

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, SEPTEMBER 17, 2009**

CALL TO ORDER

DELEISSEGUES: Good evening everyone. We'll call the Clark County Planning Commission to order for September 17th, 2009. May we have roll call, please.

ROLL CALL

BARCA: HERE
RUPLEY: HERE
ALLEN: PRESENT
VARTANIAN: LEFT THE ROOM
DELEISSEGUES: He's HERE
BARCA: Maybe
MORASCH: ABSENT
DELEISSEGUES: HERE
WRISTON: HERE

GENERAL & NEW BUSINESS

A. Approval of Agenda for September 17, 2009

DELEISSEGUES: Is there any changes to the agenda for tonight?

NITEN: Commissioners, staff requests that the parks comprehensive plan that's listed on your agenda be moved date certain to October 15th.

DELEISSEGUES: I don't know if your mic's working yet.

NITEN: This is not working? It's working. Commissioners, staff requests that the parks plan that is on your agenda for this evening be continued date certain until October 15th.

DELEISSEGUES: Okay. I don't even see it on the agenda.

RUPLEY: It's not on there, yeah.

NITEN: Oh, it got --

ALLEN: It was noticed though.

DELEISSEGUES: It's not on the agenda but we're going to take it off the agenda; right?

NITEN: Yeah, I believe it was publicly noticed so we do need to announce it and then send it. It's still on mine, it must not be on the most recent copy that you have.

B. Communications from the Public

DELEISSEGUES: Okay, thank you. Are there any communications from the public on any topic that we are not discussing tonight on the agenda? Seeing none, we'll move on to the public hearing items the Planning Commission action. Have a staff report.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. ANNUAL REVIEWS & DOCKETS

- 11. CPZ2009-00027 Landmark** The property owners are seeking to change the Comprehensive Plan and zoning designation for a portion (approximately 5.86 acres) of parcel 198634-000 from Light Industrial with ML zoning to Community Commercial with C-3 zoning and Employment Center with BP zoning, located at the north east corner of NE 119th Street and NE 72nd Avenue.
Contact: Jeff Niten (360) 397-2280, Ext. 4909
or e-mail: jeff.niten@clark.wa.gov

NITEN: Commissioners, annual review or docket rather CPZ2009-00027, Landmark. And staff recommends approval of the request to change a portion of the subject parcel from light industrial with ML zoning to community commercial with C-3 zoning and the employment center to BP zoning.

On the map here you'll see currently this is all one parcel; however, in June of this year the County purchased a majority of this piece for water quality purposes and the remaining portion the property owners have requested that the County rezone that portion into two zones to be split, the southern half to match this parcel which is currently C-3 with community commercial and the northern half to business park which this parcel currently is here, so we would be rezoning this portion of that parcel into two different zones. It's 5.86 acres and the total parcel is 38.66 acres in size.

The site is currently undeveloped and the property to the north are zoned R1-6 and it's occupied by a City of Vancouver fire station here. The property to the south across 119th Street is zoned ML and is currently developed with single-family homes. Parcels to the east over here are zoned AG-20 and developed with single-family homes. And then as I mentioned earlier parcels to the west are zoned BP with a community church and this one here has older buildings on it that are historic in nature; however, the County is moving the silo that you probably noticed if you've driven by it a couple of times to a different location and it's currently zoned C-3. Criteria --

WRISTON: Is it just me, I'm sorry, Jeff --

NITEN: Sure.

WRISTON: -- I'm having a hard time hearing you. Is it just me?

DELEISSEGUES: No.

RUPLEY: No.

WRISTON: Can we turn his mic up a little bit.

NITEN: Is it working?

BARCA: Oh, it does now. Cool.

WRISTON: There you go.

NITEN: Oh, I guess I need to get up a little bit closer.

WRISTON: Perfect, thank you.

NITEN: Sure. The Criteria A, "the proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements." The goals relevant to this proposal are Goal 1, urban growth and Goal 5, economic development, and we found that the proposed amendment is consistent with those goals.

Chapter 9, the economic development element, "encourage a better balance of job and housing opportunities in each urban center" and we found that the subject site is within the Vancouver urban growth area and the commercial and business park designations would assist in providing more commercial service sector job types for the community's residents.

The Policy 9.1.11, we're on Page 3 here, is the no net loss policy which we've talked about before. Staff has found that granting this proposal would convert industrial land to commercial, a commercial designation; however, the remainder of the parcel left over from what the County purchased we don't feel in its current location that it's the best use of industrial land there, it would be wedged in between a water quality site and a business park and a commercial zone, so the remainder portion we feel would be best or staff has found that the best use of that piece would be as a match to those parcels to the west.

And the Policy 1.2.9 in the middle of Page 4, "redesignation of this land for business park and commercial uses is consistent with the type and intensity of uses expected in the Vancouver urban growth area."

And Policy 9.1.3, "the County and Cities will encourage long-term growth of businesses of all sizes" and we found that Criterion A has been met. Criteria B, "proponent shall demonstrate the designation is in conformance with the appropriate locational criteria of the zone." The C-3 district, the site size does not meet the comprehensive plan locational criteria, those are suggested, they're not required, and as I mentioned before with the remainder piece staff finds that the best use of this property is in conjunction with C-3 and with the BP zones left over the remainder piece and we found Criteria B has been met.

And Criteria C, "the map amendment or site is suitable for the proposed designation." The site is currently designated for industrial uses. Because the County purchased the majority of the subject parcel for water quality purposes, staff believes the remaining portion of the property would better implement the comprehensive plan policies by adding the remainder parcels to those properties to the west and Criteria C is met.

