish Dick a speedy recovery. The hearing is closed.

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 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 Wisner, Administrative Assistant*