Criteria D, "the map amendment responds to a substantial change in conditions to the subject property" and with the purchase by the County with the majority of that parcel we find that that is a substantial change in conditions, Criteria D has been met.

And then lastly Criteria E, "where applicable, the proponent shall demonstrate that the full range of urban public facilities are available" and this site is within the Vancouver urban growth area and we find that urban services can be provided in an efficient manner. And staff recommends approval. And that concludes the staff report.

DELEISSEGUES: You're recommending too that a boundary line adjustment be made if it's approved?

NITEN: That's correct. Once this process is completed we would recommend that a boundary line adjustment actually in two parts is made, one that creates the parcel that's wholly County owned and then a second one that would draw the boundary line for the parcels along the split where the BP and the C-3 would exist if approved.

DELEISSEGUES: Okay, thanks, Jeff. Any questions of staff?

BARCA: I have a question. Can you clarify for me which is the segment that the County has purchased and what is the nature of the water quality project?

NITEN: This is the segment here that's in white on your map --

BARCA: So the remainder to the east?

NITEN: To the east, correct. Water quality, it's to be left completely undeveloped. Let me pull up the aerial photo here. You can see here this is the piece of property we're talking about, this area here is all critical area.

VARTANIAN: I don't see your cursor.

NITEN: Yeah, it's kind of hard to see. It's right here.

RUPLEY: The cursor's in the red dot.

VARTANIAN: Oh, it's in the red, okay.

NITEN: Right here, yeah. Right now this whole area is critical area and the associated

buffers and --

WRISTON: The green spot?

NITEN: Yeah, this strip. I cannot --

WRISTON: Yeah, we can't see your cursor. I would assume it's the green?

NITEN: Yeah, that's correct.

WRISTON: Thank you. I mean I am brilliant.

NITEN: See, it's on the map just to the east of where the ML is.

BARCA: Right. And so that denotes some type of a traditional drainage?

NITEN: Yes.

BARCA: And the enhancement is to do nothing to it?

NITEN: Correct, just leave it alone forever undeveloped.

DELEISSEGUES: Any other questions of staff?

ALLEN: Yes. When you're saying that the lot line adjustment or lot boundary adjustment is going to occur after this zone change is approved, why couldn't you do it in conjunction with a contingent on at the same time?

NITEN: We could have, but as I mentioned this project came in in July, the County purchased the site in June, there hasn't been a whole lot of time in order to get things completed, get everything up and running. We've done everything we could do so far and the best that in our judgment or in my judgment would be to recommend that we do do the boundary line adjustment if this is approved. Not a whole lot of time is what I was saying.

DELEISSEGUES: It seems like the County should have bought the whole thing instead of leaving such a small remainder.

ALLEN: Exactly.

NITEN: That's a question I asked and I never did get a --

RUPLEY: A check.

NITEN: -- a full, right, a full answer.

ALLEN: Was that a separate legal lot?

NITEN: No.

ALLEN: A separate and discreet legal lot?

NITEN: This is all --

ALLEN: It's several different legal lots?

NITEN: This is all one lot where the ML piece -- let me go back to the other map here, it's a little bit easier to see.

ALLEN: Is this a split zoned lot?

BARCA: No.

NITEN: No. This is all one piece, where the red is that's the remainder portion that the County didn't buy but this entire thing is one lot.

ALLEN: One legal lot?

NITEN: Yes, correct.

DELEISSEGUES: That's a good question, ask Jeff.

BARCA: I don't want to ask.

DELEISSEGUES: Any other questions? George.

VARTANIAN: Yeah, I have one. On Page 1 of the staff report there you have a listing of existing land use, north, south, east and west and stuff.

HOLLEY: George, I can't hear you.

VARTANIAN: Oh, I'm sorry. On Page 1 of the staff report you have existing land use north, south, east and west, do they match up with the aerial?

NITEN: Well, the aerial depicts the comprehensive plan designation, so CC is C-3, C-3 is the zoning designation that implements CC. Business park implements employment center.

VARTANIAN: And PF is public facilities?

NITEN: PF is public facilities. But it's an R1-6 zone, public facilities doesn't have a zone, any zone can implement public facilities.

VARTANIAN: Oh, okay, right. Thank you.

DELEISSEGUES: Do we have any other questions? Okay, thanks. Can we hear from the applicant, please.

HORENSTEIN: Thank you, Mr. Chairman, members of the Commission. My name is Steve Horenstein, 500 Broadway Street, Suite 400 in Vancouver. I'm here on behalf of the applicant and a contingent purchaser of a portion of this property. I've put up on the screen, can you see that, a picture that's a little easier to understand I think than the standard GIS picture because we marked this up just a little bit.

The area outlined in black is what the County purchased. The area in yellow is the existing commercial zone. The area above the yellow is a BP zone. Do I got that right?

NITEN: Uh-huh, yeah.

HORENSTEIN: A BP zone and there's a church there, a religious facility there, a fairly large one, and there's some discussion with the church to add the remainder piece to their holdings there. They've got quite a bit of property, quite a large facility there. Could we have the other slide, please. Push it up just a little, yeah, a little more, little more, little more, there we go.

Now the owner of the property not only sold the portion for the stormwater facility but also a fair amount of right-of-way along 119th all the way to 72nd there which is over at the very your right-hand side I guess on the screen. Because the County does have a serious road project that is going to get underway soon, they've already completed the north/south version of that on 72nd Avenue. If you've been out there lately it's widened, it's striped and there's a median there and such and their intention is to go east, then, on 119th all the way to just before 117th/503 where there's a development underway that's building the road and the intersection there, widening the road, so it's a significant project there.

So what this slide demonstrates is the potential acquisition by my client of a five-acre piece for another unrelated congregation to build a much smaller religious facility, and the yellow, I'm sorry, the red line demonstrates what we would be able to buy absent the zone change. It would leave about a 80-foot in width gap between that piece and what the County has bought which would never be usable for anything. Should the zone change be granted we would move to the east and purchase the piece outlined in black there which would abut this property to the piece the County has acquired without a gap.

I raised the question with you earlier as to why the County didn't buy the strip because we've had a number of these cases where the County doesn't need quite as much as is there but what's left is unusable and you just didn't push for it I think is the reason. So we've got an unusual situation, we've got a buyer for some of it and the question is are we going to leave an unusable gap there or not. So with that I'd be happy to answer any questions.

BARCA: Mr. Horenstein.

HORENSTEIN: Sir.

BARCA: Does your statement come with a position on this? I didn't quite understand.

HORENSTEIN: Yeah, I'm sorry. Yes, we're seeking approval of the request.

BARCA: So the gap leaving --

HORENSTEIN: We'd like the gap to go away.

BARCA: And that --

RUPLEY: So does Jeff.

BARCA: Right. And that would be by us approving this leaving that commercial strip with the anticipation that the existing facility would purchase a component and you have a client --

HORENSTEIN: Yes.

BARCA: -- that would purchase another component?

HORENSTEIN: Well, we have a client that would purchase five acres and if you grant our request and the Board does as well, then we will purchase five acres that precisely abuts the County's new property. If not, we will purchase five acres and leave an 80-foot strip of industrial land there that has no value.

BARCA: So I guess I'm just trying to clarify my mind then. The component piece that is adjacent to the Glenwood Church, the BP zone property --

HORENSTEIN: Yes.

BARCA: -- is that part of a deal that you're discussing --

HORENSTEIN: No.

BARCA: -- or is that remainder?

HORENSTEIN: That would be remainder. And I understand that the owner and the church are in discussions about the church acquiring that piece.

BARCA: But then we would be creating a landlocked piece; right? There wouldn't be any kind of access for that piece of property?

HORENSTEIN: That's a very good question, Mr. Barca. Could you go back to my first slide, please. Do you see on the yellow strip there what appears to be a little green vertical stripe?

BARCA: Yes.

HORENSTEIN: That is actually a private access road and we would move that road slightly west assuming that the zone change is granted and the five-acre piece my client is buying for a religious facility would abut the County piece, we would move that private road slightly to the west to accommodate a full five-acre piece and still have the church to the north to access it and we're amendable to that.

BARCA: Yeah. I'm still trying to understand that remainder piece of the C-3 that isn't actually going to be part of the BP zoning or the ownership necessarily. It's possible but it doesn't sound like it's --

HORENSTEIN: No, it won't. It will be sold to the church to the north. It will be sold to the religious facility to the north.

BARCA: So I guess that's where I'm at on this is there's a certain supposition that that could take place but that doesn't necessarily have to take place.

HORENSTEIN: Well, we are under contract on the five acres that it could go one way or the other if the church and the owner are in conversations. So there's no purchase and sale agreement yet, but it would just be a no access very small parcel if the church didn't buy it. That's actually not true, there would still be access along that private road that we will move slightly to the west.

BARCA: And that's really where I was trying to get at.

HORENSTEIN: Yeah.

BARCA: So the statement is, then, they would still have access through that private road --

HORENSTEIN: Yeah.

BARCA: -- some type of easement that would allow that access?

HORENSTEIN: Yes. It's a private easement now that is nonexclusive so the church to the north doesn't control it, but it's nonexclusive to the entire property that was originally owned by one party and so we do have the right to move it and the church is amendable to it in any event.

BARCA: Okay.

ALLEN: So it's a reciprocal easement?

HORENSTEIN: No, I wouldn't even call it reciprocal, I would just call it a nonexclusive easement for access because I think the part of the commercial portion to the west could also use it when it develops, the remainder of the commercial. So it's going to be three-way reciprocal I guess, but it's nonexclusive.

WRISTON: But, Mr. Horenstein --

HORENSTEIN: Yes, sir.

WRISTON: -- when you talk about nonexclusive there would still be a legal called out, would there not, or is --

HORENSTEIN: There is.

WRISTON: -- I mean an easement can be nonexclusive, but you would still have a legal called out?

HORENSTEIN: Correct.

WRISTON: So you're saying that somehow through the terms of this easement that legal description can be moved?

HORENSTEIN: Yes. And that's not --

WRISTON: How is that?

HORENSTEIN: That's not your concern. I mean that's not something that you're ruling on tonight, it's not part of a land use request.

WRISTON: Well, I wanted to make a legal clarification because I understand nonexclusive easements --

HORENSTEIN: Right.

WRISTON: -- but I also understand that easements normally come with legal descriptions.

HORENSTEIN: That's correct, it's a written easement and the parties have had preliminary discussions about where it will be moved to, but it's all depended on whether we get the zone change.

WRISTON: So it's not as much of a slam dunk as you --

HORENSTEIN: Based on the conversations that all the parties have had it's not something I'm concerned about, yeah. Now could it be, yes, then we might have to again

reconfigure where the property that my client acquires, but it seems to be a non-issue, yeah.

ALLEN: And that's why I was concerned that this was not contingent and in conjunction with the zone change, that there's a lot line adjustment in conjunction with a zone change.

HORENSTEIN: No, because it's not a public road, it's a private road. Let me put it another way to you, the property owner who did sell the property to that religious facility to the north still controls the access point through that easement. Does that help?

WRISTON: Yes.

DELEISSEGUES: Any other questions?

VARTANIAN: Yeah, I have just on the map. I don't know if you've seen this particular document --

HORENSTEIN: Yes.

VARTANIAN: -- but the top panel is existing --

HORENSTEIN: Yeah.

VARTANIAN: -- the center panel says "no change" and it looks like there's a temple in this black box.

HORENSTEIN: There's a what there?

VARTANIAN: A temple, a synagogue.

NITEN: That's the proposed.

HORENSTEIN: That's the proposed use.

VARTANIAN: Oh, the no change from what's being proposed?

NITEN: Yes.

HORENSTEIN: Now let me say that churches are allowed outright in the commercial zone.

VARTANIAN: Yeah, I don't have any problem, it's just that the next panel had disappeared and I don't know if it was there to start with in that whole area. Okay, thank you.

HORENSTEIN: Can I answer any more questions? Have I confused you sufficiently?

DELEISSEGUES: I think so.

WRISTON: What other zones are churches allowed outright in?

HORENSTEIN: They're not allowed at all in industrial. They're allowed outright only in the commercial zone and perhaps the BP zone, Jeff?

NITEN: Yes.

HORENSTEIN: And they're allowed by conditional use in a residential zone.

WRISTON: Right.

HORENSTEIN: So that's why if the zone change doesn't occur, we'll have to leave that strip and move our five-acre parcel to the west.

WRISTON: Gotcha.

DELEISSEGUES: Okay, thank you very much.

HORENSTEIN: Thank you.

DELEISSEGUES: Could we go to the sign-up sheet. Gordon Lewis.

LEWIS: I'm just here if there were any questions in case Steve couldn't answer.

DELEISSEGUES: Okay, thank you. Bill Zimmerman.

ZIMMERMAN: Yes. My name is Bill Zimmerman. I live at 9504 NE 119th Street just down the street from where this site is and I appreciate the opportunity to speak to you. Really after hearing Mr. Horenstein speak I have nothing really to say except that it does trouble me to look at the map, see so much ag land being destroyed, wondering about where exactly is your plans with the Growth Management Act as far as trying to preserve and enhance agricultural operations and ag land and how exactly this fits.

I do have one concern and that is the question of sewer. It states in your goals or your requirements that it has facilities, it has such there, if they do as Mr. Horenstein says and purchase the property between the two other parcels, I understand that, but I still have a question of where the sewer line exists onto this property. So, anyhow, that's all I have, yeah, thank you.

DELEISSEGUES: Well, thank you. Any questions?

VARTANIAN: Well, does staff have a response or a comment?

NITEN: Let's see here. Currently served by septic, there are no sewer lines out there currently; however, there are water, gas, electric and telephone services, there are public facilities there. Sewer services will be available because it is inside the urban growth boundary, they're just not available at this time.

DELEISSEGUES: Is that church on sewer?

NITEN: Yes. No.

DELEISSEGUES: It isn't?

NITEN: No.

DELEISSEGUES: That's a pretty big facility to be on septic.

ALLEN: Yes, it is.

DELEISSEGUES: We'll go to the next and last person, Judy Birrer.

BIRRER: I didn't know I was going to sign myself up but since I'm here. I'm a neighbor of Bill Zimmerman's and I also have a 64-acre farm there.

DELEISSEGUES: Excuse me. Just for the record could you give us your name and address.

BIRRER: My name is Judy Birrer and I live at 8612 NE 119th Street.

DELEISSEGUES: Thank you.

BIRRER: My sister-in-law lives on that little section that's right down at the corner of this property you're talking about and she's quite upset. Anyway, to me that looks like all wetland and I know that when the fire department and all that got built up on 72nd, where is that water all going to go except down the hill which is going to go right into the creek; right?

DELEISSEGUES: Can't tell.

BIRRER: Have you seen the new fire station?

DELEISSEGUES: Yeah. I mean we don't have a topographic map I don't think so we can't tell.

BIRRER: Well, if you've been out there you know that it's kind of on a hill and it goes down and it's wetland.

BARCA: Right.

DELEISSEGUES: I'll take your word for it.

BIRRER: Well, I have to just reiterate what Bill said, what is going to happen to all of these farms like us who that's where we live and want to be, when we have to hook up to the sewer can you imagine the cost of something like that, then there would be no farm there, would not, because I sure couldn't afford that.

And the other thing I do want to say is that I have no idea what an employment building or office that this person wants to build, that seems like not a -- why would you want an employment building there. I mean it seems ridiculous. As I came into town I saw so many office buildings in Clark County just between 119th Street and here that are totally empty and have been built for just something like an employment office, why don't they just find one and lease it out instead of thinking they need to come out into the farms.

DELEISSEGUES: Any questions? Questions? Okay. Well, thank you very much.

VARTANIAN: I take it the concern is not the fact that some farm land that's being utilized currently as farm land but the runoff that may happen from this plan?

BIRRER: Well, right, we're all worried about Curtin Creek.

VARTANIAN: But I mean the land, as far as I understand it the land that's being in discussion here is not farmed right now?

BIRRER: No, it isn't. But the other thing that I do wonder about is there is a well up there on that kind of close to that five-acre parcel, it's a natural artesian well, I mean what's going to happen to that. It will dry up or they'll use that water or what because that's a natural thing.

I do want to add one more thing. It does seem to me that it's asking a lot of the people who live out there to be considered part of Vancouver when Vancouver town, city, is not real, I don't know what the word would be, but you're having lots of trouble money-wise and everything else, well, the more land that gets bought by a city that can't really afford it, then what, it's -- anyway, I guess that's enough.

WRISTON: The County attorney is here, but with sewer I can tell you that if you're on ag land you're not going to be required to hook up to sewer so you don't need to worry about the cost and expense of that. You won't be required to do it. If anything if they bring sewer out, it will increase the value of your property in the future.

BIRRER: Well, this is something I've always told people --

DELEISSEGUES: Well, if you're going to testify, please use the microphone. Thank you.

BIRRER: Okay. I just want to say this one last thing. This is something I've always told

people, it's only worth a lot of money if you're going to sell it.

WRISTON: Correct.

BARCA: Sometimes.

BIRRER: And if you want to live there you don't want to be spending money on sewers.

WRISTON: You won't have to spend money on sewer.

BIRRER: Okay. Well, I'll take your word for that.

WRISTON: Well, I mean, you can take the County Attorney's word for it, don't take mine. I'm just a lawyer by degree, I don't practice law, it's a hobby.

BIRRER: Well, anyway, thank you very much.

DELEISSEGUES: Is there anyone else in the audience that wish to testify on this? Seeing none, we'll return it to the Commission for deliberation.

VARTANIAN: I have a question for staff. Will some of the concerns be considered when it comes to development review and --

BARCA: No.

NITEN: One of the reasons that the County purchased this site was for water quality purposes, that would include stormwater. Secondly, as far as the sewer goes, unless you're talking about something like Meadow Glade where the septic systems are failing, you cannot have a public sewer system outside of an urban growth boundary.

VARTANIAN: I'm not so much concerned about the sewer as much as I am of her concern about the runoff.

NITEN: And that's one of the big reasons the County purchased the majority of that site was for runoff and then for water quality where you have -- I'm not a biologist by any means, but one of the things that natural areas do is filter out contaminants and that's one of the reasons.

ALLEN: So it would be in effect --

HOLLEY: Do what?

NITEN: Filter. And that was it, yeah.

ALLEN: So this would in effect be open space in perpetuity --

NITEN: Yes.

ALLEN: -- to preserve the water quality?

NITEN: Correct. That was the reason it was purchased.

ALLEN: Now on this chart here it shows it blue and I would assume that the blue means Clark County property so was this a mistake in coloring that --

NITEN: That is not a County map.

ALLEN: -- portion? Okay.

NITEN: That one was created, that was what was submitted to us for us to start looking at what was happening. The colors on it for that particular one don't match the County's color system.

ALLEN: Thank you.

NITEN: Sure.

DELEISSEGUES: I think that chart she's referring to has raised more questions than it has given us answers.

ALLEN: Yes, it does.

NITEN: Yeah, you're not the only one.

WRISTON: From a comprehensive plan standpoint I'm going to blame this on the County in that the fact that we left that strip there doesn't make it really all that conducive when you look at the surrounding area and you look at everything else to ML. I'm kind of curious and I applaud the County if you're trying to create a regional stormwater facility or whatever you're trying to do out there, but what happens to the no net loss and all that kind of stuff?

NITEN: That's one of the reasons under -- well, the people that purchased the property only viewed the zoning in regard to the value of the land, not necessarily what the purpose is. I doubt if the County employees who purchased the property know what the no net loss policy is or even know that it exists.

That's something that once it comes to Planning that's what we deal with and one of the findings that you have in the staff report under the no net loss policy is that one of the big reasons that we are recommending approval for this is because the remainder portion that is left over is not usable, that's not appropriate where it's at.

WRISTON: Well, that gets me to our last hearing where we were talking about

administrative appeals and whether the County should pay a fee. And, yeah, it's out of the same pocket, but this stuff kind of really ticks me off. Everyone's waiting for me to use stronger language, I have a viewing audience that wants me to use stronger language, but --

BARCA: He's got a viewing audience.

WRISTON: -- it does kind of tick me off when the County can go out there and do things that puts us in a situation that the rest of us can't do. Had this come in and Mr. Horenstein was asking for that entire ML to be changed, he'd have a lot tougher argument.

Given what the County has done, and I'm not reprimanding the County because I think that under our stormwater ordinance through the DOE so I'll reprimand the State and I'll reprimand the Feds, which I like to do, I think they put us in that box. And I assume that we're creating a regional stormwater facility then?

NITEN: I don't believe that's its stated purpose.

WRISTON: Well, what are we doing there?

NITEN: It's for water quality purposes, it's a big filter.

WRISTON: Yeah, that's a big filter, yes, it's 33 --

NITEN: It's pretty good size.

WRISTON: Or no more than that; right? Anyway, I guess what I'm getting at is the County's kind of put us in a box because it's no longer feasible or usable in my judgment for ML so I see no reason why, I'm kind of deliberating and discussing at the same time, but I see no reason to deny the application. But the County kind of put us in this box and I'm not sure why we're there. So I don't know. I'm not even sure I know what I'm expressing, a little frustration I think.

DELEISSEGUES: Me either.

WRISTON: Well, I'm expressing I get tired of the rules applying to everyone but the County and that's what I tried to express during administrative hearings, that's why I said the County should not be allowed to remand back to the hearings examiner with no accountability, with no fee, with no Commissioner vote, I don't think, and this is a good example of why and maybe this is a good reason, maybe it's not, but you can't explain that.

NITEN: Well, I can tell you the first question that passed through my mind when this hit my desk was why didn't the County buy the whole thing.

WRISTON: Yeah.

ALLEN: Yes.

WRISTON: Yeah.

RUPLEY: I'd like to weigh in on that also because I think the County needs to be a model citizen much like we expect everyone else and this is a perfect example of not, so I think we've made our point.

WRISTON: We're not getting at you, Jeff, we're just --

NITEN: Oh, no, I am the County at the moment.

WRISTON: I don't see a choice now.

DELEISSEGUES: I'm not sure with the wetlands it was ever ML in the first place. If you take a look at the map the heart of the property is cut right out of it. If there was any light industrial --

WRISTON: No, the wetlands could have been used as a mitigation factor, it could have been used as stormwater. I mean that was a very usable ML piece, it no longer is. And it might, I don't know the wetland study of it, but looking at it it was a potentially usable ML piece, very usable, not bad at all, but the way they left it, no, it's not.

ALLEN: Which of the three sides is the artesian well on? Is it on the EC, CC or ML as you look at that map?

NITEN: Which side of what?

ALLEN: Is the artesian well?

NITEN: You mean just which side of the parcel?

ALLEN: Which parcel is it on, which site?

NITEN: It's on the ML parcel.

ALLEN: On ML?

NITEN: Right.

VARTANIAN: Could you put your cursor and locate it.

NITEN: I have no idea exactly where it is. I know one exists there, but I know it's on the ML piece but where it is on the ML piece I don't know.

RUPLEY: The green spot.

ALLEN: We hope so.

BARCA: So it --

WRISTON: You could put a critical aquifer up there. But, anyway.

BARCA: I think it's lamentable that Mr. Zimmerman and Ms. Birrer didn't come before us when we were talking about the comp plan because all of their discussion was wholly relevant at the time including the idea that the City of Vancouver wasn't really interested in going out to this frontier but we are pushing the urban pattern out here in their name. We have no regard for ag land of any kind, we don't recognize it as being valuable by our actions even though we discuss it wholly and acceptably in our policies.

So when we look at this as we've discussed the little strip that we left perhaps was done for a financial consideration because it wasn't necessary to fulfill the role that we went out to purchase for, I think holistically we pretty much hit it on the head, though, that from one organization to the other they don't even have the same vision on how to act or what is considered responsible in this fashion.

So, all right, we've had basically everybody say that little strip that was left out and that was a horrible aberration of good policy, now we're stuck with this little strip. So the question before us now is what do we do to try and make something out of it and I think we're really at this place that we say if the County is going to take the large segment and turn it into some type of water quality --

WRISTON: Treatment or --

BARCA: -- facility which means I don't think we have a plan yet but it's going to remain open.

WRISTON: Enhancement I think; right?

BARCA: Enhancement, yeah.

WRISTON: Enhancement or something.

BARCA: So then it's down to what happens with the rest of it and it's not going to be employment center and we're really not going to be generating any jobs with it so we did have a net loss and we should just recognize it that this is the choice we made, but if the net loss is for water quality let's just say it.

I mean I missed that discussion in the rationale from the County. We talk about it as if we're really going to get jobs out of it, we talk about how the net loss policy actually work here, we're trading manufacturing jobs for commercial jobs, but we know that that's not

going to take place, so it seems like we should just say what we're really going to do and why we're doing it.

Let's stand up and say water quality is okay and it's worth sacrificing some of the resources for the County to do it. If that's the case we should be able to say that and be able to stand judgment on it and be okay with it.

I think we go ahead and approve staff's mitigation of what's already taken place, make the parcel available to whatever the remainder can be done with and use it for and ask that we try and do a little bit better consideration in the future so we don't have to actually spend staff time or Planning Commission time to deal with a five-acre leftover.

DELEISSEGUES: Is that a motion?

WRISTON: I wonder, do we know, Jeff, I don't think you know, but do we know whether that water quality facility -- I mean I think we are going to be coming into a period of time that we're going to find ourselves forced to look at regional water facilities, do we know whether or not, and I guess you don't, I guess, but is the employment center to the north or to the west or to the south, I mean are they going to be coming into that water facility? Or I mean --

NITEN: I do not know. I read the deed, the purchase agreement, and the only stated purpose in that document is a water quality site.

WRISTON: Right. In the future, and I'm not saying, I wouldn't hold it up now, but in the future that would be really nice to know because I'd like to know, I'd feel really good if the County has the foresight to start purchasing land for regional water facilities to help stormwater, to help the employment center and commercial and residential that surround that area and that's going to serve that area under our new regime, that's a great thing, so that would certainly help me. I mean right now we're in a box and I agree with Ron, but that would be a great thing to know in the future.

DELEISSEGUES: Does someone want to make a motion on this before we philosophize ourselves --

VARTANIAN: Can I ask another question?

WRISTON: We're not philosophizing.

DELEISSEGUES: -- into the future?

VARTANIAN: Can I ask another question?

DELEISSEGUES: Certainly.

VARTANIAN: This has been done, right, the County now owns this piece of land?

NITEN: Yes.

VARTANIAN: Are we going to change the zoning on it?

NITEN: Not as far as I know but nobody stopped --

VARTANIAN: Is it going to be included in the land allocation to be called light manufacturing?

NITEN: Well, under the --

VARTANIAN: If it's not, fine. I mean I just don't want to -- well, we should change the zoning on it to start with so it's not being called ML and my concern was and I think Oliver is going to make me feel better --

RUPLEY: Or worse.

VARTANIAN: -- or worse --

WRISTON: Or not.

VARTANIAN: -- that it's not included in the inventory that we say is available for industrial use.

ORJIAKO: Oliver Orjiako. Yes, we constantly update the vacant buildable lands model and I anticipate that this property is probably going to take the public facility designation in the future and as such will be eliminated for calculations.

VARTANIAN: Okay, thank you.

WRISTON: Why don't we do it now or can we not do it now?

ORJIAKO: We can do it now. We've been tracking properties that the County own and we knowingly don't include that in our estimation, but this action has to take place between the Planning Commission and the Board before we apply the public facility designation on it.

WRISTON: I'd say we do it now rather than hear it again, I don't want it to come back.

ORJIAKO: You can make that recommendation to the Board.

DELEISSEGUES: Sure. Why don't you make a motion to that effect.

WRISTON: All right. I'll make a **MOTION** that the County put us in a box, we have no idea why, and we hope that this serves other properties and that it's got a good purpose and that maybe the County communicate a little bit better in the future, that the ML change to PF and that the application move forward as with staff's recommendation. How's that?

ALLEN: **Second.**

VARTANIAN: With or without the editorial comments?

WRISTON: No, that wasn't editorial, that was part of the motion. That was part of my motion, it stands.

BARCA: It's been seconded.

VARTANIAN: Yeah, it's been seconded.

DELEISSEGUES: There's been a motion and a second, I could not possibly repeat the motion. If anybody has any questions on the motion, now would be a good time for clarification; if not, roll call, please.

ROLL CALL VOTE

RUPLEY: AYE
BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
WRISTON: AYE
DELEISSEGUES: I think AYE

DELEISSEGUES: I'm not sure what we're doing here.

ALLEN: Now for the real motion.

DELEISSEGUES: With that out of the way, we'll go on to Erwin, CPZ --

ALLEN: No, wait a minute, we didn't make a motion for the project yet.

WRISTON: No, that was included.

VARTANIAN: It was included.

ALLEN: But what about the lot line adjustment?

DELEISSEGUES: You should have asked all those questions before we voted.

ALLEN: I thought it was a separate motion, I'm sorry.

WRISTON: Well, the lot line adjustment isn't, that's not part of our jurisdiction.

NITEN: No, it's just a recommendation.

WRISTON: Yeah, it's nothing.

DELEISSEGUES: If it's approved.

WRISTON: Are you okay with the motion, Steve?

HORENSTEIN: Say again.

WRISTON: Are you okay with the motion?

HORENSTEIN: Yes, I appreciate it.

BARCA: Well, it's already voted on and done.

VARTANIAN: Yeah, it doesn't make any differences.

WRISTON: No, I mean I wanted to make sure that we dotted our I's and crossed T's, but I don't think that's part of our jurisdiction to --

HORENSTEIN: I appreciate the motion to it's fullest extent.

BARCA: Yeah, put that in the record.

VARTANIAN: Good man.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

12. CPZ2009-00022 Erwin The property owner is seeking to change the Comprehensive Plan and zoning designation for a portion of parcel 192830-000 (.17 acre) from Rural Center Residential with RC-1 zoning to Rural Commercial with CR-2 zoning, located east of NE 72nd Avenue approximately 1,100 feet south of its intersection with 219th Street.

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

DELEISSEGUES: I'll repeat, CPZ2009-00022, Erwin. Staff report, please.

NITEN: Commissioners, staff recommends approval of the request to change the subject parcel from rural center residential with RC-1 zoning to rural commercial designation with RC-2 zoning or with CR-2 zoning. The applicant has requested an amendment --

DELEISSEGUES: We're not on that map.

NITEN: Yeah, where did it go. The applicant has requested amendment to the plan and

zoning designation initially for a .17 acre portion of the subject site. Since the initial submittal of the application has changed slightly to include the entire subject parcel, it's .93 acres rather than the small portion of .17.

Parcel Number 192830-000 is on the east side of NE 72nd Avenue and slightly south of its intersection with NE 219th Street, and Mr. Erwin is currently purchasing the subject property and Letters of Authorization for that purchase are in your staff report there.

The site is currently RC-1, it's undeveloped. And the property to the north is developed with a First Independent Bank. And actually it's vacant at the moment. The structure is there, but I don't believe it's an operating branch anymore.

BARCA: No.

NITEN: South of the property is zoned RC-1. Undeveloped parcels to the east are zoned RC-1 and across 72nd Avenue property zoned RC-1 and developed with single-family homes. To date we have received no other comments from other agencies or the public.

And Growth Management Act goal that apply is Goal 5, economic development, and staff's found that the economic development goal would be met with approval of this application. Transportation findings, there is no significant impact from the change with approval of this change. Policy 9.1.4, "encourage appropriate commercial development in neighborhoods and rural centers that support the surrounding community" and staff has found that this proposal meets that policy, we have found that Criterion A has been met.

And Criteria B, "the proponent shall demonstrate the designation is in conformance with the appropriate locational criteria," we have found that Criteria B is met. Criteria C, "the map amendment or site is suitable for the proposed designation" and we have found that C is met.

D, "plan map amendment responds to a substantial change in conditions, better implements the applicable comprehensive plan policies or corrects a mapping error," we found that the requested designation better implements the comprehensive plan designation and Criteria D is met. And, Criteria E, the area is currently served by septic systems, but it does have water, gas, electric and telephone service and Criterion E has been met. And we recommend approval and that's the conclusion of the staff report.

DELEISSEGUES: Questions of staff?

BARCA: So let me get this straight, the bank property is already rural commercial?

NITEN: Correct.

BARCA: And is it already RC-2?

NITEN: It is.

BARCA: It is. So we're just asking that really just scab this little piece on top of the bank property?

NITEN: Correct.

BARCA: And that makes a total of .93 acres --

NITEN: No, the site --

BARCA: That's in addition to the .93 acres?

NITEN: Correct.

PRINTZ: Well, I can explain that.

BARCA: Well, it might not need explanation if I just get a second.

NITEN: The entire site is .93 acres, the strip along the bottom on the map there, it is mostly wetland. One of the reasons for the initial application there was a surveying error completed quite a while ago, it was just recently discovered, the driveway to that former First Independent Bank is actually on that piece to the south.

So we've uncovered that and that's kind of where the problem with the .17 and .93 acre difference comes in, but this like I said it's largely undevelopable the .93 acres.

WRISTON: We were just saying now, Mr. Printz, we were joking about calling you last since you came up and made yourself so comfortable.

RUPLEY: Since you were so comfortable sitting there.

PRINTZ: Oh, it's a pleasure to be entertainment for the Planning Commission.

RUPLEY: Thank you. We need it.

DELEISSEGUES: Any other questions of staff? Can we hear from the applicant.

PRINTZ: Randy Printz, 805 Broadway. Very quickly. Actually I'm not sure that it was a surveying error, but it was definitely a construction error when the bank, which has been there over 30 years, built that and started operating their driveway and a portion of their site ended up being on the south side of the line that you see.

So what we originally wanted to do was we realized that when Mr. Erwin wanted to purchase the property and put new offices, do new office uses there, that we couldn't do that on that, we couldn't improve down to the line, we couldn't do any work. They actually had gone in to site for site plan approval and staff properly said, well, that's zoned residential, that portion below that line. Even though it's currently operating today in a commercial capacity, they clearly adversely possessed it because it's been like that for 30

years. But staff would not process, and probably would not process, the application unless we resolved that issue.

So we went through that process, started a (inaudible) title action with the property owner itself, they've now agreed, yes, we own it and Mr. Erwin now has purchased that entire south little strip. So staff suggested, which was a good suggestion, that rather than have this now narrow strip out there that is now split zoned with the north half of it being commercial and the south half of it being residential, it makes sense to make it all the same zone. So that's why and what we're requesting.

DELEISSEGUES: Questions of Mr. Printz? Awfully quiet compared to the last time.

RUPLEY: Don't encourage anybody.

DELEISSEGUES: No, I'm not. No questions? There's no one signed up. Anyone in the audience wish to testify? Seeing none, we'll return it to the Planning Commission for deliberation. What's your pleasure? Discussion? Questions? Motion?

WRISTON: It's 7:30, I think we can drag this out till 9:00.

VARTANIAN: Yeah, easy.

DELEISSEGUES: Do you get paid more?

VARTANIAN: I make a **MOTION** we accept staff --

RUPLEY: **Second.**

DELEISSEGUES: It's been moved and seconded we accept and recommend staff's recommendation for approval. Any questions?

BARCA: There's no way this is going to turn into an asphalt plant, is there?

PRINTZ: We have no present plans for an asphalt batch plant here.

VARTANIAN: That's not responsive to the question.

PRINTZ: The answer's no.

RUPLEY: How about a water quality facility?

DELEISSEGUES: Moved and seconded. Can we have roll call, please.

ROLL CALL VOTE

RUPLEY: AYE
BARCA: AYE
ALLEN: AYE
VARTANIAN: AYE
WRISTON: AYE
DELEISSEGUES: AYE

DELEISSEGUES: Is there any old business to come before the Commission?

PRINTZ: Thank you.

NITEN: Actually, Chair, I think that because the parks plan was publicly noticed you need to formally move it to 10-15. I know we discussed it earlier, but it needs a formal moved to date certain.

DELEISSEGUES: Well, make a staff recommendation and we'll approve it.

NITEN: Staff recommends you move the parks plan to October 15th at 6:30 here in this building.

WRISTON: So moved.

ALLEN: Second.

DELEISSEGUES: All in favor.

EVERYBODY: AYE

BARCA: I'm not going to be here. AYE

VARTANIAN: I don't care.

WISER: It will be the second item on the agenda.

BARCA: You're not going to be here either, are you?

DELEISSEGUES: What?

BARCA: On October 15th?

DELEISSEGUES: No, I'm not going to be here in October either on the 1st or the 15th.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

I'd like to make a comment. I'd really like to express my appreciation, I think I speak for all of us, for the staff with a reduced number of people. The workload hasn't gone away and you've really done a good job of keeping current with the information that we have, it's very complete, and just wish to express appreciation, Oliver, for you and all your staff for the work you do and under the trying conditions that exist.

NITEN: Thank you.

DELEISSEGUES: If anyone wants to add to that I'd be happy --

VARTANIAN: I second that. Second that.

WRISTON: Yeah, and talk to your right-of-way guys though.

DELEISSEGUES: If there are no further business, we stand adjourned.

ADJOURNMENT

The hearing adjourned at 9:00 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 Wiser, Administrative Assistant*